

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Elliot, Ross</p>	<p>I am commenting on the Fortification area between Buffalo and Gillette, WY. I am very familiar with the area and have hunted it. I personally feel it is an area that needs protection and support for its elk herd and other wildlife. (0129-1)</p>	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps 2/3 of the area free from development at any one time;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. Restrictions on development on steep slopes. This protects the elk herd because they generally prefer the more rugged terrain where there is more cover;</li> <li>4. TLs for bald eagle nests and roost sites;</li> <li>5. TLs for raptor nests;</li> <li>6. Disturbance-free buffer zones for mountain plover nests;</li> <li>7. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and</li> <li>8. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the number of roads, the amount of elk security habitat that would be maintained and the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.</p>

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Gurkin, Matt	<p>I understand that the CBM development and maintaining our environment is a very touchy issue. So first of all, let me note that I work for a company that build natural gas production equipment. So more wells means more revenue for my company. With that said, I am not for development of CBM in the Fortification creek area or any area that will impact on the habitat and animal population.</p> <p>I understand how the gas processors develop sites/wells and then restore the habitat. That is a great thing, but that's not the issue. The issue I see is that Elk are a species that do not handle pressure well. In order to put in the number of wells in the most conservative proposal would create a tremendous amount of pressure and would be over an extended period of time. Once sites/wells are developed, they can't always just sit there unmaintained. Operators occasionally need to service equipment or pig lines. I suggest that you find out what the frequency of visits to the area would be once developed.</p> <p>Now if you put that kind of extended pressure, on the Elk, deer and other animals that don't do well in a stressed environment, you'll most likely see them leave the area or stay and dwindle in size. From my experience, moving to another area is the most likely scenario. If you have pressure for a couple of years, the animals will adapt to their new habitat they found and their offspring will not return to the impacted area. The new habitat is one that was most likely already occupied by other species, thus putting pressure on them with the new arrivals. I would hope that you would consult the Wyoming Game and Fish Dept about the things I have mentioned here.</p> <p>In many ways, I think the last gas and oil boom put the expectations of many people way above what they should be. Everyone loves to have the income from oil and gas leases, but we were doing fine back in the 1990's when there wasn't a boom. I feel Wyoming as a whole needs to conserve our environment more. We seem to continually give into out-of-state requests and money, but when it's over, it's not worth losing the habitat and species that make Wyoming what it is. (0128-1)</p>	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps 2/3 of the area free from development at any one time;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. Restrictions on development on steep slopes. This protects the elk herd because they generally prefer the more rugged terrain where there is more cover;</li> <li>4. TLs for bald eagle nests and roost sites;</li> <li>5. TLs for raptor nests;</li> <li>6. Disturbance-free buffer zones for mountain plover nests;</li> <li>7. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and</li> <li>8. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the number of roads, the amount of elk security habitat that would be maintained and the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.</p>

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Brug, Robert	<p>In regards to the oil and gas exploration, drilling should be concentrated on the top of the ridges due to the erosive soils. The bottom of the draws should be left for the best grazing. Also, the 80 acre spacing should be adjusted per the terrain.</p> <p>Soil analysis should be completed in order to reclaim the areas back to their native vegetation as soon as possible and to research other grasses/forbs to be used for the fastest root establishment.</p> <p>WDEQ should make exceptions where discharge water should be placed in shallow aquifers in order to be available for livestock/wildlife use.</p> <p>Wyoming Game and Fish needs to be concerned hunters may abuse the situation where additional roads lead to more access to more areas.</p> <p>Due to the large amount of federal minerals in the area, development should be able to accommodate good stewardship of the land by being more flexible. (0130-1)</p>	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps 2/3 of the area free from development at any one time;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. Restrictions on development on steep slopes. This protects the elk herd because then generally prefer the more rugged terrain where there is more cover;</li> <li>4. TLs for bald eagle nests and roost sites;</li> <li>5. TLs for raptor nests;</li> <li>6. Disturbance-free buffer zones for mountain plover nests;</li> <li>7. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and</li> <li>8. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the number of roads, the amount of elk security habitat that would be maintained and the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.</p>
Kuhn, Joshua	<p>I am writing to you today because I am concerned about the proposed Coal Bed Methane drilling in the Fortification Creek Area managed by the B.L.M. While it may provide a source of energy it is not a sustainable source nor a sustainable activity. Once the energy has been removed from under the ground, one of the most beautiful and special places on the planet will be permanently altered. This is an area that provides many recreation opportunities for citizens of Wyoming and visitors from near and far, not to mention the home to some of the most pristine wildlife on Earth. Furthermore, Coal Bed Methane extraction has severe effects on the water table and can limit the ability of ranchers in the future. I beg of you to not allow this drilling to occur and to look into ALTERNATIVE SOURCES OF ENERGY such as WIND POWER. (0131-1)</p>	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps 2/3 of the area free from development at any one time;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. Restrictions on development on steep slopes. This protects the elk herd because then generally prefer the more rugged terrain where there is more cover;</li> <li>4. TLs for bald eagle nests and roost sites;</li> <li>5. TLs for raptor nests;</li> <li>6. Disturbance-free buffer zones for mountain plover nests;</li> <li>7. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and</li> <li>8. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the number of roads, the amount of elk security habitat that would be maintained and the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.</p>

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Greig, A. Joseph	<p>I am a former resident of Wyoming who remembers the Powder River country before the coal and coal bed methane development. The last time I visited, the place had changed so drastically I barely recognized some areas. The Fortification Creek and Powder River Breaks areas were always favorite hunting sites. Therefore, when I heard of the plans to allow gas development in the Fortification area an alarm sounded in my mind. I fear for the elk herd in the area, to say nothing of the water quality of Fortification Creek. Those two aspects of that country are foremost in my mind to say nothing of other environmental and wilderness issues the area represent. I urge the BLM to be very diligent in making studies that affect Fortification Creek and environs. Non renewable energy will one day disappear. It will be a shame if the wildlife and the wilderness that sustained it are victims of rapacious energy development. (0132-1)</p>	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps 2/3 of the area free from development at any one time;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. Restrictions on development on steep slopes. This protects the elk herd because they generally prefer the more rugged terrain where there is more cover;</li> <li>4. TLs for bald eagle nests and roost sites;</li> <li>5. TLs for raptor nests;</li> <li>6. Disturbance-free buffer zones for mountain plover nests;</li> <li>7. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and</li> <li>8. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the number of roads, the amount of elk security habitat that would be maintained and the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.</p>
Eikass, Erik	<p>I am a former resident of Wyoming who remembers the Powder River country before the coal and methane development.... as we see this state being cut up in to smaller parcels by endless oil and gas well roads it is important that we try to leave some areas undeveloped ...not only for the wildlife such as elk, but also a place where we can go back and say " that's what made Wyoming great... a place where we could see no signs of man's development and realize we are saving something for future generations to marvel at. I propose NO development for Fortification Creek. If any development takes place it must be the choice with the least visual and environmental damage. What a bad choice this development would be for the short term profit of a few. We must also remember this is public land..paid for by the people. (0127-1)</p>	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps 2/3 of the area free from development at any one time;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. Restrictions on development on steep slopes. This protects the elk herd because they generally prefer the more rugged terrain where there is more cover;</li> <li>4. TLs for bald eagle nests and roost sites;</li> <li>5. TLs for raptor nests;</li> <li>6. Disturbance-free buffer zones for mountain plover nests;</li> <li>7. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and</li> <li>8. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the number of roads, the amount of elk security habitat that would be maintained and the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.</p>

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Dobric, Nick	First your comment, about the elk herd being insignificant is very disrespectful and false. No elk herd in our country is insignificant, especially to the fortunate hunters who have been able to hunt in this special unit, #2. The Fortification Ck herd is unique stated soon after the previous comment, "elk herds occupying prairie habitats are unusual." (0134-1)	<p>The FONSI acknowledges public interest in maintaining a viable elk herd and identifies that the preferred alternative includes management actions to maintain the elk herd at or above the WGFD population objective.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</li> <li>2. Timing Limitations on when drilling can occur,</li> <li>3. Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</li> <li>4. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</li> </ol>
Dobric, Nick	The second alternative is the only one that comes close to practical, "CBNG development would be geographically phased with prescriptive management decisions to protect elk and their habitat and to protect highly erodible soils. A citizens proposed Area of Critical Environmental Concern (ACEC) of approximately 33,750 acres would be designated. Overhead power could extend across BLM surface from existing lines along drainages and existing roads." However this can be strengthened by designating funding for the ACEC management, recommending the WSA for wilderness designation to congress, and having no energy activity during winter and calving season. (0134-2)	<p>Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance. Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.</p> <p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA.</p> <p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing. The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p> <p>Timing limitations are already in place within elk crucial winter habitat from November 15 through April 30.</p>
Dobric, Nick	An Environmental Impact Statement (EIS) should be conducted or drastically reduce the impacts with a stronger alternative. (0134-3)	<p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of steep slopes, fragile watersheds, and elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>

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Hooper, Tom	I would like you to include the exact figures on how many people both directly and indirectly rely on the energy industry for a pay check. I do not have the statistics but I would be willing to place a wager that the majority of Wyoming residents are connected to the industry. Especially up here: with so much coal bed methane there are lots of opportunities to get hired. I guess this is why I wanted to write you today. I was worried that people may be trying to restrict the development of coal bed methane in the Fortification Creek area and I just don't agree with that. (0135-1)	It is anticipated that under the Preferred Alternative, approximately 227 jobs will be supported and there will be an increase of federal, state, and local revenues of \$204 million.
Hooper, Tom	I think you should allow for development if the operators can prove that they have a plan that takes into account the needs of the wildlife and landscape. Things like how compressor stations or the water management facilities are positioned can really make a difference on how they affect wildlife. I really think that if the operators are smart, they can come up with a plan that demonstrates how the wildlife issues will be lessened. (0135-2)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Van Lue, Derek	<p>Oil and gas development is probably the best thing that could have ever happened to the state of Wyoming. Economically speaking, those oil and gas jobs pay significantly more than the state average wage. And the workers aren't the only ones making big money either. The oil and gas companies have to pay royalties on the things they take out of the ground. Those royalties end up going to the state to help fund schools and things, so our schools are rich when oil and gas is rich.</p> <p>Environmentally speaking, when left to their own devices operators try their best to preserve the habitat. They don't just drill anywhere, but choose special locations where they'll have the least impact on wildlife. They also replace those plants they had to dig up when they're finished working the land. That's why I think that the BLM should not be so restrictive on oil and gas companies wanting to come to the Powder River Basin. They really do fulfill a need in our community and they have proven to be good stewards of the environment. Let's make it easier for oil and gas to develop in Wyoming. It's good for all of us. (0136-1)</p>	Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Davis, Dallas	I strongly support the development of the natural gas in this area. And, I support your designation of Alternative 3 as your "preferred alternative." (0137-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Davis, Dallas	I disagree with your reducing the number of well locations from 726 to 483. It appears that this was done due to wildlife, erosion, and view corridor concerns. This seems unnecessary to me. (0137-2)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards.

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Davis, Dallas	Elk can live with some energy development. With current Best Management Practices and Timing Restrictions, elk will be protected. I also urge you to avoid designating this area as an Area of Critical Environmental Concern (or ACEC). In order for an area to receive ACEC designation, it must meet guidelines of both relevance and importance. Your own statement in the EA that "the viability of a small Wyoming elk herd is insignificant within the national and regional contexts" argues against any designation in this area as an ACEC. (0137-3)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.
Davis, Dallas	Blanket restrictions that prevent drilling in particular locations is not warranted. Modern engineering knowledge and construction techniques should be considered. If an operator can show that a well pad can be safely constructed in a particular location, they should be able to build it. While the area is quite beautiful, those views will be preserved after development occurs. To be sure, during the heaviest periods of development, we will see rigs and truck traffic. However, over the long-term, if proper reclamation standards are followed, views and rangeland characteristics will be preserved for future generations. (0137-4)	The only blanket restriction on development is in the WSA. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.
Hurst, Don	I think the BLM should allow exemptions for the ban on surface disturbing activities on slopes of 25% or more. Operators should be able to send in detailed construction and reclamation plans that give them the exemption from the ban. (0138-1)	As stated in the RMPA/EA, under Alternative III development may be allowed on steep slopes and soils with severe erosion hazards if operators can propose acceptable disturbance and reclamation plans.
Hurst, Don	Also, the BLM should establish construction requirements they would accept from operators to give exemptions. That will clear up a lot of confusion for operators on whether they'll get an exemption or not and it will speed up the exemption process. (0138-2)	Construction requirements are contained in the 2006 Oil and Gas Surface Operating Standards and Guidelines (Goldbook, 4th edition). Exception requests would be evaluated on a case-by-case basis.

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P, Shawn	<p>I'd like to think of my self as someone who is interested in the environment, and I think drilling companies should be held accountable for reclamation after they finish development of an area. However, I think that the BLM is going overboard when they recommend a one year period of reclamation where absolutely no development takes place. For one, it hurts the rights of the lease holders who have land rights to areas waiting to be developed. This is because it causes unnecessary delays for development. Also, I think that things like re-seeding plants and controlling erosion on disturbed areas are good interim activities. But these things don't take a year to complete and I think that after those are finished, development should be allowed to continue in other areas. I like that the BLM is trying to think about the environment. But this kind of plan goes too far and it hurts leaseholders. We need to take a step back and look at a plan that helps both the environment and the leaseholders. (0141-1)</p>	<p>The requirement for one year of reclamation only referred to areas that were disturbed. This requirement was part of Alternative II. Alternative III, the Preferred Alternative does not include prescriptive requirements.</p>
Hostetter, Rebecca	<p>Right now, we already have oil and gas development in that area. Any you know what? The elk and the existing compressor facilities seem to be able to coexist together as long as the operator uses the proper siting to put the facilities in the right place. The BLM wants to step in and be the ones to determine if a compressor facility is necessary, but they don't even have a criteria for how they're going to determine what's necessary and what's not. The operators in the area already have the wildlife issue under control with a track record of coexisting with wildlife to back them up. The BLM is becoming too restrictive when it comes to wildlife and it's starting to affect our livelihoods and our chances for development. The elk are going to be fine. Let's turn our attention towards developing Wyoming and growing its economy instead. (0142-1)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Colston, Mary Jo	<p>I have to say I'm pretty frustrated with the fact that the BLM wants to designate the Fortification Creek area as an Area of Critical Environmental Concern. As I understand it, ACECs have to be both relevant and important, but this particular region has barely passable relevance and doesn't meet the guidelines for importance at all. The BLM even admits that this area isn't important because its elk herd is so small. So with that in mind, the only reason I can see that the BLM wants to expand the range restrictions is because it's just another example of the government trying to stick its nose where it doesn't belong. All it does is eliminate viable development in a massive area and it's just another example of the government misusing our resources. (0139-1)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p>

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Estes, Dustin	That being said, I do not support the creation of an ACEC that you discuss in Alternative II because I do not think that it will have any noticeable effect. Even the BLM, when talking about the ACEC says that "actions would result in negligible beneficial impacts to vegetation and rangeland resources." This is probably because the operators already have their performance standards that already serve the intended purpose of the ACEC. Therefore, I think that Alternative III's performance based standards have the right idea and it serves the same purpose as the ACEC but without that restrictive designation. (0140-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.
Parrie, Susan	I am writing to offer my comments on the Draft Resource Management Plan Amendment and Environmental Assessment for the Fortification Creek Planning Area. I generally support the implementation of Alternative III, even though it only allows for the development of about half of the available natural gas. Alternative III protects the land very well without taking the rigid management approach of Alternative II. However, Alternative II unreasonably limits access to even more of the coal bed methane resource. It is important for you to maximize the return of royalties to the state and federal government. Therefore, I encourage you to reject Alternative II and rethink some of the well restrictions in Alternative III. Look, if you're going to produce energy in an area, let's get all of it out. (0143-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Illegible #1	Elk hunting is a staple for us sportsmen here in Wyoming. I myself like to hunt and I definitely want to keep the elk here, but I also think that sportsmen are getting used as a kind of scapegoat by the BLM for the proposed development in the Fortification Creek area. The reason I have a problem with this is because the Fortification Creek area they're talking about isn't a high traffic hunting area. This wilderness is so far from anywhere, it's hard to access, and it's hard to travel. I think there were only like 200 hunters who came to the area in past years. The BLM wants to expand the critical range restrictions area to include this piece, but all that does is harm our ability to create jobs and use national fuel resources rather than the stuff from overseas and in the mean time it doesn't help hunters or the elk. On the other hand, adding more development in the Fortification Creek area won't hurt hunters or the elk. If operators - can continue to develop the Fortification Creek area, it's a win-win for everyone. (0144-1)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.

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Name/Organization	Comment	Response
Lazarus, Kenny	<p>The problem is that with all of the restrictions the BLM outlines in its EA document, we will never be able to maximize this area's potential. I think Alternative II has the most potential, though it still has a ways to go and here's why:</p> <p>Alternative II allows for less than 50% of the well level and it is so restrictive that it's questionable how much development could really happen.</p> <p>Alternative III is probably the best, but it still has the problem of only 50% of the well number.</p> <p>I think the BLM is trying to impose too many restrictions for the Fortification Creek area and it will limit our ability to maximize the potential of this rich deposit of coal bed natural gas. (0145-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Zeigler, Jeff	<p>A few weeks ago, I read in the Tribune that the Wyoming Wildlife Federation is arguing against increased development in the Fortification Creek area because they are worried about the viability of the elk herd in the area. They think that the elk are getting squished into smaller and smaller amounts of habitat as a result of the development in the area. So today I want to give you some fast facts from the other side of the issue.</p> <ol style="list-style-type: none"> <li>1. This elk herd they're worried about isn't an endangered species, nor is it a special status species.</li> <li>2. The elk in the Fortification Creek are choosing to occupy certain sections of the area, meaning that if they feel squished into an area, it's because they've chosen that for themselves.</li> <li>3. Coal bed methane and elk have coexisted in the Fortification Creek area for a long time and the herd hasn't been destroyed yet. I think we're getting overly-sensitive about the wildlife in this area. We need to stop worrying about the elk (who have proven they can survive development in the area already) and start focusing on the kind of development we're going to do in the area. (0146-1)</li> </ol>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
S, Kevin	<p>The BLM should allow for exemptions to development during periods of timing limitations to be evaluated on a case-by-case basis. Well visitation should be allowed during timing limitation designations. Royalties to schools and public programs and the state and local level tax impacts have been estimated to exceed \$4.8 billion. These monies go to help pay for municipal and county operations, highway maintenance and capital construction. This money represents the majority of the funding for local school districts in Johnson, Campbell and Sheridan counties. (0147-1)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Exception requests would be evaluated on a case-by-case basis.</p> <p>BLM anticipates and increase of federal, state, and local revenues of approximately \$204 million from development in Fortification Creek.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Shuman, Cheryl	<p>The thresholds for the tri-phased development must not be so prescriptive that it hinders the development of our energy resources. Performance-based development is a reasonable and prudent plan for development. In the Gillette area alone, there are almost a thousand jobs associated with CBNG development. High-wage jobs have been created because of CBNG development. This also leads to the expansion of service sector positions and associated support businesses. We need valuable clean-burning, domestic energy resources to meet the country's growing energy challenge. (0148-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties.</p>
Schot, Tom	<p>I support the FCP Alternative III because of the bolt on performance approach. However, additional phases of development should not be contingent on the completion of interim reclamation in prior phases. The performance-based development with a "bolt-on" approach is a more commonsense approach. Development thresholds must be flexible enough to ensure operators with lease holdings in the subsequent phases will not be affected if the thresholds are exceeded. (0149-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Burke, Michael	<p>With the FCPA project, there will be many oil and gas related jobs created. That in turn will lead to thousands of jobs indirectly tied to oil and gas. Jobs like more carpenters to build houses, more teachers to eliminate classroom crowding, more restaurants to feed the larger population, and the list goes on and on. (0150-1)</p>	<p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties.</p>
Burke, Michael	<p>As long as the companies use Best Management Practices I'm okay with development. One concern I have is with the one-year delay in development for successful interim reclamation, does not meet the purpose and need of the document and does not adequately meet the rights of the lease holder. (0150-2)</p>	<p>The requirement for one year of reclamation only referred to areas that were disturbed. This requirement was part of Alternative II. Alternative III, the Preferred Alternative does not include prescriptive requirements.</p>
Logarie, Ben	<p>I support the Preferred Alternative from the EA. It is critical to consider the avoidance and mitigation measures of the performance model. The one element I did not like of the EA was the 100% protection of overlapping crucial secure habitats because it denies operators an opportunity to develop lands the federal government has leased to them. A rigid management approach - as outlined in Alternative II - may not allow for the "orderly development of mineral resources" that gives maximum return to the public through royalties. (0151-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the preferred alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on wells, roads, water facilities, and visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Loveday Jr., Jay	From an environmental and socio-economic stand point, the F.Creek Amendment Alternative 3 is - on-balance - an exceptional benefit to our community. Many of the issues within the EA can be resolved through cooperative management and Best Management Practices as outline in Alternative 3. Nowadays, environmental protection is standard practice for energy companies. Integrating into and supporting the communities in which they operate is now critical. (0152-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative.
Brown, Daniel	I support Alternative III in the Fortification Creek Planning Area EA. This seems like a "no-brainer" to me. America needs natural gas and demand is growing. Alternatives III provides for a prescribed loss of elk secure and effective habitats. BLM must ensure that each operator, whose leases are directly affected by these habitat designations, receives their fair and equitable portion of the allowable loss. This will ensure that operators, with leaseholds in later phases, maintain opportunities to develop those areas and thus allow service companies to establish long term relationships with the operators in developing the Fortification Creek Area. You should develop a plan for this and make sure you include the people who will actually be operating there. Thank you for listening to me and please approve the Preferred Alternative. (0153-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative.
Illegible #2	<p>Alternative 3 would greatly enhance the development of coal-bed methane while protecting the land as compared to the other alternatives. The environment will be adequately protected. The performance requirements will reduce surface impacts. Mitigation and avoidance measures are sufficient. And, wildlife will be protected, including the elk.</p> <p>I support Alternative 3 as the best approach forward for CBM development in the Fortification Creek Area. (0154-1)</p>	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative.
Brown, Lynn L.	If you've ever spent any time in the Powder River Basin, you know that the area is very rugged with lots of steep terrain. So when the BLM offers its EA alternatives for the Fortification Creek Planning Area, and all of the alternatives say there are going to be heavy restrictions, if not outright blanket bans on development in areas with slopes greater than 25% or with highly erosive soils, it's like saying there's not going to any development at all. (0155-1)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Inman, Katherine	Place a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels; (0156-3)	A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Inman, Katherine	Bury all powerlines and inject all coalbed methane wastewater underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. (0156-6)	<p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p> <p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging.</p>
Schuman, Neal	I suggest you implement Alternative # 1 because I feel we have too many unproductive regulations now. I have been involved with methane development for 10 years, served on the Coal Bed Water Taskforce, was County Commissioner when our valuation was in the 90 million range, now it is over 1 billion. The other Alternatives I feel will stop most development and kill the goose that laid the golden egg. (0158-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Toth, Donni & Greg	Establish an Area of Critical Environmental Concern that encompasses all of the Fortification Elk Herd's yearlong range, not just the northern two-thirds (0159-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.
Toth, Donni & Greg	Open less than twenty percent of elk yearlong range to drilling at any one time, and allow new areas to open up only after existing fields are completely returned to a natural state; (0159-2)	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III, the preferred alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</li> <li>2. Timing Limitations on when drilling can occur,</li> <li>3. Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</li> <li>4. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</li> </ol>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Toth, Donni & Greg	Close currently developed fields within elk crucial winter range or within 2 miles of sage grouse leks to all industry-related vehicle traffic and human activity during the crucial season of wildlife use. (0159-6)	Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. An operations and maintenance plan is a vital component in meeting the performance standards. Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, equipment needs to be inspected, etc.
Toth, Donni & Greg	Bury all powerlines and inject all coalbed methane wastewater underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. (0159-7)	<p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p> <p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging.</p>
Lewis, Thomas	<p>I respectfully request that you afford appropriate and adequate protection to wildlife and wilderness in the Fortification Creek. This precious piece of the Powder River Basin deserves better than to be treated like just another coalbed methane wasteland. The rugged breaks at Fortification Creek harbor juniper woodlands, key sage grouse habitat, and one of the few Plains elk herds left in the nation. Elk, particularly in hunted populations like Fortification Creek, are highly sensitive to human disturbance, especially vehicle traffic. Studies in the Red Desert (with similar open range and scattered trees) have shown that elk abandon habitats within half a mile of a road. The Fortification Creek area forms the core of the Plains elk herd's yearlong range, and surrounding lands are already being converted to industrial landscapes through coalbed methane drilling. It is doubtful that the elk herd at Fortification Creek will fare very well once drilling moves into the heart of its range.</p> <p>Regarding sage grouse populations which are already declining in Wyoming, we continue to industrialize key breeding and nesting habitats. I ask that you take strong action at Fortification Creek to ensure that sage grouse will have suitable habitat for mating and bearing their young. Fortification Creek is also home to High Plains wilderness, itself a rare commodity. The Fortification Creek Wilderness Study Area occupies the northern quarter of the planning area, but an additional 28,000 acres that possess wilderness character has been identified by conservation groups. (0160-1)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required. Greater sage-grouse management is consistent with BLM Wyoming policy.</p> <p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made.</p> <p>The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana. This alternative is performance based and will be closely monitored by BLM.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Lewis, Thomas	Establish an Area of Critical Environmental Concern that encompasses all of the Fortification Elk Herd's yearlong range, not just the northern two-thirds; (0160-2)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.
Lewis, Thomas	Open less than twenty percent of elk yearlong range to drilling at any one time, and allow new areas to open up only after existing fields are completely returned to a natural state; (0160-3)	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III, the preferred alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</li> <li>2. Timing Limitations on when drilling can occur,</li> <li>3. Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</li> <li>4. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</li> </ol>
Lewis, Thomas	Place a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels; (0160-5)	<p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana.</p> <p>Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made.</p> <p>This alternative is performance based and will be closely monitored by BLM.</p>
Lewis, Thomas	Place all citizens' proposed wilderness offlimits to future oil and gas leasing; (0160-6)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>
Lewis, Thomas	Close currently developed fields within elk crucial winter range or within 2 miles of sage grouse leks to all industryrelated vehicle traffic and human activity during the crucial season of wildlife use. (0160-7)	Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. An operations and maintenance plan is a vital component in meeting the performance standards. Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, equipment needs to be inspected, etc.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Lewis, Thomas	Bury all powerlines and inject all coalbed methane wastewater underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. (0160-8)	<p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p> <p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging.</p>
Jalota, Renu	Please help preserve the plains elk herd in the Powder River basin, Fortification Creek. Your attention to this matter will be greatly appreciated. (0161-1)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Escudero, Michelle	I am writing to express my concern for about an important proposed wilderness area in the Powder River Basin, specifically Fortification Creek. Here one of the last elk herds to inhabit high plains make their home. It is important to keep their home a yearlong home protected from the disturbances of energy development. Energy development must be regulated so that the herd is not endangered. (0162-1)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Escudero, Michelle	Solutions include having only 20% of the area open for drilling at any one time; (0162-3)	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III, the preferred alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</li> <li>2. Timing Limitations on when drilling can occur,</li> <li>3. Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</li> <li>4. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</li> </ol>
Escudero, Michelle	Protect the flora especially the cottonwood and woodland areas from poisonous coalbed methane wastewater. (0162-6)	Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anderson, Jess	I am writing in opposition to any further regulation upon Coal Bed Methane Development. Without citing any specifics with regards to this particular action I personally feel there are currently more than enough regulations to protect all those involved. (0163-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Garvey, Lydia	It is Not a 'sacrifice area'! It's highly inappropriate to destroy wilderness lands. Do your job Protect Our Public lands, waters, wildlife, economy & health! You work for citizens, not industry! Keep it wild & pristine. (0164-1)	Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans would be required.
Concannon, Eric	Protect the elk. In the analysis of the project, you dismiss the importance of the unique plains elk herd in the Fortification Creek area, referring to it as insignificant within the national and regional contexts. This is a clear failure to acknowledge Wyoming's well-established hunting custom and culture, and a failure to recognize the rarity of such a plains elk herd. Wyoming hunters, and Wyoming's leading hunting organization, treasure the Fortification Creek herd. The current proposal could allow the herd to decline from 219 animals to approximately 120. In the Powder River Basin, where tens of thousands of wells have already been drilled, and hundreds of thousands of acres of habitat already disturbed, this is unacceptable. (0165-1)	The FONSI acknowledges public interest in maintaining a viable elk herd and identifies that the preferred alternative includes management actions to maintain the elk herd at or above the WGFD population objective.
Concannon, Eric	Expand the Fortification Creek Planning Area. Include the entire elk yearlong range and crucial elk area. Currently you leave much of the elk yearlong and crucial ranges out of your planning process. (0165-2)	The Planning Area boundary was chosen for two primary reasons The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary. BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.
Concannon, Eric	Protect the Wilderness Study Area. You should ensure management decisions do not destroy the wilderness qualities of the area. You should designate Fortification Creek as an Area of Critical Environmental Concern and establish a Wildlife Habitat Management Area around the perimeter of the existing Wilderness Study Area. (0165-3)	No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.  An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.
Concannon, Eric	Require a phased drilling approach. You propose phased development, but under the plan you could allow deviations from the phased development schedule. This could make phased development an illusion. (0165-4)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Concannon, Eric	Require lowimpact water handling practices. You would allow direct discharges of coalbed methane produced water to Fortification Creek and ephemeral creeks. You should not to allow discharge into rivers or creeks. Companies can pipe produced water out of the Fortification Creek area to a location where it can be put to beneficial use. (0165-5)	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted a permit to discharge CBNG-produced water into FCPA drainages. The WDEQ has stated that "discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop". (WDEQ 2008).</p> <p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>
Concannon, Eric	Require industry to minimize surface disturbance. Soils in Fortification Creek are highly erosive and difficult to reclaim. You should require 160acre well spacing and no disturbance on slopes steeper than 25 percent. (0165-6)	Performance standards are in place, with the preferred alternative, to protect sensitive soils and ensure successful reclamation.
Concannon, Eric	Reduce industrial traffic and noise. Wells should be monitored by remote telemetry to minimize visitation and vehicular travel to the area. (0165-7)	Performance standards are in place, with the Preferred Alternative, to protect sensitive soils and ensure successful reclamation. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, and equipment needs to be inspected to prevent releases.
Concannon, Eric	Provide a "no development" alternative. You should consider an option that would allow no further coalbed methane development so as to maintain current values. You should consider an alternative that examines options such as letting coalbed methane leases expire, buying back leases, make exchanges for leases in other areas, or otherwise protecting large areas of elk habitat. (0165-8)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
Christensen, Martha	With this letter, I urge the BLM to submit to us -- the owners and guardians of those Public Lands -- an alternative management plan that calls for NO FURTHER DEVELOPMENT ! You might propose official Wilderness for that study area, recognize the economic - recreational -aesthetic values that accompany lands not devoted to CBM drilling. (0166-1)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Christensen, Martha	Acknowledge the devastation that can follow CBM extraction (check with PRBRC if you have questions or want reallife experiences), and the huge amounts of FOSSIL Carbon that are emitted with the burning of methane, and there with be modest in your recommendation for further drilling surely NOT 481 additional wells !! Think environmental protection and sustainability ! (0166-2)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>
Christensen, Martha	The wildlife considerations are especially important to me. Your reports must reveal current status of Desert Elk, pronghorns, SAGE GROUSE!, ferrets and other birds and mammals, and analyses of the environmental impacts of the various uses in each of your proposed plans. (0166-3)	At issue in the FCPA is the geographically isolated elk herd. Ranges of mule deer, pronghorn, prairie dogs, and other species are much greater than the Fortification Creek Planning Area; they are managed and monitored in accordance with the PRB FEIS ROD.
Christensen, Martha	I am for NO further development in that Fortification Creek area !! (0166-4)	The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted. However, BLM can apply restrictions to development, mitigation, typically in the form of as COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessees rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.
Taylor, Joanna	I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. BLM made commitments since the 1970s to protect this area and this proposed plan fails to implement those protective criteria regarding CBM development proposals. (0167-1)	The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted. However, BLM can apply restrictions to development, mitigation, typically in the form of as COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessees rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.
Taylor, Joanna	Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and areas with erosive soils and poor reclamation potential, and requiring phased CBM operations based on successful reclamation criteria. (0167-2)	The Fortification Elk herd is protected by a number of management actions including: A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time, Timing Limitations on when drilling can occur, Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Taylor, Joanna	CBM development in this area has already caused and will continue to cause significant impacts. BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0167-3)	If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of steep slopes, fragile watersheds, and elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.
Blair, Dan & Janet	As former residents of Wyoming who retain a keen interest in anything that affects the state, we oppose any drilling in the Fortification Creek area under the current alternatives (as you know, a "no drilling" alternative was not even considered). (0168-1)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
Blair, Dan & Janet	The Fortification Creek area forms the core of the plains elk herd's yearlong range, and surrounding lands are already being converted to industrial landscapes through coalbed methane drilling. In its analysis of the project, the BLM dismisses the importance of the herd in the Fortification Creek area, referring to it as insignificant within the national and regional contexts. This is an amazing failure to acknowledge Wyoming's well-established hunting custom and culture, as well as a failure to recognize the rarity of such a plains elk herd. Wyoming hunters, and Wyoming's leading hunting organization, treasure the Fortification Creek herd. The BLM's current proposal could allow the herd to decline from 219 animals to approximately 120. Studies in the Red Desert (with similar open range and scattered trees) have shown that elk abandon habitats within half a mile of a road. (0168-2)	The FONSI acknowledges public interest in maintaining a viable elk herd and identifies that the preferred alternative includes management actions to maintain the elk herd at or above the WGFD population objective.
Blair, Dan & Janet	BLM plans presently include the same ineffective quarter-mile 'No Surface Occupancy' buffers, paired with two-mile restrictions on the timing of drilling and construction, that already have led to the disappearance of so many sage grouse populations in Wyoming. It's not rocket science: industrialization of the key breeding and nesting habitats while the birds are away means that when they return to mate and have their young, they won't have suitable habitat. (0168-3)	At issue in the FCPA is the geographically isolated elk herd. Ranges of mule deer, pronghorn, prairie dogs, and other species are much greater than the Fortification Creek Planning Area; they are managed and monitored in accordance with the PRB FEIS ROD.
Blair, Dan & Janet	Provide a "no development" alternative. The BLM should consider an option that would allow no further coalbed methane development so as to maintain current values. The agency should consider an alternative that examines options such as letting coalbed methane leases expire, buying back leases, making exchanges for leases in other areas, or otherwise protecting large areas of elk habitat. (0168-4)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Blair, Dan & Janet	Protect the Wilderness Study Area. The BLM should ensure management decisions do not destroy the wilderness qualities of the area. The agency should designate Fortification Creek as an Area of Critical Environmental Concern and it should establish a Wildlife Habitat. (0168-5)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p> <p>An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p>
Blair, Dan & Janet	Management Area around the perimeter of the existing Wilderness Study Area. All citizens' proposed wilderness should be made off-limits to future oil and gas leasing. (0168-5 cont'd)	
Blair, Dan & Janet	Require a phased drilling approach. The BLM proposes phased development, but under its plan the agency could allow deviations from the phased development schedule, making so-called phased development nothing more than a feel-good illusion. Protect the Fortification Creek elk herd by expanding the Planning Area. It must include the entire elk yearlong range (not just the northern two-thirds) and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. Reduce traffic and noise with winter and calving restrictions and remote telemetry well-monitoring; prohibit diesel generators. Further, BLM must place a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels. Prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, further destabilizing sage grouse populations. (0168-6)	<p>The Planning Area boundary was chosen for two primary reasons</p> <ol style="list-style-type: none"> <li>1. The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary.</li> <li>2. BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</li> </ol> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Under Alternative III, the Preferred Alternative, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation.</p> <p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana.</p> <p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Blair, Dan & Janet	Require low-impact water handling practices. BLM should require that all coalbed methane wastewater be injected underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. The agency should not allow any discharge into rivers or creeks, which all provide sources of pristine water for wildlife. Companies can pipe produced water out of the Fortification Creek area to a location where it can be put to beneficial use. Require industry to minimize surface disturbance. (0168-7)	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted a permit to discharge CBNG-produced water into FCPA drainages. The WDEQ has stated that "discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop". (WDEQ 2008).</p> <p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>
Blair, Dan & Janet	Soils in Fortification Creek are highly erosive and difficult to reclaim. The BLM should require 160-acre well spacing and no disturbance on slopes steeper than 25 percent. (0168-8)	The Preferred Alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.
Erpelding, Gerald & Joyce	I encourage your office to choose Alternative One (no change) in the Fortification Creek Resource Management Amendment. Alternative One is the best alternative offered because it will allow methane development, which is good for economy and it doesn't last long - after 20-30 years the area can be reclaimed and no one will ever know there was development except for past local, county and state budgets and community projects from the tax revenue that was once created. (0169-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Erpelding, Gerald & Joyce	The Game and Fish are trying to implement rules and regulations that are simply not needed. The elk do need protection - but are already protected under the Wilderness Protection Plan! (0169-2)	<p>Not all of the Fortification Creek Planning Area is within the Wilderness Study Area.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases.</p>
Saunders, Margaret	I believe that the oil and gas companies should be allowed to continue to develop gas in the Fortification Creek area with the proper monitoring. I think they should have the flexibility to continue developing if they can prove they are doing due diligence in the way of obeying the rules and regulations. They made a lease with the BLM and now should be able to produce under the rules of that lease. (0170-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Stone, Shirley	the Game and Fish is not giving enough scientific evidence why they want to implement new rules in Fortification area. I am opposed to more new rules and regulations just to have more rules. It seems there are enough at this point. (0171-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>BLM completed an assessment of the Fortification Creek Elk herd in 2007. This study is available at: <a href="http://www.blm.gov/wy/st/en/info/NEPA/documents/bfo/fortification_creek/docs.html#report">http://www.blm.gov/wy/st/en/info/NEPA/documents/bfo/fortification_creek/docs.html#report</a>. Additionally, both WGFD and BLM in conjunction with the University of Wyoming continue to collect data on the elk herd.</p>
Stone, Shirley	Oil and gas business should have the flexibility to be able to continue to develop if they can prove monitoring is properly maintained (0171-2)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Stone, Shirley	Oil and gas business should not be subject to elk security habitat regulations and other restrictions provided for in Alternatives 2 and 3. This will have a major adverse impact on developing our resources. I believe the elk are already protected under the Wilderness Protection area. (0171-3)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Tweedy, Chuck	As a landowner, I have lived here for 40 years. Many of my friends hunt in the area. I disagree with alternative 2 and 3 and encourage no change. It seems the present plan is working. The habitat section is too restrictive and will impair the oil and gas workers trying to do their job. (0172-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Tweedy, Chuck	Jobs and the economy should be a main objective. We need to start drilling in 2011. (0172-2)	Thank you for your comment. BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties.
Vergnani, Robert G. USA Exploration & Production	I am in favor of Alternative One: We can now look back at twelve years of development in the PRB CBM play and evaluate the actual environmental impact. Some areas have undergone the full cycle: permitting, production, plugging and reclamation. Where this cycle has occurred we can see if environmental damage has been done. It appears that wildlife and the environment have not suffered. Keep in mind many of these areas were developed under guidelines that were far less stringent than current regulations. By being able to see the impact of the complete cycle, this history can be used as a base for future regulatory decisions. I am of the opinion that the resource development has been a tremendous benefit with only minor, if any, downside. (0173-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

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Vergnani, Robert G. USA Exploration & Production	PRB CBM is an excellent resource to fuel the nation's fossil fuel needs. (0173-2)	Thank you for your comment.
Vergnani, Robert G. USA Exploration & Production	Companies have gotten much better at development and production of the resource. It would be wasteful to exclude additional acres from potential production. It is also wasteful to impose additional regulations and stipulations that for the most part would do nothing more than add to the already high cost of regulatory compliance. (0173-3)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Vergnani, Robert G. USA Exploration & Production	Natural gas is the number one source for tax revenue for the state of Wyoming. Revenue from natural gas is the top contributor to funding our schools and social programs. (0173-4)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.
Vergnani, Robert G. USA Exploration & Production	The CBM industry employs a broad spectrum of workers and professionals. To name a few: accountants, engineers, roughnecks, roustabouts and regulators. Many of these workers (and their families) live locally in and around the communities of Gillette, Buffalo and Sheridan. Taking acreage out of potential development hurts all these communities. (0173-5)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.
Vergnani, Robert G. USA Exploration & Production	Existing rules (and economics) already force a staged and orderly development. This is beneficial to the concerns for wildlife and environmental protection. (0173-6)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Barber, Tim Yates Petroleum	As a result of issuing leases within the FCPA, the Bureau of Land Management (BLM) has established a premeditated obligation to process permits for drilling for oil and gas by an operator with a lease in good standing, in the presence of complete Applications for Permits to Drill (APDs). (0174-1)	<p>The purpose of this RMPA/EA is to provide the necessary level of analysis upon which to base a decision on future CBNG development (APD processing) within the FCPA.</p> <p>New information regarding wildlife, notably elk, led BLM to consider modifying certain operational standards for CBNG development from the 1985 land use plan and 2001 update. In 2003, BLM prepared a RMPA/Environmental Impact Statement (EIS) for proposed oil and gas development within the Powder River Basin (PRB), which includes the FCPA (BLM 2003a). However the PRB RMPA/EIS did not specifically address the following issues:</p> <ol style="list-style-type: none"> <li>1. Protection of the isolated elk herd found in the FCPA; 2. Continuation of the prohibition against overhead power lines within the FCPA; and</li> <li>3. Designation of portions of the FCPA as an Area of Critical Environmental Concern (ACEC)</li> </ol>

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Name/Organization	Comment	Response
<p>Barber, Tim Yates Petroleum</p>	<p>For the last several years Yates and other operators have applied for, but BLM has not processed, APDs in the FCPA. There are multiple cases where operators have waited more than 4 years after having applied for APDs without any substantial action by BLM towards processing and approval of these permits. Onshore Order #1 describes an orderly process in which these permits should be processed and it appears that BLM has chosen not to follow its own regulations for processing APDs in this case.</p> <p>Yates and other operators (to date) have effectively been locked out of their valid oil and gas lease rights by BLM in this Fortification Creek Planning Area. BLM's inaction has already resulted in a substantial taking of lease rights as well as substantial harm to the oil and gas operators holding leases in this FCPA. In addition, there are a number of locations where the federal mineral estate appears to have experienced drainage as a result of inaction by BLM. (0174-2)</p>	<p>The purpose of this RMPA/EA is to provide the necessary level of analysis upon which to base a decision on future CBNG development (APD processing) within the FCPA.</p> <p>New information regarding wildlife, notably elk, led BLM to consider modifying certain operational standards for CBNG development from the 1985 land use plan and 2001 update. In 2003, BLM prepared a RMPA/Environmental Impact Statement (EIS) for proposed oil and gas development within the Powder River Basin (PRB), which includes the FCPA (BLM 2003a). However the PRB RMPA/EIS did not specifically address the following issues:</p> <ol style="list-style-type: none"> <li>1. Protection of the isolated elk herd found in the FCPA;</li> <li>2. Continuation of the prohibition against overhead power lines within the FCPA; and</li> <li>3. Designation of portions of the FCPA as an Area of Critical Environmental Concern (ACEC).</li> </ol>
<p>Barber, Tim Yates Petroleum</p>	<p>Should management of oil and gas development within the FCPA be even further restricted (as is considered under some portions of Alternatives II or III) BLM will exercise further take of lease rights as we will discuss in more detailed comments. It appears that in several areas Alternatives II and III result in the same on the ground development and management methods already approved in the current planning documents. As a result, Yates encourages BLM to choose Alternative I, the No Action Alternative, and proceed with processing APDs in the FCPA as required under Onshore Oil and Gas Order # 1. (0174-3)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

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Barber, Tim Yates Petroleum	<p>Alternatives II and III will have a major negative impact on oil and gas development within the Fort Creek Planning Area (FCPA). The estimated number of potential new wells under each Alternative is as follows: Alternative I - 726, Alternative II - 487, Alternative III - 483 (RMPA/EA pg. ES-5). Additionally, it is projected that management under Alternatives II and III will limit oil and gas development in the FCPA to 50% of the maximum potential. Yates is concerned that these limits on oil and gas development under Alternatives II and III will make development of leases held within the FCPA unfeasible and uneconomic. As a result, Alternatives II and III may result in a complete taking of lease rights within the FCPA. BLM leased minerals within the FCPA for the exploration and production of oil and gas and operators have paid for those leases. The lengthy process that BLM has taken in the interim, while concurrently denying leaseholders the ability to drill wells, build needed infrastructure and produce FCPA leases, has taken lease rights from those lessees. (0174-4)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Barber, Tim Yates Petroleum	<p>"BLM is required to allow lease holders reasonable access to lands for which they hold leases" (RMPA/EA pg. I-1, Section 1.2, paragraph 3). While BLM acknowledges this important concept within the RMPA/EA, to date, it has not been adhered to within the FCPA. BLM has been unresponsive to this requirement with some operators having waited more than 4-5 years for drilling permits they properly applied for and hold leases for. As such, BLM has effectively failed to provide required lease access. Yates requests that BLM hold themselves to this foundational concept and begin processing APDs within the FCPA immediately "to allow lease holders access to lands for which they hold leases." Additionally, the public should be informed of the length of time operators have been waiting for drilling permits, and it does not appear that BLM has properly disclosed this information. (0174-5)</p>	<p>The purpose of this RMPA/EA is to provide the necessary level of analysis upon which to base a decision on future CBNG development (APD processing) within the FCPA.</p> <p>New information regarding wildlife, notably elk, led BLM to consider modifying certain operational standards for CBNG development from the 1985 land use plan and 2001 update. In 2003, BLM prepared a RMPA/Environmental Impact Statement (EIS) for proposed oil and gas development within the Powder River Basin (PRB), which includes the FCPA (BLM 2003a). However the PRB RMPA/EIS did not specifically address the following issues:</p> <ol style="list-style-type: none"> <li>1. Protection of the isolated elk herd found in the FCPA;</li> <li>2. Continuation of the prohibition against overhead power lines within the FCPA; and</li> <li>3. Designation of portions of the FCPA as an Area of Critical Environmental Concern (ACEC).</li> </ol>

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Name/Organization	Comment	Response
Barber, Tim Yates Petroleum	On Page ES-2 BLM indicates a need for management changes and additional analysis under NEPA as it relates to the FCPA. Yates disagrees that additional NEPA analysis is needed within the FCPA. BLM considered the FCPA in its previous planning documents, including the 2003 Powder River Basin Oil and Gas EIS (PRB EIS). BLM's contention that additional NEPA analysis, including this RMP Amendment, is needed is faulty. The outstanding issues that BLM identifies as justification for additional NEPA analysis within the RMPA/EA (i.e. overhead power on federal surface and ACEC decisions) should not have required years of delay and do not justify an effort as extensive as this RMP Amendment. (0174-6)	<p>A plan amendment is required for several reasons:</p> <ul style="list-style-type: none"> <li>(1) the original Buffalo Resource Area (BRA) Resource Management Plan (RMP) Record of Decision (ROD) did not consider the level of CBNG development that is currently anticipated;</li> <li>(2) BLM prohibited overhead power lines on Federal surface land within the FCPA in the BRA RMP;</li> <li>(3) BLM and the WGFD have gathered additional information regarding the population levels and crucial winter and parturition (calving) ranges of an isolated elk herd within the FCPA;</li> <li>(4) an ACEC for the FCPA was proposed by citizen groups.</li> </ul> <p>Additionally, BLM Handbook 1601-1 states that new decisions are required if (VI. A. 2.) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (VI.B.2.). Changes in intensity of use or impact levels for a particular resource (4.), public comment or staff assessment indicating that new information or changed circumstances warrant a reconsideration of the appropriate mix of uses on particular tracts of public lands.</p>
Barber, Tim Yates Petroleum	BLM should clarify (in the RMPA/EA) the status and availability of the FCPA as a hunting area for resident and non-resident hunters. Any discussion about hunting should include clarification that the area's access is generally controlled by private landowners. And, as a result, broad hunting access is not available without (0174-7)	Hunting is discussed in Sections 3.1.10, 3.2.2, and 4.4.2.
Barber, Tim Yates Petroleum	permission from private landowners and the public should be put on notice that this is the case. Absent clarification, the public is led to believe that broad access is generally available in the FCPA. (0174-7 cont'd)	
Barber, Tim Yates Petroleum	The Fort Creek elk herd is currently above the Wyoming Game and Fish Department's (WGFD) target population objective. The current population objective established by the WGFD is 150 elk, while the 2008 WGFD post-hunt population estimate was 219 in 2008 (RMPA/EA pg. 4-49). As a result, in recent years, the WGFD has issued additional hunting permits to landowners in the area in an effort to reduce populations. This is presumably because landowners were the only ones guaranteed access needed to reduce populations. In order to be well informed about elk population management decisions being made in the FCPA, the public should be provided this information. Additionally, it would be valuable for the public to understand the reasons for the additional hunting permits (i.e. the elk population was outnumbering the carrying capacity of the land). This information should be included in the RMPA/EA. (0174-8)	The State of Wyoming is responsible for wildlife population management and hunting, not the BLM. The affected environment section (pg. 3-30) discusses the regulatory forecast, current conditions, and trends for the Fortification Creek herd. The administrative record contains additional information such as the WGFD annual herd reports.

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Barber, Tim Yates Petroleum	It is our understanding that monitoring data has indicated that the elk in the FCPA have been known to travel north to the Sheridan area and perhaps even into Montana, southeast down to 1-90 and over to the Rozet area and perhaps into Southern Campbell County. Further, the same population is known to spend time outside of the FCPA, including the area north of Echeta road. Representing the herd as isolated leaves the public incorrectly informed. (0174-9)	BLM's 2007 environmental report verified that the yearlong range designated by the WGFD was the core use area for the Fortification Creek elk herd, containing 99% of the radio-collar locations (BLM 2007). Continued monitoring has not demonstrated any dramatic decreases in fidelity to the yearlong range. Individual elk do make temporary movements outside the yearlong range, most commonly across Echeta Road, but also downriver to Montana, and one collared elk spent a few months in the Rochelle Hills area (southeastern Campbell County). The Draft RMPA/EA (pg4-59) and other BLM documents have disclosed these movements.
Barber, Tim Yates Petroleum	Alternative I provides that surface disturbance may be controlled on slopes greater than 25 %. Clearly, Alternative I (No Action Alternative) provides reclamation responsibilities and goals and these management decisions have worked in areas similar in topography and soils to those found in the FCPA. Oil and gas operators are already regulated as to their responsibilities with respect to soils protection and reclamation. As a result, BLM already has the ability to consider site specific environmental conditions and make a supported Decision about approval of facilities. (0174-10)	The BFO RMP states (SWAM-3) Prohibit surface disturbance or occupancy on slopes of more than 25% (see Map 12) unless the prohibition is waived by the authorized officer. The 2001 RMPA reiterated the slope restrictions: Surface occupancy and disturbance will not be allowed on slopes of 25% or more. and No surface disturbance or occupancy will be allowed in areas of severe erosion from March 1 until June 15. As they are needed, conservation practices and state of Wyoming best management practices will be applied to surface-disturbing activities. The slope restriction in Alternative I, is incorporated into the gas leases. Alternatives I and III provide for the operator's ability to develop steep slopes and highly erosive soils. Operators should be able to prepare acceptable reclamation plans based upon their previous "successful" experiences.
Barber, Tim Yates Petroleum	Alternative II makes a rigid decision on erosive soils and 25 percent slopes, eliminating potential development locations that may otherwise be approved (and are approved elsewhere in the Powder River Basin) based on a site specific environmental assessment. It would be advantageous to BLM and operators if BLM retained the ability to consider site specific conditions and make soil management decision on a case-by-case basis. As a result, Alternative I is preferred over Alternative II. (0174-11)	Alternative II was not chosen as the Preferred Alternative.  The BFO RMP states SWAM-3 Prohibit surface disturbance or occupancy on slopes of more than 25% (see Map 12) unless the prohibition is waived by the authorized officer. The 2001 RMPA reiterated the slope restrictions: Surface occupancy and disturbance will not be allowed on slopes of 25% or more. and No surface disturbance or occupancy will be allowed in areas of severe erosion from March 1 until June 15. As they are needed, conservation practices and state of Wyoming best management practices will be applied to surface-disturbing activities. The slope restriction in Alternative I, is incorporated into the gas leases. Alternatives I and III provide for the operator's ability to develop steep slopes and highly erosive soils. Operators should be able to prepare acceptable reclamation plans based upon their previous "successful" experiences.
Barber, Tim Yates Petroleum	When leasing lands within the FCPA, operators were not informed by BLM that there would be later restriction on water management facilities within crucial elk ranges, or meet performance-based objectives that are required under Alternatives II and III (RMPA/EA pg. 2-2). These leases do not restrict the location of water management facilities from what Yates can see. Rather, FCPA leases allow these facilities to be constructed as necessary for the production of oil and gas, as they are an essential part of coalbed methane (CBM) production. BLM should analyze the placement of these facilities with a site specific EA, and issue a supported decision on them, as is clearly allowed for within the current planning documents. Water management facilities are a necessary lease facility for coalbed production (0174-12)	The RMPA/EA honors valid existing lease rights; natural gas development will be regulated under the terms and stipulations of the existing leases. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts.

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Barber, Tim Yates Petroleum	Alternative II does not provide for the ability to surface discharge water, while the PRB EIS, which included the FCPA, concurrently establishes surface water discharge as the preferred water management technique under the preferred Alternative. Additionally, surface discharge has been requested by private landowners in the area and is a tool that should be available for the oil and gas operators, among other options. BLM should not choose an Alternative that makes it impossible to comply with that request. If there are site specific environmental concerns about a particular surface discharge, BLM would have the flexibility to work with the operator to mitigate concerns. If a resolution could not be reached, BLM would then have the option of addressing the issue in the project EA. It seems that Alternative I provides all that is needed here. (0174-13)	BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.
Barber, Tim Yates Petroleum	Operators of CBM wells in the PRB already regularly enter into water well mitigation agreements with landowners. As a result, Alternatives I, II, and III do not provide substantial differences when actually applied. Coalbed development in the FCPA, if BLM does not limit it to the extent of no longer being feasible, has the potential of providing more water sources for landowners. BLM accomplishes nothing of substance in considering Alternatives II and III. As such, Alternative I is preferred and appropriate. (0174-14)	BLM's 2007 environmental report identified water wells to be an important resource for the elk during summer when natural water sources are limited. Alternatives II and III protect this important resource.
Barber, Tim Yates Petroleum	BLM did not provide FCPA operators notice that any form of phased development would be required within the FCPA. FCPA leases contain no requirements or stipulations mandating phased development. Consequently, requiring phased development (tri-phase or performance-based) within the FCPA is beyond BLM's authority. Additionally, delay in APD processing, combined with the restriction of overall development within the FCPA, has reduced natural phasing that would have occurred if APDs were processed in a timely manner. There are several leases where APDs have not yet been submitted, and would presumably be developed at a later date if developed as well. (0174-15)	Many leases within the FCPA do carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this stipulation provides BLM with the authority to propose phased development as a means to achieving an acceptable plan for the mitigation of anticipated impacts. An unregulated development pace was analyzed under alternative I, the no action alternative. The analysis indicated that an unregulated development pace would result in habitat fragmentation and loss and has a major adverse impact on the elk herd (pg. 4-54). Because development could occur without coordination amongst the operators, the elk would be forced into the only remaining security habitat, the WSA. The WSA is not large enough to support the WGFD population objective of 150 elk.
Barber, Tim Yates Petroleum	As is indicated in Table 2-1 (RMPA/EA pg. 2-2), consideration of Alternatives II and III regarding crucial winter range is unnecessary and unwarranted. Alternative I establishes the same crucial winter range timing stipulation as Alternatives II and III. Alternatives I, II, and III all provide for a timing limitation for surface disturbing and disruptive activities from November 15 through April 30 (RMPA/EA pg. 2-2). As a result, Alternative I is the preferred and appropriate Alternative. (0174-16)	Thank you for the recommendation. BLM will consider it while developing the proposed final RMPA/EA.

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Barber, Tim Yates Petroleum	<p>Managing the amount of well metering and visitation that occurs as part of oil and gas production is already an essential part of conducting prudent oil and gas operations. Additionally, these tasks are a substantial cost of conducting such operations. As a result, operators have significant "built in" incentive to limit well metering and visitation to the extent practicable. Furthermore, as far as Yates is aware, all FCPA projects submitted to the Buffalo Field Office (BFO) make use of telemetry technology for remote monitoring. Considering measures and incentives already in place, additional well metering and visitation restrictions under Alternatives II and III are unnecessary and unwarranted. Rather, existing management under Alternative I is all that is necessary.</p> <p>Well metering and visitation has been substantially addressed in recent direction provided by the Wyoming State BLM Office. In summary, this direction has stated that operators should not be restricted as oil and gas Operators have a responsibility for prudent operations that cover a variety of needs for visits. As such, Alternative I provides appropriate direction and accomplishes what is needed regarding well metering and visitation. Vague limitations provided for in Alternatives II and III are not warranted or necessary and are contrary to current direction being provided by the BLM State Office. (0174-17)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. An operations and maintenance plan is a vital component in meeting the performance standards. Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, equipment needs to be inspected, etc.</p>
Barber, Tim Yates Petroleum	<p>Compression, if proposed by the proponent of the project, should be evaluated for its site specific impacts and analyzed as such. Lessees in the FCPA were not advised in their leases that compression would be restricted in the fashion noted in Alternatives II and III and as such made their leasing decisions based on those assumptions. Alternative I would provide for an opportunity, if the proponent of the project was planning on constructing compression, to do a site specific analysis of that proposal and address it within the project EA. Restricting these leases after the fact is disingenuous on the part of BLM. In reality, compression will likely be done by third party gas gathering companies and will likely bolt on to other gathering systems that those companies have in the general area. (0174-18)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

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Barber, Tim Yates Petroleum	The establishment of restrictive standards for an arbitrary standard of elk security habitat and road density is not appropriate (as provided for within Alternative II and III). This has been sited as needed because elk will need a place to 'go and feel safe' during development and production activities. The reality is that the WSA, where no leasing is in place, provides that if it is needed. The reality is that surrounding areas (such as the hills located north of Echeta road) are also used by these same elk (and these areas are already heavily developed) as illustrated by monitoring data already collected. No need has been demonstrated for these additional measures. BLM, on a site specific basis, would have the ability to address these in an EA under the current management if it could provide appropriate justification. (0174-19)	The RMPA/EA honors valid existing lease rights; natural gas development will be regulated under the terms and stipulations of the existing leases. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts. BLM determined that Alternatives II and III present two reasonable alternatives. Alternative III provides for a performance based approach, as requested by the lease holders, to minimize prescriptive measures.
Barber, Tim Yates Petroleum	Based on review of the project area and information received from other operators, topography will essentially dictate access to wells. The substantial network of already existing roads and two tracks already in use by ranchers will be utilized as feeders to the project areas as is illustrated in submissions BLM already has. There has been no need demonstrated for the provisions established in Alternatives II and III. (0174-20)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, roads, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Barber, Tim Yates Petroleum	It is important to clarify, as discussed in the FCPA RMPA/EA, that the issue of restriction of overhead power under Alternatives II and III is limited to federally owned surface as managed by BLM, and does not extend to fee or state surface. (0174-21)	The restriction of overhead power lines to federally owned surface is discussed frequently throughout the RMPA/EA.
Barber, Tim Yates Petroleum	A public utility would likely be the proponent of an action to construct overhead power lines on Federal surface, not oil and gas operators. Oil and gas operators in the PRB typically do not construct overhead power and it does not appear that there are currently any proposals by operators to do so in the FCPA. As such, conditions placed on the operator regarding overhead power lines under Alternatives II and III would not be appropriate. (0174-22)	Powerlines to support federal mineral development should be included in POD submissions.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Barber, Tim Yates Petroleum</p>	<p>BLM would consider the application for an overhead power facility by a public utility on federal surface as a real estate/FLPMA action. BLM has the ability to consider power facility applications and has previously approved construction of overhead power on federal lands within the FCPA. Examples of such approvals can be found in Section 11 of T 51N:R 75W, and Sections 14, 11 and 1 of T 51N:R 75W. This illustrates BLM has the ability to approve construction of overhead power lines on federal lands in the FCPA under existing planning documents. BLM currently has the ability to properly analyze and approve the use of overhead power on federal surface and/or deny the applications for cause. Consequently, the restrictions and circumstances provided for under Alternatives II and III are not necessary. Regarding the restriction of overhead power lines, Alternative I is the only Alternative that is warranted. (0174-23)</p>	<p>Alternative I maintains the prohibition of overhead power on federal surface from the 1985 RMP. The identified examples were out of compliance with the 1985 RMP.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Barber, Tim Yates Petroleum</p>	<p>Under existing planning documents, Alternative I and Alternative III, no Areas of Critical Environmental Concern (ACEC) are designated within the FCPA. BLM suggests that under Alternative II there would be an evaluation to determine whether an ACEC is warranted. As discussed below, designation of the proposed ACEC in the FCPA is not warranted. As such, BLM is again considering multiple Alternatives with the same end result - no ACEC designation. With this in mind, consideration of Alternatives II and III is not warranted and Alternative I is the appropriate Alternative.</p> <p>The relevance and importance criteria for considering ACEC designation, protection and management are subject to specific scrutiny. While BLM determined the proposed ACEC met the relevance criteria for scenic values and wildlife and the importance criteria for wilderness characteristics, wildlife (isolated elk herd), and minimal impacts from man, BLM acknowledges proposed ACEC boundaries are already within the elk yearlong and most of the proposed ACEC is within elk crucial ranges (RMPA/EA pg. 4-141). Consequently, "proposed management prescriptions for the proposed ACEC are the same as current management prescriptions and an ACEC designation would be a name change not a change in management" - there would be no impacts from ACEC designation (RMPA/EA pg. 4-141). As such, Alternatives I, II and III will have the same end result - no designation of an ACEC. With this in mind, consideration of Alternatives II and III is unwarranted and Alternative I (no action) is the appropriate Alternative.</p> <p>Designation of an ACEC in the FCPA would have negligible benefits to fish and wildlife resources (RMPA/EA pg. 4-73). (0174-24)</p>	<p>An ACEC was not designated in the Preferred Alternative.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Barber, Tim Yates Petroleum</p>	<p>not necessary or appropriate. Additionally, as stated in Table 4-16 (RMPN/EA pg. 4-73), designation of a WHMA in the FCPA would have negligible benefits to fish and wildlife resources. As a result, consideration of Alternatives II and III is unwarranted and Alternative I is the appropriate Alternative regarding designation of a WHMA.</p> <p>Restrictive timing limitations for drilling and construction activities within elk crucial winter and parturition ranges are already in place. Under Alternative I (no action), there are crucial winter range TLs for surface-disturbing and disruptive activities from November 15 through April 30, and parturition range TLs for surface-disturbing and disruptive activities from May 1 through June 30 (RMPA/EA pg. 2-2). TLs are also in place under existing management for raptors, bald eagles, sage grouse, mountain plover and sharp tail grouse in the FCPA. Additionally, many private landowners in the FCPA restrict access to private lands, and thus some adjacent Federal lands that depend on that access, during archery and rifle big game seasons. Clearly, management and protection of elk crucial winter and parturition ranges, which would be the focus and intent behind designating a WHMA, are adequately covered with programmatic mitigation and stipulations in the subject leases. As a result, WHMA designation under Alternative II is not warranted and Alternative I is the appropriate Alternative.</p> <p>As a result of existing timing limitations and additional landowner restrictions, much of the drilling and construction activities are limited to late summer and early fall. Further restrictions possibly resulting from the designating a WHMA could make oil and gas development unfeasible. It is important to keep in mind that oil and gas development is a use consistent with the planning documents in place (i.e. valid leases and FLMPA). BLM does not have the option within this planning decision to restrict oil and gas development beyond reasonable measures or to the point that recovery of the resource becomes uneconomic. (0174-24 cont'd)</p>	<p>A WHMA was not designated in the Preferred Alternative.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Barber, Tim Yates Petroleum	<p>Summation relating to the RMP Amendment Decision BLM has, in the course of leasing in what has been come to be known as the FCPA, set in place an obligation to reasonably permit drilling for oil and gas in the presence of complete applications to do so by an operator with a lease in good standing. BLM has, to date, stonewalled operators with valid lease rights with complete applications. This RMP Amendment / EA (from Yates' perspective) self-illustrates that the considered alternatives II and III are either not appropriate due to existing lease rights and BLM authority limits, result in the same development and management methods as the No Action Alternative or are not substantially different than current management methods. As a result, Yates encourages BLM to choose Alternative I, the No Action Alternative and proceed with processing APDs in the FCPA as required under Onshore Order # 1. (0174-25)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
McGuire, David K. Comet Energy Services, LLC	<p>We support Alternative I, the No Action Alternative in the Buffalo Resource Management Plan Amendment for the Fortification Creek Planning Area and Environmental Assessment (WY-080- 135). As the owner of a large block of acreage of federal leasehold lying within the affected area, we feel Alternative I will insure reasonable development opportunities, while providing stringent policies and procedures for environmental protection. (0175-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Domingue, John	<p>Fortification Creek contains outstanding wilderness and wildlife values. It contains one of the last plains elk herds in the west. The BLM should provide a "no development" alternative and work to preserve one of the remaining open space jewels in Wyoming. (0176-1)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Lopez, Phil	<p>I believe that we need to see some scientific evidence that the Elk herd would be hurt by this work do you have this. Also we do not need more rules this cost Wyoming jobs and tax money. (0177-1)</p>	<p>BLM completed an assessment of the Fortification Creek Elk herd in 2007. This study is available at: <a href="http://www.blm.gov/wy/st/en/info/NEPA/documents/bfo/fortification_creek/docs.html#report">http://www.blm.gov/wy/st/en/info/NEPA/documents/bfo/fortification_creek/docs.html#report</a> Additionally, both WGFD and BLM in conjunction with the University of Wyoming continue to collected data on the elk herd.</p>
Edwards, William	<p>I believe that Fortification Creek is not an appropriate place for oil and gas development, particularly coalbed methane, because the area is just too fragile with its steep slopes, poor soils, and fragile watersheds.</p> <p>(0178-1)</p>	<p>The RMPA/EA honors valid existing lease rights; natural gas development will be regulated under the terms and stipulations of the existing leases. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts.</p> <p>The preferred alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Edwards, William	CBM requires a network of densely packed wells (EA forecasts 483 to 726 depending on the alternative selected). Fortification Creek is just too fragile for this density of development. (0178-2)	The Fortification Creek Planning Area has been afforded special protections through a number of management actions including the following: A phased approach to drilling which keeps 2/3 of the area free from development at any one time; Timing Limitations (TL) on when drilling can occur; Restrictions on development on steep slopes. This protects the elk herd because they generally prefer the more rugged terrain where there is more cover; Restrictions on road density and number of miles. This protects the elk herd by protecting and security habitat; Restrictions on placement of water and other facilities in crucial winter and calving areas; Restrictions on well visitation; TLs for bald eagle nests and roost sites; TLs for raptor nests; Disturbance-free buffer zones for mountain plover nests; Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.
Edwards, William	Return to the No surface occupancy protections for steep slopes, fragile watersheds, and elk habitat. These are the measures BLM originally felt were necessary to protect Fortification Creeks fragile environment for the less dense traditional development. The measures were weakened due to state-wide standardization. Standardization is not appropriate in this situation. The original protections are necessary and should be reinstated. (0178-3)	The BFO RMP states (SWAM-3) Prohibit surface disturbance or occupancy on slopes of more than 25% (see Map 12) unless the prohibition is waived by the authorized officer. The 2001 RMPA reiterated the slope restrictions: Surface occupancy and disturbance will not be allowed on slopes of 25% or more. and No surface disturbance or occupancy will be allowed in areas of severe erosion from March 1 until June 15. As they are needed, conservation practices and state of Wyoming best management practices will be applied to surface-disturbing activities. The slope restriction in Alternative I, is incorporated into the gas leases. Alternatives I and III provide for the operator's ability to develop steep slopes and highly erosive soils.
Edwards, William	BLM should determine the well, road, and infrastructure locations. BLM employs specialists in all the necessary disciplines for environmentally responsible development the CBM companies do not. Company representatives will need to be involved, but BLM is in the best position to design CBM projects while protecting Fortification Creeks fragile environment. (0178-4)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Edwards, William	I believe the best approach is a combination of alternatives II and III as follows: reclamation and elk standards (alt. III), slope and soil prohibitions (alt. II), water management and compressors located outside elk crucial ranges (alt. II), elk security habitat standards based on seasonal ranges (alt. II), no surface discharge of produced water (alt. II), and overhead power corridors with other linear disturbances (alt. III). These measures will best protect the fragility of the Fortification Creek area. (0178-5)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Edwards, William	I agree with the concept of defining achievement standards for reclamation and the elk. However, the monitoring plan is insufficient: there is no funding source identified and there is too much latitude provided in meeting the standards. They are not standards at all but merely guidelines. (0178-6)	The preferred alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance. Performance standards will be reviewed prior to each POD authorization. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to the BLM's satisfaction.
Rucki, Oscar & Camile	Fortification Creek is private hunting ground for people who live out there. If the BLM could open the area so people could get access it would be much more available to the public. (0179-1)	A land exchange or buying land from private owners is outside the scope of the RMPA/EA.
Rucki, Oscar & Camile	Alternative One is the best management plan by far. In the other alternatives, I think the elk rules overlap and create problems for companies who want to drill for Methane. (0179-2)	BLM's mandate is to manage Federal Resources for multiple use. BLM must balance conflicting rules and regulations for all resources. The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Rucki, Oscar & Camile	Don't install more rules and regulations - drilling should occur next year and companies should have flexibility to develop. (0179-3)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Rucki, Oscar & Camile	80-acre spacing is overkill - companies should be allowed to drill on ridges. This is better for the elk as it will open up the good feeding draws on the bottom lands for them. (0179-5)	<p>The 80-acre space is designated by the Wyoming Oil and Gas Conservation Commission.</p> <p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Rucki, Oscar & Camile	The Wilderness Protection Area is proper protection. More protection will force companies away. (0179-5)	No ACECs nor WHMAs were designated under the Preferred Alternative.
Stoltenberg, John & Martha	Establish an Area of Critical Environmental Concern that encompasses all of the Fortification Elk Herd's yearlong range, not just the northern two-thirds; (0180-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.
Stoltenberg, John & Martha	Open less than twenty percent of elk yearlong range to drilling at anyone time, and allow new areas to open up only after existing fields are completely returned to a natural state; (0180-2)	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III, the preferred alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected. The Fortification Elk herd is also protected by a number of management actions including:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</li> <li>2. Timing Limitations on when drilling can occur,</li> <li>3. Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</li> <li>4. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</li> </ol>
Stoltenberg, John & Martha	Require No Surface Occupancy for all mineral development and road construction in crucial elk winter range and calving areas as well as within 2 miles of sage grouse leks; (0180-3)	<p>One of the planning criteria is that the RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Performance standards are in place, with the Preferred Alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. No surface occupancy requirements within the elk crucial ranges would encumber legal access to valid leases.</p> <p>There are 26 leases at least partially within the dual crucial ranges, overlapping crucial winter range and calving areas. Eleven leases are more than 75% contained within the overlapping crucial ranges. Directional and horizontal drilling technologies that could potentially allow development of the leases from outside of the crucial ranges has not been proven feasible within the PRB. Sage-grouse restrictions are consistent with WGFD requirements: Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Stoltenberg, John & Martha	Place a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels; (0180-4)	<p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana.</p> <p>Alternative II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made. This alternative is performance based and will be closely monitored by BLM.</p>
Stoltenberg, John & Martha	Place all citizens' proposed wilderness off-limits to future oil and gas leasing; (0180-5)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing. The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>
Stoltenberg, John & Martha	Close currently developed fields within elk crucial winter range or within 2 miles of sage grouse leks to all industry-related vehicle traffic and human activity during the crucial season of wildlife use. (0180-6)	<p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. An operations and maintenance plan is a vital component in meeting the performance standards. Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, equipment needs to be inspected, etc.</p>
Stoltenberg, John & Martha	Bury all power lines (0180-8)	<p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Stoltenberg, John & Martha	inject all coal bed methane wastewater underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. (0180-8)	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging.</p>
Miller, Neil & Jennifer	The BLM Draft Plan and EA for Fortification Creek Area needs to have stronger protections for its unique prairie elk herd and fragile environment. This area is critical winter range for this isolated elk herd, and the elk should not be sacrificed for the benefit of the CBM industry. Elk may be common in other parts of Wyoming, but this herd is an isolated prairie population that therefore deserves the protection of the people through our government agency namely the BLM! (0181-1)	<p>The Fortification Elk herd is protected by a number of management actions including: A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time, Timing Limitations on when drilling can occur, Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Miller, Neil & Jennifer	<p>No more CBM wells should be allowed at this time as the wells already allowed have significantly affected this unique elk herd. As it stands, your Draft Plan is not adequate to protect this elk herd or the fragile environment that we in Wyoming hold dear. The people of Wyoming treasure this area for its breathtaking scenery, trophy wildlife, sagebrush dependent bird populations, and overall biological diversity as well as its cultural and historic sites many of which are already documented. As Wyomingites know, the fragile soil in this state is easily disturbed and hard to reclaim; and it's WORTH reclaiming! (0181-2)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Miller, Neil & Jennifer	<p>We recommend the BLM does an EIS on this subject. Perhaps then the BLM will realize the costly impacts of CBM overdevelopment. In addition further study through an EIS may reveal adequate reclamation practices as well as a slow paced manner of CBM permitting that preserves the wildlife and landscape. Strict stipulations, buying back CBM leases or letting them expire, and other creative options are available to the BLM if the BLM would stand up for sustainable development that would not jeopardize our precious Wyoming environment. (0181-3)</p>	<p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of steep slopes, fragile watersheds, and elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Dale, Daniel	Please do what you can to protect the rare plains elk herd in the Powder River Basin. As an avid hunter in Wyoming, I want to ensure future generations have the same opportunities I have had with Wyoming's fantastic wildlife. (0182-1)	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The official WGFD comments indicate that although there are weaknesses with both action alternatives that with stringent monitoring elk and other wildlife would be protected. Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <p>(1) A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time;</p> <p>(2) Timing Limitations on when drilling can occur; and</p> <p>(3) Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</p> <p>Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p>
Dale, Daniel	Please place the citizens' proposed wilderness area to be off-limits to future oil and gas leasing. (0182-2)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing. The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>
Dale, Daniel	It would help if all power lines were buried (0182-3)	<p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Dale, Daniel	all coalbed methane wastewater to be sent back underground. (0182-4)	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted a permit to discharge CBNG-produced water into FCPA drainages. The WDEQ has stated that "discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop". (WDEQ 2008).</p> <p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>
Sharp, Julie National Park Service	The National Park Service has reviewed this project, and determined that no parks will be affected; therefore, we have no comments. (0183-1)	Thank you very much.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Thomas, Jenna	I looked up the Proposed BFO RMP Amendment Fortification Creek Area Map online and I am just so disgusted by the amount of land that would be available if you move forward with either the designations for the crucial elk ranges, ACEC proposal, or the WSA. (0184-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Thomas, Jenna	Why are you doing all this for an elk herd that you, in your own EA, called insignificant to the region and the nation? If you move forward with your plan to implement 2 or 3 we are losing out on cleanburning gas our nation needs. Have you listened to the president's speeches recently? He's always talking about developing natural gas. And we will be losing out on millions of dollars in terms of revenue from severance taxes and royalty payments. This just doesn't make sense to me and I hope you'll change it. I look forward to reading the final EA that does not include the designations for the crucial elk ranges, ACEC proposal, or the WSA. (0184-2)	<p>The FONSI acknowledges public interest in maintaining a viable elk herd and identifies that the preferred alternative includes management actions to maintain the elk herd at or above the WGFD population objective.</p> <p>The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted.</p> <p>However, BLM can mitigate development, typically in the form of COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessee's rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.</p>
Rucki, Oscar	I feel the number one management plan is the best option in relation to the elk herd. (0185-1)	<p>Thank you for your comment.</p> <p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Wildeman, Smokey Johnson County Commissioner (personal comments)	The erosion I have seen will be scares on the land for years to come and it fears me that the fortification Area may look like this and do damage that can not be reclaimed. And if it can not be reclaimed Wildlife will not return. (0186-1)	<p>BLM has had requirements for development on steep slopes since the 1980s. Specifically, the BFO RMP states (SWAM-3) Prohibit surface disturbance or occupancy on slopes of more than 25% (see Map 12) unless the prohibition is waived by the authorized officer. The 2001 RMPA reiterated the slope restrictions: Surface occupancy and disturbance will not be allowed on slopes of 25% or more, and No surface disturbance or occupancy will be allowed in areas of severe erosion from March 1 until June 15. As they are needed, conservation practices and state of Wyoming best management practices will be applied to surface-disturbing activities.</p> <p>The Fortification Creek RMPA/EA reiterates these requirements and restrictions and provides additional requirements, recommendations, and monitoring to protect fragile slopes from further erosion.</p>
Wildeman, Smokey Johnson County Commissioner (personal comments)	I feel that Alternative III would serve the industry as well as the environment. By all means I am not against The Industry Desire to Drill and transport Oil and Gas I just want it to be done right. And lets make sure BLM and Industry work together to come to common ground which will be a give and take from each. (0186-2)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wildeman, Smokey Johnson County Commissioner (personal comments)	Through the Fortification Creek Resource Management Plan Amendment process and the public meetings attended by the Johnson County Commissioners it was evident that the private property owners within the Fortification Creek Planning Area (FCPA) were not given a seat at the table as cooperators in the development of the Fortification Creek Plan. These landowners have not been given the opportunity to voice their views as to how they feel the CBNG development should be responsibly conducted within the FCPA. (0186-3)	BLM met with landowners on December 1, 2010 specifically to give landowners the opportunity to voice their views on CBNG development within the FCPA.
Wildeman, Smokey Johnson County Commissioner (personal comments)	Transportation planning is not addressed adequately in the Fortification Creek Planning document. A major expense to the county is maintenance of county roads. the plan fails to identify the main access roads of the anticipated average daily resulting from the phased development. High traffic and all weather use leads to road damage, hazardous roads and high road maintenance costs. This is exacerbated by inappropriately sited approaches to the (0186-4)	BLM estimated that vehicle trips would increase by approximately 275% as a result of Alternative III, the Preferred Alternative. This is less than the Alternative I, the No Action Alternative.  BLM acknowledges in the RMPA/EA that CBNG development has already impacted county roads. Maycock, Fortification, Lower Powder River, and Etcheta Road are the main county roads surrounding the FCPA.
Wildeman, Smokey Johnson County Commissioner (personal comments)	county roads typical of CBNG development. Centrally locating large facilities such as water treatment facilities and compressors stations adjacent to county roads decreases the number of new approaches and reduces degradation of the travel way. (0186-4 cont'd)	
Wildeman, Smokey Johnson County Commissioner (personal comments)	The county strongly discourages any alternative that allows surface disturbing activities over steep slopes (greater than 25% slopes), fragile water sheds or areas susceptible to severe erosion. Placing access roads, well locations or facilities over unstable slopes should be avoided. BLM should map the FCPA for slope stability so that plans of development can be developed avoiding slope failure. (0186-5)	As stated in the RMPA/EA, under Alternative III development would be allowed on steep slopes and soils with severe erosion hazards if operators can propose acceptable disturbance and reclamation plans. Operators should be able to prepare acceptable reclamation plans based upon their previous successful experiences.  Slopes greater than 25% in the FCPA are shown on Figure 3-2 in the RMPA/EA. During the security habitat modeling, BLM took into account the location of steep slopes and did not put theoretical roads on any steep slopes.
Wildeman, Smokey Johnson County Commissioner (personal comments)	BLM needs to define Low Reclamation Suitability (LRS) and No Reclamation Suitability (NRS) sites and then map the areas within the FCPA so CBNG industry can design reclamation plans to address the LRS sites and avoid the NRS sites. (0186-6)	Under Alternative III, the Preferred Alternative, development would be allowed on steep slopes and soils with severe erosion hazards if operators can propose acceptable disturbance and reclamation plans. Operators should be able to prepare acceptable reclamation plans based upon their previous successful experiences.
Wildeman, Smokey Johnson County Commissioner (personal comments)	The Fortification Creek Plan Amendment fails to recognize current lease stipulation. BLM seems to have disregarded its own stipulations without adequate mitigation for wildlife or the landscape. Some of these lease stipulations call for no Surface Occupancy (NOS) over the lease hold yet BLM fails to incorporate this into the document. (0186-7)	BLM has highlighted the lease stipulations in a number of ways. The RMPA includes a table (Table 4-34) and figure (Figure 4-7) that show what slope and elk stipulations are present in each lease. Additionally, BLM has added an appendix that further describes the lease stipulations.  BLM has committed to analyzing current lease stipulations during the site-specific NEPA analysis required for each POD.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wildeman, Smokey Johnson County Commissioner (personal comments)	Neither the wildlife or reclamation monitoring plans included in the Fortification Creek Amendment clearly indicates what the ramifications are in the event that the CBNG operators fall short of success. BLM needs to clearly illustrate in the monitoring plans what the course of action is if the elk numbers fall below objective or reclamation goals are not met by industry. (0186-8)	<p>Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p> <p>Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.</p>
Beach, Charleen	I know that citizen groups have proposed almost 30,000 acres in the Fortification Creek Wilderness Study Area that need to be protected for the plains elk herd and the sage grouse. And you know that when we set aside land for those two species we protect hundreds of other plants and animals that are just as important. You must establish an Area of Critical Environmental Concern that encompasses all of the Fortification Elk Herd's yearlong range, not just the northern two thirds. and place all citizens' proposed wilderness off-limits to future oil and gas leasing. (0187-1)	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p> <p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (pgs. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. There are no lands within the citizen's wilderness proposal that are outside the WSA that contain wilderness qualities.</p>
Beach, Charleen	The procedures you have used in other areas of Wyoming, such as quarter-mile 'No Surface Occupancy' buffers do not protect the grouse. And you need to require No Surface Occupancy for all mineral development and road construction in crucial elk winter range and calving areas. (0187-2)	<p>Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.</p> <p>Surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>
Beach, Charleen	BLM needs to open less than twenty percent of elk yearlong range to drilling at any one time, and open new areas only after existing fields are completely returned to a natural state. You need to close currently developed fields within elk crucial winter range or within 2 miles of sage grouse leks to human activity during the crucial season of wildlife use. (0187-3)	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA.</p> <p>The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III, the preferred alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected. The Fortification Elk herd is also protected by a number of management actions including: A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time, Timing Limitations on when drilling can occur, Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p>
Beach, Charleen	You also need to bury all power lines (0187-5)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Beach, Charleen	inject all coalbed methane wastewater underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. (0187-5)	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted a permit to discharge CBNG-produced water into FCPA drainages. The WDEQ has stated that "discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop". (WDEQ 2008).</p> <p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>
La Point, Peggy B. 1900 Highland Park Circle	The Fortification Creek Wilderness Study Area, occupies the northern quarter of the planning area, but an additional 28,000 acres that possess wilderness characteristics has been identified by conservation groups. You must establish an Area of Critical Environmental concern that encompasses all of the Fortification Elk Herd's yearlong range, not just the northern two-thirds, and place all citizens' proposed wilderness off-limits to future oil and gas leasing. (0188-1)	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.</p> <p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (pgs. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing. The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. There are no lands within the citizen's wilderness proposal that are outside the WSA that contain wilderness qualities.</p>
La Point, Peggy B. 1900 Highland Park Circle	BLM needs to open less than twenty % of elk yearlong range to drilling at anyone time, and open new areas only after existing fields are completely returned to a natural state. You need to require No Surface Occupancy for all mineral development and road construction in crucial elk winter range and calving areas and put a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels. (0188-2)	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA.</p> <p>The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III, the preferred alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</li> <li>2. Timing Limitations on when drilling can occur,</li> <li>3. Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</li> <li>4. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</li> </ol>
La Point, Peggy B. 1900 Highland Park Circle	You need to close currently developed fields within elk crucial winter range or within 2 miles of sage grouse leks to all industry-related vehicle traffic and human activity during the crucial season of wildlife use. (0188-3)	<p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. An operations and maintenance plan is a vital component in meeting the performance standards.</p> <p>Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, equipment needs to be inspected, etc.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
La Point, Peggy B. 1900 Highland Park Circle	Your plan to apply the same ineffective quarter-mile 'No Surface Occupancy' buffers paired with two-mile restrictions on the timing of drilling and construction for sage grouse leks will have the same results it has had elsewhere in the state: the disappearance of the grouse. (0188-4)	Surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.
La Point, Peggy B. 1900 Highland Park Circle	You also need to add provisions to bury all power lines (0188-6)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.
La Point, Peggy B. 1900 Highland Park Circle	inject all coalbed methane wastewater underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. (0188-6)	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted a permit to discharge CBNG-produced water into FCPA drainages. The WDEQ has stated that "discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop". (WDEQ 2008).</p> <p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>
Stone, Bill	I believe the regulations that are currently in place are sufficient. I am opposed to any increased regulations or rules. Therefore I believe that alternative I would be the best course. (0195-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Palma, Jack D. Williams Production Company	Alternatives II and III are both overly prescriptive. Williams is concerned that the well count and density allowed in Alternative III is insufficient to develop an economically viable CBNG project and as a result, a substantial quantity of gas will remain in the ground. Several modifications should be made to Alternative III in order for this alternative to actually be the flexible and performance based alternative it purports to be and to allow for the efficient recovery of the leased CBNG resource. (0189-2)	<p>None of the alternatives regulate well numbers, but instead manage sensitive resources identified in the lease stipulations (steep slopes, fragile watersheds, and crucial elk habitat).</p> <p>The Preferred Alternative uses performance standards, to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. These are the resources covered by the lease stipulations.</p> <p>The performance based standards of Alternative III allow for flexibility and adaptation. If the monitoring results indicate the elk are acclimating to CBNG activity then the security habitat standard may be adjusted allowing for additional CBNG.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Palma, Jack D. Williams Production Company	While BLM has authority to impose reasonable mitigation measures, that authority can be exercised only "[t]o the extent consistent with lease rights granted." Id. Thus, if a measure imposed by BLM prevents the recovery of "all the oil and gas," as is the lessee's right under its leases and the regulations, the measure is unreasonable and beyond the scope of BLM's authority. (0189-3)	The RMPA/EA is consistent with valid existing lease rights. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted. However, BLM can mitigate development, typically in the form of COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessee's rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.
Palma, Jack D. Williams Production Company	<p>In addition to honoring existing lease rights, BLM is charged under the Federal Land Policy and Management Act ("FLPMA") with promoting multiple uses and sustained yield of the public lands. Theodore Roosevelt Conservation Partnership v. Bureau of Land Mgmt., -- F. Supp. 2d --, 2010 WL3833735, *4 (D.D.C. Sept. 29, 2010) (citing 43 U.S.C. 1732(a)).</p> <p>As the U.S. District Court in D.C. recently held, BLM's multiple use mandate does not require the agency "to adopt the practices best suited to protecting wildlife, but instead to balance the protection of wildlife with the nation's immediate and long-term need for energy resources and the lessees' right to extract natural gas." (0189-4)</p>	<p>The BLM Mission statement is as follows "The Bureau of Land Management is responsible for stewardship of our public lands. The BLM is committed to manage, protect and improve these lands in a manner to serve the needs of the American people. Management is based on the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wildlife habitat, wilderness, air and scenic quality, as well as scientific and cultural values."</p> <p>The Draft RMPA/EA is consistent with the letter and spirit of the BLM's mission statement. The plan represents an appropriate balance between environmental protection and CBNG recovery. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.</p>
Palma, Jack D. Williams Production Company	Williams' concern lies not in anyone individual proposed mitigation measure or restriction on development, but in the aggregate of those restrictions, which, through "death by a thousand cuts," have the potential to lead to eliminating the lessees' ability to develop existing leases in some areas. Williams urges BLM to reconsider these restrictions in light of its obligation to honor existing leases and ensure that lessees have the opportunity to develop "all" of the leased minerals subject to lease terms and reasonable mitigation measures. (0189-5)	The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted. However, BLM can mitigate development, typically in the form of COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessee's rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would be exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.

## Fortification Creek Planning Area: Comments and Responses

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Palma, Jack D. Williams Production Company	BLM relies on five potential components of an acceptable disturbance and reclamation plan in its analysis of Alternative III. Id. at 4-23. Yet applying those assumptions, the EA concludes that there would be fewer impacts to the surface associated with Alternative III than Alternative II under which no surface disturbance is allowed on steep slopes or soils with severe erosion hazards. Under Alternative III, the EA suggests there would be fewer well pads, 3 fewer acres of localized initial soil impacts, and 1 less acre of long-term soil impacts than those surface disturbances allowed under Alternative II. Compare id. at 4-24 (Alternative III) with id. at 4-21 (Alternative II). This suggests few, if any exceptions are actually available to steep slope and soils restrictions in Alternative III. This troubling suggestion is consistent with a later statement in the Draft EA discussing wildlife management that "very few exceptions would be allowed to the restriction of activities on slopes of 25 percent or greater." Id. at 4-70. (0189-6)	BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding. Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.
Palma, Jack D. Williams Production Company	Given that fewer wells and surface disturbance are assumed under Alternative III, which allows for exceptions to prescriptions on developing on steep slopes, than Alternative II, it is unclear whether BLM intends to grant exceptions, and under what conditions, to steep slope restrictions. The fact that more surface disturbance is assumed under Alternative II, which does not provide for exception, is inconsistent. Williams strongly suggests this inconsistency be resolved by specifically stating that exceptions to steep slope and soils restrictions in Alternative III will be freely granted where the operators can produce suitable reclamation plans. CBNG operators have demonstrated success at reclaiming soils on slopes greater than 25 percent in the PRB. Highly erosive soils can be reclaimed as well. (0189-7)	The RMPA/EA uses a modeling approach to determine the number and location of wells for the analysis. The location of roads in the model avoided slopes greater than 25% to provide a consistent basis for comparison. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. As stated in the RMPA/EA, under Alternative III development may be allowed on steep slopes and soils with severe erosion hazards if operators can propose acceptable disturbance and reclamation plans. Operators should be able to prepare acceptable reclamation plans based upon their previous "successful" experiences.

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<p>Palma, Jack D. Williams Production Company</p>	<p>The clarification of the scope of soils restrictions and the realistic viability of possible exceptions is essential in light of the large proportion of sensitive soils in the FCPA. As noted in the Draft EA, the FCPA is characterized by slopes greater than 25 percent and soils that are otherwise subject to severe erosion hazards. E.g., Draft EA, at 1-1, 3-6. As a practical matter, the environmental analysis associated with APDs is concurrent with PODs. Those PODs, including related infrastructure, are designed and engineered in relation to the maximum but efficient recovery of the leased mineral resources, as required by BLM regulations. See 43 C.F.R. 3162.1, 3162.7-1. If PODs are developed under the presumption that some exceptions to the slopes and soil restrictions are possible, but the associated APDs are denied because the slope and soils restrictions are narrower than suggested by the Draft EA, then the administrative resources of the agency and operators are unnecessarily burdened by subsequent appeals and project alterations. Furthermore, partial approval of wells in a POD results in a less efficient development of the mineral resource. Keeping the slope and soils restrictions vague at the EA level does little to help BLM reach its dual goals of both facilitating the extraction of CBNG and minimizing effects to the landscape. E.g., Draft EA, at 4-44. (0189-8)</p>	<p>BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding. Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of alternative III can accommodate technological advancements.</p>

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<p>Palma, Jack D. Williams Production Company</p>	<p>BLM's Gold Book specifically permits construction of wells sites on steep slopes. BLM, Surface Operating Standards and Guidelines for Oil and Gas Development: The Gold Book (Gold Book) at 15 (4th ed. 2007). While operators should take into account steep slopes and erosion, they must also consider the geologic target, spacing rules, and technical feasibility. It is possible that well sites must be located on steep slopes and areas with severe erosion potential to access the CBNG. Alternative well sites may not be able to access CBNG through directional drilling because, as the BLM expressly recognizes in the Draft EA, directional drilling "has not been proven in the PRB coal beds because it is difficult to maintain well bore integrity in the soft coals." Draft EA, at 2-7. While well sites on steep slopes and with severe erosion potential can cost more to construct and maintain, the GoldBook expressly allows for development on steep slopes with proper mitigation. Gold Book, at 15. Furthermore, lease stipulations frequently provide for development on slopes greater than 25 percent so long as "an acceptable plan for mitigation of anticipated impacts" is developed. BLM Lease Notice No.1. Williams recommends BLM specifically state in the final EA that exceptions to steep slope and soils restrictions referred to in Alternative III will be freely granted where the operators can produce suitable reclamation plans. This is necessary to maintain consistency with BLM's Gold Book and applicable lease stipulations, and to ensure that Alternative III is the flexible, performance based alternative BLM alleges it to be. (0189-9)</p>	<p>The RMPA/EA uses a modeling approach to determine the number and location of wells for the analysis. The location of roads in the model avoided slopes greater than 25% to provide a consistent basis for comparison. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. As stated in the RMPA/EA, under Alternative III development may be allowed on steep slopes and soils with severe erosion hazards if operators can propose acceptable disturbance and reclamation plans. Operators should be able to prepare acceptable reclamation plans based upon their previous "successful" experiences.</p>
<p>Palma, Jack D. Williams Production Company</p>	<p>Williams also recommends that BLM clarify whether the assumptions applied to the impact analysis for Alternative III will be incorporated as restrictions on development in the final management decision. For example, the impact analysis assumes that only linear features (roads, pipelines, electric lines) would be considered on slopes greater than 25 percent. Draft EA, at 4- 23. It is unclear whether this assumption is also a requirement. It is essential that gas operators know whether other, non-linear features may be considered on steep slopes under appropriate reclamation plans as the gas operators develop PODs and submit APDs. If only linear features are allowed on steep slopes, then the Draft EA is more restrictive than BLM's Gold Book. (0189-10)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

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Palma, Jack D. Williams Production Company	explained above, BLM's Gold Book allows for well sites, not just linear features, on steep slopes in conjunction with appropriate mitigation. Gold Book, at 15. If the five assumptions used in the Draft EA for impact analysis will also be applied as restrictions on development, this should be expressly stated. But any assumptions and restrictions need to be consistent with, and no more restrictive than, the reclamation requirements and considerations set forth in BLM's Gold Book. (0189-10 cont'd)	BLM can impose more restrictive site-specific requirements than those set forth in the Gold Book.
Palma, Jack D. Williams Production Company	The possibility that grazing deferment will be required during the reclamation period appears to be a novel mitigation measure. The Powder River Basin Oil and Gas Final Environmental Impact Statement ("PRB FEIS") and its associated Record of Decision ("PRB ROD") do not refer to grazing deferment. Instead, the Mitigation Measures and Reporting Plan imposed by the PRB FEIS seeks to "[a]ssure that non-oil-and-gas related BLM decisions (such as grazing, recreation, etc.) regarding, are coordinated with oil and gas-related development." PRB FEIS, at D-2. While the mitigation measures in the FEIS include fencing in some instances, it is important that BLM articulate why grazing deferment is necessary as a new requirement in the EA. Williams is not necessarily opposed to grazing deferment as an alternative to fencing, but the parameters of that deferment need to be articulated in the Draft EA. (0189-1)	Grazing deferment is not a requirement but a suggestion that may assist with reclamation success. CBNG development reduces forage availability. Reclamation activities then provide young succulent vegetation preferred by livestock. If livestock management is not considered in reclamation planning then reclamation efforts may be unsuccessful and the performance standards not realized.
Palma, Jack D. Williams Production Company	Grazing deferment creates potential conflicts between users-grazing operators would be negatively impacted by CBNG development if grazing is deferred. The Draft EA does not discuss how the economic impact on the grazing operator could be dealt with. If there is a potential that the CBNG operators would be burdened with the economic impact of any grazing deferment (such as by compensating the grazing operator for lost forage), then this possibility should be addressed in the Draft EA. Williams recommends that BLM clarify the allocation, if any, of financial burdens if grazing deferment is required. (0189-11)	Grazing deferment is not a requirement but a suggestion that may assist with reclamation success. CBNG development reduces forage availability. Reclamation activities then provide young succulent vegetation preferred by livestock. If livestock management is not considered in reclamation planning then reclamation efforts may be unsuccessful and the performance standards not realized. The CBNG operator is responsible for meeting the performance standard, methodology is left to their discretion. BLM would not be a party to any agreements made with private surface owners.

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<p>Palma, Jack D. Williams Production Company</p>	<p>Appendix A of the Draft EA also indicates fencing of well pads and other surface disturbance could be required "[i]f necessary" to promote reclamation Draft EA, Appx. A, at 1. The PRB ROD similarly refers to the use of temporary fencing on "problematic sites" and suggests erosive soils could be considered a problematic site. PRB ROD, at A-32. The quantity of steep slopes and erosive soils in the FCP A and the high cost of fencing makes this potential fencing requirement a major component of "death by a thousand cuts." The Draft EA indicates that resting grazing allotments for two or more seasons is an acceptable alternative to fencing. Draft EA, Appx. A, at 1. Williams recommends this alternative to fencing remain in Appendix A, but reiterates that BLM should clarify whether CBNG operators would be burdened with deferment payments to ranchers. In either case, the costs of fencing or deferring grazing may become onerous and impracticable. (0189-12)</p>	<p>If livestock management is not considered in reclamation planning then reclamation efforts may be unsuccessful and the performance standards not realized. The CBNG operator is responsible for meeting the performance standard, methodology is left to their discretion.</p> <p>Any fencing would need to conform to BLM standards and be wildlife friendly.</p> <p>Problematic sites are typically those with steep slopes, and because most livestock avoids steep slopes, this may not be an issue.</p>
<p>Palma, Jack D. Williams Production Company</p>	<p>The Draft EA's references to the potential for livestock grazing deferment during one year interim reclamation periods need to be clarified. The BLM's discussion of Alternative III with respect to Soil Resources indicates that grazing "could be" deferred. Draft EA at 4-24. But in its discussion of Fish and Wildlife Resources, Alternative III provides that livestock management would be a component of the alternative but "no grazing deferment would be required." Id. at 4-67. It is unclear whether grazing deferment would be required or not. Williams suggests this contradiction be clarified in Alternative III. (0189-13)</p>	<p>As the Draft RMPA/EA states, grazing could be deferred but no grazing deferment would be required. If livestock management is not considered in reclamation planning then reclamation efforts may be unsuccessful and the performance standards not realized. The CBNG operator is responsible for meeting the performance standard, methodology is left to their discretion.</p>
<p>Palma, Jack D. Williams Production Company</p>	<p>The Draft EA does not indicate how grazing deferments would be imposed and when in the development process. Williams recommends that the point at which a deferment would be imposed be defined. One area in need of clarification is whether the decision for defered grazing is made when the CBNG operator submits its APD or when the grazing operator seeks its annual permit. Both the grazing lessees and CBNG operators need to know the potential risks and costs for their respective operations when developing annual grazing plans and submitting APDs. (0189-14)</p>	<p>Grazing deferment is not a requirement but a suggestion that may assist with reclamation success. CBNG development reduces forage availability. Reclamation activities then provide young succulent vegetation preferred by livestock. If livestock management is not considered in reclamation planning then reclamation efforts may be unsuccessful and the performance standards not realized. The CBNG operator is responsible for meeting the performance standard, methodology is left to their discretion. BLM recommends that operators consider livestock management while preparing the Master Surface Use Plan for their individual PODs and discuss livestock management with surface owners when working out surface use agreements. BLM would not be a party to any agreements made with private surface owners.</p>

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Palma, Jack D. Williams Production Company	Finally, it is not clear how one year of deferred grazing aligns with the two year period necessary for revegetation. The analysis of Vegetation Resources suggests that revegetation may take approximately two years to reestablish vegetation cover but decades to reestablish to predisturbance conditions. Id. at 4-46. The possibility that two years may be required for revegetation is inconsistent with the one-year grazing deferral. Williams recommends this inconsistency be explained and clarified. (0189-15)	Two years of livestock rest following disturbance is a common recommendation, and a component of many management plans, to provide for vegetation reestablishment. Deferment decreases the impact to livestock producers by allowing grazing following the grazing season; however, deferment may impede vegetation and reclamation recovery. Alternative III uses a performance based approach. The CBNG operator is responsible for meeting the performance standard, methodology is left to their discretion.
Palma, Jack D. Williams Production Company	Appendix A of the Draft EA states that private surface owner rights will be respected when considering revegetation, and landowners should be consulted for specific seed mixes, but the Draft EA goes on to state that the standards for successful reclamation prescribed by the Draft EA must also be met. Draft EA, Appx. A, at 5. It is unclear how the private surface owner's rights can be consistently respected in the face of the reclamation standards. The Draft EA's reclamation standards recommend seed mixes based on ecological sites. Draft EA, Appx. A, at 7, 18-28. However, private landowners could request a seed mix that does not align with the previous ecological site for that parcel of private surface. Williams suggests the level of discretion to private landowner rights with respect to seed mixes be clarified. (0189-16)	As the Draft RMPA/EA and Appendix A state the landowner should be consulted for specific seed mixes. Goals, objectives, and indicators such as restoring desirable vegetative cover are considered reclamation standards. As stated in Appendix A The standards for successful reclamation set forth in this document for soil stability and ground cover must be met.
Palma, Jack D. Williams Production Company	Appendix B of the Draft: EA recommends operators work together to consolidate and minimize infrastructure in order to minimize impacts on elk security habitat and effective habitat. Draft EA, Appx. B, at 2. While Williams applauds the goal of cooperation between operators and agreements for joint use of infrastructure, joint use of infrastructure must be voluntary and cannot be mandated by BLM. (0189-17)	As stated in Appendix B of the Draft RMPA/EA, BLM recommends operators work together.
Palma, Jack D. Williams Production Company	Appendix B goes on to recommend visitation be limited to no more than once a week and preferably even less. Id. Williams is very concerned that limits on site visitation during POD operations could (1) prevent operators from meeting statutory and regulatory obligations to act as prudent operators and (2) pose safety, environmental, and operational risks that may expose lessees to liability. Finally, there is no provision for emergency situations or the circumstances under which CBNG lessees would be entitled to an exception. BLM should expressly state that the site visit limitation in Appendix B is a recommendation only and not a limitation. (0189-18)	The action alternatives seek to manage, but not eliminate, well visitation. The operations plan required in Alternatives II and III is a method to manage, but not eliminate, human visitation during the production phase. BLM acknowledges well visitation is necessary to address safety, performance, and regulatory concerns. The operations plan provides a means for meeting these concerns while reducing disruptive activities. Provisions for emergency situations should also be included within the operations plan.

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Palma, Jack D. Williams Production Company	From an operational and safety standpoint, the ability to perform daily site visits is critical to identifying needed repairs, making plans for addressing any problems, and then performing any required repairs or maintenance. Indeed, BLM regulations place an affirmative duty on lessees to prevent waste and assure proper measurement, disposition, and protection of production. 43 C.F.R. 3162.7. Lessees cannot meet these regulatory obligations if they are not permitted to ensure the proper working order of well-metering and other equipment. For example, BLM requires quarterly well meter calibration. Onshore Oil and Gas Order No.5, m.C.17 (Mar. 27, 1989). Calibration takes approximately two hours per well, which over an entire POD, adds up to a significant number of site visits. Meter calibration is just one of a variety of on-site activities required to maintain the POD in good working order and meet regulatory requirements. (0189-19)	The action alternatives seek to manage, but not eliminate, well visitation. Operators have already taken some measures to reduce human visitation such as metering wells with radiotelemetry. Remote metering technologies do not eliminate the need for human visitation, some level of human activity is still required because the remote-systems need to be checked, well adjustments need to be made, and equipment needs to be inspected to prevent releases. The operations plan required in Alternatives II and III is another method to manage, but not eliminate, human visitation during the production phase including during timing limitations.
Palma, Jack D. Williams Production Company	In addition to proper measurement and protection of production obligations, lessees are required to comply with applicable laws (including environmental laws), lease terms, Onshore Oil and Gas Orders, Notices to Lessees, and other BLM orders and instructions. Id. 3162.5. Without regular site visits, lessees cannot fulfill their responsibility to ensure that operations do not violate environmental laws. Only by site visits will lessees be able to ensure that its equipment is in working order and no leaks or other problems have developed on the POD. Further, if lessees identify a problem, it is not likely that the necessary repair can be accomplished during the same visit. (0189-20)	The action alternatives seek to manage, but not eliminate, well visitation. Operators have already taken some measures to reduce human visitation such as metering wells with radiotelemetry. Remote metering technologies do not eliminate the need for human visitation, some level of human activity is still required because the remote-systems need to be checked, well adjustments need to be made, and equipment needs to be inspected to prevent releases. The operations plan required in Alternatives II and III is another method to manage, but not eliminate, human visitation during the production phase including during timing limitations.
Palma, Jack D. Williams Production Company	Appendices A and B rely heavily on Ecological Site Descriptions ("ESD") to prescribe seed mixtures, reclamation revegetation standards, and monitoring requirements. Draft EA, Appx. A, at 3-8, Appx. B., at 7-8. Williams is concerned that the ESDs specific to the PRB have yet to be developed: "The Buffalo Field Office ... intends to initiate a rigorous, statistically sound, ecological site description sampling program to develop appropriate percentages for Fortification Creek and the Powder River Basin." Draft EA, Appx. B., at 7. The lack of specific standards for revegetation in the PRB creates substantial uncertainty for lessees when developing PODs and plans of reclamation. Williams strongly recommends BLM adopt the ESDs already used in southeastern Montana, which has similar ecological characteristics, in order to provide regulatory certainty. (0189-21)	The Ecological Site Map and seed mixes for the FCPA are in Appendix A. There is no lack of specific reclamation standards. The reclamation standards are in Appendix A.

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<p>Palma, Jack D. Williams Production Company</p>	<p>Appendix A requires one monitoring location in each ESD in a disturbance, such as a well pad. There are as many as 8 ESDs in the area. Draft EA, Appx. A, at Attachment 5. Appendix A also requires monitoring sites every .25 mile of a linear disturbance, or at every change of ESD, whichever comes first. Draft EA, Appx. A, at 10. Again, in light of the potential number of ESDs in the area, the monitoring requirements imposed in the Draft EA could exceed operators' reasonable expectations. The reasoning for the extensive, onerous monitoring requirements is unclear. The analysis in the Draft EA refers to the use of ESDs only once, in the baseline information. Draft EA, at 3-19. Beyond that, ESDs are only referred to by reference through the reclamation standards set forth in the Appendices. E.g., Draft EA, at 4-23. Williams suggests BLM analyze and articulate why the well-by-well monitoring and monitoring at .25 mile increments on linear features are appropriate measures, as opposed to monitoring on a larger scale which would be a less onerous burden for operators and be more cost-effective. (0189-21 cont'd)</p>	<p>The BLM Interdisciplinary Team reviewed reclamation plans from other field offices and worked with the State Office reclamation specialist and the NRCS in preparing the Fortification Creek reclamation guide. The guide was reviewed by several independent reclamation specialists representing the UWYO, conservation districts, private consultants, and CBNG operators. BLM has determined that the proposed reclamation guide contains an appropriate level of monitoring requirements. Governor Freudenthals comments illustrate the importance of a strong reclamation program which includes monitoring: I remain concerned about the ability to reclaim disturbance on the steep slopes and highly erosive soils within the FCPA, but believe that with proper oversight and monitoring, we can track reclamation success or lack there of and adapt accordingly. There are 8 ESDs in the FCPA it is unlikely that all 8 would be present on each lease.</p>
<p>Palma, Jack D. Williams Production Company</p>	<p>Williams finds the current Purpose and Need Statement of the Draft EA insufficient to support the necessity of an RMP Amendment. The Federal Lands Policy and Management Act ("FLPMA") does not impose an affirmative duty on the BLM to amend Resource Management Plans CRMP"). ONRC v. ELM, 150 F.3d 1132, 1139 (9th Cir. 1998). Instead, FLMPA directs the Secretary of the Interior to "develop, maintain, and, when appropriate, revise public land use plans." 43 USC 1712(a) (emphasis added). BLM regulations outline when amendment to an RMP is appropriate: An amendment shall be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan. 43 C.F.R. 1610.5-5 (2009). The purpose and need statement of the Draft EA cites a need to consider new elk monitoring and evaluation findings and the recent completion of an inventory of paleontological resources. Draft EA, at 1-2 to 1-3. BLM regulations expressly discuss the acquisition of new data, or monitoring and evaluation findings as a reason to amend an RMP. 43 C.F.R. 1610.5-5. (0189-22)</p>	<p>A plan amendment is required for several reasons: (1) the original Buffalo Resource Area (BRA) Resource Management Plan (RMP) Record of Decision (ROD) did not consider the level of CBNG development that is currently anticipated; and (2) BLM prohibited overhead power lines on Federal surface land within the FCPA in the BRA RMP; (3). BLM and the WGFD have gathered additional information regarding the isolated elk herd within the FCPA; (4) an ACEC for the FCPA was proposed by citizen groups.</p> <p>Additionally, BLM Handbook 1601-1 states that new decisions are required if VI. A. 2. there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts VI.B.2. Changes in intensity of use or impact levels for a particular resource 4. public comment or staff assessment indicating that new information or changed circumstances warrant a reconsideration of the appropriate uses on particular tracts of public lands.</p>

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Palma, Jack D. Williams Production Company	However, the elk data is comprised of WGFD estimates of herd sizes and the development of WGFD herd objectives from 2007 to 2009. It is unclear how the new elk data, which is collected annually by the WGFD, triggered a need for an RMP Amendment since the PRB FEIS discussed the effect of CBNG on elk habitat. See PRE FEIS, at 3-115 (discussing the impact of roads within 112 mile of elk habitat), 3-132 (relying on seasonal elk data for four herd units, including the Fortification Creek herd), 4-201 to 4-210 (discussing the effects on elk inside and outside the FCPA under each alternative). With respect to elk, Williams suggests the new data as discussed in the purpose and need statement does not rise to the level of requiring an RMP Amendment and suggests the BLM clarify why the new elk data, which will be new every year, is sufficient to trigger this amendment. (0189-23)	A plan amendment is required for several reasons: (1) the original Buffalo Resource Area (BRA) Resource Management Plan (RMP) Record of Decision (ROD) did not consider the level of CBNG development that is currently anticipated; and (2) BLM prohibited overhead power lines on Federal surface land within the FCPA in the BRA RMP; (3) BLM and the WGFD have gathered additional information regarding the population levels and crucial winter and parturition (calving) ranges of an isolated elk herd within the FCPA; (4) an ACEC for the FCPA was proposed by citizen groups. Additionally, BLM Handbook 1601-1 states that new decisions are required if (VI. A. 2.) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (VI.B.2.) Changes in intensity of use or impact levels for a particular resource (4.) public comment or staff assessment indicating that new information or changed circumstances warrant a reconsideration of the appropriate mix of uses on particular tracts of public lands.
Palma, Jack D. Williams Production Company	Similarly, the reference to a paleontological inventory in the FCPA is also unclear. Draft EA, at 1-2. The paleontological study of the FCPA conducted by R.J. Moses concluded there is a small likelihood of fossil discovery in the FCPA. Id., at 3-42. It is unclear what this study adds to the baseline data provided in the PRB FEIS and its evaluation of the impacts on those resources. PRB FEIS, at 3-56 to 3-57 (baseline paleontological resources), 4-125 to 4-126 (evaluating the impacts to paleontological resources under each alternative). Williams suggests the paleontological survey is insufficient to trigger the need for an RMP Amendment and recommends that if the study does rise to that level, that BLM clarify how this new data is sufficient to trigger the need for this amendment. (0189-24)	The paleontological inventory was conducted as part of baseline studies to determine the presence of fossils in the Fortification Creek area because significant fossils exist in other parts of the Powder River Basin. The paleontological inventory did not trigger a new RMPA. Please see response above.
Palma, Jack D. Williams Production Company	Furthermore, NEPA's implementing regulations provide that a purpose and need statement "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. 1502.13. BLM's purpose and need in the Draft EA focuses more on the purpose of preparing a NEPA document, without sufficiently acknowledging the underlying need under FLPMA, the Mineral Leasing Act, and BLM regulations to balance the CBNG leasing interests in the FCPA against protection of resource values. (0189-25)	As stated in the Purpose and Need section "The purpose of this Resource Management Plan Amendment (RMPA)/Environmental Assessment (EA) is to provide the necessary level of analysis upon which to base a decision on future CBNG development within the FCPA." and "An RMPA, and an EA prepared under NEPA, are needed to consider the proposed ACEC designation and to consider possible new or changed management actions or other protective measures that are not currently authorized in the existing land use plan."

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Name/Organization	Comment	Response
Palma, Jack D. Williams Production Company	The energy policy embodied in the Energy Policy Act was "necessary to ensure the country's continued growth and prosperity and to protect our national security." Id. Williams recommends that BLM incorporate into the purpose and need statement some discussion of the nation's "immediate and long-term need for energy resources," as well as the need to facilitate development of existing oil and gas leases in the area. See TRCP v. BLM, 2010 WL 3833735, at *4-*5. (0189-26)	The purpose and need for the RMPA/EA is correctly stated.
Palma, Jack D. Williams Production Company	NEPA regulations require that BLM "briefly explain" why alternatives not considered in detail were eliminated. 40 C.F.R. 1502.14. In Section 2.3, BLM provides a brief discussion of the reasons why a number of proposed alternatives were not considered in detail, including a citizen proposal to expand the planning area to encompass the entire elk yearlong range. While this discussion is sufficient for NEPA purposes, Williams recommends that BLM further explain the myriad reasons for limiting the RMPA to the northern range. (0189-27)	As you just stated, the explanations for why alternatives were not considered in detail are adequate.
Palma, Jack D. Williams Production Company	Section 4.6 of the Draft EA addresses the socioeconomic impacts of continued management under the No Action Alternative and implementing the proposed restrictions on development in Alternatives II and III. The analysis, however, is incomplete in that it does not address the loss in royalty income and ad valorem and property taxes to the state and counties of decreased development permitted under Alternatives II and III in comparison to the No Action Alternative. Rather, the analysis focuses on the positive income stream associated with development and ignores the fact (except as summarized in Table 4-41) that under BLM's proposed alternatives, the state and counties will receive much less income through royalties and taxes than under the No Action Alternative given that fewer wells will be permitted in the FCPA. See Draft EA, at 4-153 to 4-154. (0189-28)	Table 4-41 provides appropriate and adequate information for the reader to easily see the differences between alternatives. The table displays the differences in potential revenue between the alternatives.  State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLMs has found an appropriate balance between environmental resource protection and potential revenues.

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Name/Organization	Comment	Response
Palma, Jack D. Williams Production Company	Williams recommends that BLM specifically discuss the negative impact to state and county revenues of restricting development in the FCPA. Particularly, under Alternatives II and III, the state and counties will realize a decrease in tax revenues. Also, under Alternatives II and III, fewer jobs will be created, which changes the social impacts discussed in Section 4.6.2. Williams also recommends that BLM address the economic impact of restricted development on the companies owning leases in the FCPA. None of the alternatives discuss the economic impact on lessees. The No Action Alternative provides for more well sites and complete realization of "all" of the CBNG resources. Alternatives II and III provide for fewer wells, which decreases the lessees' costs of development but risks foreclosing the ability to fully develop "all" the CBNG resource as permitted under the lease terms. (0189-29)	Table 4-41 provides appropriate and adequate information for the reader to easily see the differences between alternatives. The table displays the differences in potential revenue between the alternatives. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential revenues.
Palma, Jack D. Williams Production Company	BLM was correct to limit its cumulative impact review for the Carr Draw IV and other PODs in the southern portion of the range to only those future activities that had been proposed-either submitted to the Wyoming Oil and Gas Conservation Commission or BLM for approval. By contrast, the reasonably foreseeable development scenario for the RMPA process in the FCPA Draft EA is broad and expansive, incorporating potential development of all the leases in the area in order to capture the maximum potential development for planning purposes. (0189-30)	BLM modeled potential development within the FCPA based on the requirements of the three alternatives. BLM maintains this is a valid approach to compare the alternatives.
Palma, Jack D. Williams Production Company	Williams recommends the following clarifications and revisions to the elk impact analysis. First, the Draft EA at 4-74 measures impacts to security habitat against a baseline set in 2009. More recent data is available, as cited in EAs for POD development in the southern range, and could be used to update the baseline for existing security habitat to 2010 figures. (0189-31)	BLM appropriately set the baseline as that amount of security habitat available when they began analysis for the Draft RMPA/EA (2009) and used the appropriate data available at the time of their analysis. The cumulative effects analysis accounted for actions that were reasonably foreseeable at the time.
Palma, Jack D. Williams Production Company	Second, one of the performance based objectives for elk in Alternative III is maintenance of 80% or greater of 2005 security habitat levels within the crucial ranges and the yearlong range. See Draft EA, Appx. B, at 1 (Objective 6). If BLM ultimately adopts performance based measures, it must clarify that the 80% security habitat threshold in Appendix B applies only to habitat within the FCPA, and does not apply to security habitat in the southern portion of the elk range. The text of the EA implies that this is the case, see Draft EA, at 4-76, but without clarification, the Appendix appears to apply an 80% threshold to the entire yearlong range. (0189-32)	BLM clarified this in Appendix B.

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<p>Palma, Jack D. Williams Production Company</p>	<p>Third, Williams is concerned with BLM's ultimate conclusion that "[b]oth Alternatives II (prescriptive) and Alternative III (performance based) would enable retention of 31 ,663 to 33,687 acres of security habitat and, thus, provide sufficient habitat to balance the forecasted impacts of development outside of the FCPA" Draft EA, at 4-76. Williams agrees that given the concentration of elk in the FCPA and existing development in the southern range, maintenance of habitat in the northern range is important to maintain the elk herd. But, the elk herd remains above Wyoming Game and Fish Department population goals and can remain viable with responsible CBNG development. A conclusion based on acreage, and not elk population percentages, risks the possibility that development over a large portion of the FCPA may be arbitrarily precluded, resulting in substantial CBNG remaining in the ground. Such a conclusion is also inconsistent with the performance based approach in which BLM will review population trends quarterly and apply adaptive management. Williams supports the use of adaptive management based on elk populations and recommends BLM resolve the inconsistency between population trends and acreage limitations in the final EA. (0189-33)</p>	<p>BLM identified seven performance standards based upon population (1), production (1), survival (2), elk use or habitat effectiveness (2), and security habitat (1). A suite of standards were determined to be necessary as biological resources are extremely complex and can be affected in numerous ways and require various durations of time to become evident. Population impacts may take several years to become apparent, by which time it may become too late for a small isolated population such as the Fortification Creek elk herd to recover. Habitat based measures provide for immediate verification, no time delay. With the adaptive management approach, BLM retains the ability to adjust habitat standards if warranted based upon the results of elk use monitoring.</p>

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Name/Organization	Comment	Response
<p>Palma, Jack D. Williams Production Company</p>	<p>Finally, BLM should expressly acknowledge that impacts to the Fortification Creek elk herd by CBNG development are compounded by the fact that the herd is hunted. While some elk populations are able to adapt to human disturbance and development, i.e., when "activity is predictable and non-lethal," "[h]unted populations show a reduced tendency to habituate." Draft EA, at 4-50. BLM has already observed that elk tend to avoid areas undergoing CBNG development. However, once construction is completed, elk begin to return to the area. There is no reason the Fortification Creek elk herd could not learn to habituate to predictable and regular human presence required for operations like elk in other areas. However, the fact that the herd remains hunted prevents habituation in many areas and exacerbates habitat impacts. A possible solution, though unpopular, would be to prohibit hunting or limit its geographic extent to allow the elk herd to habituate to existing activities during the operations period. While BLM does not have regulatory authority over elk hunting, NEPA requires that all reasonable mitigation measures be identified, even those that may fall outside the agency's jurisdiction. CEQ, Forty Most Asked Questions, 46 Fed. Reg. 18026 (Mar. 23, 1981) (Question 19b) ("All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. "). (0189-34)</p>	<p>Following is the full text of CEQ, Forty Most Asked Questions, 46 Fed. Reg. 18026 (Mar. 23, 1981) (Question 19b) 19b. How should an EIS treat the subject of available mitigation measures that are (1) outside the jurisdiction of the lead or cooperating agencies, or (2) unlikely to be adopted or enforced by the responsible agency.</p> <p>A. All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to [46 FR 18032] alert agencies or officials who can implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation.</p> <p>However, to ensure that environmental effects of a proposed action are fairly assessed, the probability of the mitigation measures being implemented must also be discussed. Thus the EIS and the Record of Decision should indicate the likelihood that such measures will be adopted or enforced by the responsible agencies. Sections 1502.16(h), 1505.2. If there is a history of nonenforcement or opposition to such measures, the EIS and Record of Decision should acknowledge such opposition or nonenforcement. If the necessary mitigation measures will not be ready for a long period of time, this fact, of course, should also be recognized.</p> <p>The WGFD manages the elk population with hunting an essential management strategy. The population is monitored annually and hunting quotas adjusted accordingly. Elimination of hunting was not considered reasonable and therefore it was not evaluated.</p>
<p>Palma, Jack D. Williams Production Company</p>	<p>It should also be noted that hunting, not CBNG development, continues to have by far and away the greatest impact on elk numbers. As the Draft EA states, 60 elk were harvested from the Fortification Creek elk herd in 2009. Draft EA, at 3-30. Indeed, the elk population in the Fortification Creek area was specifically targeted for reduction by WGFD as more licenses were issued in recent years in an effort to decrease the herd size. 2006 WGFD Job Completion Report for the Fortification Creek Elk Herd, at 169, 171-72,179. By contrast, there is no evidence that CBNG development has led to the death of a single elk to this point. Thus, regulating the hunt is perhaps as critical or even more critical to managing the health of the herd as regulating CBNG development. BLM should consider working with WGPD to ensure a comprehensive approach to elk management that limits hunting to the extent necessary to accommodate development and ensures the long-term viability of the herd. (0189-35)</p>	<p>BLM has a longstanding working relationship with the WGFD which includes a comprehensive approach to elk management to ensure the long-term viability of the Fortification Creek herd. Components of the comprehensive strategy include habitat enhancements, livestock grazing management, water management, and hunting. Hunting is an essential component to balance the population level with available habitat and landowner concerns. CBNG does result in less direct mortality than hunting. However, CBNG activities have many other direct, indirect, and cumulative effects on the long-term viability of the herd. Displacement from CBNG activities, particularly during crucial periods of the annual elk life cycle, may lead to reduced production or survival. Long-term or chronic displacement may lead to overcrowding and habitat deterioration within the WSA or eventual abandonment of the FCPA.</p>

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Name/Organization	Comment	Response
Palma, Jack D. Williams Production Company	In balancing multiple uses within the FCPA, Williams encourages BLM to consider the practical effect of its management decision to lessees with lease rights granted by BLM in this area. BLM must honor these leases and the right to develop "all" of the mineral estate subject to lease terms. Williams supports the responsible development of these leases subject to reasonable mitigation measures. As outlined in this comment letter, however, Williams opposes measures that are overly restrictive and that may preclude development, particularly when applied in the aggregate as "death by a thousand cuts." (0189-36)	The BLM Mission statement is as follows "The Bureau of Land Management is responsible for stewardship of our public lands. The BLM is committed to manage, protect and improve these lands in a manner to serve the needs of the American people. Management is based on the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wildlife habitat, wilderness, air and scenic quality, as well as scientific and cultural values." The Draft RMPA/EA is consistent with the letter and spirit of the BLM's mission statement. The plan represents an appropriate balance between environmental protection and CBNG recovery. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM's has found an appropriate balance between environmental protection and CBNG development.
Sorenson, Cheryl Petroleum Association of Wyoming	However, PAW has issue with Alternatives II and III that would impose overwhelming new limits on natural gas development in the Fortification Creek Planning Area (FCPA) further limiting exploration and production activities. This limitation will impact local employment opportunities; local, state and federal revenue streams; and national supplies of a clean burning energy resource. At a time when many local and state (0190-1)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.
Sorenson, Cheryl Petroleum Association of Wyoming	governments, and the federal government, are finding it difficult to maintain budgetary revenues, the predicted tax and royalty revenue loss associated with Alternatives II and III appears excessive. In reviewing Table 4-41 (Draft RMPA/EA page 4-149) and comparing Alternative I to Alternatives II and III, approximately \$115 million in potential tax and royalty revenues are lost with the reduction in well development predicted in Alternatives II and III. Additionally, these added restrictions would cause the loss of up to 100 high paying jobs. PAW suggests that BLM and the various governments should consider finding a more appropriate balance between environmental resource protection and potential revenues that will ultimately benefit the local communities. (0190-1 cont'd)	
Sorenson, Cheryl Petroleum Association of Wyoming	PAW believes a more appropriate balance should include maximizing well development implemented in combination with an adaptive management strategy that includes scientifically based elk impact thresholds and phased development. Alternatives II and III are overreaching in their management goals for elk secure and effective habitat retention, and places off limits far too much of the areas oil and gas resources. For example, protecting 100 percent of the overlapping crucial secure habitats denies operators an opportunity to responsibly develop lands duly leased by the federal government. (0190-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.  The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.  Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.

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Name/Organization	Comment	Response
Sorenson, Cheryl Petroleum Association of Wyoming	Protection of the area's wildlife is important and so are elk impact thresholds. A plan should be developed that allows greater access to the resources than Alternatives II and III allows. Yet, it is still important to hold operators responsible for developing the area without undue degradation. With elk response thresholds in place and with a well implemented adaptive management plan, the need to artificially restrict the loss of secure habitat on a percentage basis is questionable. Periodic scientific monitoring of the elk will reveal how industry is doing and BLM can respond accordingly through adaptive management. (0190-3)	<p>As stated in Appendix B, monitoring data will be reviewed to assess trends and determine if any thresholds have been crossed. The thresholds are guides for adaptive management. If a threshold is crossed it will not be automatic that management actions will change.</p> <p>Additional well proposals may be denied or deferred, if a performance standard threshold is crossed. Any denials or deferrals will be in accordance with applicable statutes and regulations.</p> <p>BLM acknowledges that adaptive management should be bilateral, that is to allow for increased development when supported by the monitoring data. The performance based standards of Alternative III allow for flexibility and adaptation. If the monitoring results indicate the elk are acclimating to CBNG activity then the security habitat standard may be adjusted allowing for additional CBNG development.</p>
Sorenson, Cheryl Petroleum Association of Wyoming	The prescriptive portions for location of facilities, management of water and potential limitations on well site visits found in Alternatives II are excessive and harmful to leaseholders access to the mineral resources. This inflexible management approach would not promote the desired orderly development of mineral resources. In contrast, one element of Alternative III that is supportable is that it provides an opportunity for resolution of the various issues by working with operators to implement Best Management Practices and employ cooperative performance based solutions. (0190-4)	Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Sorenson, Cheryl Petroleum Association of Wyoming	In summary, BLM should craft a decision that combines elements of each alternative. Such a plan would support maximum development while implementing a phased development approach with adaptive management strategies identified in the Alternatives II and III without the artificial restriction of elk habitat loss. (0190-5)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Sorenson, Cheryl Petroleum Association of Wyoming	Reservoirs and water management facilities should not be banned outside winter and parturition ranges but should be located on a performance-based objective. (0190-6)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Sorenson, Cheryl Petroleum Association of Wyoming	A blanket ban on surface disturbance on slopes of 25% or more or highly erosive soils fails to recognize best management practices or improvements in technology. BLM should allow exemptions to the 25% slope restriction when operators submit a detailed construction and reclamation plan. (0190-7)	Alternative III provides for the operator's ability to develop steep slopes and highly erosive soils. Operators should be able to prepare acceptable reclamation plans based upon their previous successful experiences.

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Name/Organization	Comment	Response
Sorenson, Cheryl Petroleum Association of Wyoming	While phased development allows opportunity to periodically evaluate impacts and ensure no undue environmental degradation, phased development should not be so restrictive as to hinder the lease rights of those in the subsequent phases. Phased development must be reasonable and economically, as well as, technically feasible and not be excessively prohibitive as to subsequent development. (0190-8)	The RMPA/EA honors valid existing lease rights; natural gas development will be regulated under the terms and stipulations of the existing leases. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts. Phased development is a compatible and important component of the plan.  The performance based standards of Alternative III allow for flexibility and adaptation. If the monitoring results indicate the elk are acclimating to CBNG activity then the security habitat standard may be adjusted allowing for additional CBNG development.
Sorenson, Cheryl Petroleum Association of Wyoming	Development thresholds must be flexible enough to ensure operators with lease holdings in the subsequent phases will not be affected if the thresholds are exceeded. (0190-9)	The preferred alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Sorenson, Cheryl Petroleum Association of Wyoming	BLM should allow for exemptions to development during periods of timing limitations to be evaluated on a case-by-case basis. Well visitation should be allowed during timing limitation designations. (0190-10)	Operators may certainly request exemptions to be analyzed prior to or even subsequent to the site-specific NEPA analysis for the POD. Operators may also commit to measures within their proposals which could potentially alleviate the need for timing limitations. The action alternatives seek to manage, but not eliminate, well visitation during timing limitation periods. Operators have already taken some measures to reduce human visitation such as metering wells with radiotelemetry. Remote metering technologies do not eliminate the need for human visitation, some level of human activity is still required because the remote-systems need to be checked, well adjustments need to be made, and equipment needs to be inspected to prevent releases. The operations plan required in Alternatives II and III is another method to manage, but not eliminate, human visitation during the production phase including during timing limitations.
Sorenson, Cheryl Petroleum Association of Wyoming	A one-year delay in development so successful interim reclamation can be completed does not meet the purpose and need of the document and does not adequately meet the rights of the lease holder. (0190-11)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. The one-year development delay is included within Alternative II but is not included in Alternatives I and III. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative III includes performance based reclamations standards, development may proceed when BLM determines that the standards are met.
Sorenson, Cheryl Petroleum Association of Wyoming	BLM should not require reclamation to be better than what existed or exists on the native landscape. It is an unrealistic expectation that operators can limit cheat grass in final reclamation when adjacent, undisturbed lands are infested. (0190-12)	Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.
Sorenson, Cheryl Petroleum Association of Wyoming	Standards for final reclamation must remain flexible and take into consideration the desires of private surface owners. (0190-13)	As stated in Appendix A, "The standards for successful reclamation set forth in this document for soil stability and ground cover must be met." regardless of surface ownership. Private surface owners will be consulted on reclamation and seed mixture for their lands. Reclamation standards for year two and three are based on vegetation recovery. BLM will use this approach on private surface, the species composition requirement may be modified based upon surface owner desires.
Sorenson, Cheryl Petroleum Association of Wyoming	Additional designations, such as an Area of Critical Environmental Concern (ACEC) or Wildlife Habitat Management Areas (WHMA), are not needed nor warranted. The goals of protecting elk herds, preserving visual resources and minimizing soil erosion and impacts to water quality can be accomplished without the designation of an ACEC or WHMA. (0190-14)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. Only Alternative II calls for designating an ACEC and/or WHMA. BLM has determined that the alternatives analyzed represent a reasonable range.
Sorenson, Cheryl Petroleum Association of Wyoming	PAW believes there needs to be an acceptable level of flexibility allowed in the placement and siting of overhead power lines. The area is a Class III Visual Resource Area and overhead power lines are consistent within this classification. (0190-15)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. Alternative I prohibits overhead power on BLM surface while Alternatives II and III provide different approaches to siting overhead power on BLM and private surface. BLM has determined that the alternatives analyzed represent a reasonable range.

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Name/Organization	Comment	Response
Bensel, Bill	I urge BLM to protect this area which holds so many rare assets in the Powder River Basin: a well established desert elk herd, terrific wildlife habitat represented by steep terrain with northern slopes well timbered in juniper, springs and grazing lands. (0191-1)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Bensel, Bill	It also has potential for increasing public access and use. One public access point exists to the northeast of Fortification. Other additional access should be provided by BLM in cooperation with state agencies and private landowners. (0191-2)	Thank you for your recommendation. Providing additional public access is outside the scope of this RMPA/EA.
Bensel, Bill	Unfortunately, attempts to pursue "phased development" to prevent extirpation of elk seemed to have failed due to BLM bureaucracy and lack of multiple use vision. (0191-3)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.

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Name/Organization	Comment	Response
Bensel, Bill	I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. BLM made commitments since the 1970s to protect this area and this proposed plan fails to implement those protective criteria regarding CBM development proposals. An Area of Critical Environmental Concern, Wilderness Study Area as well as Special Fortification Management Area have all been designated by BLM. The BLM should not now sway from their history of valuing and preserving Fortification Creek and surrounding areas. (0191-4)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Bensel, Bill	Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes (0191-5)	<p>The Fortification Creek Planning Area has been afford special protections through a number of management actions including the following:</p> <p>A phased approach to drilling which keeps 2/3 of the area free from development at any one time;Timing Limitations (TL) on when drilling can occur;Restrictions on development on steep slopes. This protects the elk herd because then generally prefer the more rugged terrain where there is more cover;Restrictions on road density and number of miles. This protects the elk herd by protecting and security habitat;Restrictions on placement of water and other facilities in crucial winter and calving areas; Restrictions on well visitation;TLs for bald eagle nests and roost sites;TLs for raptor nests;Disturbance-free buffer zones for mountain plover nests;Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats;andDisturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</p>
Bensel, Bill	and areas with erosive soils and poor reclamation potential, and requiring phased CBM operations based on successful reclamation criteria (0191-5 cont'd)	
Bensel, Bill	CBM development in this area has already caused and will continue to cause significant impacts. BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0191-6)	<p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of soil, water, and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Barlow, Bernie	I oppose any drilling in the Fortification Creek Area under the current alternatives which would cause significant impacts and irreversible damage to this incredible place. BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent those impacts. (0192-1)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of soil, water, cultural, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
Freudenthal, Dave Governor of Wyoming	I remain concerned about the ability to reclaim disturbance on the steep slopes and highly erosive soils within the Fortification Creek Planning Area, but believe that with proper oversight and monitoring, we can track reclamation success - or lack thereof - and adapt accordingly. (0193-1)	Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. Successful reclamation is important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Freudenthal, Dave Governor of Wyoming</p>	<p>This said, one key element that is missing from the draft RMP Amendment and EA is a defined funding source for monitoring both in terms of elk numbers and movement and habitat integrity. Absent funding, the long-term sustainability of the natural gas play and health of the elk herd and other wildlife could be threatened. Relying on Washington for funding, given current federal budget projections, is a fools errand. As such, I would hope that prior to any development being authorized, the industry will either proffer funding to complete the necessary, long-term monitoring or the BLM will require such funding as a pre-condition of project approval. At the end of the day, however, industry funding should not be made tantamount to industry control over the data or studies. Study design and control over the monitoring process must be independent and unbiased ventures. Industry and the public should be allowed to comment on the accoutrements of the monitoring strategy, but as an ultimate end, neither should be allowed to control it. (0193-2)</p>	<p>BLM is pursuing funding sources including from CBNG companies. Project approval will require monitoring commitments, as APD permitting will be dependent upon meeting the performance standards. The WGFD and University of Wyoming assisted BLM in designing the monitoring program.</p>
<p>Freudenthal, Dave Governor of Wyoming</p>	<p>I still fear that the plan is devoid of management specifics. Appendix B speaks with specificity about management objectives, but is express to say that [i]f a threshold is crossed it will not be automatic that management actions will change. My question is: what will trigger a change in management, for better or worse? Further: What changes will then be instituted? I certainly could foresee circumstances where our initial analysis is overly prescriptive and, with proper monitoring, enhanced development could be authorized at the Plan of Development (POD) or Application for Permit to Drill (APD) phases (which, admittedly, in most cases are concurrent analyses). Similarly, I could envision a circumstance where management indicators show that the pace of development should be slowed or alternative development options should be considered. Again, the management objectives are fairly well established, even if they are only guidance, but the process by which the work of adaptive management will be undertaken lacks sufficient detail. While I trust the good intentions of the BLM today, such trust is generally relationship dependent and predicated on certain individuals being in certain decision-making positions (0193-3)</p>	<p>BLM acknowledges that adaptive management should be bilateral, that is to allow for increased development when supported by the monitoring data. The performance based standards of Alternative III allow for flexibility and adaptation. If the monitoring results indicate the elk are acclimating to CBNG activity then the security habitat standard may be adjusted allowing for additional CBNG development.</p>
<p>Freudenthal, Dave Governor of Wyoming</p>	<p>While the Fortification Creek Planning Area boundary has independent and historical significance, I would hope that BLM is keen to acknowledge that cumulative effects, including effects on wildlife, habitat and watersheds, must be accounted for and accommodated in the adaptive management process (0193-4)</p>	<p>BLM is currently using the RMPA/EA elk modeling approach to help determine cumulative impacts for PODs south of the FCPA and anticipates using the modeling approach for PODs in the FCPA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Freudenthal, Dave Governor of Wyoming	Certainly, the ongoing RMP amendment for the entire Buffalo Field Office will provide a mechanism by which development and conditions across the Field Office can be tracked and tabulated, including impacts adjacent to the Fortification Creek Planning boundary. But I caution that the traditional 30,000 foot RMP perspective may not be sufficient in the long-run to account for the site-specific circumstance of Fortification Creek and surrounds. Thus each POD and APD must be carefully crafted to account for changing circumstances and impacts from neighboring development (0193-5)	PODs and APDs within the FCPA will be evaluated in accordance with the Fortification Creek RMPA/EA.
Freudenthal, Dave Governor of Wyoming	While I appreciate the need to detail the time between the phases of development for industry certainty, I would hope that the process would not be overly hard-wired. Managers must be able to account for changed circumstances and adapt management prescriptions accordingly, including accounting for any lag effect where there is a delay between when latent issues arise and when they become apparent on the ground. (0193-6)	Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate.
Freudenthal, Dave Governor of Wyoming	Conversely, I would hope for flexibility and enhanced development opportunities if the monitoring favors a more aggressive timeframe for development, even in the face of already authorized development. In this regard, I appreciate the consideration of specific disturbance thresholds for elk security and other habitat. However, as time passes and we learn more about elk behavior and response, including any habituation to development, strict adherence to these thresholds might need to be reconsidered. The POD and APD processes will be the mechanisms by which the BLM applies either a brake or an accelerator, but the BLM must be properly informed with robust monitoring data before POD and APD approvals are granted. (0193-7)	BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Freudenthal, Dave Governor of Wyoming	I would ask that the oft quoted carpenters rule of measure twice and cut once be applied, especially at the initial site selection phase. Avoiding impacts is always less costly than cleaning up a mess. Certainly the stipulations that are attached to most of the leases in the Planning Area dictate a thoughtful, well conceived plan for dealing with the difficult terrains and soils within Fortification Creek. Matched with proper site selection, thoughtful planning and a well balanced POD, I am confident that development can go forward, even in the difficult to reclaim locations. However, in the event that my somewhat hopeful prediction proves false, I would hope that the BLM would use the adaptive management process to alter course in a timely and orderly manner and ensure the integrity of Fortification Creeks trademark topography, up to and including a requirement for avoidance of certain slopes and soils. (0193-8)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards. As part of this Alternative, is an adaptive management process.
Freudenthal, Dave Governor of Wyoming	While I am not completely satisfied with the Department of the Interiors treatment of certain categorical exclusions authorized pursuant to the Energy Policy Act of 2005, my previously stated fears that Fortification Creek might be developed though an ill-conceived patchwork of categorical exclusions have been diminished. The RMP Amendment and EA, paired with the administrative actions of the Department, have eased my level of concern. However, I continue to believe that Congressional action to amend Section 390(b)(3) to remove land use plan level analysis as a justification for categorical exclusions is a wise use of legislative forethought, even if it is only an afterthought. (0193-9)	Thank you for your comment.
Freudenthal, Dave Governor of Wyoming	No doubt, many will call on you to select this Alternative or that management prescription. I only ask that you take the wise, informed and middle course, which weaves among the three alternatives. Ultimately, the success of the RMP Amendment and EA will come down to implementation in the field. If BLM is cautious and the adaptive management regime can be appropriately calibrated through comprehensive and appropriate monitoring, specific concerns about erosive soils and steep slopes along with the health of the elk herd, other species of (0193-10)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards.
Freudenthal, Dave Governor of Wyoming	wildlife and the their habitat can be adequately addressed. If, on the other hand, BLM locks into a mechanical application of the standards and forgets its peripheral vision, I believe these important resources, along with the development of important and strategic natural gas reserves, will suffer. (0193-10 cont'd)	

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Minick, Gerry Rocky Mountain Energy Reporter	We endorse Alternative I "No Action" for the following reasons: Alternatives II and III will have a significant impact on the socio-economic health of the area by reducing the number of jobs and tax revenue in Sheridan, Johnson and Campbell Counties. The Powder River Basin in general has suffered during the ongoing recession, due to leasing and permitting delays in coalbed natural gas development, appeals by environmental groups, and of course, low natural gas prices. Under the Alternative II & III management scenario, up to 50% or more (726 new wells - subject to BLM approval) of the potential of FCPA would be constrained, thus threatening long-term high quality job creation in the exploration, development, gathering and reclamation sectors. (0194-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p>
Minick, Gerry Rocky Mountain Energy Reporter	There is no need to establish an Area of Critical Environmental Concern (ACEC). Numbers in the resident elk herd are more than sufficient, according to Wyoming Game & Fish data. In fact, the WGFD has increased the number of permits available to reduce populations. Most of the FCPA's elk herd range is overlain by private lands and is (0194-2)	Under Alternative III, the Preferred Alternative, an ACEC is not designated.
Minick, Gerry Rocky Mountain Energy Reporter	therefore (unless by special permission) off limits to the general public for hunting. It is also well documented anecdotally that the herd moves on and off FCPA, and has been sighted as far north as Montana. Alternative I establishes criteria for NSO from November through June, which is appropriately protective of winter and parturition ranges. (0194-2 cont'd)	
Minick, Gerry Rocky Mountain Energy Reporter	FCPA has not in the past and does not now meet the criteria for wilderness designation. Given the amount of wilderness priorities in Wyoming, the likelihood of a Congressionally driven wilderness designation in the FCPA is slim to none. (0194-3)	BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.
Minick, Gerry Rocky Mountain Energy Reporter	Operators have purchased valid leases in the FCPA, under legal and appropriate guidelines. Under the BLM's own rules and regulations contained in Onshore Order #1, they have a right to expect timely APD processing and permitting. Alternative I allows for reasonable development, while maximizing revenues to local, state and federal governments. (0194-4)	The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted. However, BLM can mitigate development, typically in the form of COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessee's rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Page, Stacy	Please require an integrated pest management plan for all disturbance and not just areas where there is an identified weed infestation. Once an area has been affected it is susceptible to weed infestation so management practices that prevent the spread of weeds are usually more successful than trying to control them after they have become established. (0196-1)	The operator will be responsible for prevention and control of noxious weeds and weeds of concern on all areas of surface disturbance associated with the project (well locations, roads, water management facilities, etc.).
Page, Stacy	Spraying an area prior to affecting it for both noxious and cheatgrass (this is one of BLMs recommendations). Seeding immediately with a cover crop all disturbed areas, including topsoil stockpiles and then during the next seeding season, spring or fall, seeding with the permanent seed mix. Seeding rate should be at least 16 lbs PLS/acre drilled and at least 30 lbs PLS/acre broadcast seeded even on the Shallow Clayey and Very Shallow Sites. I realize this will reduce diversity but it should prevent niches for noxious weeds and cheatgrass. Drill row spacing should be no greater than 8 inches to reduce the amount of bareground and moisture for noxious weeds and cheatgrass. Livestock grazing must be withheld for at least two years to allow the vegetation to establish to outcompete the weeds and then grazing must be carefully controlled to prevent bare ground. (0196-2)	<p>Appendix A of the RMPA/EA has requirements for weed control.</p> <p>"Sites must be free of all listed species on the County, Wyoming, or Federal noxious weed list. All state and federal laws regarding noxious weeds must be followed. Other highly competitive invasive, non-native species such as cheatgrass and halogeton will not exceed 5% of the basal cover."</p> <p>Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p>
Page, Stacy	Alternative I will disturb 3,536 acres of surface disturbance (Table 413). Why will current management of the 17 allotments remain the same? Shouldnt there be a reduction in AUMs? Acreage that is not surface disturbed may be fenced along with reclaimed areas further reducing the acreage available for grazing. Grazing of reclamation will be withheld for at least two years so while not all of the 3,536 acres will be disturbed the first year the annual affected acreage may begin accumulating taking significant acreages out of allotments. My concern is that no reduction in AUMs will lead to overgrazing. Alternatives 2 and 3 should also have reduced grazing or allotments withheld. (0196-3)	<p>Impacts would be distributed over the 17 allotments and would likely not result in impacts that would require a reduction in AUMs.</p> <p>Grazing deferment is not a requirement but a suggestion that may assist with reclamation success. CBNG development reduces forage availability. Reclamation activities then provide young succulent vegetation preferred by livestock. If livestock management is not considered in reclamation planning then reclamation efforts may be unsuccessful and the performance standards not realized.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Page, Stacy	<p>Appendix B. If the 80 % threshold is crossed the CBNG development should not be allowed to expand until the threshold is restored. While CBNG development may not be directly involved in causing a severe winter, drought or a disease infestation their development does impact the health of the elk herd. The 20% reduction in elk herd already allows for impacts and if CBNG is required to stop further development that would be the cost of doing business in a sensitive area. Please do not allow the 80% threshold to be crossed for any circumstance. By not allowing below the 80% threshold the CBNG operators will probably be better stewards of the land. (0196-4)</p>	<p>BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. The security habitat standards are an appropriate apriori mitigation measure.</p>
Page, Stacy	<p>General Comment. Please require development in contiguous blocks and not allow additional development until the reclamation has restored successful habitat. The operators should have to demonstrate that they can do successful reclamation before they are allowed to disturb additional habitat. BLM has excellent interim and final monitoring requirements and can identify if the reclamation is trending and meeting successful habitat restoration. Requiring quantitative monitoring data, use of indicator species and standards for trends and success is very comprehensive. What I visualize is development of block one in year 1, development of block 2 in year 2 while block 1 is reclaimed and then block 3 only gets developed if Block 1 has direct and effective habitat being utilized. (0196-5)</p>	<p>The phased approach to drilling which provides areas free from development at all times. The BLM anticipates that the southeastern section of the FCPA will be developed first, followed by the northern and then southwestern. Please see Figures 4-4 and 4-8. Additionally, Alternative III includes performance based reclamations standards. When BLM determines that the reclamation standards are met development may proceed.</p>
Kerns, Kenneth D.	<p>I have reviewed the above referenced document and wish to comment specifically on the economic data displayed in chapter 4148 through 4150. The statement " the estimated annual tax revenues from CBNG development in the FCPA will only occur for a short period of seven years" (line 6, paragraph 2,chapter 4150). That statement, a short period of seven years, is troublesome to me. There is some inference positive economic impact lacks importance because it occurs over a short time span. I respectfully offer, the amount of economic impact is more significant than the collection time. I think it is more conclusive to reflect upon the total tax revenue collected, (\$1,468,600,000 {total Table 441), for local, state and federal governments, rather than time period of collection. My review of the draft economic data posted, expresses a need for slight adjustments to the calculations within the above referenced draft, RMPA/EA. (0197-1)</p>	<p>Table 4-41 provides appropriate and adequate information for the reader to easily see the differences between alternatives. The table displays the differences in potential revenue between the alternatives.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Kerns, Kenneth D.	This draft, data (Table 4-41), should be adjusted to also reflect sales tax revenues. Sales tax revenues are mentioned in some of the narratives but are not included within the draft table (Table 4-41). Sales tax revenues were not quantified within either table 440 or 441. Sales tax collections are a major tax revenue source associated with development and production of CBNG. Sales tax revenues are distributed to the local government treasuries within 30 /60 days of collection. I calculate an additional \$7,042,200 sales tax revenues,[source: DRC CBMCC, 2003] should be added to the \$1,468,600,000, (Alternative I), computed within table 4-41. Total estimated tax revenues for (0197-2)	It is correct that BLM did not estimate sales tax revenues for the three counties because sales and use taxes are estimated to impact total sales tax in these counties by less than 1 percent of the total revenue. BLM agrees that sales tax would be an additional economic benefit.
Kerns, Kenneth D.	Alternative I, with this addition, would now be, \$1,475,642,200. (\$1,468,600,000 [table 441] +\$7,042,200[sales tax]). Adding similar sales tax revenues to Alternative II would bring that total to \$1,175,123,900. I have not calculated Alternative III, as the difference between II and III is very negligible. However, the total difference of \$300,518,300 between Alternative I and Alternative II is significant. If Alternative II, or Alternative III, is chosen over Alternative I, local, state and federal governments loose 20% of the potential tax revenue from the development and production of CBNG within the FCPA. However measured , \$300,518,300 is a substantial tax revenue loss. The tax revenue difference between Alternative I, and Alternative II and II, is the focus of my comments. (0197-2 cont'd)	
Kerns, Kenneth D.	Alternative II, and III, dramatically reduce revenue ( a reduction of 20%)... (0197-3)	State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential revenues.
Kerns, Kenneth D.	This current proposed additional amendments to the FCPA, within Alternative II and II, thereby reducing tax revenue dollars by 20%, is unwarranted. By enforcing existing regulations, responsible development and reclamation, within the FCPA, the Bureau of Land Management, Buffalo Field Office, will be a showcase of balanced resource management, assisting steady and improving community services, while minimizing negative economic and environmental impact. Mr. Spencer, I encourage the selection of Alternative I. (0197-4)	State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential revenues.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Roberts, Dave	EA Pgs. ES-4 thru ES-5, and 2-4 thru 2-5: It appears to me that both Alternatives II and III have closely similar impacts and management outcomes, and under the given circumstances, either of these two alternatives would likely be an acceptable management strategy. Certainly the phased development approach is a step in the right direction. I would say that Alternative I is definitely unacceptable from the standpoint of the surface resources. (0198-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Roberts, Dave	For short term adaptive management to be effective a high level of intensive monitoring of the action is absolutely required. Historically, BLMs funding for post-APD work (i.e., monitoring, I&E functions) has been minimal at best. Unless BLM has recently found a new pot of money at the end of the rainbow, I dont know how adequate monitoring of CBNG development can even take place in Fort Creek. Even if BLM passes off this monitoring obligation to the industry, there still has to be some agency checkers to check the checkers, and how will they be paid for? (0198-2)	Project approval will require monitoring commitments, as APD permitting will be dependent upon meeting the performance standards. The WGFD and University of Wyoming assisted BLM in designing the monitoring program.
Roberts, Dave	If you assume that adequate monitoring does take place, and a major impact problem with a development action is found, does BLM have either the authority or inclination to tell an operator to pull a well out, or close one in? I never saw that happen in the 33+ years that I worked for the Bureau. The only compliance enforcement that I ever saw was to ink the operator, with mixed results. (0198-3)	There are performance standards in place for the protection of soil, water, and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects. Elk population impacts may take several years to become apparent, by which time it may become too late for a small isolated population such as the Fortification Creek elk herd to recover. Therefore habitat-based measures provide for immediate verification, no time delay. With the adaptive management approach, BLM retains the ability to adjust habitat standards if warranted based upon the results of elk use monitoring.
Roberts, Dave	EA Pg. 2-7: Question - Has directional drilling for CBNG been tried in the Powder River Basin? Or, has the Bureau merely taken the industrys declaration to that effect as a matter of fact? This might be worth stating in the document. (0198-4)	Two gas companies have tried directonal drilling in the Powder River Basin.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Roberts, Dave	EA Pg. 2-7: The statement about the FCPA boundary seems to be kind of a circular and self-serving rationale. The whole purpose of doing a land use plan amendment is to address new and additional information (e.g., new oil and gas development proposals), or to modify or correct existing land use plan decisions/designations (e.g., special use area boundaries, etc.). If the BLM isn't willing to address the FCPA boundary in the scoping or the amendment knowing that it is an issue, then doesn't that automatically nullify part of the reason for doing an amendment? (0198-5)	<p>The Planning Area boundary was chosen for two primary reasons The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary. BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary.</p> <p>A plan amendment was required for several reasons:</p> <ol style="list-style-type: none"> <li>(1) the original Buffalo Resource Area (BRA) Resource Management Plan (RMP) Record of Decision (ROD) did not consider the level of CBNG development that is currently anticipated;</li> <li>(2) BLM prohibited overhead power lines on Federal surface land within the FCPA in the BRA RMP;</li> <li>(3) BLM and the WGFD have gathered additional information regarding the population levels and crucial winter and parturition (calving) ranges of an isolated elk herd within the FCPA;</li> <li>(4) an ACEC for the FCPA was proposed by citizen groups.</li> </ol> <p>Additionally, BLM Handbook 1601-1 states that new decisions are required if (VI. A. 2.) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (VI.B.2.) Changes in intensity of use or impact levels for a particular resource 4. public comment or staff assessment indicating that new information or changed circumstances warrant a reconsideration of the appropriate mix of uses on particular tracts of public lands; The reasons for the amendment are described in the purpose and need</p>
Roberts, Dave	EA Pg. 2-7: The statement is made that a WSA can only be expanded by an Act of Congress. Is this statement correct? I thought that Congress only designated actual wilderness areas: I didnt know Congress had anything to do with designating WSAs. As I recall, BLM in Utah adjusted some of their WSA boundaries when necessary, and I dont remember that they had to have Congressional approval to do that. I do happen to believe that the existing WSA boundary in Fortification Creek is probably appropriate considering the surrounding roads and existing non-compatible uses. (0198-6)	FLPMA directed the BLM to study the agency's roadless areas and recommend those that should be designated as wilderness. The BLM inventoried the lands it manages in order to identify those with the basic wilderness characteristics described in the Wilderness Act of 1964. Public lands that had wilderness characteristics were designated as WSAs and are managed to protect these wilderness values until Congress decides the future of these areas.
Roberts, Dave	EA Pg. 4-49: The statement is made that the boundary of the existing FCPA was used as the impact analysis area. However, this boundary appears to only encompass about_ of the elk yearlong and crucial ranges. This could give some misleading impressions about the nature and magnitude of the existing and future impacts on elk. Once again, this FCPA boundary thing becomes a very relevant issue. (0198-7)	Cumulative impact analysis takes into account the entire elk yearlong range.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Roberts, Dave	<p>Proposed Finding Of No Significant Impact (FONSI): I was very disappointed with this statement. The whole tone of this declaration seemed to contradict, down play, and ignore the impact analysis of the EA. I believe this statement misinterprets the context and intensity criteria of significance in the CEQ regulations as applied to Fortification Creek. The FONSI comes across as No problem: business as usual. If thats the intent, then once again the Bureau has foregone an excellent opportunity to do the right thing for management of the Public Lands in Fortification Creek. I realize that the pressure will be on BLM to have a FONSI, and therefore, not have to prepare a local EIS when they are in the process of revising the Buffalo RMP/EIS. However, I also believe a significance finding here would actually support the management changes that need to be made in the Buffalo RMP revision, and an EIS recommendation for Fortification Creek could be delt with/incorporated as part of the EIS for the on-going land use plan revision. (0198-8)</p>	<p>Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of soil, water, and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.</p>
Deromedi, Monica M. Coalbed Natural Gas Alliance	<p>Alternative I will ensure the operators flexibility in areas where rules and regulations have made it challenging to develop resources. The operators in the Fortification Creek Area are responsible operators who have proven they care for the environment. If they uphold their responsibilities as operators and maintain performance standards they should be allowed to operate. No surface occupancy plus Citizens Proposed Wilderness Areas are unnecessary and most importantly not defensible through any science. (0199-1)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA. The RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Deromedi, Monica M. Coalbed Natural Gas Alliance	<p>The elk are adequately protected with the Wilderness Protection Area. Adding additional wildlife stipulations will not help anyone (or the elk). It will make development more challenging and could even limit development entirely because of overprotection for the elk. (Especially when there is NO science present that suggests they need more protection.) (0199-2)</p>	<p>Alternatives II and III and the need for security habitat are scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate apriori mitigation measure.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Deromedi, Monica M. Coalbed Natural Gas Alliance	Our organization polled Wyoming in November of 2008 and found out the majority of citizens living in Wyoming want development to continue. In Wyoming, an overwhelmingly 89 percent of our population is supportive of oil and gas development and exploration. Moreover, 85 percent think oil and natural gas exploration are compatible with recreation, hunting, fishing and preservation. Please review the poll, which was conducted by a reputable polling agency, on our website: www.cbnga.com. For more information about the poll, please contact me. (0199-3)	Thank you for your comment.
Fink, Gerald E	After reviewing the September 2010 amendment document I am recommending the adoption of Alternative I, the No Change Alternative. Alternatives II and III are unduly restrictive and will limit economic activity that is vital to jobs and revenue generation for the region. While I do not reject the concern that mineral development be orderly and minimize the impact to the area, Alternatives II and III are too severe. (0200-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Fink, Gerald E	The Game and Fish does not give any scientific evidence as to why they want to enforce additional monitoring and security regions for the elk herd. The protections provided by the Wilderness Study Area should be adequate to insure the security needed for the elk herd without imposing more restrictions. (0200-2)	Alternatives II and III and the need for security habitat are scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate a priori mitigation measure.
Fink, Gerald E	<p>In a time when clean energy development, jobs and economic stimulation is much needed in the Powder River Basin, CBM development is a good fit. It is important to allow development at a level that make the operations economically feasible so as to not force the operators to move out of state. Alternatives II and III limit accessibility to the gas development that will negatively impact employment and economic activity</p> <p>The restrictions contained in Alternative I appear to provide adequate protection of the resources and wildlife while allowing for moderate development of the minerals. (0200-3)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>The Draft RMPA/EA is consistent with the letter and spirit of the BLM's mission statement. The plan represents an appropriate balance between environmental protection and CBNG recovery. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wenzel, George	<p>Alternatives two and three are far too restrictive and I think it will detour companies from producing our resources. Moreover - we would be pushing them away for no reason. There is no evidence or science available that suggests more restrictions need to be applied for the elk. There is already a Wilderness Protection Area. No surface occupancy rules already exist. Do not implement more rules on top of the ones we already have that are too restrictive. Companies will not be to sift through the red tape and it won't be worth it. They can drive a few hundred miles to states where laws aren't nearly as restrictive. (0201-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Porter, Dan	<p>I want to see development of natural resources in this area and I do not want to see any more special areas created or more restrictions for the benefit of an insignificant herd that isn't in any danger. The way the current protocol is written there are already significant restrictions on how development can happen. I need you to utilize an adaptive management approach. This EA has already been so delayed. (0202-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Svoboda, Larry EPA</p>	<p>In RMPs that plan for significant oil and gas development, EPA maintains that air quality dispersion modeling should be conducted to assess the direct and cumulative impacts of projected energy development on air quality values within and outside of the planning area. The qualitative emission comparison approach, as was included in the Fortification Creek EA, is not specific enough to adequately address and predict air quality impacts from oil and gas development. While the qualitative emission comparison approach provides a means to compare the total predicted emissions of each alternative to a baseline year, it does not provide any indication of the potential for exceedances of ambient air quality standards or the potential for adverse impacts on air quality related values (i.e., visibility) in nearby Class I areas. The air quality analysis should provide the decision-maker with the information to guide planning decisions such as: the rate of oil and gas leasing or development; appropriate stipulations; and/or necessary mitigation measures to include in drilling permits. The appropriate level of air quality analysis at the management planning stage will help to ensure that proper, proactive steps are taken to protect human health and the environment.</p> <p>EPA believes that air quality analysis at this planning stage is particularly critical. The Draft EA indicates that NEPA analyses will be required for individual actions. Historically, plans for development in the Powder River Basin have been approved with EAs. EPA has reviewed and provided comments on several of the EAs and have found none to include quantitative air quality analysis. Thus, EPA is concerned that quantitative air quality analysis does not appear to be occurring with NEPA analyses at the planning or the site-specific stages. Without quantitative air quality analysis (i.e., modeling), the conclusion that the proposed action and alternatives are in compliance with the National Ambient Air Quality Standards (NAAQS) cannot be substantiated.</p> <p>EPA's concern about air quality is heightened by recent monitored values of ozone and particulate matter (PM 10 and PM 2.5) in the Powder River Basin. Ambient concentrations of ozone at the Thunder Basin National Grasslands site north of Gillette, WY are approaching the current NAAQS for ozone of 75 ppb, with a measured design value of 69 ppb for the period of 2007 to 2009 and 66 ppb for 2008 to 2010. Further, EPA has proposed to lower the primary eight-hour ozone NAAQS to a level between 60 - 70 ppb and to establish a distinct cumulative, seasonal "secondary" standard. EPA notes the statement that ozone is monitored at levels</p>	<p>Quantitative air dispersion modeling was completed for the Powder River Basin Oil and Gas EIS (BLM 2003). Air pollutant dispersion modeling was performed to quantify potential PM10 and SO2 impacts during construction based on the individual pollutant's period of maximum potential emissions. The EPA CALPUFF dispersion model was used with meteorological data generated by the MM5 (mesoscale model) and CALMET models. These meteorology data were combined with air pollutant emission values to predict maximum potential concentrations in the vicinity of assumed well and compressor engine emission sources for comparison with applicable air quality standards and PSD Class II increments (Argonne 2002). Because this EIS and modeling included the Fortification Creek Area additional modeling was not needed.</p> <p>BLM has initiated additional air quality analyses under the PRB Phase II study which will be available in late 2011. BLM chooses not to initiate a new quantitative modeling effort for this EA because completion of modeling would occur after the Phase II study for the Powder River Basin would be available. Further, the Fortification Creek Planning Area is nearly completely leased, and there are no opportunities to apply constraints to new leases in the area, or to apply stipulations to new leases. The BLMs broad ability (upheld in the Maycock IBLA decision (IBLA 2008-197) to apply mitigation or COAs to drilling permits would not be affected or improved from additional modeling since the first available modeling would be from the Phase II results. As additional information becomes available (Phase II study or monitoring results) COAs to address possible AQ effects could be applied during the site specific NEPA analysis. "</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
	<p>below the proposed ozone standard (Draft EA, page 3-3) is outdated. In addition, EPA is concerned</p> <p>(0203-1)</p>	
Svoboda, Larry EPA	<p>about levels of particulate matter in the Powder River Basin. Particulate matter is particularly important for a proposed action such as Fortification Creek given the severely erosive soils. (0203-1 cont'd)</p>	
Svoboda, Larry EPA	<p>Finally, EPA has recently established several new standards and is particularly concerned about proposed project's impacts to the NAAQS for one-hour nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM 10 and PM 2.5), and one-hour sulfur dioxide (SO<sub>2</sub>). EPA recommends the NEPA analysis identify these new standards and evaluate potential impacts to these standards from the proposed CBNG development. (0203-6)</p>	<p>Table 3-1 was updated to include new regulatory standards but not proposed standards.</p>
Svoboda, Larry EPA	<p><u>Water Quality and Resources</u> Given existing conditions and impacts in the Powder River Basin, EPA believes there is a strong likelihood for the proposed CBNG development to impact streams in the project area. Fortification Creek and Wild Horse Creek currently receive CBNG discharge water to the extent that these ephemeral creeks have become perennial (Draft EA, page 3-14). CBNG development, including road construction, is increasing sedimentation into stream channels. With the addition of 483 new wells and an estimated 1.6 million gallons per day of produced water, the Draft EA indicates impacts to stream morphology, increased sedimentation loading, and altered surface and groundwater chemistry are expected to increase and result in major changes to water resources in the FCPA (Draft EA, page 4-36). (0203-2)</p>	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). BLM authority over water management is limited especially when a WYPDES permit has already been granted. The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop. BLM has committed in the Draft RMPA/EA (Section 4.3.3) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>
Svoboda, Larry EPA	<p>EPA is concerned about the impacts of the proposed CBNG development on the Powder River. The main stem of the Powder River is currently listed under Section 303(d) of the Clean Water Act as impaired due to selenium and chloride. Many of the streams in the project area, including Fortification Creek, drain into the Powder River. Without effective mitigation and monitoring, EPA is concerned that expanded development in the FCPA may impact and subsequently lead to extended impairment of the downstream section of Powder River. In particular, EPA is concerned about selenium. While selenium occurs naturally and is nutritionally essential, it is toxic to both aquatic life and wildlife where concentrations are excessive. (0203-3)</p>	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). BLM authority over water management is limited especially when a WYPDES permit has already been granted. The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop. BLM has committed in the Draft RMPA/EA (Section 4.3.3) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Svoboda, Larry EPA	Water source protection is important for oil and gas development on split estates, such as in the FCPA, that are used for fanning and ranching and where property owners may be reliant on groundwater and/or surface water for drinking and irrigation. The EA should identify all relevant, reasonable monitoring and mitigation measures to protect these water sources even if they are outside the jurisdiction of BLM. EPA recommends the EA clearly demonstrate the proposed Best Management Practices will be effective at preventing the major impacts disclosed in the EA. As part of this demonstration, EPA further recommends a water monitoring program be implemented to evaluate impacts from the CBNG development on streams in the project area. The best management practices and water monitoring program should be developed with a focus on selenium and the goal of preventing the downstream section of the Powder River from becoming impaired. Without effective and demonstrable mitigation measures to prevent unacceptable impacts to water chemistry and water resources, a Finding of No Significant Impact may be difficult to support. (0203-4)	Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES). BLM authority over water management is limited especially when a WYPDES permit has already been granted. The WDEQ has stated that discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop. BLM has committed in the Draft RMPA/EA (Section 4.3.3) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.
Svoboda, Larry EPA	Environmental assessments are used to determine whether a project's impacts will be significant. If the agency finds that the action will significantly affect the quality of the human environment, it must prepare an Environmental Impact Statement (EIS). After our review of the EA, EPA's position is that the document does not provide sufficient information to allow BLM to determine whether this project will have significant impacts and whether preparation of an EIS is necessary. To this end, EPA recommends the NEPA document be supplemented with additional analysis and study on potential impacts to air quality and water quality. (0203-5)	A Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place from this EA and the PRB FEIS for the protection of air and water quality. PRB monitoring programs for air, water, and other resources enable adaptive management if actual effects differ from the anticipated effects.
Hooper, Tom	I would like you to include the exact figures on how many people both directly and indirectly rely on the energy industry for a pay check. I do not have the statistics but I would be willing to place a wager that the majority of Wyoming residents are connected to the industry. Especially up here with so much coal bed methane there are lots of opportunities to get hired. I guess this is why I wanted to write you today. I was worried that people may be trying to restrict the development of coal bed methane in the Fortification Creek area and I just don't agree with that. (0204-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Hooper, Tom	I think you should allow for development if the operators can prove that they have a plan that takes into account the needs of the wildlife and landscape. Things like how compressor stations or the water management facilities are positioned can really make a difference on how they affect wildlife. I really think that if the operators are smart, they can come up with a plan that demonstrates how the wildlife issues will be lessened. (0204-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Hamilton, Clayton & Caroline	We have researched the Fortification Creek Resource Plan (RMP) Amendment. We firmly believe, Alternative I is the best management plan. Alternatives II and III are far too restrictive. We fear the implementation of those latter alternatives will only reasons for companies to move to areas where the resources are much easier to develop (North Dakota etc.). Please don't consider forcing these companies to do business in other states. (0205-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Hamilton, Clayton & Caroline	For example, please DON'T create an 'Area of Critical Environmental Concern' that encompasses all of the Fortification Elk herd's yearlong range. This will allow ongoing development to be difficult (if it is even able to continue), and the end result is companies can't produce, which means communities can't benefit from the tax revenues and our nation won't benefit from a clean source an of DOMESTIC energy. (0205-2)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.
Hamilton, Clayton & Caroline	Game and Fish doesn't give sufficient research to why they would impose stricter rules. If companies operate and prove they are upholding the performance standards for the elk they should be able to continue to develop. Alternatives II and III do not allow this critical and much needed flexibility. (0205-3)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Hamilton, Clayton & Caroline	We used produced water for years and the environmental groups claims that the water kills cottonwood trees etc. are FALSE CLAIMS. Methane development has been a blessing to our community and region and the majority of landowners will tell you that! Please DO NOT bind the companies to opening less than twenty percent of elk yearlong range to drilling at any one time, and then allow new areas to open up only after existing fields are completely returned to a natural state.This is less than a realistic plan! (0205-4)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Shuman, Cheryl	<p>The thresholds for the tri-phased development must not be so prescriptive that it hinders the development of our energy resources. Performance-based development is a reasonable and prudent plan for development. In the Gillette area alone, there are almost a thousand jobs associated with CBNG development. High-wage jobs have been created because of CBNG development. This also leads to the expansion of service sector positions and associated support businesses. We need valuable clean-burning, domestic energy resources to meet the country's growing energy challenge. (0206-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
unknown	<p>I support the prompt approval of the Fortification Creek Alternative 3 for the following reasons: 1) Our economy depends on having a healthy and vibrant energy industry. Thousands of jobs are directly and indirectly dependent on having good paying energy jobs in our area. In addition, a strong energy economy brings massive tax revenues to our region. 2) Alternative 3 would greatly enhance the development of coal-bed methane while protecting the land as compared to the other alternatives. 3) The environment will be adequately protected. The performance requirements will reduce surface impacts. Mitigation and avoidance measures are sufficient. And, wildlife will be protected, including the elk. (0207-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Y, Mike	<p>I am really thankful for the opportunity to comment on the Fortification Creek Amendment. Standards for final reclamation must remain flexible. For instance, in those situations where private surface owners do not allow shrub species to be planted requirements for its presence in final reclamation must be waived. It is more important now than ever that the United States pursue balanced energy solutions that protect and expand thoughtful access to all oil and natural gas supplies. (0208-1)</p>	<p>BLM has already stated in the RMPA/EA in Section 4.4.1.3 that reclamation on private lands is negotiated between the landowner and CBNG operator and may be less stringent in terms of plant species composition, cover, and/or structure.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
unknown	<p>Here in Wyoming, we love the oil and gas development because of what it means for the community. The royalties taxes from these projects go to help fund our schools, roads, and city buildings. I even heard somewhere that experts expect taxes to the city and state from oil and gas to be up around \$4.8 billion. That's a lot of books for our kids, a lot of safe highways to travel, and a lot of nice public spaces made possible by oil and gas!</p> <p>That's why I was a little upset when I saw the BLM's alternatives for the Fortification Creek project only allow less than 50% of the analyzed well number. Fewer wells mean less natural gas, and less natural gas means fewer dollars going to the city and state. I don't know if you know this, but that \$4.8 billion dollars I was talking about, that represents the majority of the school funding in Johnson, Campbell, and Sheridan counties. Our kids can't learn without it. And our state can't survive without it either. (0209-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p>
unknown	<p>However, limiting compression facilities within crucial elk ranges is ridiculous. With proper placement and planning, compressor facilities can coexist with wildlife. BLM should disclose in the EA the criteria it will use to determine if a compression facility is necessary. (0210-1)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
unknown	<p>Interim reclamation activities such as seeding, re-contouring and erosion control structures should be in completed prior to moving into the next phase of development, but full interim reclamation standards should not have to be met prior to moving to the next phase of development. (0211-1)</p>	<p>Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p>
Hoffman, Mandalee	<p>Firstly, I think the BLM needs to have a fair way of protecting the rights of leaseholders so that there are not any unfair losses or burdens for those people. Secondly, I think the BLM needs to specify how it's going to protect leaseholders with lands in later phases. They need to be given the same protections and advantages as those individuals in earlier phases. Lastly, I think the BLM needs to collaborate with operators and leaseholders specifically to make sure all their needs are met and that all their rights are protected. (0212-1)</p>	<p>The Preferred Alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>The Preferred Alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p> <p>Performance standards will be reviewed prior to each POD authorization. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to the BLM's satisfaction.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Prolyn, Mike	<p>The FCPA RMP EA Project is a vital part of America's energy portfolio. Therefore, it should be developed in an efficient and responsible manner. Alternative 3 appears to support this goal. Under the National Environmental Protection Act (NEPA), the BLM is charged with balancing several, often-competing factors and addressing a range of possible alternatives. When one looks at the EAQ, it is clear that the project should move forward under 3.</p> <p>Negative impacts to the environment can be adequately avoided and mitigated. Reservoirs and water management facilities should be located on a performance-based objective. A ban on water management facilities outside winter and parturition ranges does not make sense in the long run and the goal of protecting game habitat can be accomplished through the performancebased model. (0213-1)</p>	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative.
Perez, Raul	<p>It is hard to overestimate the positive socio-economic benefits CBM brings to our region. In fact, it is our lifeblood. As with most other parts of the country, our biggest local concern is "jobs, jobs, jobs." And, here companies are chomping at the bit to develop the resources in the Fortification Creek area. Remember, oil and gas jobs are among the highest-paying jobs in the surrounding counties. More than 30 percent of workers in Campbell County are employed in the oil and gas industry. Wages for oil and gas development in Johnson, Campbell and Sheridan counties is significantly higher than the state average wage. Aside from the jobs, the project will bring billions of dollars of tax revenues to Wyoming. This is critical at a time when most States are drowning in debt and spending. Wyoming - and indeed much of the Mountain West - can be an example to the rest of the country about how we can balance successfully environmental, economic, and government issues. (0214-1)</p>	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.
D, Cory	<p>Gillette residents are all for the natural gas development in the Fortification Creek Project Area. Do you want to take a guess at why that is? It's because just in this area, natural gas development accounts for more than 900 jobs. And perhaps the best thing about those 900 natural gas jobs is that they bring in other jobs too. More workers mean we need more teachers for their kids, more restaurants to eat at, more hotels for visitors, etc. Natural gas development is very good for the local and state economy. That's why I think the BLM should continue to allow development in the Fortification Creek. (0215-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Moates, Joan	I just wanted to address one seemingly minor issue that could have a big impact on the project: The prescriptive portions of Alternatives 2 may unduly harm leaseholders, timely and efficient access to their resources and royalties paid to the federal government and state. Therefore, I urge your office to make sure no lease holder is unduly hurt competitively and all procedures are vetted accurately. Therefore, I urge you to use caution on this issue. (0216-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Lemmer, Walter	The "Preferred Action" in the Draft Environmental Assessment for strikes the correct balance between environmental protection, socioeconomic benefits, and providing America with the energy we need. (0217-1)	Thank you for your comment.
Lemmer, Walter	BLM should allow for ample exemptions to the 25% slope restriction when operators submit a detailed construction and reclamation plan. (0217-2)	Exemptions to the slope restrictions will be allowed under Alternatives I and III with an acceptable disturbance and reclamation plan.
Lemmer, Walter	Standards for construction requirements on steep slopes (>25%) should be established for consistency of application among BLM personnel. This will also allow operators to determine, prior to submission of applications, whether approval of a permit is feasible. (0217-3)	Alternative III development would be allowed on steep slopes and soils with severe erosion hazards if operators can propose acceptable disturbance and reclamation plans. Operators should be able to prepare acceptable reclamation plans based upon their previous "successful" experiences.
Lemmer, Walter	Lastly, the BLM should encourage performance based development wherever possible. America's energy use will increase by over 30% by 2035. We cannot meet current demand much less increased future demand with renewable sources of energy. We are going to need traditional energy. We need to figure out the best ways to develop it. For these reasons, I urge you to advocate for the Preferred Alternative in the Final EIS. (0217-4)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
unknown	I read a while ago about the millions in taxes to the state of Wyoming received from energy. That got me thinking about how many roads you could fix, how many hospitals you could build, and how many schools you could update with all that money. You know what I realized? You could do a lot of good for a community with those millions. That's why I think companies who want to develop our coal bed methane resources should be given the go ahead to do more projects that send more tax money on to the community. (0218-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p> <p>State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.</p>
Woodle, Ronald	I disagree that Fortification Creek has a bunch of threatened species. The elk herd is not considered an important regional or national resource. (0219-1)	The FONSI acknowledges public interest in maintaining a viable elk herd and identifies that the preferred alternative includes management actions to maintain the elk herd at or above the WGFD population objective.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Woodle, Ronald	Overall, I am happy with your draft document. Though, it still needs some work to ensure more of the recoverable CBM is developed. Fortification Creek is an area that should be fully developed. (0219-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Boone, Bev	The problem is that with all of the restrictions the BLM outlines in its EA document, we will never be able to maximize this area's potential. I think Alternative II has the most potential, though it still has a ways to go and here's why: Alternative II allows for less than 50% of the well level and it is so restrictive that it's questionable how much development could really happen. Alternative III is probably the best, but it still has the problem of only 50% of the well number. I think the BLM is trying to impose too many restrictions for the Fortification Creek area and it will limit our ability to maximize the potential of this rich deposit of coal bed natural gas. (0220-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Nedred, Denver	Reclamation is a critical part of any development plan. There are almost too many factors to consider not the least of which are conditions on the ground. This is why I favor a more measured and flexible approach to reclamation in the Fortification Creek area. I am worried that the current reclamation plans will unnecessarily hinder development and increase the cost of doing business in our region. (0221-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.  Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.
Nedred, Denver	For instance, I am firmly against the requirement of a one-year delay in development until interim reclamation is established. Of course, interim reclamation activities, like reseeding, contouring, and erosion control must occur before an operator can move onto subsequent phases. However, holding an operator hostage until that reclamation is established is not right. (0221-2)	Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.
Nedred, Denver	You can still hold their feet-to-the-fire without delaying subsequent phases of development. Establishment of reclamation measures is critical. But, this might take awhile to achieve. For instance, the Fortification Creek area has a lot of invasive species, including cheat grass. Establishing native species on one parcel of land when invasive species have infested a neighboring piece of land is going to be really tough. (0221-3)	Reducing the spread of noxious weeds is a management action common to all alternatives. Because this is a current management action, operators are already required to reduce the spread of weeds. The operator will be responsible for prevention and control of noxious weeds and weeds of concern on all areas of surface disturbance associated with the project (well locations, roads, water management facilities, etc.).
Nedred, Denver	That is not to say we should not hold operators responsible for establishing these native species. In fact, I think it is okay to leave the land a little better than how they found it. However, I urge you to use more sensible methods of enforcement. (0221-4)	Thank you for your comment.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Brewman, Deb	Reclamation in this area will be very difficult. It almost appears as though you are requiring operators to leave an area in a condition much better than when they found it. Invasive plant species are all over the area. How can an operator reclaim an area and establish native species when invasive species are on lands right next door? A comprehensive approach that slowly pushes invasive species out of the area would be much better than an unreasonable expectation that an operator can reclaim and maintain their area perfectly, while all surrounding areas are infested. And, not only that, but not allowing that operator to move onto later phases until that perfection is achieved. (0222-1)	Reducing the spread of noxious weeds is a management action common to all alternatives. Because this is a current management action, operators are already required to reduce the spread of weeds. The operator will be responsible for prevention and control of noxious weeds and weeds of concern on all areas of surface disturbance associated with the project (well locations, roads, water management facilities, etc.).
Brewman, Deb	You need to be flexible with reclamation standards and only require reasonable interim reclamation to occur before allowing an operator to develop other areas. I fear that reclamation standards that are too restrictive - and possibly impossible to meet - will dis-incentivize development of our region. (0222-2)	Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.
Soby, Traci A	Energy development is a lynchpin of Wyoming' economy. Tens of thousands of jobs and millions of dollars of tax revenues are a direct result of energy activity in the state. This is why support the development of the Fortification Creek coal-bed methane. (0223-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p>
Hoffman, Edgar R	While I am mostly in favor of Alternative 3, the approach you appear to take is extremely detailed and inflexible. I'm sure you know, things can appear very different on-the-ground as opposed to in our offices. I believe your plan should be flexible enough to accept circumstances on the ground and allow operators to submit plans on how to handle those conditions. (0224-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Hoffman, Edgar R	Here are a couple of quick examples. You have a blanket restriction on development in areas where two critical habitats overlap. There may be circumstances where a pad has to be located in one of these areas in order to access the resource. Otherwise, you are prohibiting the development of that gas. Operators should be able to have the opportunity to prove to you through scientific study and analysis that production can occur without disturbing these species. (0224-2)	The need for security habitat is scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate apriori mitigation measure.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Hoffman, Edgar R	Another example is in the timing limitations. If an operator can show that wildlife will not be disturbed during these periods, you should allow for development. And, operators should be able to visit already drilled wells during the timing limitations for maintenance and safety. (0224-3)	Operators may certainly request exemptions to be analyzed prior to or even subsequent to the site-specific NEPA analysis for the POD. Operators may also commit to measures within their proposals which could potentially alleviate the need for timing limitations. The action alternatives seek to manage, but not eliminate, well visitation during timing limitation periods. Operators have already taken some measures to reduce human visitation such as metering wells with radiotelemetry. Remote metering technologies do not eliminate the need for human visitation, some level of human activity is still required because the remote-systems need to be checked, well adjustments need to be made, and equipment needs to be inspected to prevent releases. The operations plan required in Alternatives II and III is another method to manage, but not eliminate, human visitation during the production phase including during timing limitations.
Hoffman, Edgar R	There are a number of areas where inflexible rules are proposed. However, it should be made very clear in your document that operators have the opportunity to be excepted from the rules on a case-by-case basis if factors on the ground dictate. (0224-4)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on wells, roads, water facilities, and visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Asher, Victor	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0225-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>LeResche, Carol</p>	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0226-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anderson, William	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0227-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Purcell, D.J.	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0228-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

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<p>Barlow, Bernadette</p>	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0229-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

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Packard, Gary	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0230-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Redfield, Amber	<p>I do have concerns about your plan to protect all overlapping critical habitats. This seems like an extremely rigid approach. It seems reasonable to allow development if an operator can demonstrate an ability to protect wildlife in the area and minimize disturbance. (0231-1)</p>	<p>The need for security habitat is scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate a priori mitigation measure.</p> <p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>

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Redfield, Amber	It is unreasonable to have a blanket ban on any surface disturbance on slopes of 25% or more. Why not let operators and engineers determine on a case-by-case basis what is appropriate for a particular site. (0231-2)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
Redfield, Amber	I think the BLM should allow for a pad to be built in these situations if the operator submits an acceptable construction and reclamation plan that minimizes erosion potential and allows for the re-establishment of native plants. (0231-3)	Under Alternative III, operators would submit a disturbance and reclamation plan with their APDs when specified by BLM. With acceptable plan, surface disturbing activities may be authorized on slopes greater than 25 percent and on soils with a severe erosion hazard where reclamation goals are achievable.
Redfield, Amber	I am encouraged to see your office planning for the development of our ample natural resources. America needs natural gas and we have a lot of it right here in Wyoming. Let's provide America with the energy she needs - and reap the benefits of development, including jobs, royalties, and tax revenues. (0231-4)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.

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Gerard, Larry	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0232-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

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Saffel, Julie	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0233-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

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West, Margaret & Bill	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0234-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Klock, Casey	<p>Certainly, there is a time and a place when we need oversight but sometimes government gets heavy handed and that hurts Wyoming. I think that we should be supporting business in Wyoming and new business development.</p> <p>One example of heavy handedness in the document is on the ban for 25% slopes. A one-sized-fits-all ban like this doesn't take into account all of the improvements we've made with drilling technologies. There are good, environmentally responsible ways to work in erosive soil areas. (0235-1)</p>	<p>Exemptions to the slope restrictions will be allowed under Alternatives I and III with an acceptable disturbance and reclamation plan.</p>
Klock, Casey	<p>I do not support the alternative that includes overly restrictive bans on development. We need new business! (0235-2)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>

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Name/Organization	Comment	Response
Sorenson, Nancy	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0236-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Manning, Mave	<p>I support the smart development of energy in Fortification Creek and I support alternative 3 as the best way to continue coal bed methane development.</p> <p>I think this is the best because it allows operators the most freedom while still protecting the area's natural resources. However, I don't like alternative 3 because it only allows for 50% of the wells that operators said they needed. Alternative 3 is on the right track, but there are still a few kinks that need to be ironed out before it gets my absolute support. Thank you for taking my thoughts into consideration as you finalize your plans for this project. (0237-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Manning, Mave	Gillette residents are all for the natural gas development in the Fortification Creek Project Area. Do you want to take a guess at why that is? It's because just in this area, natural gas development accounts for more than 900 jobs. (0237-2)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.
Manning, Wade	I think the government should lift restrictions that burden our ability to produce this natural gas. By designating so much land - up to 80% of the project area - to wildlife habitat in the Fortification Creek project area, the government is just making it harder for us to get the natural gas we need. Get it together and let development in the Powder River Basin continue without all kinds of restrictions. (0238-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Manning, Duane	. . . we can't have the BLM standing in the way of the expanded development of the Fortification Creek area. I would be thrilled to see operators get the go-ahead to work in this area and be able to put up all 1,000 wells they project they'll need, especially if it came without all the wildlife habitat restrictions that unnecessarily burden operators and make it harder for all of us to make a living. (0239-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Sorenson, Robert PRBRC</p>	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0240-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
<p>Manning, Tom</p>	<p>The latest thing that got me thinking the government was just blowing smoke on energy issues was the BLM's EA for the Powder River Basin/Fortification Creek project area. The BLM recommends so many restrictions for the development of this area that it will be a wonder if anything can even get done there. America is facing a serious energy crisis. We can't afford the rising costs of buying from foreign sources that are often unreliable and disloyal to the United States. We need development in places like the Fortification Creek in order to keep this country running. I know the government has the rhetoric down-I hear it all the time-but the real test is going to be whether they can actually practice what they preach. The BLM needs to back down its regulations so we can get something done to get us on track for energy independence. (0241-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Wilkie, Dean PRBRC</p>	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0243-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of soil, water, cultural, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
<p>Harris, M</p>	<p>That is why we need to develop as much of our natural gas in the Fortification Creek area. The Powder River Basin produces more than 900,000 cubic feet of gas per day (or over 9 billion cubic feet per year). While that is a small percentage, it is still an important component of our national energy portfolio.</p> <p>I ask that you consider these factors when making your decision on Fortification Creek. Make sure the phased development you envision creates proper incentives for timely and efficient development of our resources. Make sure you are not imposing costs on these operators that will have little or no value. Too often, restrictions are put in place that are simply window-dressing to appease some special interest environmentalist group. Yet, they impose great costs on operators and ultimately consumers. (0244-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wilson, J	<p>You did a great job on this EA for the Fortification Creek Area. It shows that you spent a lot of time analyzing the best way to - as the saying goes - have our cake and eat it too! I think the best example of this is in Alternative 3. This alternative outlines how to get a sizeable portion of the gas from coal beds out and still protecting the integrity of the view and the land. (0245-1)</p>	<p>Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.</p>
Wilson, J	<p>I was really glad to see that the visual resource classification stayed the same. This is a perfect area to have a class III: we need development and the way it's outlined in Alternative 3 makes sure that it will all be protected. I don't see a major issue with allowing overhead power lines but I think there should be some flexibility in where they are allowed to be placed. (0245-2)</p>	<p>Many of the power lines that would be necessary for CBNG development within the FCPA are already in place. Under Alternative III overhead power on BLM surface will be limited to within road corridors to manage within the existing visual class.</p>
Wilson, J	<p>I've heard some talk from people who think that there should be more special designations for the elk but I don't think this is a good idea. What concerns me is how that type of designation would hurt our grazing industry. I was glad to see that it wasn't incorporated into Alternative 3 and I think you should go forward with this one. (0245-3)</p>	<p>Neither an ACEC nor a WHMA were designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be adequately protected with this RMPA/EA.</p> <p>Again, thank you for your comments.</p>
Ruby, Zana	<p>The Fortification Creek area is blessed with an abundance of coal bed methane. I support continued development of this valuable energy resource. The RMP Amendment and Environmental Assessment analyzes three alternatives. Alternative 2 is way too restrictive and unfair to leaseholders. Alternative 3 is a good start.</p> <p>While I reserve the right to submit additional comments, I wanted to address the reclamation policies suggested in Alternative 3. It appears that the BLM will not allow development to move into later phases until one year after full reclamation of an earlier phase is completed. This is way too restrictive.</p> <p>While it is important for interim reclamation activities to be completed, the one-year delay is too long. A better approach would be to make sure reclamation activities occur and standards are met, and to monitor the reclamation for years into the future. You can still go back to operators and make them fix the situation, while they operate in another location. (0246-1)</p>	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Fraser, Pat	<p>I was surprised that Alternative #1 , the "No Action Alternative", proposed the most development. In fact, it proposed 1/3 more wells than the preferred alternative. I am all for protecting the environment. However, I am also for consolidating development. If you lightly develop one area, you expose whole other areas to development. And, those areas may have true wildlife or wilderness values, that are less important that those found in Fortification Creek.</p> <p>Alternative #2 is completely unreasonable and I am glad you did not make it your preferred alternative. The so-called "prescriptive" approach limits development too severely, will make operations too expensive, and unfairly limits access to certain high-value reserves. Leaseholder and taxpayer value will be minimized which is wrong.</p> <p>Alternative #3 I think sets out the best development plan of the three. But, it does limit resource extraction too much. Again, there is going to be drilling in the area. Not allowing drilling in several locations will likely have limited (or no) positive environmental impact. All it will do is reduce the amount of the resource extracted and limit leaseholder and taxpayer values. I would encourage you to go back and see how you can increase the number of well locations from the current 483 and come as close as possible to the number of well locations shown in Alternative #1. (0247-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p> <p>Under Alternative 3, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on wells, roads, water facilities, and visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Fraser, Pat	I think your analysis presents a good start. But, I would like to see more efficient resource extraction. (0247-2)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Buckley, Mike	I do not agree with some of the proposed features in the EA including the one-year moratorium on development until interim reclamation has been established. This is a foolish, arbitrary ruling that will not adequately help the habitat loss. I also do not agree that the elk will be unduly hurt. (0248-1)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Buckley, Mike	Certainly, in the interim, there will be activity and as scientifically proven, the elk will avoid the area that is under development. However, with the bolt on approach in Alternative 3, there is ample time and room for the elk to get away from the development. The biggest disturbance to the elk will be during the construction phase and that will be short lived. A field of less than 500 wells is not a large field and will be constructed quickly. (0248-2)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Buckley, Mike	As part of the performance based objectives, water facilities should be allowed throughout the range. Protection of game habitat while these facilities are on range land can be accomplished through the many performance based standards you outlined. (0248-3)	Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Buckley, Mike	I think you should also consider allowing disturbance on steep slopes and not put a ban on all surface disturbance of slope more than 25% or highly erosive soils. The use of sound geotechnical engineering can help mitigate many issues associated with this. If an operator can show that his plan has a detailed construction and reclamation plan for activity on 25% slopes, than it should be allowed. (0248-4)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.  Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.
Buckley, Mike	Before these plans are accepted, the BLM should make sure all the folks who would be approving these are on the same page to make sure there is consistency in the applications. (0248-5)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA. The performance standards will provide consistency.
Vance, Lars	I'm glad that all the alternatives look at how to extract coal bed methane. Our nation is facing a serious energy crisis. Without adequate production and supply of energy, we are destined for a major energy crisis. It is therefore the duty of the BLM to take appropriate actions to the extent available to have projects that increase the production and transmission of energy. (0249-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Vance, Lars	I do not support the creation of an ACEC or WHMA outlined in Alternative II. By BLM own recognition (Page 4-116) with regards to the action to designate an ACEC; "It is expected these actions would result in negligible beneficial impacts to vegetation and rangeland resources because the resource values would be protected by performance based standards." (0249-2)	Neither an ACEC nor a WHMA was designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be adequately protected with this RMPA/EA.
Vance, Lars	I support adoption of Alternative III's performance based standards and see no need to designate an ACEC. (0249-3)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Vance, Shirley	I do not support Alternatives I and II. I do not think either of these methods are the best way to move forward. I think the only reasonable plan for moving forward is Alternative III as long as you make sure none of the private landowners who are checker boarded throughout get hurt. I also think you should make sure that the people who bought the leases can actually get into the leases because without proper rules in place it seems like some of the leaseholders could get the short end of the stick. (0250-1)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Harvey, Kevin	Phased development should be flexible enough to allow operators to proceed with later phases of development without waiting for other operators to complete their earlier phases. I am concerned that your phased development idea will negatively impact the lease rights of those in later phases. Phased development needs to be economically viable and technically feasible. And, it should be based on performance, not arbitrary thresholds. (0251-1)	The preferred alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Harvey, Kevin	The phased development scenario set forth in Alternative 3 seems the best to me. The BLM can work with operators to achieve environmentally responsible and timely lease development. The prescriptive approach in Alternative 2 is overly restrictive in that it will seriously delay development in the Fortification Creek area. Performance-based development using a "bolt-on" approach is most reasonable. (0251-2)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Harvey, Kevin	In addition, you need to ensure that phased and coordinated development does not give one operator a competitive advantage over another. If one operator is dependent on other operators before moving onto subsequent phases, overall development will drop to the "lowest-common denominator." I think that companies that demonstrate the most efficient and quick operations - to get in and get out - should be rewarded. (0251-3)	The preferred alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
unknown	I read from one of those enviro groups that: FCPA is the "last vestige of a Powder River Basin pristine high prairie ecosystem is in trouble from excessive coal bed methane and the BLM is asking for comments on the values of the area." This is such a LIE! Anyone who's ever been up in the area knows there's about 599 wells in the FCPA area. There are already roads. There is already infrastructure. The audacity that this is somehow a unique untouched area is a bald-faced fib. (0252-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
unknown	Certainly, if they are referring to the existing WSA, then yes, one could argue that there isn't any development but this EA wouldn't allow for any development in that WSA. It would continue to be protected and that's where most of the elk already hang out! (0252-2)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
unknown	This group and others keep trying to say that the poor elk will be so hurt. But I read through the document and it said that Game and Fish wants at least 150 in the herd. There's more elk in the area now than that number and cow pregnancy rates are above 90 percent (0252-3)	Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions. Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.
unknown	This is why I don't support Alternative 2. The better approach is Alternative 3. I hope that you'll move forward with Alternative 3 - the Performance Based Alternative as the preferred alternative in the final EA. I hope that you also move quickly through this process because this project has already been delayed enough. (0252-4)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Pannos, Mark	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0253-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Duvall, Allen W	I found out about Fortification Creek project because of an article written by Dustin Bleizeffer in the Casper Star Tribune. The article said that the "Performance-based plan" would allow for 483 well locations. However, when I reviewed the BLM documents, I started to realize that this number of allowed well locations is very low. It's much less than the original plan of 726 wells. Why did the BLM go with such a low number? If it was done in response to the elk, I think that development, even at the 700+ well mark, can happen in a responsible way. I hope that this number will be revised to allow for the potential to have more wells in the area. (0254-1)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Duvall, Allen W	The article also references several concerns to the elk herd being "boxed in". However, the requirements and BMPs outline in Alternative 3 do a great job in making sure that development can take place without adversely affecting the elk - not to mention other wildlife. (0254-2)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

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unknown	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0255-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Yarn, Bradley	<p>You will surely receive comments from environmentalists supporting the "Prescriptive Alternative". Both this alternative would make the project unviable. And, I do not believe it will do much to actually protect the environment. (0256-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Yarn, Bradley	<p>Your office can impose "reasonable restrictions" to help ensure the protection of the environment. However, the restrictions found in Alternative 2 are anything by reasonable. The overlapping crucial range restrictions are too restrictive in that they eliminate development in too great an area. (0256-2)</p>	<p>The need for security habitat is scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate.</p>
Yarn, Bradley	<p>In addition, the BLM needs to address or create a fair and orderly allocation of effective and secure habitat loss among all lease holders/operators in the area under Alternative II and III. (0256-3)</p>	<p>The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Yarn, Bradley	<p>If we're going to produce natural gas, the "Performance Alternative" is a great way to do it. And, I would think reasonable environmental organizations would support it. Thank you for all your work on this project. I look forward to your approving the "Preferred Alternative" and participating in making this project come to fruition. (0256-4)</p>	<p>Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.</p>
Sands	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0257-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

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Ritter, Michael	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0258-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Herman, Joshua	<p>It is an extremely productive field. This project will ensure that coal bed natural gas continues to flow from this area for many more years and provide hundreds of new jobs and revenues to the Federal Government, State of Wyoming, and the local communities. Point and case: Johnson, Campbell counties provide a large tax base for the state and most of this comes from energy development (0259-1)</p>	<p>Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues. Impacts were evaluated for Campbell, Johnson, and Sheridan counties.</p>

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Herman, Joshua	If proven that development can occur with minimal damage to steep slopes or slopes over 25%, the operators should be allowed to move forward with such plans. (0259-2)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
Herman, Joshua	The majority of disturbances to wildlife will occur during the very short, very temporary construction period. (0259-3)	There will continue to be disturbance from well visitation activities. Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, and equipment needs to be inspected to prevent releases.
Herman, Joshua	Interim reclamation success should not be a criteria for deciding when companies can move onto the next phase of development. Rather interim reclamation investments should be made before moving to the next phase. (0259-4)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Herman, Joshua	For these reasons I urge you to recommend the approval of Alternative 3 and allow the development to occur. Your office has done an excellent job in fulfilling your duty to address and perform an extensive analysis of a reasonable range of alternatives. (0259-5)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.

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Name/Organization	Comment	Response
Davidson, Roger & Marilyn	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0260-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Meyers, Ricky	<p>From an economic standpoint, the Fortification Creek Project will be extremely important to our region. First and foremost, hundreds of jobs will be created. In addition, the project is expected to generate considerable taxes at the state and local levels. Not to mention the local property, sales, income and other taxes. These are all important for our schools, hospitals, and infrastructure. Oil and gas jobs are some of the best jobs in our area. They pay good wages and most include excellent benefits packages.</p> <p>In my opinion, a healthy state and local economy with job creation, tax revenues, and economic growth overcomes any of the minimal environmental impacts from this project. I thank you for your consideration. This project will be extraordinarily beneficial to our region. Please move forward quickly. (0261-1)</p>	<p>Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
May, Justin	I read through the document on the BLM's website and it said that the elk herd in the area is NOT an endangered or special status species. I read through the FONSI and it said this herd is INSIGNIFICANT to the region and the nation. No offense to the elk, but if we are going to spend time making special designations and planning, shouldn't we be doing it for a species that is ACTUALLY threatened? (0262-1)	The FONSI acknowledges public interest in maintaining a viable elk herd and identifies that the preferred alternative includes management actions to maintain the elk herd at or above the WGFD population objective.
May, Justin	Plus, there is already an area that is a special designation for this herd. I think it's called the Fortification Creek Wildemess Area. And guess what, the elk ALREADY OCCUPY THE WSA. If the BLM wastes my tax dollars on trying to decide whether or not to give a special management area to an insignificant herd of elk that already have a protection area, I'm going to be disappointed. If you've ever been out to the area, you'd know there's ALREADY development and there are A LOT of elk! (0262-2)	<p>The elk move throughout the Fortification Creek Area. They have a yearlong range, winter range, and calving range. While these ranges include the WSA (12,149 acres) they are much larger than the WSA. The yearlong range within the FCPA is 78,251 acres; the winter and calving ranges within the FCPA are 52,068 acres. These numbers include the area in the WSA.</p> <p>The elk are being protected because the elk avoid human disturbance. The phased approach will allow the elk to move from area to area until the disturbances are reduced.</p>
May, Justin	I don't think the document adequately shows a positive cost benefit analysis for establishing another special designation area and I don't think it would have many positive benefits. Therefore, the cost of planning, drafting and implementing the designation would be too great. (0262-3)	Neither an ACEC nor a WHMA was designated under Alternative III because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be adequately protected with this RMPA/EA.
May, Justin	I want to see development of natural resources in this area and I DO NOT want to see any more special areas created for the benefit of an insignificant herd that isn't in any danger. (0262-4)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Peters, Jay	FCPA has room for many more CBNG wells than analyzed in Alternative 2 & 3. These alternatives remove potential drilling opportunities. BLM is being overly restrictive in limiting the recovery of CBNG resources present in the FCPA. I would have liked to see more wells allowed in both alternatives. (0263-1)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Peters, Jay	The BLM should investigate and analyze the negative impact to the American public that would result in leaving the valuable resource undeveloped or delayed by a decreased pace of development. The federal government must expand responsible access to our nation's energy resources in order to reduce our reliance on unstable energy imports. (0263-2)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.</p>
Peters, Jay	Apart from the low well count, I do think many of the performance based BMPs outlined in Alternative 3 are spot on. I hope you will speedily craft and approve the final EA. Please only place conditions on the EA that will allow for the most resource recovered with performance based BMPs that will actually have a real positive impact without ruining the economic viability of this important project. (0263-3)	Thank you for the recommendation. BLM will consider it while developing the proposed final RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Smith, Paige	We have to make sure we are protecting the land. I think that protection of the land and the animals in the area can be managed under Alternative III. This alternative does the best job of managing concerns for wildlife without being overly prescriptive. (0264-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Smith, Paige	The Pickens Plan goes on to talk about the advances in technology in how we can utilize natural gas and I think that is also true for how we extract natural gas and coal bed natural gas. That's why I think you should make sure that the plan is flexible enough that is can allow for betterments in technology. If it's overly unyielding, we could be doing America a disfavor and lose out on the ability to extract from this humungous field. (0264-2)	Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.
Smith, Paige	The one thing I wish was different in Alternative 3 was how many wells would be allowed. Under the No Action Alternative, there are a lot more wells that would be allowed. It seems by cutting the well count by a third, that doesn't do America justice. I would like to end with another quote from the Pickens Plan: "natural gas is the critical puzzle piece that will help us to keep more of the \$350 to \$450 billion we spend on imported oil every year at home, where it can power our economy and pay for our investments in wind energy, a smart grid and energy effidency." I hope you'll take this into account when moving forward. (0264-3)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Lind, Kevin	<p>I urge you to protect this important and fragile area and its diverse and abundant wildlife species. The Fortification Creek Area is a unique landscape within the Powder River Basin and the last remaining area unscarred by oil and gas development. The area is home to an isolated elk herd, mule deer, songbirds, and sage-grouse. I personally value these wildlife species and believe they cannot be replaced should development cause their populations to decline. The topography of the area is rugged and the public enjoys hiking, hunting, and recreating amidst the hills and valleys.</p> <p>Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production.</p> <p>I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection.</p> <p>Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0265-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
C, Jeffrey	<p>According to an article in the Gillette News Record published 10/30/2010 this was based on expectations with Wyo's energy industry. The report looked at coal, coal-bed methane, natural gas, oil, uranium and here's what they found: Severance taxes from minerals: Overall mineral severance tax revenues are expected to total \$1.69 billion in the fiscal year 2011-12 biennium, which represents a 10.2 percent increase over forecasted levels at the beginning of the year. Fiscal years 2013-2014 and 2015-2016 are predicted be higher than 2010, surpassing Wyoming's record severance tax revenue of \$1.95 billion in fiscal year 2007-2008. Federal mineral royalties: The state is expecting \$1.61 billion in federal mineral royalties in the 2011-2012 biennium, which is more than \$145 million higher than what was expected in January. (0266-1)</p>	<p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
C, Jeffrey	I hope that you will include this report in your final socioeconomic study for the EA. Mineral production plays a huge role in how much taxes we receive and this allows for us to protect our roads, our children and our communities. Specifically, Wyoming's revenue at both the state and local level has increased since coal-bed methane began in the 90s and this is expected to continue. You should ensure that coal-bed methane can be extracted quickly and that all the leaseholders have fair and competitive access to their leases so that we - the American people - can get as much of these projected severance taxes and royalties as possible. (0266-2)	Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues. Socioeconomic impacts were evaluated for Campbell, Johnson, and Sheridan counties. Evaluating impacts for the entire state is outside the scope of the RMPA/EA.
Martinez, Jim	After reviewing the alternatives, I most agreed with Number 3, "CBNG development would be phased with performance based standards to protect the resident elk herd and ensure successful reclamation." (0267-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
unknown	I can't believe the BLM is trying to require all the companies to limit cheat grass in the final stages of reclamation. Now, this sounds all warm and fuzzy but have you been out there? There is so much cheat grass! Why are you trying to force the operators to cure a problem that they didn't cause? (0268-1)	Reducing the spread of noxious weeds is a management action common to all alternatives. Because this is a current management action, operators are already required to reduce the spread of weeds. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.
unknown	I also just laughed when I read the restrictions on the surface disturbance bans for steep slopes. Operators should be able to send in detailed construction and reclamation plans that give them the exemption from the ban. (0268-2)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.  Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.
Fraser, Amy	Lots of development has occurred over the years. Remember, if we don't obtain the CBM here, it will be developed elsewhere, perhaps in areas that truly do have wilderness characteristics. I'm not saying Fortification Creek does not deserve some protection. However, I think due to the nature of this field, that protection should occur in reclamation standards, not in shutting out development in large swaths of land. (0269-1)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Fraser, Amy	I believe your office should include an analysis in your planning documents that analyzes the cost to America of leaving large quantities of our resources undeveloped, or even in just delaying developing (as your phased plan would do). (0269-2)	Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues. Socioeconomic impacts were evaluated for Campbell, Johnson, and Sheridan counties. Evaluating impacts for the entire country is outside the scope of the RMPA/EA.
Flores-Gonzales, Eligio	Your office 's RMP Amendment and Environmental Assessment analyzes three alternatives. Alternative 2 is way too restrictive. Alternative 3 is decent, but seriously reduces the number of well locations over Alternative I (the No Action Alternative). (0270-1)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Flores-Gonzales, Eligio	I want to address some of the reclamation policies suggested in Alternative 3. I don't like your proposed policy to prevent development in subsequent phases of development until one year after full reclamation of an earlier phase is completed. This is too long. I think it would make better sense to require reclamation activities to occur, monitor the reclamation, and require later repair, maintain or replace. (0270-2)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Flores-Gonzales, Eligio	Reclamation in Fortification Creek will be tough. It is infested with invasive plant species. The climate can be harsh. And a considerable amount of previous development activity has occurred with unsuccessful reclamation. A comprehensive approach that methodically pushes invasive species out of the area would be much better than expecting an operator can reclaim their disturbances, while neighboring lands are infested. (0270-3)	Reducing the spread of noxious weeds is a management action common to all alternatives. Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.
Flores-Gonzales, Eligio	Banning further development until an area is fully reclaimed will just serve the purpose of slowing development and increasing costs with no discernible benefit. (0270-4)	Alternative III includes performance based reclamation standards, development may proceed when BLM determines that the standards are met.
Comretto, Maura	I appreciate your making Alternative #3 the preferred alternative, because it does seem to be the least restrictive. (0271-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Comretto, Maura	Alternative # 3 could be more flexible: I think you should allow more flexibility in the placement of utilities, water lines, and power lines. (0271-2)	Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Comretto, Maura	I disagree with not allowing development on overlapping critical habitats even if an operator can show they can develop the resource and protect wildlife and plant species. (0271-3)	The need for security habitat is scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate a priori mitigation measure.
Comretto, Maura	I was glad to see you rejected imposing a highly restrictive Wildlife Habitat Management Area, because it is not necessary for this region. Best management practices that are now a part of energy companies' day-to-day business and these will achieve the goals of a WHMA. A WHMA will do nothing but delay development in this area. (0271-4)	A WHMA was not designated because the resource values (wildlife) for which the WHMA was proposed will be adequately protected with this RMPA/EA.
Comretto, Maura	Your preferred alternative adequately protects the environment, wildlife, water, and air. Production of the coal bed methane in Fortification Creek has been delayed for far too long. (0271-5)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Crane, Jessi	<p>I think phased development has a lot of good qualities about it. However, there are some problems with it that I don't think the BLM considered when they recommend that each phase has three years of development and then one year of reclamation before lease holders can move on to the next phase. The problem with this plan is it doesn't consider how selfish people can be sometimes. Let me give you an example: If there's a leaseholder who only has lands in phase one, there isn't much motivation after the three years of development to reclaim the land. In the meantime, if I've got lands I want to develop in phase two, I've got to wait for the guys in phase one to start reclamation, and then to continue that for an entire year. And that could take a long time. The current system punishes leaseholders in later phases. The BLM needs to come up with a plan that protects the leaseholders in later phases and not have one that rewards the ones in phase one and punishes the ones in two and three. (0272-1)</p>	<p>The Preferred Alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Murphy, Brenda	<p>. . . when I look at the alternatives for the Fortification Creek project, I am shocked by the blanket ban on activities that disturb the surface if the slope of that surface is greater than 25%. While I'm sure the BLM had the best of intentions when they prescribed this in their plans, a sweeping ban like this doesn't take into account all of the improvements we've made with drilling technologies. There are good, environmentally responsible ways to work in erosive soil areas and a one-size-fits-all ban doesn't consider those. I think the BLM should rethink its total ban on surface disturbance in these areas and allow operators to continue development as long as they have a plan that addresses acceptable disturbance and reclamation levels on slopes greater than 25%. (0273-1)</p>	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
Wall, Dusty	<p>I am concerned that you reduced the number of well locations from 726 to 48. Everyone wants to protect the environment, including area wildlife. But, those efforts can go too far. If we don't get the energy here we will get it somewhere else. Why shut off access to up to 50% of the resource when development is already going to occur here and has occurred in the past? (0274-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Wall, Dusty	<p>Fortification Creek should be developed responsibly - in a way that will allow it to recover in the future. However, stopping development in large parts of Fortification Creek is not the way to do it. Modern best management practices which have become standard operating procedures for all energy companies will allow this area to recover well. (0274-2)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wall, Dusty	Thank you for all the work you have put in this analysis. The only request I have is to increase the number of well locations substantially. (0274-3)	Thank you for the recommendation. BLM will consider it while developing the proposed final RMPA/EA.
Hibbs, Leroy	I commend you on your choice of Alternative #3. I believe the concerns outlined in the EA can be fully resolved in Alternative 3 through cooperation among operators, the BLM and other agencies and through the implementation of best management practices. (0275-1)	Thank you for your comment.
Hibbs, Leroy	As should be the case all over the Planning Area, development should occur on a performance-based model. If an operator can show they are able to operate responsibly - including protection of critical wildlife habitat - they should be allowed to do so and not be held hostage by rigid, "no exceptions" rules or even the activities of other operators. (0275-2)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Hibbs, Leroy	In addition, Alternative #2 would severely limit compression facilities within elk critical ranges. As has been clearly shown elsewhere, compression facilities can co-exist with wildlife, including elk. Instead of a blanket restriction, you should work with operators to ensure proper the siting of compressor facilities. If it is clearly determined that a compressor station will impact elk or other wildlife, it should not be built. You can work with the operator to put it elsewhere. Even though there should be no hard and fast rules, you should set our certain criteria that you will consider in determining the need and location of a compressor station to give operators some regulatory certainty. (0275-3)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Moore, Matthew T	I support developing the Fortification Creek coal-bed methane. Despite what you may read in the news (or in comments from national environmentalist groups), Fortification Creek is not wilderness. Lots of development has already occurred over the past several decades. I think it makes sense to develop areas which have already seen development. (0276-1)	Thank you for your comment.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Moore, Matthew T	<p>Studies clearly show that there are over 200 elk in the area. The Wyoming Department of Fish and Game wishes to maintain the herd at about 150 animals. Even if the elk populations were to go down due to the CBM development in the area - which I don't think will happen, because elk and energy development coexist - there would have to be a severe reduction in the herd for wildlife managers to become concerned. This elk species is not threatened or endangered. It is not a special status species. I just don't think elk protection is a big deal in the area. Previous energy development in the area was done in a manner that was not nearly as environmentally responsible as they are today. And, elk populations continue to thrive. I would not let elk protection restrict development in the area. And, I hope your final EA and RMP Amendment don't reflect even more protections for this important, but resilient, species. (0276-2)</p>	<p>The Preferred Alternative, Alternative III, uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. These are the resources covered by the lease stipulations. The performance-based standards of Alternative III allow for flexibility and adaptation. If the monitoring results indicate the elk are acclimating to CBNG activity then the security habitat standard may be adjusted allowing for additional CBNG development.</p>
Fraser, Nicholas	<p>I read in the Tribune that the Wyoming Wildlife Federation is arguing against increased development in the Fortification Creek area because they are worried about the viability of the elk herd in the area. They think that the elk are getting squished into smaller and smaller amounts of habitat as a result of the development in the area. So today I want to give you some fast facts from the other side of the issue. This elk herd they're worried about isn't an endangered species, nor is it a special status species. The elk in the Fortification Creek are choosing to occupy certain sections of the area, meaning that if they feel squished into an area, it's because they've chosen that for themselves. Coal bed methane and elk have coexisted in the Fortification Creek area for a long time and the herd hasn't been destroyed yet. I think we're getting overly-sensitive about the wildlife in this area. (0277-1)</p>	<p>Alternatives II and III and the need for security habitat are scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate a priori mitigation measure.</p>
Fraser, Nicholas	<p>We need to stop worrying about the elk (who have proven they can survive development in the area already) and start focusing on the kind of development we're going to do in the area. (0277-2)</p>	<p>Thank you for the recommendation. BLM will consider it while developing the proposed final RMPA/EA.</p>
Hibbs, Leroy S	<p>I want you to know that there are people like me that support energy development in the Fortification Creek area. And, I want you to know that I am not the only one. Most people I know in Sheridan, Campbell, and Johnson Counties support energy development. Our very livelihoods depend on having a healthy energy industry. (0278-1)</p>	<p>Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Hibbs, Leroy S	<p>I support your decision to make Alternative III the Preferred Alternative. It appears to be the most reasonable plan of development, containing far fewer restrictions, regulations, and disincentives to development. My only concern about Alternative III is the serious reduction in drilling locations from over 700 to less than 500. This is a major reduction that will severely decrease the amount of coal bed methane that can be recovered. Therefore, I ask you to go back and look at Alternative III again. See if there are good ways to add more drilling locations to more fully develop the resource and maximize returns to leaseholders. Make sure the restrictions you impose will actually have the desired effects of protecting wildlife, preventing erosion, and preserving views. (0278-2)</p>	<p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Clure, Lacy	<p>A WHMA designation is not necessary; the goals of the WHMA will have already been accomplished through the - timing limitations and best management practices. I do not agree with the WHMA designation in Alternative II because it could harm other uses of the land such as grazing. Our nation is facing a serious energy crisis. Without adequate production and supply of energy, we are destined for a major energy crisis. It is therefore the duty of the BLM to take appropriate actions to the extent available to expedite projects that increase the production and transmission of energy. Do not, I repeat do not move forward with the WHMA. (0279-1)</p>	<p>A WHMA was not designated because the resource values (wildlife) for which the WHMA was proposed will be adequately protected with this RMPA/EA.</p>
Fraser, Andy F	<p>I support Alternative 3. I support this alternative because it does not include the Area of Critical Concern. This area does not warrant an ACEC designation. In order for an area to be given this special classification, it must meet the guidelines of both relevance and importance. Its classification of relevance is questionable and the classification of importance is not met, even by the BLM Buffalo Field Office's own admission in the FONSI which states "the viability of a small Wyoming elk herd is in significant within the national and regional contexts." The goals of protecting elk herds, preserving visual resources and minimizing soil erosion and impacts to water quality can be accomplished without the designation of an ACEC. The benefits of an ACEC are relatively limited because of the small number of individual special status species present and the localized extent of the restrictions - and should therefore be avoided. (0280-1)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
unknown	You've looked at a wide range of alternatives and I think the best one is the proposed action. This is such a great project because it allows for development of our natural resources. I'm all about maximizing our efforts and part of that requires flexibility (0281-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
unknown	There needs to be flexibility allowed for the placement of overhead power lines. The area is a Class III Visual Resource Area and overhead power lines are consistent within this classification. (0281-2)	Alternative I prohibits overhead power on BLM surface while Alternatives II and III provide different approaches to siting overhead power on BLM and private surface.
Duane, Tiffany	I am writing today in support of your preferred alternative in the Draft RMP and EA for the Fortification Creek Planning Area. Energy development in our area is the main economic driver. Energy jobs pay very well. And, when employees get good paychecks, they support other local businesses. This includes not only support industries, like trucking, water management, and the like, but all businesses. There is a strong multiplier from these jobs that boosts our entire local economy. (0282-1)	Thank you for your comment. BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.
Johnson, Jeff	I do not support the creation of an ACEC that you discuss in Alternative II because I do not think that it will have any noticeable effect. Even the BLM, when talking about the ACEC says that "actions would result in negligible beneficial impacts to vegetation and rangeland resources." This is probably because the operators already have their performance standards that already serve the intended purpose of the ACEC. Therefore, I think that Alternative III's performance based standards have the right idea and it serves the same purpose as the ACEC but without that restrictive designation. (0283-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p>
Schafer, Chris	That's why I am in favor of developing the Fortification Creek area in a manner outlined by alternative 3. I think we need to get serious about developing our domestic energy reserves, and this is a good place to start. What I like about alternative 3 is that it gives operators the flexibility they need to develop the land while keeping in mind the adverse affects poor development can have on wildlife and sensitive lands. The one recommendation I would have for alternative 3 is rewrite it to allow for more wells. (0284-1)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Beyer, Wendy	I myself like to hunt and I definitely want to keep the elk here, but I also think that sportsmen are getting used as a kind of scapegoat by the BLM for the proposed development in the Fortification Creek area. The reason I have a problem with this is because the Fortification Creek area they're talking about isn't a high traffic hunting area. This wilderness is so far from anywhere, it's hard to access, and it's hard to travel. I think there were only like 200 hunters who came to the area in past years. The BLM wants to expand the critical range restrictions area to include this piece, but all that does is harm our ability to create jobs and use national fuel resources rather than the stuff from overseas and in the mean time it doesn't help hunters or the elk. On the other hand, adding more development in the Fortification Creek area won't hurt hunters or the elk. If operators can continue to develop the Fortification Creek area, it's a win-win for everyone. (0285-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Patten, Tami R	If you've ever been out in the Fortification Creek area, you know that we have a real problem with cheat grass. It's EVERYWHERE! That's why I was surprised when I found out that the BLM wants to require operators in the Fortification Creek area to limit cheat grass when they finish reclamation. Even areas that haven't been disturbed have been infiltrated by this plant. We shouldn't punish the operators by making them responsible for eliminating this grass-it's just not fair. If the BLM was really concerned with curbing this invasive species, they'd be out in the undeveloped areas trying to take care of the cheat grass invasion themselves. (0286-1)	<p>Reducing the spread of noxious weeds is a management action common to all alternatives. Because this is a current management action, operators are already required to reduce the spread of weeds.</p> <p>Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.</p>
Kimbley, James	I am in support of your analysis that resulted in making Alternative III the preferred alternative. However, I am concerned that this choice only develops 400 wells of Fortification Creek's Coal-Bed Methane. Nevertheless, your Preferred Alternative offers more than adequate environmental protection without taking the inflexible management approach of Alternative II. In addition, Alternative II limits access to even more of the Coal Bed Methane resource. (0287-1)	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Knutte, Tracy	A blanket ban on surface disturbance on slopes of 25% or more or highly erosive soils does not take into account best management practices or improvements in technology such as application of sound geotechnical engineering principles and methods. It is better to allow for development if an acceptable disturbance and reclamation plan is proposed by the operator. (0288-1)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Brown, Robert	When considering environmental protection, the area is hardly pristine wilderness. This area has seen extensive previous energy development - which makes it a perfect place to perform new drilling. It is clear to me that when all factors are considered, this project should move forward - as proposed - quickly. (0289-1)	Thank you for the recommendation. BLM will consider it while developing the proposed final RMPA/EA.
Seele, James	One of the big obstacles I see to development is in Alternative 2. This alt. will unfairly limit the accessibility and performance of the leaseholders in the area. I get why the alt. is written this way in an attempt to mitigate impacts to the area. However, these impacts can be mitigated and managed. I think the operators should put in writing that they are going to do some things to make sure these problems are minimized. All effort to ensure that the leaseholders can continue to access and produce their leases to the maximum extent feasible should be maintained. (0290-1)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Morse, Ben	BLM must ensure that each operator, whose leases are directly affected by these habitat designations, receives their fair and equitable portion of the allowable loss. Operators with leaseholds in later phases need to be ensured that they can maintain opportunities to develop those areas and thus allow service companies to establish long term relationships with the operators in developing the Fortification Creek Area. You must work with the operators to develop this plan. (0291-1)	The Preferred Alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Jansen, James	Of the alternatives considered, I am most inclined to support Alternative 3 as the best course of action which will allow the most development, conserve a reasonable portion of habitat and give the most common sense plan for moving forward in an area of multiple leaseholders and checkerboard land ownership. (0292-1)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Jansen, James	As you move forward I hope you will further flush out how the phased development portions of the alternative will take place when put into practice. At all times there needs to be the thought of how to protect all leaseholders - and landowners - to make sure that neither party is adversely burdened with unnecessary, infeasible or inappropriate stipulations or requirements. (0292-2)	Thank you for the recommendation. BLM will consider it while developing the proposed final RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Jansen, James	<p>I was pleased to see the ACEC was not a part of Alternative 3. I was also pleased to see that the WSA was not expanded. Both would be detrimental to the development of the region and would hinder our ability to get clean burning natural gas from the ground. I am concerned about the Wyoming Wildlife Federation's- attempt to stipulate no development in crucial winter range. This classification - as outlined in the document - is too large and too restrictive. (0292-3)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p> <p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing. The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>
Miller, Scott	<p>I'm writing to show my opposition to Alternative II that you have presented in the draft FCPA EA. This is a very prescriptive alternative that will hurt the leaseholders, other land users and the ability to extract an efficient amount of CBM.</p> <p>The prescriptive portions of Alternatives II may unduly harm leaseholders timely and efficient access to their resources and royalties paid to the federal government and state.</p> <p>A rigid management approach - as outlined in Alternative II - may not allow for the "orderly development of mineral resources" that gives maximum return to the public through royalties. (0293-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Miller, Scott	<p>The no surface disturbance requirements do not give credence to advances in technology or best management practices that can be utilized to protect the land.</p> <p>The lack of exceptions in each of the objectives for Alternative II do not make sense for a long term planning document. (0293-2)</p>	<p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
Miller, Scott	<p>The tri-phased development of CBNG as outlined in the development objective for Alternative II will restrict leaseholders in phases 2 and 3. It was not well thought out and could unduly burden leaseholders in those subsequent phases. (0293-3)</p>	<p>The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Miller, Scott	<p>The requirement of one year successful interim reclamation is unnecessary. As long as the interim reclamation investments have been made. development should be allowed to move forward. (0293-4)</p>	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Miller, Scott	I have many concerns with Alternative II in the EA. I hope that you will not move forward with the prescriptive, overly restrictive Alternative II and choose instead an alternative that better utilizes the resource and allows for flexibility in planning, siting, pace of development and activities. (0293-5)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative.
Fischer, Caitlin	I think that the BLM is going overboard when they recommend a one year period of reclamation where absolutely no development takes place. For one, it hurts the rights of the lease holders who have land rights to areas waiting to be developed. This is because it causes unnecessary delays for development. Also, I think that things like re-seeding plants and controlling erosion on disturbed areas are good interim activities. But these things don't take a year to complete and I think that after those are finished, development should be allowed to continue in other areas. I like that the BLM is trying to think about the environment. But this kind of plan goes too far and it hurts leaseholders. (0294-1)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace. Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Jones Jr, Wm E	This is why I support aggressive development of the Coal Bed Methane resource in this area. Local jobs, economic growth, and taxes for infrastructure, schools, hospitals, libraries, and park are dependent on a healthy local energy industry. In the Draft Environmental Assessment and Resource Management Plan Amendment, you propose three alternatives: a no action alternative, a prescriptive alternative, and the preferred alternative. Alternative III -the preferred alternative - is clearly the best way forward of the three alternatives proposed. (0295-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Humme, Margo	What I like in 3 is that it allows for the development of cbm but still provides for enough flexible habitat protection. I think it's important to keep in mind the multiple use philosophy of your agency when moving forward with this project because at all times, we should be coordinating our plans of development to maximize all uses of the land. (0296-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Humme, Margo	<p>My one issue with Alternative 3 is that the number of allowed wells seems pretty low. There could be a lot more wells in the area - the resource in Fort. Creek is huge. Why is the BLM limiting how much we can get from the field? Most of the people I know in Campbell County are somehow connected to the oil and gas industry - everyone has a least one close relative who makes a good living from energy. And severely limiting the amount of development will impact a lot of families who directly rely on those paychecks. I hope you'll reconsider the amount of wells allowed in Alternative 3 because the plan for protection is solid and I think with all those BMPs you've listed, more development would not adversely affect the elk. (0296-2)</p>	<p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Royal	<p>I would urge you to ensure phased development should not be so restrictive as to hinder the lease rights of those in the subsequent phases. While not perfect, Alternative III allows the best opportunity to work with operators to facilitate environmentally sound and timely lease development. Phased development must be reasonable and economically and technically feasible. We need gas. The United States consumes more than 20 trillion cubic feet of natural gas a year. The Powder River Basin provides more than 900,000 cubic feet of gas per day. Half of all American families and businesses use natural gas. (0297-1)</p>	<p>Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.</p>
Beckmann, Jon Wildlife Conservation Society	<p>First, it is imperative that any methods and analyses proffered in any wildlife monitoring protocols should be able to stand the scrutiny of scientific review. Thus, WCS recommends that the Buffalo Field Office of the BLM develops the wildlife monitoring plans for the Fortification Creek area by consulting with the appropriate scientific experts, which could include but not be limited too, experts both within and outside of the Wyoming Game and Fish Department that have experience in researching the particular wildlife species of interest, academic scientists from various universities located both inside and outside the state of Wyoming, and scientists from the environmental NGO community to insure the use of currently acceptable methodology to detect changes. Further, we suggest making the methodologies proposed in the wildlife monitoring plans available to the public sooner as opposed to later in reports, so that all constituents are assured that the monitoring and experimental designs are indeed meeting the requirement of being able to stand the scrutiny of scientific review. (0298-1)</p>	<p>The BFO consulted with experts at the WGFD and the University of Wyoming when preparing the monitoring plan. Previous versions of the monitoring plan were made available for public review including within the 2008 Draft RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Beckmann, Jon Wildlife Conservation Society</p>	<p>The ability to stand the scrutiny of scientific review would encapsulate the notion that any wildlife monitoring plan is grounded in rigorous experimental design, including properly delineated control and experimental groups. In other words, if the impacts of CBNG development on elk in the Fortification Creek region are to be monitored, then elk from this region should be compared to elk from a similar region that is not undergoing any resource extraction (i.e. the control). The monitoring must also be designed such that appropriate sample sizes and temporal and spatial scales are monitored. Tools such as Power Analyses to determine sample sizes needed to detect thresholds of effect sizes (e.g. differences in survival between control and experimental areas) with a certain degree of confidence should be established prior to any monitoring protocols being developed.</p> <p>Secondly, in order to maintain objectivity and public trust in the scientific process of monitoring the impacts of coalbed methane (natural gas) development on wildlife, it is important that the influence of industry (i.e. petroleum companies or any related companies) should be removed from the entire scientific process of wildlife monitoring. This includes removing industry as a voting member on any boards or groups that make decisions on: 1) drafting the wildlife monitoring plans; 2) how the wildlife monitoring is to be done including when, where and costs; 3) by whom the wildlife monitoring should be done; and 4) reviewing of any scientific products produced by the wildlife monitoring team(s). (0298-2)</p>	<p>Most methodologies are explained in the proposed wildlife monitoring plan (Appendix B). Methodologies were developed in consultation with the WGFD and the University of Wyoming. UW is researching CBNG disturbance mechanisms and their effects on the Fortification Creek elk and making comparisons to the Rochelle Hills elk herd where comparisons are appropriate. However, because each herd situation is unique, comparisons are not always possible. For example, Fortification Creek is a geographically isolated herd in a prairie environment and totally within the CBNG development area.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Beckmann, Jon Wildlife Conservation Society</p>	<p>Thirdly, it is extremely important in any wildlife monitoring plans and any Resource Management Plans that the language regarding impacts to wildlife be very clear and very specific. For example, stating that "mitigation will occur if the elk population drops below 120" is not specific enough. The language needs to be defined before any CBNG development occurs in a region and very specific as to: 1) clearly state the reference population size (including confidence intervals around the population size) that will be used as the baseline value; 2) over what timeframe the decline needs to occur; 3) over what exact area (defined using UTM/Lat Long or similar units and shapefiles of the area in a GIS program) the decline must occur in; and 4) state exactly what the mitigation efforts will be and what the mitigation goals are (e.g. return elk numbers to 120, reverse a population trend, etc).</p> <p>We are concerned that the language in many places in various documents related to the Resource Management Plan and wildlife monitoring plan for the Fortification Creek region of the Powder River Basin is too vague. For example, in Appendix B on the bottom of Page 1 it states: "Monitoring data will be reviewed quarterly to assess trends and determine if any thresholds have been crossed. The thresholds are guides for adaptive management they are not hard thresholds. If a threshold is crossed it will not be automatic that management actions will change. The monitoring team shall review all the data, and determine whether a management change is warranted. For example if the winter calf survival ratio falls below the threshold and the monitoring team after reviewing the data believes the decreased calf survival is related to winter weather and not CBNG development then a management change would likely not be proposed. " Thresholds should be binding and if they are reached, they should not be seen as "guides" but as true, hard thresholds which trigger the strategic mitigation efforts. If the wildlife monitoring is set up appropriately from an experimental design perspective (i.e. proper control areas monitored), then situations such as the one described in the above paragraph from Appendix B would never occur. With a properly designed monitoring protocol with control and experimental areas, one would be able to disentangle if a winter calf survival ratio falling below a threshold was due to weather or CBNG. As such, if a threshold is crossed then a well advised and specific management action response should be taken. The language in the above paragraph from Appendix B leaves ambiguity, which would allow CBNG development to continue in the face of unacceptable impacts on wildlife</p>	<p>The preferred alternative uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p> <p>If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to the BLMs satisfaction. It is incumbent upon the CBNG operators to propose a methodology acceptable to the BLM to meet the performance standards. Appendix F lists Best Management Practices that can assist operators with meeting the performance standards.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
	<p>populations and their habitats in the region. In fact, if a threshold is reached by wildlife populations inside areas of CBNG development and similar trends or responses are not seen in corresponding control areas (see above for discussion on properly designing monitoring protocols from an experimental design perspective), then very specifically laid out mitigation and management responses should be activated regardless if one can identify the exact cause within the CBNG development fields . In this scenario (differences between animal populations or habitats in CBNG fields vs control sites), one would be relatively confident that CBNG infrastructure and/or associated human activities were having impacts regardless if one can identify the exact specific cause (e.g. (0298-3)</p>	
<p>Beckmann, Jon Wildlife Conservation Society</p>	<p>is it roads per se or traffic volumes, etc). Thus the conservative approach to minimize impacts to wildlife should be undertaken where mitigation efforts and management responses occur when thresholds are met. (0298-3 cont'd)</p>	
<p>Beckmann, Jon Wildlife Conservation Society</p>	<p>Finally, it is important to recognize that elk will not be the only species impacted by increased levels of CBNG development in the Fortification Creek area of the Powder River Basin. Thus, scientifically rigorous wildlife management/monitoring plans and accompanying highly specific mitigation and management responses need to be developed to monitor a suite of key indicator species such as mule deer, pronghorn, prairie dogs, and aquatic species in the system prior to any CBNG development. (0298-4)</p>	<p>At issue in the FCPA is the geographically isolated elk herd. Ranges of mule deer, pronghorn, prairie dogs, and other species are much greater than the Fortification Creek Planning Area; they are managed and monitored in accordance with the PRB FEIS ROD.</p>
<p>Beckmann, Jon Wildlife Conservation Society</p>	<p>We believe that the BLM and Wyoming Game and Fish Department need to spend significant time, effort and thought in developing the wildlife monitoring protocols and Resource Management Plan for all species and habitats in the Fortification Creek area of the Powder River Basin, otherwise we risk losing the world-class wildlife resources of eastern Wyoming. (0298-5)</p>	<p>At issue in the FCPA is the geographically isolated elk herd. Ranges of mule deer, pronghorn, prairie dogs, and other species are much greater than the Fortification Creek Planning Area; they are managed and monitored in accordance with the PRB FEIS ROD.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Cobb, Shaun	I think the government should lift restrictions that burden our ability to produce this natural gas. By designating so much land - up to 80% of the project area - to wildfire habitat in the Fortification Creek project area, the government is just making it harder for us to get the natural gas we need. (0299-1)	<p>The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted. However, BLM can apply restrictions to development, mitigation, typically in the form of as COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessee's rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.</p> <p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Hauck, Joseph	The latest thing that got me thinking the government was just blowing smoke on energy issues was the BLM's EA for the Powder River Basin/Fortification Creek project area. The BLM recommends so many restrictions for the development of this area that it will be a wonder if anything can even be done there. (0300-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
unknown	I was really surprised when I read the Fortification Creek project EA and saw that you wanted to require 100% protection where crucial security habitat overlaps. Here I thought this plan was supposed to give us a way to move forward on developing this area, but instead this plan restricts development in such a large area, it's just appalling. Not only is it too large an area, but this 100% protection plan hurts the rights to develop lands that the government has leased to them for lessees and operators. These leases were granted so development could continue to happen. Doesn't it seem counter-intuitive to give rights to the land and then make it impossible to do anything on it? On top of all that, the game habitats and energy developments already in the area have proven they can coexist without such tight restrictions from the Federal Government. So really, the 100% restriction just hurts development and doesn't really benefit the wild game. (0302-1)	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p> <p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Faskett, Linda	. . . we can't have the BLM standing in the way of the expanded development of the Fortification Creek area. I would be thrilled to see operators get the go-ahead to work in this area and be able to put up all 1,000 wells they project they'll need especially if it came without all the wildlife habitat restrictions that unnecessarily burden operators and make it harder for all of us to make a living. (0301-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Scott, Bill	<p>I don't agree with your alternative number 2 presented in the Fortification Creek Project Area document. I don't agree with it because I think that it's going to limit how much natural gas we can get from the area and hurt land owners, workers, and other people who use the land. One of the biggest problems with alt. #2 is that its timing is all off. It requires one year of reclamation in between development phases, but this slows development which hurts the leaseholders and delays access to those all important taxes natural gas operators pay to the city and state. I can't think of anyone who would benefit from a setup like this.</p> <p>I also think that the requirement that says that surface disturbance isn't allowed doesn't do justice to all of the technology we've developed, not to mention all the BMPs already in place to protect the land. Worst of all with alt. #2 is that it doesn't offer any flexibility at all. It adopts a hard-line, absolutely-no-exceptions stance when it comes to the reclamation period and the surface disturbance requirements. We need at least a little wiggle room when it comes to developing the Fortification Creek area because sweeping generalizations and bans will only get us in trouble. It's true, I have a lot of problems with the alternative #2. I really hope you'll reconsider even including this plan in the final document and that you'll choose an alternative that is a little more flexible and better meets the needs of Campbell County residents, leaseholders and others affected by this. (0303-1)</p>	<p>Alternative I does not regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional work potentially disruptive to the elk.</p> <p>BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding. Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
unknown	<p>. . . the elk already have protections in place, like special land designations. And conveniently, the elk already hang out in this area that isn't included in the current development plans anyway. I can't believe you're actually considering putting more regulations in place to protect an elk herd that even the BLM admits is insignificant. As a tax payer, this is going to cost me a lot of money, money that's ultimately going to be wasted on an insignificant elk herd in the remote Wyoming wilderness. I'm all for development of natural resources in the Fortification Creek area. And I am absolutely against anything that wastes my tax dollars to protect elk that are already protected and ultimately insignificant. (0304-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>

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Name/Organization	Comment	Response
Cooper, Alen	I take issue with the BLM's recommendation of a one year reclamation period wherein no additional development can take place. It doesn't make sense economically and it is overkill on the environmental front. Furthermore, while I like the elk herd in that area as much as the next person, I think they too are getting too much attention. (0305-1)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Cooper, Alen	I also think that you should let water facilities be constructed on the range. We can protect the game habitat around these facilities by utilizing performance based standards as outlined by the BLM. (0305-2)	Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Cooper, Alen	You should also reconsider the blanket ban on surface disturbance on slopes 25% or more. There's a lot of good technology out there that will minimize the damage done to these slopes, and I think that as long as operators have a plan for how they're going to approach these slopes they should be given the OK to move forward. (0305-3)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
unknown	I thought that the economic impact of natural gas development locally, state-wide, and federally had been overlooked and I'd like to see it come up in the final document. Among the things you should consider are how many hundreds of billions of dollars go to the state and federal level every year as a result of natural gas development. We've been experiencing steady growth to Wyoming's economy since the 1990s when we started extracting natural gas. And that steady growth will continue for as long as we keep letting natural gas out of the ground. Plus, these billions of dollars from natural gas development go to fund things like schools, highways, parks, and our communities. Wyoming's economy runs on natural gas development. Please keep that in mind when you finalize your plans for the Fortification Creek project. (0306-1)	Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues.
Molivar, Erik Biodiversity Conservation Alliance	We remain unconvinced that the action alternatives proposed by BLM provide a meaningful level of protection that will maintain the elk, sage grouse, and wilderness values currently present in the planning area. Furthermore, the magnitude of impacts proposed (minimum of 483 wells in any action alternative) rises far beyond the level of 'significant' by many independent measures, and thus it is legally impossible to approve this project without first undertaking a full-scale Environmental Impact Statement in accordance with NEPA. (0307-1)	If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMP/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of soil, water, cultural, and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	<p><b>An ACEC Should Be Established Encompassing the Yearlong Range of the Fortification Elk Herd</b> We would encourage the BLM to establish an Area of Critical Environmental Concern that encompasses the entire yearlong range of the Fortification Elk Herd. History has shown that exclusion of important portions of range can have detrimental consequences. (0307-2)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p> <p>The Planning Area boundary was chosen for two primary reasons</p> <p>(1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary.</p> <p>(2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p>
Molivar, Erik Biodiversity Conservation Alliance	<p>. . .the BLM now has an abundance of information regarding the biological needs of the Fortification Elk Herd and the distribution of its core habitats and movement patterns. We urge the BLM to take advantage of this knowledge and establish an ecologically sound ACEC that encompasses all of the key habitats required by the elk herd, to promote the successful management of activities within its yearlong range. (0307-3)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA. The Planning Area boundary was chosen for two primary reasons:</p> <p>(1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary.</p> <p>(2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p>
Molivar, Erik Biodiversity Conservation Alliance	<p>BLM acknowledges that this elk population is more vulnerable to extirpation due to small size and isolation (EA at 4-73). BLMs analysis of radio-collared elk in the Augusta Unit south of the FCPA indicates that elk depart areas that are developed for coalbed methane and are slow to return once construction and drilling cease. EA at 4-74. The introduction of 483 to 726 new coalbed methane wells with associated roads and infrastructure in a relatively contained area is likely to be disastrous for the elk herd. We remain concerned that not one of the three alternatives provides biologically adequate protections for the Fortification Creek Elk Herd, and we are concerned that the minimum reduction of this herd by a third under all alternatives will render the herd susceptible to extirpation due to disease, drought, overhunting, or other stochastic event. This creates a range of reasonable alternatives deficiency pursuant to NEPA. (0307-4)</p>	<p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana. Alternatives II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made. This alternative is performance based and will be closely monitored by BLM.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	BLMs own Fortification Creek Elk Study correctly observes that lands within 0.6 mile of a road will be avoided by elk, yet nowhere has the BLM provided an analysis by alternative of how much of the planning area will be within 0.6 mile of a road when the initial build-out of CBM wells is completed. BLM reported even greater avoidance distances for these two studies, and avoidance of lands within 0.5 mile of roads and within 1.7 miles of oil, gas, and CBM development. EA at 4-50. The failure of BLM to model and present a spatially explicit demonstration of avoidance areas violates NEPA's hard look requirements. BLM does present acreage estimates for Effective Habitat Loss in its impacts analysis, but it is impossible to determine whether or not these figures were arrived at through spatial modeling of lands within 0.5 mile of roads or 1.7 miles of CBM wells, and it would be imprudent for a reader of such documents to make assumptions where the methodology for the analysis is not clearly articulated. (0307-5)	The security habitat modeling parameters are included in Appendix D.
Molivar, Erik Biodiversity Conservation Alliance	Because the EA focuses on impacts to acreage of security habitat, containing contiguous chunks of 250 acres or more, the reader cannot determine what percentage of overall crucial and yearlong habitat would be lost under each alternative. Presumably, habitat losses would be greater outside security habitat. This failure to provide a hard look at gross losses of elk habitat violates NEPA and distorts the analysis, appearing to introduce an important bias. (0307-6)	The amount of crucial and yearlong habitat lost is clearly described for each alternative.
Molivar, Erik Biodiversity Conservation Alliance	Under Alternative 2, Overlapping crucial habitat in 250 acre and larger chunks would be retained, but 25% of non-overlapping crucial habitat in large security patches would be functionally lost. EA at 4-61. Impacts under this tri-phased alternative were characterized as moderately adverse. EA at 4-62. However, because there will be human activity in the wellfields after construction and drilling activities are completed, and because (according to BLMs own analysis) elk are likely to be displaced from habitats within 0.5 mile of a road even after construction and drilling cease, ultimately the tri-phased alternative will functionally destroy all areas that are subjected to drilling when the three phases are simultaneously in production. If pursuing phased development, which is a viable option, BLM should require real phased development in which final (not interim) reclamation is achieved for one phase before the initiation of the next phase is permitted to occur. (0307-7)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>The Preferred Alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance. Performance standards will be reviewed prior to each POD authorization. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to the BLM's satisfaction.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	Under Alternative 3, there would be less protection for security habitat but performance-based objectives regarding elk herd size would be used to regulate industrial activity levels. It is even less clear what the impacts of this alternative will be on elk habitat, although BLM asserts it will be consistent with maintaining elk numbers at or above 120 animals. We recommend that if the elk population falls below 180 animals, that all industrial activities cease. (0307-8)	Alternative III will restrict security habitat loss to 20%. Security habitat modeling prior to each POD authorization will be used to maintain this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150.
Molivar, Erik Biodiversity Conservation Alliance	<p><b>The EA Provides Inadequate Analysis of Cumulative Impacts on the Fortification Creek Elk Herd</b> It is a failure in NEPA analysis to exclude lands in the southern third of both the crucial and yearlong ranges of the Fortification Elk Herd. The herd uses its yearlong range without regard to BLM Plan Amendment boundaries, but an analysis (and subsequent management plan) that excludes a significant proportion of either crucial winter/parturition ranges or yearlong range is biologically inappropriate and also fails to meet NEPA's requirement to analyze both direct and cumulative impacts to the elk herd. According to BLM,</p> <p>The boundaries of both the elk yearlong range and elk crucial range extend south beyond the limits of the FCPA. For purposes of analysis, the yearlong and crucial ranges within the boundaries of the FCPA will be the analysis area for elk.</p> <p>EA at 4-49. These two sentences provide a tidy indictment of the scientific credibility and NEPA adequacy of the Fortification Creek EA. Of course, the impacts on elk yearlong and crucial range that occur south of the FCPA have an impact on the herd as a whole. Of course, the impacts that are occurring now and are reasonably foreseeable in these elk habitats south of the FCPA are not measured, weighed, or disclosed in the Fortification Creek EA. Therefore, potentially significant cumulative impacts on the elk herd have been willfully ignored by BLM, crippling the cumulative impact analysis for elk. (0307-9)</p>	BLM evaluated cumulative impacts to the elk habitat throughout the Fortification Creek elk range. Please see the cumulative impacts section of Section 4.3.5.

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Molivar, Erik Biodiversity Conservation Alliance	<p>In the southern Fortification Creek Elk Ranges (outside the FCPA), expected loss of yearlong habitat from 2009 levels is projected at 39% while total loss of crucial habitat is projected at 48%.* EA at 4-75. The EA neglects to estimate the acreage or percentage of yearlong or crucial habitat that was lost prior to 2009 as a result of development activities, skewing the analysis.</p> <p>*It is impossible to determine whether these figures represent Direct Habitat Loss or Effective Habitat Loss based on the language in the EA. (0307-10)</p>	<p>The cumulative effects analysis takes into account the full yearlong range using a baseline of 20,477 security habitat acres for the southern part of the yearlong range. Recreating the past does not provide additional data on which to base decisions.</p>

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Name/Organization	Comment	Response
<p>Molivar, Erik Biodiversity Conservation Alliance</p>	<p>The BLM has failed in its cumulative impact analysis to assess the combined impacts of CBM development inside the FCPA together with the Southern Range (excluded from the FCPA) for each alternative, in violation of NEPA's cumulative impacts analysis requirements. For the Southern Range, data was not provided for yearlong habitat (and effective habitat loss) and crucial habitat (and effective habitat loss) in the EA, so no meaningful comparisons are possible under these criteria. Limiting the acreage to Security Areas (250 acres or more), data is provided for the Southern Range in terms of baseline acreages, habitat acreage remaining, and habitat loss in Tables 4-17 and 4-18. Using combined data from these two tables and Table 4-19 (covering the three action alternatives and acreage consequences in the FCPA), we assembled two tables attached as Appendix 1 to these comments that addresses the cumulative impacts of development on the Fortification Creek Elk Herd of foreseeable impacts of coalbed methane development both inside and outside the FCPA throughout the range of the herd. There was an internal discrepancy in the EA for acreage of yearlong range in the FCPA between Tables 4-17 (39,523 acres) and 4-19 (40,781 acres). We used 40,781 acres as this is the figure from which BLM calculated percentages of lost habitat.</p> <p>Having performed at least a very crude and basic cumulative impact analysis missing from the EA, we were able to conclude that under Alternative I, 76% of crucial habitat security areas and 74% of yearlong range security areas available to the herd would be lost, a cumulative impact that BLM classifies as Major under its Evaluation Criteria. EA at 4-40. Under Alternative II, 35% of crucial habitat security areas and 22% of yearlong range security areas would be lost, a cumulative impact that BLM classifies as Major under its Evaluation Criteria. Id. Under Alternative III, 32% of crucial habitat security areas and 19% of yearlong range security areas would be lost, a cumulative impact that BLM classifies as Major under its Evaluation Criteria. Id. These major impacts to the habitat of the Fortification Creek Elk Herd constitute significant impacts to the human environment, requiring BLM to undertake a full-scale EIS.</p> <p>The BLMs omission of this cumulative impact analysis is both a violation of NEPA and also gives the impression that BLM is intentionally trying to game the numbers to reach the conclusion that the level of impact under Alternatives II and III are below the threshold of Major and thereby avoid the legally required level of analysis. When the BLM issues its Environmental Impact Statement, we would</p>	<p>BLM evaluated cumulative impacts to the elk habitat throughout the Fortification Creek elk range.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of soil, water, , and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects. An EIS is required for significant impacts. Impacts can be major without being significant.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
	encourage BLM to be more forthright and transparent in its presentation of statistics. (0307-11)	
Molivar, Erik Biodiversity Conservation Alliance	<p><b>The EA Fails to Undertake a Population Viability Analysis on a Herd that May be Near to or Below Minimum Viable Population</b> The EA fails to perform an evaluation of the Minimum Viable Population to maintain the Fortification Creek Elk Herd over time. Such a population analysis needs to take into account that some animals are too young or too old to breed, and also the skewed sex ratio of breeding elk. Elk are harem breeders in which only the most dominant males have the opportunity to breed, and many mature males never have the opportunity to mate in any given year (and therefore these males cannot be counted into the breeding pool for MVP analysis purposes). In addition, the fact that breeding adult elk numbers tend to be skewed heavily toward females rather than presenting a 50:50 sex ratio which would allow all genes from breeding adults an equal chance at representation in the subsequent generation, the effective number (Ne) (0307-12)</p>	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. BLM objectives for elk are included in Appendix B.</p> <p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana. Alternative II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made. This alternative is performance based and will be closely monitored by BLM.</p>
Molivar, Erik Biodiversity Conservation Alliance	<p>of breeding adults represented in the Fortification herd will be further reduced. We are concerned that when the effective number of breeding adults is calculated at present populations, the Ne for this elk herd may already be dangerously close to the established Minimum Viable Population size of 50 animals that prevents inbreeding depression and other genetic issues. BCA raised the issue of the need for Population Viability Analysis in a meeting with the State Directors office on Fortification Creek a year ago, and also at the public meeting regarding this amendment held in Buffalo, so BLM has been made aware of this necessary part of the NEPA analysis, without which baseline information a biologically adequate impacts analysis is impossible. (0307-12 cont'd)</p>	
Molivar, Erik Biodiversity Conservation Alliance	<p>Alternative II would maintain elk numbers at 150 animals, according to BLM, while under Alternative III numbers could drop to 120 before corrective actions kick in. The EA provides no analysis concerning whether these levels are viable. We have concerns that they are not. (0307-13)</p>	<p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana. Alternative II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made. This alternative is performance based and will be closely monitored by BLM.</p>

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Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	While it would be embarrassing to WGFD to discover that their herd target of 150 animals is below the Minimum Viable Population threshold, it would not be particularly surprising as we are unaware of any efforts by WGFD to perform a Population Viability Analysis for this herd. In any case, BLM is in no way bound or obligated to manage elk habitat downward to support only the WGFD herd target in a race to the bottom, and indeed, in order to fulfill its multiple use mandate (which does not apply to the State), the BLM should provide at least the minimum necessary population to support a viable elk population in Fortification Creek. (0307-14)	A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana. Alternatives II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made. This alternative is performance based and will be closely monitored by BLM.
Molivar, Erik Biodiversity Conservation Alliance	<b>Inadequate Protections for Sage Grouse</b> The FCPA should become a pilot program for mitigation measures for sage grouse that are biologically adequate, so the BLM can provide other uses of the land in the context of maintaining viable sage grouse populations. The failure of BLMs standard stipulations, providing a quarter-mile No Surface Occupancy for leks with a two-mile timing limitation on drilling and construction, has become so well established as to be a statewide joke. Empirical studies (e.g., Holloran 2005, Walker et al. 2007) have documented major sage grouse declines when these stipulations are applied in the context of full-field fluid minerals development, both in the Powder River Basin and elsewhere. A west-wide coalition of state biological scientists has roundly criticized these measures as inadequate (See Appendix 2). If the BLM fails to maintain sage grouse populations in the Powder River Basin, Endangered Species listing is all but assured as this population represents a significant portion of the range of the sage grouse and connects populations in Montana, the Dakotas, and Canada with the core of the sage grouse habitat in southcentral Wyoming. Instead of applying this proven failure of a mitigation package, BLM should (at minimum) require No Surface Occupancy for all lands within 2 miles of a lek with a 3-mile TLS requirement for the breeding and nesting season. (0307-15)	Sage-grouse restrictions are consistent with WGFD requirements: Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15-June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	<p><b>Inadequate Protections for Wilderness Qualities Inside and Outside the WSA</b> The BLM avers that although more than 20,000 acres have been identified as citizens proposed wilderness on the lands surrounding the Wilderness Study Area, that 100% of these lands lack wilderness character. Yet the Appendices of the EA do not include a Wilderness Inventory Evaluation or other analysis to back up this contention. We are skeptical of the BLMs unsupported assertion that wilderness qualities are absent, based on our own recent experiences with lands that clearly and obviously contain wilderness character, and which the BLM initially agreed had wilderness character, which the agency now states lack the requisite qualities despite no change in conditions on the ground (the Desolation Road project area adjacent to the Adobe Town WSA in the Rock Springs Field Office is an excellent example). The BLM has identified elk security areas (which must be at least 250 acres and presumably lack developed roads) on the lands surrounding the WSA, suggesting that these areas are natural in character and essentially wild enough to support elk. EA at Figure 4-6. Notably, some of the WSA itself is not (0307-16)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA. The RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Molivar, Erik Biodiversity Conservation Alliance	<p>listed as security habitat, indicating that lands outside the WSA are indeed wilder than certain lands inside the protected area. We therefore ask the BLM pursuant to 5 USC 555(e) to produce its Wilderness Inventory Evaluation documentation or other analysis of wilderness qualities in the Fortification Creek citizens proposed wilderness to corroborate (or refute) the agency's claim of lack of wilderness character on these lands. (0307-16 cont'd)</p>	
Molivar, Erik Biodiversity Conservation Alliance	<p>Overall, the impacts analysis for wilderness qualities inside the WSA would does not address viewshed issues for visitors to the WSA. GIS-based analytical tools are available that allow the viewshed to be calculated from each road and wellpad, thus allowing BLM to project the acreage of the WSA from which industrial activities will be visible under each alternative. We would encourage BLM to perform such an analysis as part of its NEPA hard look requirements. At present there is no estimate provided by alternative of how many acres of the Wilderness Study Area will be affected by having industrial intrusions built within their viewshed. BLM concedes that impairment of wilderness qualities within the Wilderness Study Area are likely to occur under all three alternatives. EA at 4-142, 143. This violates BLM policy on WSA management, is a significant impact requiring an EIS, and indicates a need for stronger measures to be applied. (0307-17)</p>	<p>A management action common to all alternatives is: Any facilities or structures proposed in or near WSAs will be designed so as not to impair wilderness suitability. Visual impacts are considered from the WSA -between 0.5 and 3 miles from the WSA viewpoint - not from each road or well. (See Table 2-2)</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	Regardless of whether BLM agrees that Fortification Creek citizens proposed wilderness lands outside the WSA possess wilderness qualities, the BLM should take the administrative action of withdrawing these lands from future oil and gas leasing or mineral entry under the RMP Amendment. Fortification Creek is one of the few areas on the High Plains where there are public lands large enough and wild enough to qualify as wilderness, and as such it represents a rare opportunity to add to the Wilderness Preservation System grassland ecosystem lands which are not presently represented in the wilderness system. Preservation of these wildlands should therefore be a principal priority under the RMP amendment and ACEC. (0307-18)	The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. There are no lands within the citizens wilderness proposal that are outside the WSA that contain wilderness qualities.
Molivar, Erik Biodiversity Conservation Alliance	<b>The Fortification Creek Area has Fragile Soils Which Warrant Additional Protection</b> As BLM correctly points out, much of the Planning Area is made up of soils that are either steep (>25% slope), have poor reclamation potential, or have high erosion potential. EA at 4-17. If the BLMs professed goal of maintaining, improving, or restoring soil health and productivity (id.) is meant to be achieved, then these soil types should be put off-limits to surface-disturbing activities. BLMs proposed mitigation measures for soils appear far too lax and discretionary to provide meaningful protection, and thus the level of CBM development foreseen by BLM for the Planning Area is likely to result in significant impacts to soil resources. (0307-19)	There are measures in place for the protection of steep slopes. Monitoring programs for soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.  Alternatives I and III provide for the operators ability to develop steep slopes and highly erosive soils. If, operators have demonstrated reclamation success, then operators should be able to prepare acceptable reclamation plans based upon their previous successful experiences
Molivar, Erik Biodiversity Conservation Alliance	<b>Stronger Protection from Produced Water Impacts is Needed</b> The Fortification Creek RMP Amendment should include requirements that prohibit the surface discharge of coalbed methane wastewater within the Powder River watershed. The Powder River is home to several rare native fishes, including the sturgeon chub and shovelnose sturgeon, which have been declining in numbers and which are threatened by changes in flow patterns of the Powder River and its tributaries and/or changes in water quality as a result of salty discharge. While the Powder River does receive some naturally salty water from Salt Creek, levels of salt and heavy metals and other pollutants have been increased by the surface discharge of CBM wastewater, by runoff from roads and wellpads, and by the leaching of salts from soils by increased discharge of water related to dewatering of coal seams during CBM production. Native fishes evolved with a natural baseline level of water quality, and departures from this baseline threaten the viability of native fish populations. (0307-20)	Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted permits to discharge CBNG-produced water into several FCPA drainages. BLM authority over water management is limited especially when a WYPDES permit has already been granted. While BLM does not have the authority to regulate the water discharge strategy on non-federal surface, BLM does have discretion to deny site-specific authorization of discharge points regardless of WYPDES status. With the exceptions of the headwaters of Bull Creek, Deer Creek, and Little Bull Creek most of the drainages are on non-federal surface. BLM has committed in the Draft RMPA/EA (p 4-26) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features. Phased drilling is required under this RMPA/EA. The BLM has staff dedicated to monitoring compliance and reclamation. There is a staff of Petroleum Technicians who monitor oil and gas drilling and production operations.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	The Big George coal seam, which is the presumed target of the CBM development foreseen in the RMP revision, is known as the saltiest and nastiest aquifer in the Powder River Basin. Yet nowhere in the EA is (0307-21)	Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted permits to discharge CBNG-produced water into several FCPA drainages. BLM authority over water management is limited especially when a WYPDES permit has already been granted. While BLM does not have the authority to regulate the water discharge strategy on non-federal surface, BLM does have discretion to deny site-specific authorization of discharge points regardless of WYPDES status. With the exceptions of the headwaters of Bull Creek, Deer Creek, and Little Bull Creek most of the drainages are on non-federal surface. BLM has committed in the Draft RMPA/EA (p 4-26) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features. Phased drilling is required under this RMPA/EA. The BLM has staff dedicated to monitoring compliance and reclamation. There is a staff of Petroleum Technicians who monitor oil and gas drilling and production operations. More recently BLM has added staff dedicated solely to monitoring compliance with surface resources including wildlife, vegetation, soils, etc. Under both action alternatives, elk security habitat thresholds will be in place.
Molivar, Erik Biodiversity Conservation Alliance	presented an analysis of its pollutant constituents or an impact analysis regarding the consequences of surface discharge of millions of gallons per day of this water on lands and aquatic systems. The Groundwater Resources section (EA at 3-12) of the Affected Environment chapter is the obvious place to house this analysis of baseline groundwater quality for coalbed aquifers. Yet no information is presented. Given the potential for massive impacts from surface discharge of CBM wastewater and the ready availability of data from nearby CBM discharge operations, the BLMs failure to take a hard look at produced water and its potential for pollution impacts is a signal failure of this Environmental Analysis. Based on the very limited information available, we have significant concerns that surface discharge of CBM wastewater from the hundreds of CBM wells to be drilled pursuant to this plan amendment will result in significant impacts to aquatic systems and cottonwood gallery woodlands. (0307-21 cont'd)	
Molivar, Erik Biodiversity Conservation Alliance	The sturgeon chub is of particular concern as it has almost disappeared from the Powder River watershed. It is present in the Powder River system downstream from the FCPA, and very clearly stands to be affected by activities approved and managed under the RMP Amendment. Yet impacts analysis does not even mention the sturgeon chub by name, much less give species-specific impacts analysis.  While BLM does acknowledge that changes in flow regime threaten native fishes (EA at 4-90), and mentions sedimentation impacts to native fishes (EA at 4-85), it fails to take the legally required hard look at impacts by alternative to native fishes, and also fails to provide baseline information on BLM Sensitive fish population status and trends. These are important failures in meeting NEPAs impact analysis requirements.  (0307-22)	Sturgeon chub may potentially be present in the Upper Powder River subwatershed; however, there are no perennial streams in the FCPA. Because the sturgeon chub is listed as WGFD special status species, it is considered by reference in the cumulative impact analysis.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	The obvious solution to the panoply of serious environmental problems posed by the discharge of CBM wastewater is for the BLM to forbid surface discharge of wastewater with the possible exception of misting. Underground injection of wastewater into aquifers of equal or lower quality is one option, as is treating the water and piping it to a local municipality for domestic use. Either way, under no circumstances should surface discharge of CBM wastewater, treated or untreated, be permitted, and an explicit prohibition on such activity should be included in the RMP amendment. (0307-23)	Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted permits to discharge CBNG-produced water into several FCPA drainages. BLM authority over water management is limited especially when a WYPDES permit has already been granted. While BLM does not have the authority to regulate the water discharge strategy on non-federal surface, BLM does have discretion to deny site-specific authorization of discharge points regardless of WYPDES status. With the exceptions of the headwaters of Bull Creek, Deer Creek, and Little Bull Creek most of the drainages are on non-federal surface. BLM has committed in the Draft RMPA/EA (p 4-26) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features. Phased drilling is required under this RMPA/EA. The BLM has staff dedicated to monitoring compliance and reclamation. There is a staff of Petroleum Technicians who monitor oil and gas drilling and production operations. More recently BLM has added staff dedicated solely to monitoring compliance with surface resources including wildlife, vegetation, soils, etc. Under both action alternatives, elk security habitat thresholds will be in place.
Molivar, Erik Biodiversity Conservation Alliance	<b>BLM Should Consider and Adopt a More Protective Alternative</b> None of the alternatives presented in the RMP amendment EA are sufficiently protective to provide sound stewardship for the rare and important resources contained within the FCPA. We recommend that the BLM start over with an eye toward allowing CBM development and other industrial activities only in cases where they do not conflict with the primary objective for the area, which should be the conservation of wildlife and wildlands. To achieve these goals, we urge the BLM to require the following measures in the plan amendment: (0307-24)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases.
Molivar, Erik Biodiversity Conservation Alliance	Establish an Area of Critical Environmental Concern that encompasses all of the Fortification Elk Herd's yearlong range, not just the northern two-thirds; (0307-25)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.  The Planning Area boundary was chosen for two primary reasons: (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary.  CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.
Molivar, Erik Biodiversity Conservation Alliance	Open not more than twenty percent of elk yearlong range to drilling at any one time, and allow new areas to open up only after existing fields are completely returned to a natural state; (0307-26)	The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III limits impacts to elk security habitat to 20%. This alternative is performance based and will be closely monitored by BLM. The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected.  The Fortification Elk herd is also protected by a number of management actions including: (1) A phased approach to drilling which keeps 2/3 of the area free from development at any one time, (2) Timing Limitations on when drilling can occur, (3) Restrictions on development on steep slopes. This protects the elk herd because then generally prefer the more rugged terrain where there is more cover. (4) Restrictions on placement of water management facilities, compressors, and other infrastructure in crucial winter and calving areas.

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Name/Organization	Comment	Response
Molivar, Erik Biodiversity Conservation Alliance	Require No Surface Occupancy for all mineral development and road construction in crucial elk winter range and calving areas as well as within 2 miles of sage grouse leks; (0307-27)	<p>No surface occupancy requirements within the elk crucial ranges would encumber legal access to valid leases. There are 26 leases at least partially within the dual crucial ranges, overlapping crucial winter range and calving areas. Eleven leases are more than 75% contained within the overlapping crucial ranges. Directional and horizontal drilling technologies that could potentially allow development of the leases from outside of the crucial ranges has not been proven feasible within the PRB.</p> <p>Sage-grouse restrictions are consistent with WGFD requirements: Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks.</p> <p>Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15-June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>
Molivar, Erik Biodiversity Conservation Alliance	-Place a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels; (0307-28)	A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and down the Powder River in Montana.
Molivar, Erik Biodiversity Conservation Alliance	Place all citizens' proposed wilderness off-limits to future oil and gas leasing; (0307-29)	The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. There are no lands within the citizens wilderness proposal that are outside the WSA that contain wilderness qualities.
Molivar, Erik Biodiversity Conservation Alliance	Close currently developed fields within elk crucial winter range or within 2 miles of sage grouse leks to all industry-related vehicle traffic and human activity during the crucial season of wildlife use. (0307-30)	Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, and equipment needs to be inspected to prevent releases. Both action alternatives require a well visitation and maintenance plan; the primary purpose of which is to protect wildlife by reducing disruptive activities.
Molivar, Erik Biodiversity Conservation Alliance	Bury all powerlines (0307-32)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines results in more soil and vegetation disturbance than the construction of overhead lines; which is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.
Molivar, Erik Biodiversity Conservation Alliance	Inject all coalbed methane wastewater underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. (0307-32)	Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted permits to discharge CBNG-produced water into several FCPA drainages. BLM authority over water management is limited especially when a WYPDES permit has already been granted. While BLM does not have the authority to regulate the water discharge strategy on non-federal surface, BLM does have discretion to deny site-specific authorization of discharge points regardless of WYPDES status. With the exceptions of the headwaters of Bull Creek, Deer Creek, and Little Bull Creek most of the drainages are on non-federal surface. BLM has committed in the Draft RMPA/EA (p 4-26) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.
Molivar, Erik Biodiversity Conservation Alliance	Please incorporate the foregoing recommendations into the final RMP Amendment, address the deficiencies in analysis outlined in these comments, and ensure that a full-scale Environmental Impact Statement is completed prior to finalizing your decision on this key land-use plan. (0307-33)	If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts.

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Domek, Sara Wyoming Wilderness Association	WWA opposes any drilling in the FCPA under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection for the wilderness qualities of the area. The BLM made commitments since the 1970s to protect this area, and this proposed plan fails to implement those protective criteria regarding coalbed methane development proposals. (0308-1)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
Domek, Sara Wyoming Wilderness Association	<p><b>Protection of the Fortification Creek Wilderness Study Area and the Citizens Proposed Wilderness</b></p> <p>In 2004, WWA, along with 15 other organizations, presented the Citizens Wilderness Proposal for Wyoming BLM Lands to the BLM. Within this document, 23,749 acres were proposed for wilderness in the FCPA. The full 23,749 acres of the FCPA Citizens Proposed Wilderness should be added to the WSA, and protected with no oil and gas development to provide a buffer addition to the current WSA, which is included in the 28,100 acre ACEC. The current 12,419 acre Wilderness Study Area within the FCPA must be managed to maintain the nature of the wilderness qualities found here, as well as the other outstanding values that make the FCPA such a unique resource for recreationists, sportsmen and women, and wildlife. The Bull Creek and Deer Creek areas within the southern boundary of the Fortification Creek WSA should not be open to development, in order to maintain the interior of the WSA as well as the integrity of the Fortification Elk Herds habitat.</p> <p>In the Fortification Creek WSA, site vegetation represents the Sagebrush Steppe ecosystem/Great Plains Shortgrass Prairie province an ecosystem not represented or administratively endorsed for inclusion in the National Wilderness Preservation System in Wyoming. This is one of the very rare chances to designate such an area in Wyoming. All of the WSA contains the crucial yearlong and winter range for the Fortification Creek Elk Herd, which is unique to occupy a plains habitat in the nation.</p> <p>The Environmental Assessment points to the development alternatives having impacts that would degrade the wilderness character of the WSA. (EA at 4-142, 4-143). Under the Federal Land Policy and Management Act of 1976, the BLM cannot legally allow these impacts to occur, and the BLM must uphold the protection of the wilderness qualities which make the FCPA WSA so unique. The potential for any future wilderness designation of this unique area depends upon the protection of this intact landscape. (0308-2)</p>	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area as wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing. The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA. The RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>BLM evaluated a land exchange for the state land within the WSA at the beginning of the RMPAA/EA process. One of the requirements for a leased mineral exchange is that the exchanged lease has the same mineral potential as the one you are removing the lease rights from. BLM was not able to find equivalent available mineral potential outside of the FCPA.</p>

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Name/Organization	Comment	Response
Domek, Sara Wyoming Wilderness Association	Although federal minerals outside of the WSA have already been leased, the BLM should consider a land exchange for the leased federal mineral acreages outside of the WSA, as outlined in the Citizens Wilderness Proposal for Wyoming BLM Lands. The EA expressively notes CBNG development would occur all around the (0308-3)	A land exchange would require BLM to find other federal lands with equal resource value. This is unlikely given that many federal minerals are already leased.
Domek, Sara Wyoming Wilderness Association	WSA, development would result in a number of impacts. (EA at 4-143). Because of the fragile, erosive soils and steep slopes which comprise the topography of the FCPA, disturbances from oil and gas development are potentially impossible to reclaim or restore. The determination by the BLM in the 1985 Buffalo RMP evaluation of the FCPA did not include the widely-supported CPW area, which is crucial to the integrity of the entire designated WSA. The CPW area should be reevaluated and added to the WSA in this planning document. (0308-3 cont'd)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>
Domek, Sara Wyoming Wilderness Association	One of the most important features that the ACEC and CPW would provide is protection of critical habitat identified as yearlong range for the Fortification Creek Elk Herd. The BLM fully admits that past permitting actions within the yearlong range and future permitting within the Fortification Creek Planning Area will result in elk concentrating in the WSA. This concentration will likely result in two very significant impacts: degradation of the habitat (and wilderness values) in the WSA and a corresponding substantial decline in elk population. The citizens proposed ACEC and CPW should also be off-limits to all future oil and gas leasing. The BLM should finally designate the ACEC to include the expanded boundary that incorporates the crucial winter range for the Fortification Elk Herd. (0308-4)	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. An ACEC that extends beyond the planning area does not meet the planning criteria identified in the Draft EA. The Planning Area boundary was chosen for two primary reasons:</p> <ol style="list-style-type: none"> <li>1. The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary.</li> <li>2. BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary.</li> </ol> <p>CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p>

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Name/Organization	Comment	Response
<p>Domek, Sara Wyoming Wilderness Association</p>	<p><b>The Fortification Elk Herd is Significant and Valued</b></p> <p>The BLM is justifying a Finding of No Significant Impact by stating that elk are a common species...the viability of small Wyoming elk herd (the Fortification herd) is insignificant within the national and regional contexts (Draft Finding of No Significant Impact, FCPA Resource Management Plan Amendment Environmental Assessment, 2010). The BLM is essentially saying that it does not matter if the elk herd disappears because of the gas development. This area is irreplaceable and unique, and likewise, the elk herd is locally significant and valued. The alternatives as proposed are wholly inadequate to protect this area, the habitat and the wildlife. The BLM must either do a full Environmental Impact Statement or reduce the impacts.</p> <p>The BLM's recent permitting in the southern Fortification elk yearlong range is having significant impacts, and the BLM needs to heed the lessons of past permitting. Over the past year and a half, BLM has permitted over 400 CBM wells in the elk herds yearlong range in the Southern Fortification area. The impacts from these CBM projects are astounding. According to BLM, over 1/3 of the elk herds habitat has already been impacted and the herds population has declined from 230 elk to 180 elk. (0308-5)</p>	<p>The FONSI acknowledges public interest in maintaining a viable elk herd and identifies that the preferred alternative includes management actions to maintain the elk herd at or above the WGFD population objective.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</li> <li>2. Timing Limitations on when drilling can occur,</li> <li>3. Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</li> </ol>
<p>Domek, Sara Wyoming Wilderness Association</p>	<p><b>Management Needs</b></p> <p>The BLM needs to have a strong, meaningful plan and alternative for phased development tied to reclamation standards and habitat and backed by site specific reclamation bonding. The BLM needs to have strict and (0308-7)</p>	<p>The Fortification Creek RMPA/EA is a strong, meaningful, and balanced plan for phased development. Reclamation standards are included in the plan in Appendix A. Performance standards are included in Appendix B.</p>
<p>Domek, Sara Wyoming Wilderness Association</p>	<p>protective goals for reclamation of CBM development before new development is approved. Permitting must go slow, allowing the elk herd and the fragile area time to adapt and recover from extensive development, and phased CMB operations based on successful reclamation criteria need to be established. Site specific bonding must be required in order to ensure industry will reclaim the area. (0308-7 cont'd)</p>	<p>The RMPA/EA provides management actions for the FCPA only. BLM takes into account the cumulative impacts of development around the FCPA including the full elk range. Please see cumulative impacts in Section 4.3.5. Performance standards are in place, with the preferred alternative, maintaining the spirit of the lease stipulations, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Domek, Sara Wyoming Wilderness Association	The BLM needs to uphold lease stipulations for protecting the area resources and consider options such as letting CBM leases expire, buying back leases or otherwise protecting large areas of elk habitat. The leases issued to industry in the FCPA must come with strict lease stipulations and restrictions that require no surface occupancy. Any development must be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts (0308-8)	<p>The planning criteria identified in Draft RMPA/EA included that the BLM will recognize all valid existing rights (p. 1-7). The federal mineral estate within the FCPA has been leased to private entities for the purpose of developing the oil and gas resources. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.</p>
Domek, Sara Wyoming Wilderness Association	The BLM has chosen alternatives that fail to mitigate the impacts and provide modest changes to existing management. According to BLMs own lease requirements, more than modest changes need to be implemented to protect the important resources of the area. A full Environmental Impact Statement should be conducted by the BLM to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0308-9)	<p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts.</p> <p>The Preferred Alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p> <p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no development alternative does not meet the planning criteria identified in Draft RMPA/EA the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal mineral estate within the FCPA has been leased to private entities for the purpose of developing the oil and gas resources. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Pendery, Bruce Wyoming Outdoor Council	The Wyoming Outdoor Council's Comments on the July 2008 Fortification Creek EA must be Fully Considered. This most recent EA is of course not the only EA prepared for the resource management plan (RMP) amendment under consideration here. In July 2008 the Bureau of Land Management (BLM) released an earlier version of this EA, and on October 6, 2008 the Wyoming Outdoor Council submitted comments on the earlier EA. Unfortunately, the current EA does not make it apparent that these earlier comments were considered in the preparation of this most recent EA. In Appendix C of the EA, BLM describes its scoping activities related to this project. The Wyoming Outdoor Council is listed among a coalition of groups that submitted comments, but the BLM does not acknowledge that we submitted separate, independent comments. EA Appendix C at 6. Consequently, those comments are submitted again herewith as Exhibit 1. Since it is not apparent that BLM considered our prior independent comments, we ask that they now be considered. They are still highly relevant in almost all respects and merit BLM's consideration or reconsideration. We ask that our prior comments be considered part and parcel of these present comments; and that they be incorporated in their entirety into these comments. (0309-1)	BLM considered all comments received on the 2008 Draft Fortification Creek RMPA/EA. A comment and response document was not prepared for the 2008 Draft Fortification Creek RMPA/EA, instead a new Draft was developed.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Pendery, Bruce Wyoming Outdoor Council	BLM's purpose and need for this project remains unduly, and illegally, constrained. This project is not just about finding ways to accommodate natural gas development, as BLM states, but just as much, and equally, about finding ways to protect the natural environment. BLM should modify the purpose and need statement for this project to reflect the full scope of its legal obligations and then conduct this environmental review, (0309-3)	The Purpose and Need for the project is correctly stated.
Pendery, Bruce Wyoming Outdoor Council	including development of additional reasonable alternatives, in accordance with this revised purpose and need. (0309-3 cont'd)	
Pendery, Bruce Wyoming Outdoor Council	We previously discussed in some detail the extensive retained rights that BLM enjoys despite having issued an oil and gas lease. We ask that those arguments be considered again as BLM determines its mitigation rights and obligations. And in addition to the prior comments, we submit herewith Exhibit 2, which is a technical law review article describing the extent of these retained rights in more detail. We ask that BLM fully consider Exhibit 2 in determining appropriate mitigation for this project. (0309-4)	The Fortification Creek Planning Area Reclamation Monitoring and Reporting Guide and the Fortification Creek Resource Management Plan Amendment Performance-Based Standards: Goal, Objectives, Indicators, and Recommendations are included as Appendices A and B. Additionally, CBNG development proposals in the FCPA will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.
Pendery, Bruce Wyoming Outdoor Council	The Federal Land Policy and Management Act (FLPMA), requires the BLM to give priority to designation of areas of critical environmental concern (ACEC). The BLM continues to ignore the explicit command of this directive in failing to recommend designation of an ACEC in the Fortification Creek area, and essentially asserting that other management is good enough. We continue to believe this ignores BLMs explicit obligation to give priority not just to the study of ACECs but to their designation. We will discuss the need to designate an ACEC in the Fortification Creek area further below. (0309-5)	A relevance and importance evaluation was conducted by BLM (Appendix H; BLM 2002b). The proposed ACEC met the relevance criteria for scenic values and wildlife and the importance criteria for wilderness characteristics, wildlife (isolated elk herd), and minimal impacts from man. However, the proposed ACEC boundaries are already essentially within the elk yearlong and most of the proposed ACEC is within elk crucial ranges. Proposed management prescriptions for the proposed ACEC are the same as current management prescriptions and an ACEC designation would be a name change not a change in management. There would be no impacts from this management action.
Pendery, Bruce Wyoming Outdoor Council	As will be discussed below, BLM should still pursue preparing an environmental impact statement (EIS) for this project rather than the more limited EA it has prepared. (0309-2)	If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of steep slopes, fragile watersheds, and elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>Issues Related to Phased Development.</b></p> <p>The BLM is planning to allow development in the Fortification Creek area to proceed under a performance based phased development framework. This approach is so insufficiently or imprecisely defined in the EA that we have little confidence that it can meet its stated objectives. For one, deviations from the geographic phases applicable to Alternative II, which will also apply to Alternative III, can be granted. EA at 4-67. Allowing deviations from the proposed phases of development (See EA pages 4-63 (Fig. 4- 4) and 4-138 (Fig. 4-8) (presenting the phasing approach)) means that there may be no phasing at all. Development might actually be unconstrained just as under the no action alternative. The BLM should eliminate this provision and abide by the identified phases to ensure that environmental impacts are minimized. Alternatively, the BLM should not call this option a phased development (0309-6)</p>	<p>Deviations from the proposed phases would be allowed as long as the performance-based objectives were achieved. The BLM has staff dedicated to monitoring compliance and reclamation. Under both action alternatives, elk security habitat thresholds will be in place. Alternative III establishes performance thresholds and a monitoring team specific to the FCPA.</p>

## Fortification Creek Planning Area: Comments and Responses

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>approach because allowing for deviations could completely undermine the intent of this approach. Intellectual honesty demands that the BLM not refer to this alternative as a phased development approach if in reality it might not be phased at all.</p> <p>The illusory nature of phased development as BLM is currently describing and prescribing it is emphasized further by the text in Appendix B. There the BLM said the supposed thresholds are guides and they are not hard thresholds. EA Appendix B at 1. Crossing a threshold will not automatically lead to any management response; at most crossing a threshold will lead to a review to determine whether a management change is warranted. Id. The BLM then goes on to provide as an example a change in calf survival ratios that is deemed to be due to winter conditions rather than coalbed methane (CBM) development, therefore leading to no management response.</p> <p>Given this approach, the thresholds described in the EA may well mean nothing and little will be done if they are exceeded or crossed. This seems completely inappropriate. It is always said the industry primarily wants clear guidance on what the rules are, and then it can and will deal with them in a business like way from a businessmans perspective. But as currently presented, the phased development scenario is not clear guidance, for the oil and gas industry, the public, or BLM.</p> <p>We would direct the BLM to the decision on the Pinedale Anticline in which the BLM put in place mitigation measures for the protection of wildlife, a major driving force in the phased development plans for Fortification Creek. We especially direct the BLM to Appendix B in the Record of Decision Final Supplemental Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project. In this appendix the BLM puts in place a detailed plan for the mitigation of impacts to wildlife, including concrete thresholds that if crossed would lead to further, specific mitigation. The BLM should put in place a comparable plan for the Fortification Creek area. While there have been problems with the Pinedale Anticline plan, and BLM has sought outside peer review that could lead to its modification, we believe the approach of the Pinedale Anticline plan is more like what is needed in Fortification Creek than BLMs current plan as outlined in Appendix B of the EA.</p> <p>In addition to defining a more explicit and binding phased development approach and making</p>	<p>In the "bolt-on" approach, new infrastructure would expand from, and tie into existing infrastructure. This was clarified in the RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

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	<p>thresholds related thereto more binding, the BLM needs to define what is meant by the bolt on approach (EA page 2-15) that will apparently guide development under Alternative III. We were told in a telephone conversation with BLM's Mr. Thomas Bills that bolt on means that (0309-6 cont'd)</p>	
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>development will be focused in areas with existing development, which would be in the southern part of the planning area. See Figure 3-13. This approach is apparently portrayed in Figure 4-8, where the proposed phase one development is presented. But in our view this does not represent a bolt on approach, as we understand it; rather it represents something akin to unrestrained drilling. In particular including the North year two area as part of the development seems inappropriate. As Figure 3-13 shows, there is no existing development in this area, so this is more akin to wildcatting than it is to the bolt on approach. The North year-two area should be eliminated from the proposed phase one development schedule presented in Figure 4-8.</p> <p>Furthermore, the year one, two, and three areas in the Southeast area are primarily in areas with a limited number of existing conventional oil and gas wells, not CBM wells. Figure 3-13. Thus, again, the approach here seems more indicative of wildcatting than it does with phasing. BLM should focus the initial development in areas with existing CBM wells, which is the purpose of this project; this would focus development in the far southeast portion of the Southeast area, as shown in Figures 3-13 and 4-8. BLM needs to carefully define what is meant by bolt on and adhere to that definition since this appears to be a critical component of the planned phased development approach. And the existing development portrayed in Figure 3-13 should be more clearly the basis for defining bolt on areas. (0309-6 cont'd)</p>	

## Fortification Creek Planning Area: Comments and Responses

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>Issues Related to Impacts on the Elk Herd.</b></p> <p>The BLM is planning to allow severe and we believe unacceptable impacts to the elk herd in the Fortification Creek area. It would allow the herd to decline from the current level of 219 animals to about 120 animals, a 45 percent decline. We believe a decline of this magnitude is significant by any measure, even if it is tied, purportedly, to Wyoming Game and Fish Department (WGFD) herd objectives.</p> <p><i>A. BLMs Objectives are not in Alignment with the Wyoming Game and Fish Departments Wildlife Management Objectives.</i></p> <p>We think there is a dramatic difference between the objectives of the WGFD and BLM, making any claim that BLM is in alignment with the WGFD herd objectives untenable. The WGFD would rely on public hunting to achieve its population objective of 150 animals. In essence the WGFD would provide for public enjoyment and sustained use of the herd to achieve its desired level of 150 (0309-7)</p>	<p>BLM has and continues to work very closely with WGFD on protection of Fortification Creek. BLM is responsible for managing the elk habitat and WGFD is responsible for managing the elk herd.</p> <p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana.</p> <p>Alternatives II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made.</p> <p>This alternative is performance based and will be closely monitored by BLM.</p>

## Fortification Creek Planning Area: Comments and Responses

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>elk.* The WGFD objective is not based on degrading habitat to the point where it cannot support any more than 150 animals. Yet BLMs plans for the herd defy all tenets of responsible wildlife management by relying on habitat degradation to achieve a reduction in herd level. And BLM would not achieve this level by providing for public enjoyment; in fact its actions would reduce public enjoyment of the area. BLMs plan to allow degradation of the habitat in Fortification Creek as a wildlife management technique is repugnant to any notion of scientific, professional resource management. The BLM should acknowledge this rather extraordinary difference in the management approaches and philosophy of the two agencies in its EA and not claim that it is seeking to fulfill the WGFD objectives, other than perhaps from a rank numerical perspective. The WGFD is not in the business of promoting habitat degradation as a means of managing wildlife. Instead, it relies on long-accepted, scientifically-grounded management tools such as hunting to achieve sustainable population objectives.</p> <p><i>B. The Entire Elk Yearlong Range or at Least Elk Security Habitats Lying Outside of the Current Planning Area Must Be Considered Holistically.</i></p> <p>We continue to object to BLMs refusal to include the entire elk yearlong range in its planning, or at a minimum at least the elk crucial ranges that extend outside the planning area. Much of the crucial range is also security habitat. BLMs apparent rationale for this constrained planning area is that the planning area was defined back in 1975 and BLM now feels it cant change those boundaries. EA at 2-7. This seems like an unduly constrained approach, especially since The entire yearlong range will be further evaluated in the [Buffalo Field Office] RMP revision. Id. If the entire area needs to be considered at some point then there is no reason it shouldnt be considered as a whole now. In other documents this constraint has not been apparent and we do not feel it should here, either. See EA at 4-49 (stating that in other documents (BLM 2007a, WGFD 2007a), the term Fortification Creek Area is used to refer to the entire elk yearlong range.). It seems particularly indefensible to not include the crucial ranges that extend outside of the planning area in this planning effort. Crucial ranges by definition have an overall limiting effect on a population. To segment the project in a way that eliminates crucial ranges from full consideration is likely to lead to biologically and ecologically unfounded conclusions because a crucial portion of the habitat has been arbitrarily excluded from analysis apparently for administrative</p>	<p>The Planning Area boundary was chosen for two primary reasons; (1)The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p>

## Fortification Creek Planning Area: Comments and Responses

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	<p>convenience rather than for any scientifically defensible reason.</p> <p>*See, e.g., EA at 4-117 (pointing out that the Fortification Creek area is a popular hunting destination and that any Type 1 elk permits are highly sought after, with these licenses ranked as the toughest resident draw statewide, with only a 4.07 percent success rate among resident applicants). (0309-7 cont'd)</p>	

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>The elk do not recognize BLMs artificially designated boundaries and imposing management constraints based on such boundaries will fail to maintain the ecological integrity and function of this area and its iconic wildlife.</p> <p>The connectivity of elk use in the planning area and in the broader yearlong range is undeniable. For example, animals in the southern part of the yearlong range travel into the planning area, largely to avoid CBM development in the south. EA at 4-73 to -74. And security habitat, wherever it is found, is necessary for maintaining this herd especially if it is located in crucial winter or parturition ranges. Id. at 74. Elk habitats outside the planning area clearly are important to the overall status of the elk population in the Fortification Creek area. Consequently, ignoring the critical role that crucial ranges outside of the planning area play in maintaining the integrity and viability of this herd is biologically indefensible.</p> <p>In our view, BLMs refusal to consider in its analysis the entire yearlong range, or at least the crucial ranges that extend outside the planning area, is illegal. It is well established NEPA law that an agency cannot segment its NEPA analysis, dividing it into smaller components so as to avoid a holistic understanding. Furthermore, it seems this project as defined by BLM has no independent utility given that BLM recognizes the Buffalo RMP revision will be required to further evaluate the entire yearlong range. If such an analysis is needed for that planning effort, it just as assuredly is needed for this planning effort. Indeed, given current levels of development in the area, we urge BLM to undertake this holistic and comprehensive analysis now rather segmenting large portions of the elk crucial ranges from this NEPA analysis and conducting a superficial review that is neither legally nor scientifically defensible.</p> <p><i>C. Impacts to Elk Security Habitat will Greatly Exceed 20 Percent.</i></p> <p>We have additional concerns that when the full scope of the elk range is considered, it is apparent that much more habitat will be lost than BLM acknowledges in its unjustifiably limited analysis of just the planning area as it has defined it. BLM estimates that if its preferred alternative were implemented, the amount of security habitat in the planning area would decrease from 40,781 acres to 33,687 acres, a decline of 17 percent. EA at 4-54 (Table 4-15). While this decline would appear to comport with BLMs goal of retaining 80 percent of the security habitat, we believe it is an inappropriately</p>	<p>In accordance with CEQ and BLM regulations and guidance, BLM considered the area outside of the FCPA in its cumulative analysis.</p>

## Fortification Creek Planning Area: Comments and Responses

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	optimistic assessment. Moreover, a loss of this magnitude is likely to have significant unintended consequences (such as crowding of elk into remaining habitat and subsequent degradation of that habitat) that could seriously undermine the integrity of the Fortification Creek herd and the ecological function of its habitat. (0309-7 cont'd)	

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>Regardless of whether BLM chooses to consider the entire elk range in this planning effort or not, there is nevertheless no doubt that the entire security range must be considered in order to determine what really will be left. BLM states on page 4-74 of the EA (Table 4-17) that there were 60,000 acres of security habitat in the entire Fortification Creek herd area as of July 2009. It then goes on to say that this represents a 31 percent decline that occurred between December 2008 and March 2010. EA at 4-75. This means that prior to the extreme increase in disturbance in the entire range, which destroyed a considerable amount of habitat, the total acreage of security habitat was 86,956 acres.</p> <p>BLM anticipates that due to reasonably foreseeable development occurring in elk security habitat outside the planning area, an additional 12,488 acres of security habitat would be lost. EA at 4-75 (Table 4-18). This would mean that only 47,512 acres of security habitat would remain of the current 60,000 acres, and only 45 percent of the 86,956 acres would remain from what was originally available. Compounding these already-significant losses, BLM plans to allow for an additional loss of 7094 acres of security habitat in the planning area, leaving only 40,418 acres of the original 86,956 acres. EA at 4-54 (Table 4-15). This represents a drastic overall reduction of 53.5 percent in the Fortification Creek herds security habitat. And even if, as BLM may insist, only the 60,000 acre baseline is relevant, this would still represent a loss of 19,582 acres of security habitat, representing a 33 percent loss, far more than BLMs stated threshold of retaining 80 percent of the security habitat in yearlong ranges.</p> <p>The BLM should not claim to the public that its management would lead to only a loss of 17 percent of the security habitat, when in fact it will be allowing a far greater overall loss of this crucially important habitat. A loss of this much habitat is far in excess of any standard that BLM is purporting to abide by. BLM should reevaluate its elk cumulative impacts discussion in the EA based on this information and predict impacts accordingly.</p> <p><i>D. Well Spacing Should not Exceed One Well Per 120 Acres.</i></p> <p>Of considerable concern relative to impacts on the elk herd is BLMs apparent view that well spacing in this area will be 80 acres per well. EA at 4-5. We feel that this spacing is far too dense to maintain the elk herd. As BLM acknowledges, studies show that elk are actively selecting areas away from existing</p>	<p>In accordance with CEQ and BLM regulations and guidance, BLM only evaluated impacts within the planning area, except for cumulative impacts.</p>

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	<p>natural gas wells and roads. EA at 3-30. Elk avoid using available habitat within 1.7 miles of well sites and within 0.5 miles of roads. Id. The elk avoid mineral development. Id. Elk are particularly susceptible to mineral development. EA at ES-2. (0309-7 cont'd)</p>	
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>There are 480 current wells in the planning area, another 206 are in active APDs proposed for the [Fortification Creek Planning Area], and BLM is planning to allow another 483 wells to be drilled pursuant to this plan. EA at 3-55, 4-7. Little habitat will remain more than 1.7 miles from a well site, except in the Wilderness Study Area (WSA). And the resultant crowding of elk into the WSA will cause overcrowding that will increase habitat degradation and disease transmission, eventually resulting in decreased herd health and population size. EA at 4-56. Given the significance of these impacts, the BLM should seek to minimize well density. Well density should not exceed one well per 120 acres. This would maintain much more space between well sites and elk habitat, allowing the animals to continue using the area. As BLM acknowledges, the stipulations attached to these leases allow BLM to condition development so as to protect the elk herd based on receipt of an acceptable management plan. BLM should determine that well spacing not exceeding one well per 120 acres is acceptable because this will allow for as much remaining elk habitat as possible to be 1.7 miles or more from a well pad. More dense spacing is not acceptable because it will greatly increase the degree to which wells exceed this threshold. BLM should establish as an additional threshold in Appendix B a requirement that wells not be within 1.7 miles of elk crucial and security ranges, and that roads will not be within 0.5 miles of these areas. Well spacing of one well per 120 acres would help accomplish these important goals, thereby helping to maintain the health and ecological integrity of the herd. Such a constraint is well within BLMs legal authority. (0309-7 cont'd)</p>	<p>BLM initially proposed 160-acre spacing in 2005 and 2006, but when BLM analyzed the effects from 160-acre spacing, during the preparation of the 2007 Environmental Report, we realized the impacts are essentially the same as 80-acre spacing. Consequently, impacts from 120-acre spacing would not decrease impacts.</p>

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>IV. Impacts to Soils, Vegetation, and Water Resources Interim Reclamation.</b></p> <p>The impacts disclosed in the EA to soils and water are of concern to us, and the reclamation measures outlined in the EA do not alleviate those concerns. The Fortification Creek Area is more than a reclamation challenge; it is arguably not reclaimable once it has been disturbed.</p> <p>Thirty-four percent (33,694 acres) of the lands in the Fortification Creek area have slopes greater than 25 percent; 84 percent of the area (84,377 acres) have soils with high erosion potential; and 59 percent (59,343 acres) of the lands in Fortification Creek have poor reclamation potential. EA at 4-17. See also id. at 3-6 to -9 (Tables 3-2, 3-3, and 3-4) (presenting additional information on the poor reclamation potential in this area). Clearly this area is difficult if not impossible to reclaim. Given this intractability, the BLM must insist on the most rigorous reclamation measures possible, including most importantly not allowing (0309-8)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>There would be exceptions to the 25% slope avoidance stipulation if the operator proposed an acceptable disturbance and reclamation plan. Additionally, there are performance standards in place for the protection of soil, water, and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.</p>

## Fortification Creek Planning Area: Comments and Responses

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>development to occur when there is little or no realistic chance of successful reclamation.</p> <p>Despite these significant constraints, BLM would allow exceptions to the prohibition on surface-disturbing activities on slopes greater than 25 percent. Exceptions would be allowed if there was an acceptable disturbance and reclamation plan. An acceptable plan would apparently be a plan that meets the standards shown in A and B. We believe, however, that there must be assurance that these standards are actually being met before additional disturbance is allowed. What this means is that BLM should place a limit on the number of acres that can be drilled in the first three years of this project so that proof that these lands can meet the year-3 reclamation standards are in hand before allowing additional disturbance to occur. There is a significant probability that the year-3 standards will not be met on many lands in the Fortification Creek area, so BLM should not be caught in a position of having authorized significant additional disturbance before having proof in hand that reclamation can be done, and done to standards. Essentially BLM would be conducting an experiment in which the null hypothesis would be that successful reclamation is not possible and the alternative hypothesis would be that successful reclamation can be achieved. BLM should not allow additional disturbance to go forward until it rejects the null hypothesis based on objectively collected empirical data over at least the three year period its reclamation standards outline. And like all experiments, the experimental treatment area should be a relatively small sampling of the overall areathe vast majority of the Fortification Creek area should not be open to development until successful reclamation has been demonstrated based on scientifically valid protocols. We believe the data presented in the EA showing extreme reclamation challenges (at best) warrants this conservative approach, and frankly we feel that the data presented in the EA indicate that valid rejection of the null hypotheses is not likely to occur.</p> <p>We must also emphasize the following. Merely seeding with native species does not equate to successful reclamation. Actual establishment of these species with adequate ground cover and vigor must be demonstrated before reclamation is deemed successful. Moreover, we must emphasize that interim reclamation standards presented in Appendices A and B mean nothing regarding whether reclamation is actually being achieved on a long-term basis. The interim reclamation measures, assuming they are achieved at all, only show that the site has</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>

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	<p>been stabilized allowing additional reclamation to stand a chance of success, they do show that reclamation has occurred. (0309-8 cont'd)</p>	
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>In addition to significant impacts to soil resources, Table 4-12 makes it clear that implementation of this project could also have major negative impacts on water (0309-8 cont'd)</p>	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted permits to discharge CBNG-produced water into several FCPA drainages. BLM authority over water management is limited especially when a WYPDES permit has already been granted. While BLM does not have the authority to regulate the water discharge strategy on non-federal surface, BLM does have discretion to deny site-specific authorization of discharge points regardless of WYPDES status. With the exceptions of the headwaters of Bull Creek, Deer Creek, and Little Bull Creek most of the drainages are on non-federal surface. BLM has committed in the Draft RMPA/EA (p 4-26) to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>resources. There could be significant flooding and ecological alteration of ephemeral streams. Draw down of water tables also could be very significant. These issues again underscore the need to carefully regulate development occurring as a result of this project. The BLM should not permit discharge of produced water into stream channels; it should require that produced water be piped off site to treatment facilities where it can then put to beneficial use. The negative impacts of creating permanent floods in ephemeral streams are apparent. And BLM should monitor groundwater levels closely and not permit anything approaching the extreme drawdowns shown in Table 3-5 to occur. Drawdowns of this magnitude could alter the basic ecological function of the Fortification Creek area. (0309-9)</p>	
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>Mountain Plover.</b>  In the EA the BLM states that the mountain plover (<i>Charadrius montanus</i>) is not under consideration for listing under the Endangered Species Act. EA at 3-33. This is an incorrect statement. The Fish and Wildlife Service is reconsidering its decision not to list and is currently undertaking a listing review. 75 Fed. Reg. 37,353 (June 29, 2010). The BLM should reconsider its environmental assessment of impacts to this species and potential mitigation measures based on this pending development. (0309-10)</p>	<p>This statement was updated. The mountain plover is already considered a BLM sensitive status species and as such, has specific protections even though there is no mountain plover habitat in the FCPA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>The Air Quality Analysis in the EA is Deficient.</b></p> <p>The air quality analysis in the EA is invalid because it is based on a qualitative analysis and no quantitative air quality modeling was done. Thus, the BLMs conclusion that National Ambient Air Quality Standards (NAAQS) will not be violated has no basis. EA at 4-15. The BLM should correct this problem by doing quantitative air quality grid modeling such as is available through the CAMX, CAMQ, and CALPUFF models.</p> <p>BLM is planning to allow 483 wells to be drilled under this plan. This is not a trivial number of wells, and the air quality impacts could be significant. In other projects, such as the Jonah Infill, Pinedale Anticline, and Atlantic Rim projects BLM has conducted quantitative air quality impact modeling, so it has a history and experience with these models and we see no reason why this kind of modeling should not be replicated here. We would note that with regard to the much smaller Plains Exploration and Production Company proposal to drill 136 wells on the Bridger-Teton National Forest near Bondurant, the Forest Service is conducting quantitative modeling. (0309-11)</p>	<p>Quantitative air dispersion modeling was completed for the Powder River Basin Oil and Gas EIS (BLM 2003). Air pollutant dispersion modeling was performed to quantify potential PM10 and SO2 impacts during construction based on the individual pollutants period of maximum potential emissions. The EPA CALPUFF dispersion model was used with meteorological data generated by the MM5 (mesoscale model) and CALMET models. These meteorology data were combined with air pollutant emission values to predict maximum potential concentrations in the vicinity of assumed well and compressor engine emission sources for comparison with applicable air quality standards and PSD Class II increments (Argonne 2002). Because this EIS and modeling included the Fortification Creek Area additional modeling was not needed.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>As we have noted for BLM many times in the past, when BLM engages in land use planning, as is occurring here, FLPMA requires that BLM provide for compliance with pollution control laws, including the Clean Air Act and accompanying state regulations and laws. 43 U.S.C. 1712(c)(8). BLM has always refused to conduct quantitative air quality modeling as part of its RMP revisions, claiming that not enough was known about potential oil and gas development to allow for meaningful modeling. But that is certainly not the case here. The EA stands as a testament to the fact that a great deal of very detailed knowledge about the locations and extent of development is known or anticipated. In fact, BLM is planning to guide that development with considerable specificity. Thus, any claims that we dont know where development will occur or how many wells will be drilled simply have no credibility in this case. More than enough is known to support a valid quantitative modeling effort.</p> <p>Furthermore, in addition to the FLPMA provision mandating that there be a credible effort demonstrating that BLM has provided for compliance with the Clean Air Act which certainly requires more than assertion, which is all we have at present other legal provisions demand that BLM engage in a quantitative air quality assessment of its plans for the Fortification Creek area. NEPA requires that BLM insure the professional integrity of its NEPA analysis, including its scientific integrity. 40 C.F.R. 1502.24. Refusing to engage in state of the art scientific analysis with no reasonable or justifiable explanation is insufficient to meet this obligation. Furthermore, where, as here, BLM makes information unavailable due to its own decisions (not the inherent lack of information or difficulty in getting it) it must meet the standards at 40 C.F.R. 1502.22 with particular fidelity. That has not been done here. In addition, the BLM is currently engaged in negotiations with other agencies, including the Environmental Protection Agency (EPA), regarding its air quality analyses during the RMP processes. There is a high likelihood a Memorandum of Understanding will result from those negotiations and that it will require quantitative analysis at the RMP stage. Furthermore, it is likely this MOU will be operative before the Fortification Creek RMP amendment is finalized. Consequently the BLM should ensure compliance with this likely new directive in this EA/RMP amendment.</p> <p>The ozone data presented on EA page 3-3 (Table 3-1) is confusing. Both a primary NAAQS and a secondary NAAQS are presented. There is no currently established secondary NAAQS for ozone</p>	<p>Quantitative air dispersion modeling was completed for the Powder River Basin Oil and Gas EIS (BLM 2003). Air pollutant dispersion modeling was performed to quantify potential PM10 and SO2 impacts during construction based on the individual pollutant's period of maximum potential emissions. The EPA CALPUFF dispersion model was used with meteorological data generated by the MM5 (mesoscale model) and CALMET models. These meteorology data were combined with air pollutant emission values to predict maximum potential concentrations in the vicinity of assumed well and compressor engine emission sources for comparison with applicable air quality standards and PSD Class II increments (Argonne 2002). Because this EIS and modeling included the Fortification Creek Area additional modeling was not needed.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
	<p>(although there may well be when EPA revises the standard in the near future see below). What these data appear to be are a statement that the current background level of ozone in the area is 130 g/m<sup>3</sup> (0.066 parts per million) and that the old NAAQS was 157 g/m<sup>3</sup> (0.080 ppm), which it was. But EPA changed the old NAAQS to the new NAAQS of 0.075 ppm averaged over an 8-hour averaging period on March 27, (0309-11 cont'd)</p>	
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>2008. 73 Fed. Reg. 16,436 (Mar. 27, 2008). Thus, the current ozone levels are apparently 88 percent of the current NAAQS. And more importantly, the ozone levels could well violate the NAAQS when EPA changes the standard very shortly. See 75 Fed. Reg. 2938 (Jan. 19, 2010) (proposing to set the primary ozone standard within a range of 0.060 to 0.070 ppm and to also put in place for the first time a secondary ozone standard). Thus, BLM should revise its ozone impacts analysis based on this information, especially since it is very likely that EPA will revise the ozone NAAQS before this RMP amendment is completed. It is very likely that the Fortification Creek area will virtually violate any new NAAQS, or be in violation of the new NAAQS if it is set at 0.060 to 0.065 ppm. (0309-11 cont'd)</p>	<p>Table 3-1 was updated to current regulatory standards.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>The Concept and Values of ACEC Designation are Improperly Subverted in the EA.</b></p> <p>As noted above, we continue to believe that BLM should designate an ACEC in the Fortification Creek area. The basis for that view was discussed in our 2008 comments on this project, and we direct BLM again to those comments. Exhibit 1. But in addition, we take exception to BLMs contention that designation of an ACEC would produce no management differences, with the only difference being a formal name. EA at 4-67. We think the attitude that is apparent in this statement totally subverts the ACEC designation process and needs to be rethought.</p> <p>BLM has determined that this area meets the relevance and importance criteria for ACEC designation. It recognizes that it is relevant because of scenic and wildlife values, and is important because of wilderness characteristics, wildlife, and minimal human impacts. EA at 4-141. In addition, BLM has long recognized the importance of this area, incorporating this recognition into the Buffalo Resource Area RMP, which acknowledges the isolated elk herd, high visual quality, steep slopes with erosive soils, and cultural, historic, and paleontological values in this area. Id. at 3-55.</p> <p>Having determined that this area has this level of relevance and importance, BLM is not at liberty to decline to designate this area as an ACEC by dismissing the need for such recognition becauseas BLM claimsit is just a formal name. We believe this is an extremely unimaginative approach to resource management, is legally indefensible, and undermines the validity and significance of ACEC designation, including for already-designated ACECs. Based on BLMs rationale, none of these ACECs mean much of anything, they are just a formal name. An ACEC by definition is an area where special management attention is required in order to protect the recognized special values in an area. 43 U.S.C. 1702(a). Having recognized this area is relevant and important, BLM has also recognized (0309-12)</p>	<p>A relevance and importance evaluation was conducted by BLM (Appendix F; BLM 2002b). The proposed ACEC met the relevance criteria for scenic values and wildlife and the importance criteria for wilderness characteristics, wildlife (isolated elk herd), and minimal impacts from man. However, the proposed ACEC boundaries are already essentially within the elk yearlong and most of the proposed ACEC is within elk crucial ranges. Proposed management prescriptions for the proposed ACEC are the same as current management prescriptions and an ACEC designation would be a name change not a change in management. There would be no impacts from this management action.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Pendery, Bruce Wyoming Outdoor Council	<p>that special management attention is required. Yet it proposes no special management, preferring instead to dismiss the statutorily prioritized ACEC concept. BLM should abandon this narrow view and ensure that special management is afforded to this special area.</p> <p>There are any number of special management actions that could be applied to this area besides the management prescriptions that will apply elsewhere in the planning area. For example, the BLM could make this area subject to development only if surface disturbance did not occur. As discussed elsewhere, the stipulations attached to these leases already condition development on provision of a plan acceptable to BLM for the protection of elk and erosive soils. Thus, BLM has complete latitude to determine what is acceptable and what is not. BLM has full authority to determine that surface disturbance in this area is unacceptable due to the presence of the recognized special values requiring special management prescriptions, and thus it could condition development on there being no surface disturbance. Similarly, the BLM could place these leases in suspension and not allow development to occur on these leases unless and until there has been full and complete reclamation and restoration of habitat in other parts of the Fortification Creek area, particularly in any development areas within the ACEC. Any number of other special management prescriptions could be envisioned to ensure adequate protection of the areas recognized values. BLM should not succumb to the indefensible statement on page 4-67 of the EA and limit its consideration of special management for this area. Instead it should institute management actions that would make ACEC designation much more than just a formal name, and pursue this designation in the decision record for this project. (0309-12 cont'd)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>The Analysis of Visual Resources is Deficient.</b></p> <p>BLM claims that the impacts from its plan on visual resources would cause a moderately negative impact. EA at 4-100 (Table 4-23). A moderate impact to visual resources is defined on EA page 4-97. BLM states that a moderate impact is one which is readily apparent and which would cause a measurable change in the resource. We believe that this definition of what would be deemed to be a moderate impact is not in compliance with BLMs visual resource management (VRM) classification designations, and thus must be reconsidered and an updated impact analysis provided.</p> <p>A VRM Class III- as most of the Fortification Creek area is one where BLM seeks to partially retain the character of the landscape, and in these areas the level of change that is allowed is moderate and contrasts that are created must remain subordinate to the existing character of the landscape. EA at 3-43. We (0309-13)</p>	<p>As stated in the Draft RMPA/EA and in the WOC comment, impacts to visual resources will be moderately negative. Visual impacts are considered from the WSA (between 0.5 and 3 miles from the WSA viewpoint). Impacts would include new overhead power lines, roads, and other infrastructure. In accordance with BLM Manual 8410 - Visual Resource Management, these impacts would be moderate because only 50% of the area around the WSA is federally controlled.</p>
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>do not believe that changes that are readily apparent and measurable meet this definition, and thus the impacts that BLM is defining as moderate are in fact major they are in excess of the explicit VRM Class III objectives stated on EA page 3-43. Compare EA at 3-43 with EA at 4-97. Consequently we ask the BLM to re-conduct its visual impact analysis based on an appropriate impact classification system. (0309-13 cont'd)</p>	

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>The BLM Should Prepare an EIS for this Project.</b></p> <p>The BLM has all but concluded that this project will have no significant impacts, allowing it to prepare an EA rather than an EIS. In fact, it appears BLM has already reached a finding of no significant impact (FONSI) prior to concluding this NEPA process. We believe a FONSI is unwarranted and should be reconsidered. When this is done it will be apparent that an EIS is needed for this project.</p> <p>BLMs FONSI is apparently based on the impacts summary presented in Table ES-1. But we believe this information shows that in fact there may be significant impacts, which would necessitate preparation of an EIS. In order to sustain a FONSI, the BLM must rationally be able to conclude that the project will not have significant impacts on the human environment. 40 C.F.R. 1508.13. This regulation establishes an absolute prohibition on reaching a FONSI if the project might or may have significant impacts; a FONSI is only appropriate if it is certain the project will not have significant impacts. We do not believe that burden is met here.</p> <p>That data in Table ES-1 show that there will be at least moderate negative impacts to four resource categories (water resources, fish and wildlife resources, special status species, and visual resources) if the preferred alternative is implemented. And there will be major negative impacts to two resource categories (transportation resources and fluid minerals). We believe that this level of impact when viewed in its totality is more than sufficient to indicate that significant impacts may occur. We see no reasonable basis for concluding that a moderate level of impact is insignificant, especially when moderate impacts are occurring to a number of resources, not just one resource category. A moderate level of impacts that affects water resources, elk, other fish and wildlife resources, special status species such as sage-grouse, mountain plover and ferruginous hawks, and the visual quality of a 100,000 acre area that BLM has long recognized is very special cannot be considered insignificant; it is significant by any reasonable measure. And the impact related to transportation resources relates to the dramatic increase in vehicle trips that will occur in the area, which is obviously an environmental impact that will affect many resources. (0309-14)</p>	<p>The exact wording of Sec. 1508.13 Finding of no significant impact. is: ""Finding of no significant impact" means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (Sec. 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (Sec. 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference".</p> <p>The regulation applies to significant impacts not major or moderate impacts. Additionally, the regulation does not state "might" or "may" have significant impacts it states "will not have".</p> <p>Impacts may be major without being significant.</p>

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>...impacts must be looked at in their totality, not in isolation and viewed resource by resource. And when the totality of these impacts is considered it is apparent that a significance level is reached. The intensity factors specified at 40 C.F.R. 1508.27(b) are not intended to be looked at in isolation from each other; they are intended to be viewed as a comprehensive package that when viewed together indicate whether significance is achieved. And when this metric is applied to the data in Table ES-1, it is apparent significance is reached.</p> <p>Moreover, the following must be noted. The data in Table ES-1 do not provide a complete picture of the level of impacts that are expected. To get that complete picture one must consider the resource by resource discussions in Chapter 4 of the EA. The data in this chapter show that there will be major negative impacts to water resources (flooding ephemeral channels and drawdown of groundwater) not the moderate impacts shown in Table ES-1. See EA at 4-38 Table 4-12 (presenting evidence the major negative impacts will occur to ephemeral streams due to produced water discharges and due to drawdown of groundwater). Accordingly it is apparent that the following significant impacts will result from this project:</p> <p>Major negative impacts to water resources owing to conversion of ephemeral channels to permanent streams and significant drawdown of groundwater levels.</p> <p>Major negative impacts resulting from a 207 percent increase in vehicle trips in the area, producing disturbance to wildlife, potentially increased poaching and direct deaths to wildlife, loss of peace and tranquility in the area, increased air pollution, and other impacts.</p> <p>Moderate negative impacts to the elk herd due to a substantial loss of yearlong security habitat and crucial range security habitat. And as we discussed above, a reduction of the elk herd from 219 animals to 120 animals is significant, particularly since BLM would rely on extreme habitat degradation as the means to achieve this objective.</p> <p>Moderate loss of habitats for special status species such as sage-grouse, sharp-tailed grouse, and raptors. Moderate loss of visual quality in the area due to the construction of overhead power lines and 77 miles of new roads. And as discussed above, the visual quality analysis in the EA does not comport</p>	<p>The impacts are not understated.</p>

## Fortification Creek Planning Area: Comments and Responses

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	with BLMs VRM classification categories, so these impacts are underestimated. (0309-14 cont'd)	
Pendery, Bruce Wyoming Outdoor Council	<p>We believe that by any reasonable measure a project that has impacts that are this widespread is a project that has significant impacts on the human environment. And besides these moderate and major negative impacts, there are many other resources that will suffer minor negative impacts. When these are viewed in their totality, we believe that 10 or more minor negative impacts add up to a much more significant impact overall. The BLM should approach its significance analysis from this comprehensive perspective. If it does so, we believe it will conclude that this project may have significant impacts, thereby necessitating preparation of an EIS.</p> <p>The Forest Service is currently preparing an EIS for a 136-well project in the Bridger-Teton National Forest near Bondurant (the Plains Exploration and Production Company proposal). We see no valid basis for one agency to be pursuing an EIS for a 136-well project when another agency refuses to do so for a project that will involve drilling nearly four times as many wells, in an area that has equal environmental values and concerns. We would like the BLM to explain its justification for this disparate approach to environmental analysis. Why does a 136-well project merit an EIS when a 483-well project does not? NEPA was intended to provide a nationwide comprehensive environmental review process, not an ad hoc approach subject to agency by agency fickleness. (0309-15)</p>	USFS is a different agency with its own NEPA guidance. BLM cannot speculate on why USFS has made this decision.

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<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>BLM Must Consider A No Development Alternative in Addition to the Current Alternatives.</b></p> <p>In addition to the three alternatives currently being considered by BLM for implementation of this project, the BLM should consider a fourth alternative, an alternative that addresses ways in which BLM could prohibit or at least discourage CBM development in the Fortification Creek area. As we discussed in our 2008 comments, there is no doubt that BLM has authority to take these kinds of actions. This fact is also made clear in the analysis presented in Exhibit 2, which we have asked the BLM to fully consider. In addition, as discussed in detail in our 2008 comments, and as also addressed in section I of these comments, considering a no development alternative is within the scope of a properly defined purpose and need for this project. A properly defined purpose and need for this project must consider the need not only for allowing CBM development, but also the co-equal need of protecting the environment, as mandated by the almost innumerable federal environmental statutes BLM operates under. Thus, a no development alternative is fully within the proper scope and purpose and need for this project, and it should be fully considered by BLM. (0309-16)</p>	<p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected.</p> <p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no development alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal mineral estate within the FCPA has been leased to private entities for the purpose of developing the oil and gas resources. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.</p>
<p>Beacham, James E. Pennaco Energy, Inc.</p>	<p>Alternative I, the current management protocol, already requires the application of significant development restrictions on exploration and production that were designed and implemented over the years to protect the area's natural resources. However, Alternatives II and III would impose overwhelming new limits on natural gas development in the Fortification Creek Planning Area (FCPA) further limiting exploration and production activities. This limitation will impact local employment opportunities; local, state and federal revenue streams; and national supplies of a clean burning energy resource. At a time when many local and state governments, and the federal government, are finding it difficult to maintain budgetary revenues, the predicted tax and royalty revenue loss (0310-0 cont'd)</p>	<p>The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards. Alternative I must also be protective of resources but does not identify how proposals would be evaluated.</p> <p>There are no revenue losses, the difference is in potential revenue. Which the Federal, state, and local governments have not received any revenue from BLM mineral development in the FCPA yet, and will not until the RMPA/EA is completed and production operations commence. The employment analysis estimates the number of jobs the development will support. However, it is unlikely that these will be new jobs as the workforce is already in place for the much larger PRB CBNG play of which the FCPA is a small piece. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential revenues.</p>

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Name/Organization	Comment	Response
Beacham, James E. Pennaco Energy, Inc.	<p>associated with Alternatives II and III appears excessive. In reviewing Table 4- 41 (Draft RMPAIEA page 4-149) and comparing Alternative I to Alternatives II and III, approximately \$115 million in potential tax and royalty revenues are lost with the reduction in well development predicted in Alternatives II and III. Additionally, these added restrictions would cause the loss of up to 100 high paying jobs. BLM and the various governments should consider finding a more appropriate balance between environmental resource protection and potential revenues that will ultimately benefit the local communities.</p> <p>(0310-0 cont'd)</p>	
Beacham, James E. Pennaco Energy, Inc.	<p>A more appropriate balance should include maximizing well development implemented in combination with an adaptive management strategy that includes scientifically based elk impact thresholds and phased development. Alternatives II and III are overreaching in their management goals for elk secure and effective habitat retention, and places off limits far too much of the area's oil and gas resources. For example, protecting 100 percent of the overlapping crucial secure habitats denies operators an opportunity to responsibly develop lands duly leased by the federal government.</p> <p>Protection of the area's wildlife is important and so are elk impact thresholds. A plan should be developed that allows greater access to the resources than Alternatives II and III allows. Yet, it is still important to hold operators responsible for developing the area without undue degradation. With elk response thresholds in place and with a well implemented adaptive management plan, the need to artificially restrict the loss of secure habitat on a percentage basis is questionable. Periodic scientific monitoring of the elk will reveal how industry is doing and BLM can respond accordingly through adaptive management. (0310-1)</p>	<p>None of the alternatives regulate well numbers, but instead manage sensitive resources identified in the lease stipulations (steep slopes, fragile watersheds, and crucial elk habitat).</p> <p>The need for security habitat is scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate apriori mitigation measure.</p>
Beacham, James E. Pennaco Energy, Inc.	<p>The prescriptive portions for location of facilities, management of water and potential limitations on well site visits found in Alternatives II are excessive and harmful to leaseholders' access to the mineral resources. This inflexible management approach would not promote the desired "orderly development of mineral resources". In contrast, one element of Alternative III that is supportable is that it provides an opportunity for resolution of the various issues by working with operators to implement Best Management Practices and employ cooperative performance based solutions. (0310-2)</p>	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. These prescriptive requirements are included within Alternative II but are not included in Alternatives I and III. BLM has determined that the alternatives analyzed represent a reasonable range.</p>

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Beacham, James E. Pennaco Energy, Inc.	In summary, BLM should craft a decision that combines elements of each alternative. Such a plan would support maximum development while implementing a phased development approach with adaptive management strategies identified in the Alternatives II and III without the artificial (0310-1 cont'd)	BLM has chosen Alternative III, the performance-based approach as the preferred alternative.
Beacham, James E. Pennaco Energy, Inc.	restriction of elk habitat loss. In crafting the combined Alternative, BLM should take into account the following considerations: (0310-2 cont'd)	
Beacham, James E. Pennaco Energy, Inc.	Reservoirs and water management facilities should not be banned outside winter and parturition ranges but should be located on a performance-based objective. (0310-3)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Beacham, James E. Pennaco Energy, Inc.	A blanket ban on surface disturbance on slopes of 25% or more or highly erosive soils fails to recognize best management practices or improvements in technology. BLM should allow exemptions to the 25% slope restriction when operators submit a detailed construction and reclamation plan. (0310-4)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. These prescriptive requirements are included within Alternative II but are not included in Alternatives I and III. BLM has determined that the alternatives analyzed represent a reasonable range. Exemptions to the slope restrictions will be allowed under Alternatives I and III with an acceptable disturbance and reclamation plan.
Beacham, James E. Pennaco Energy, Inc.	While phased development allows opportunity to periodically evaluate impacts and ensure no undue environmental degradation, phased development should not be so restrictive as to hinder the lease rights of those in the subsequent phases. Phased development must be reasonable and economically, as well as, technically feasible and not be excessively prohibitive as to subsequent development. (0310-5)	BLM believes the RMPA/EA does allow natural gas development under the terms of the existing lease rights and stipulations in combination with phased development. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts.
Beacham, James E. Pennaco Energy, Inc.	Development thresholds must be flexible enough to ensure operators with lease holdings in the subsequent phases will not be affected if the thresholds are exceeded. (0310-6)	The Preferred Alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Beacham, James E. Pennaco Energy, Inc.	BLM should allow for exemptions to development during periods of timing limitations to be evaluated on a case-by-case basis. Well visitation should be allowed during timing limitation designations. (0310-7)	Operators may certainly request exemptions to be analyzed prior to or even subsequent to the site-specific NEPA analysis for the POD. Operators may also commit to measures within their proposals which could potentially alleviate the need for timing limitations.  The action alternatives seek to manage, but not eliminate, well visitation during timing limitation periods. Operators have already taken some measures to reduce human visitation such as metering wells with radiotelemetry. Remote metering technologies do not eliminate the need for human visitation, some level of human activity is still required because the remote-systems need to be checked, well adjustments need to be made, and equipment needs to be inspected to prevent releases. The operations plan required in Alternatives II and III is another method to manage, but not eliminate, human visitation during the production phase including during timing limitations.
Beacham, James E. Pennaco Energy, Inc.	A one-year delay in development so successful interim reclamation can be completed does not meet the purpose and need of the document and does not adequately meet the rights of the lease holder. (0310-8)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. The one-year development delay is included within Alternative II but is not included in Alternatives I and III. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative III includes performance based reclamation standards, development may proceed when BLM determines that the standards are met.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Beacham, James E. Pennaco Energy, Inc.	BLM should not require reclamation to be better than what existed or exists on the native landscape. It is an unrealistic expectation that operators can limit cheat grass in final reclamation when adjacent, undisturbed lands are infested. (0310-9)	Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weed control.
Beacham, James E. Pennaco Energy, Inc.	Standards for final reclamation must remain flexible and take into consideration the desires of private surface owners. (0310-10)	As stated in Appendix A, the standards for successful reclamation set forth in this document for soil stability and ground cover must be met, regardless of surface ownership. Private surface owners will be consulted on reclamation and seed mixture for their lands.  Reclamation standards for year two and three are based on vegetation recovery. BLM will use this approach on private surface, the species composition requirement may be modified based upon surface owner desires.
Beacham, James E. Pennaco Energy, Inc.	Additional designations, such as an Area of Critical Environmental Concern or Wildlife Habitat Management Areas, are not needed nor warranted. The goals of protecting elk herds, preserving visual resources and minimizing soil (0310-11)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. Only Alternative II calls for designating an ACEC and/or WHMA. BLM has determined that the alternatives analyzed represent a reasonable range.
Beacham, James E. Pennaco Energy, Inc.	erosion and impacts to water quality can be accomplished without the designation of an ACEC or WHMA. (0310-11 cont'd)	
Beacham, James E. Pennaco Energy, Inc.	There needs to be an acceptable level of flexibility allowed in the placement and siting of overhead power lines. The area is a Class III Visual Resource Area and overhead power lines are consistent within this classification. (0310-12)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. Alternative I prohibits overhead power on BLM surface while Alternatives II and III provide different approaches to siting overhead power on BLM and private surface. BLM has determined that the alternatives analyzed represent a reasonable range.
Johnson, Joel	You should insure that coal bed methane can be extracted quickly and that all the leaseholders have fair and competitive access to their leases so that we - the American People - can get as much of these projected severance taxes and royalties as possible.  I've heard its about the elk but when you actually look at the levels of wildlife, they are not going down. Also, I don't think that restrictions are the best way. It's time for more flexibility not more restrictions. (0311-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Loomis, Nick	It is no secret that energy development creates jobs, tax revenues, royalty revenues, and general economic growth for nearby communities. The same will happen with the Fortification Creek Development. (0313-1)	Thank you for your comment. Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Haas, Dustin	<p>The implementation of reclamation standards is likely to be too inflexible and open to arbitrary application. Also, many of the restrictions proposed are already in place through Alternative I. The restrictions in the two action alternatives are excessive. For example, requiring a one-year delay in later phases of development until successful interim reclamation can be completed will do nothing to ensure successful reclamation of an area. Fortification Creek area has experienced a lot of past oil and gas development. Reclamation will be tough in this area. Your proposed reclamation standards will require companies to reclaim land to a much better condition than when they found it. Experience has shown that standards for reclamation must be flexible. As a result, subsequent development should not be conditioned on successful reclamation. The BLM should work with operators to make sure reclamation is successful. This means there should be a cooperative relationship between the operators and the BLM. (0314-1)</p>	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p>
Spainhower, Westley	<p>Interestingly, the no action alternative (1) would allow 726 wells to be drilled, while the preferred alternative (III) permits the development of 483 well locations. It does not seem reasonable to me to not allow extensive development in a region. I would request that you increase the number of well locations above the current 483 in III. (0315-1)</p>	<p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Spainhower, Westley	<p>You should allow for exemptions for development on slopes greater than 25%. (0315-2)</p>	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
Spainhower, Westley	<p>The bottom line is that leaseholders in the area must be able to realize the full value of their property and produce their resources and Alternatives II and III just don't do that. This also means that the public receives the maximum possible in royalties and tax revenues. (0315-3)</p>	<p>The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted.</p> <p>However, BLM can mitigate development, typically in the form of COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessee's rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.</p> <p>Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Brown, Zyan	There is ample time and room for the elk to get away from the development. The biggest disturbance to the elk will be during the construction phase and that will be short lived. (0316-1)	There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate.
Brown, Zyan	Water facilities should be allowed throughout the range. (0316-2)	Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Brown, Zyan	If an operator can show that his plan has a detailed construction and reclamation plan for activity on 25% slopes than it should be allowed. (0316-3)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
Brown, Zyan	I think that instead we should be promoting development at all costs. (0316-4)	
Kelly, Nathan	I do not support the creation of an ACEC or WHMA outlined in Alternative II. (0317-1)	Neither an ACEC nor a WHMA was designated in Alternative III because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.
Kelly, Nathan	I also do not support the restrictive, inflexible elements found in Alternatives II and III. (0317-2)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Moschones, Emmanuel	I do not support Alternatives II and III. I do not think either of these alternatives are the best way to move forward. We need to be protecting the interests of the landowners who are interspersed throughout this area. I also think that you need to protect the interest of the leaseholders who paid big money for those leases. (0318-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Moschones, Emmanuel	I think the only reasonable plan for moving forward is to go back and make a new plan that has an adaptive management approach with common sense performance goals to protect the elk and other wildlife. (0318-2)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Carreon, Mario	I do not support Alternatives 2 and 3. Both of these alternatives severely limit the amount of natural gas that could be produced in the area. (0319-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Carreon, Mario	You need to do a better cost benefit analysis. (0319-2)	Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues.
Hoffman, Randy	These two new alternatives are just unreal: they would impose such overwhelming limits on natural gas that serious development will be stymied and we will not be able to conduct true domestic exploration and development. (0320-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Orgaard, Daniel	From an economic standpoint, the Fortification Creek Project will be extremely important to our region. First and foremost, hundreds of jobs will be created. In addition the project is expected to generate considerable taxes at the state and local levels. Not to mention the local property, sales, income and other taxes. (0321-1)	Socioeconomic impacts are described in Section 4.6. This section includes the impact of development on housing; employment; and federal, state, and local revenues.
Orgaard, Daniel	The limitation on well count and restrictions will impact local employment opportunities; local, state and federal revenue streams; and national supplies of a clean burning energy resource. (0321-2)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Suina, Aspan	I would like you to include the exact figures on how many people both directly and indirectly rely on the energy industry for a pay check. Have you looked into just how many jobs will be sacrificed by the reduction in well counts in Alternatives 2 and 3. (0322-1)	Please refer to Table 4-39, which indicates the number of jobs associated with each alternative.
Suina, Aspan	I think you should allow for development if the operators can prove that they have plan that takes into account the needs of the wildlife and landscape. Things like how compressor stations or the water management facilities are positioned can really make a difference on how they affect wildlife. I really think that if the operators are smart, they can come up with a plan that demonstrate how the wildlife issues will be lessened. (0322-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Johnson, Clay	FCPA has room for many more CBNG wells than analyzed in Alternative 2 & 3. These alternatives remove potential drilling opportunities. BLM is being overly restrictive in limiting the recovery of CBNG resources present in the FCPA. I would have liked to see more wells allowed in both alternatives. (0323-1)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Johnson, Clay	The BLM should investigate and analyze the negative impact to the American public that would result in leaving valuable resource undeveloped or delayed by a decreased pace of development. The federal government must expand responsible access to our nation's energy resources in order to reduce our reliance on unstable energy imports. (0323-2)	Socioeconomic impacts are described in Section 4.6. The federal, state, and local revenue associated with the alternatives has been added to Tables ES-1 and 4-43.
Salas, James	I think we need to be encouraging maximum development of the field while using adaptive management and elk herd performance goals, we have two alternatives that have artificial restrictions. Blanket restrictions do nothing to support the multiple use mentality of the BLM. If you move forward with either 2 or 3 as they currently are, you will be doing this country a disfavor and will not be fulfilling the purpose and need of the EA. I hope that you also move quickly through this process because this project has already been delayed enough. (0324-1)	Alternative III provides for a performance based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Mattes, Adam	<p>The Fortification Creek Planning Area is an extremely gas rich area and we would be fools not to utilize what's underneath our feet.</p> <p>We need to make sure we have a smart return on our investment. I also think that we ensure the operators have access to their leases.</p> <p>But we also need to make sure that we are not just making restrictions for restrictions sake. We need to encourage development.</p> <p>Come up with a performance goal to use on the elk herd. That's the best way forward. (0312-1)</p>	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Ogron, Michael	<p>Of the alternatives considered, I don't support any of the alternatives. Well, I guess I could support the no action alternative if it had some of the flexible components of the performance based alternative. (0325-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Ogron, Michael	<p>The prescriptive alternative and the performance alternative both hurt the landowners, the leaseholders and the American people. At all times there needs to be the thought of how to protect all leaseholders - and landowners - to make sure that neither party is adversely burdened with unnecessary, infeasible or inappropriate stipulations or requirements. (0325-2)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p>
Baggs, David	<p>I do not support the Alternatives in the Fortification creek Planning Area EA. America needs natural gas and demand is growing. BLM must ensure that each operator, whose leases are directly affected by these habitat designations, receives their fair and equitable portion of the allowable loss. This will ensure that operators, with leaseholders in later phases, maintain opportunities to develop those areas and thus allow service companies to establish long term relationships with the operators in developing the Fortification Creek Area. (0326-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Gerlach, George	<p>The area is considered Class III viewshed. However, the power line restrictions are incongruous with Class III allowances. There needs to be more flexibility allowed on power lines. (0327-1)</p>	<p>The FCPA is classified VRM III; however, BLM prohibited overhead power lines on Federal surface land within the FCPA in the BRA RMP. The RMPA/EA re-evaluated this prohibition.</p> <p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place.</p>
Gerlach, George	<p>An additional ACEC or WHMA would do nothing to further protect the elk, they will just burden private landowners and destroy the multiple uses of the land. (0327-2)</p>	<p>Neither an ACEC nor a WHMA were designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed would be adequately protected with this RMPA/EA.</p>
Gerlach, George	<p>The reclamation standards proposed in 2 and 3 are unrealistic and inflexible and place a major burden on private landowners in the area. (0327-3)</p>	<p>The reclamation standards do not place any burden on the private landowners. The operators are responsible for reclamation.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Gerlach, George	BLM must ensure that each operator, whose leases are directly affected by these habitat designations, receives their fair and equitable portion of the allowable loss. (0327-4)	The preferred alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Gerlach, George	Operators with leaseholds in later phases need to be ensured that they can maintain opportunities to develop those areas and thus allow service companies to establish long term relationships with the operators in developing the Fortification Creek Area. (0327-5)	The Preferred Alternative would allocate security habitat by geographic phase. This would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Gerlach, George	Timing limitations proposed in 2 and 3 do not allow for adequate well monitoring and visitation. (0327-6)	The action alternatives seek to manage, but not eliminate, well visitation during timing limitation periods. Operators have already taken some measures to reduce human visitation such as metering wells with radiotelemetry. Remote metering technologies do not eliminate the need for human visitation, some level of human activity is still required because the remote-systems need to be checked, well adjustments need to be made, and equipment needs to be inspected to prevent releases. The operations plan required in Alternatives II and III is another method to manage, but not eliminate, human visitation during the production phase including during timing limitations.
Miller, Chris	I am concerned with the provision in the FCPA EA that requires 100 percent protection of overlapping crucial secure habitat. This is completely unnecessary provision and eliminates development in too great an area. (0328-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Miller, Chris	Please remove the 100 percent protection requirement for crucial habitat before moving forward with a final document and do not incorporate this into the final EA. Also please change the preferred alternative from #3 to #1. (0328-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Staley, Joseph	Alternatives 2 and 3 have so many unnecessary restrictions that are so arbitrary. Well count dropped from over 700 to less than 500 with little real justification. Significant burden to private landowners in 2 and 3. Major loss in revenues from royalties and taxes in 2 and 3. (0329-1)	<p>There are no burdens placed on private landowners. The operators are responsible for maintaining BLM performance and reclamation goals. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p>
Pearce, Seth	At a time when many local and state governments, and the federal government, are finding it difficult to maintain budgetary revenues, the predicted tax and royalty revenue loss associated with Alternatives II and III appears excessive. (0330-1)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million. The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.
Means, Montie	I do not like of the EA was the 100% protection of overlapping crucial secure habitats because it denies operators an opportunity to develop lands the federal government has leased to them. (0331-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Means, Montie	A rigid management approach- as outlined in Alternative II and in fact Alternative III -may not allow for the "orderly development of mineral resources" that gives maximum return to the public through royalties. (0331-2)	State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental protection and CBNG development.
Pratt, James	I ask that you reduce some of the restrictions found in #2 and #3 Alternative that are related to protection of elk and their habitat. (0332-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Williams, Danny	I read a while ago about the millions in taxes to the state of Wyoming received from energy. That got me thinking about how many roads you could fix, how many hospitals you could build, and how many schools you could update with all that money. You could do a lot of good for a community with those millions. That's why I think companies who want to develop our coal bed methane resources should be given the go ahead to do more projects that, send more tax money on to the community. (0333-1)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.
Sanchez, Marco	It is clear to me that when all the factors are considered, this project should move forward. However, it should not move forward under either action alternative. Both of them are too restrictive and limit the amount of wells allowed. (0334-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Stone, Derek	I write to you today to support coal bed methane development because it will create economic growth. It is hard to overestimate the positive socio-economic benefits CBM brings to our region. In fact, it is our lifeblood. (0335-1)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Fare, Howard	We are finding that the United States has massive reserves of natural gas. Increasing our development of this resource in places like the Power River Basin will make the US less dependent on foreign sources of energy. Energy independence is a bit of a misnomer. However, we can get to a point where we import less energy and export less wealth to other countries. In fact if we wanted to the US could be an energy net exporter. This would have far ranging positive impacts to our national economy, balance of trade, national debt, and value of the dollar. I ask that you consider these large macroeconomic factors. The US consumes 22 trillion cubic feet of natural gas per year and this area has substantial reserves. I look forward to the prompt issuance of the final environmental assessment and RMP amendment. (0336-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Kohl, Shawn	Countless positive socio-economic impacts will occur for our community - from new employment to new and increased state and local tax revenue streams to benefits that have come from charitable gifting and community involvement over the years. (0337-1)	BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.
Kohl, Shawn	Negative impacts to the environment can be adequately avoided and mitigated. Reservoirs and water management facilities should be located on a performance-based objective. A ban on water management facilities outside winter and parturition ranges does not make sense in the long run and the goal of protecting game habitat can be accomplished through the performance-based model. (0337-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Kohl, Shawn	I believe there is more than enough support in the document to sustain the current management action. (0337-3)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Marsh, Steven	All these proposed restrictions are a lot likered tape: they look good on paper but do nothing to actually protect and maintain the health and well being of the people, the animals or the land. Why don't you take the portions from Alternative III that discuss the cooperative management and performance based approach and incorporate that into the existing management approach. (0342-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Frazier, Chris	I'm writing to show my opposition to Alternative II and III that you have presented in the draft FCPA EA. These are prescriptive alternatives that will hurt the leaseholders, other land users and the ability to extract an efficient amount of CBM. Here are my concerns with Alternative II and III: The prescriptive portions will unduly harm lease holders timely and efficient access to their resources and royalties paid to the federal government and state. A rigid management approach will not allow for the orderly development of mineral resources that gives maximum return to the public through royalties. The no surface disturbance requirements do not give credence to advances in technology or best management practices that can be utilized to protect the land. The lack of exceptions in each of the objectives does not make sense for a long term planning document. As you can see, I have many concerns with Alternative II and III In the EA. I hope that you will not move forward with either of these prescriptive, overly restrictive alternatives. (0339-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Onekelet, Clayton	The prescriptive portions of Alternatives 2 and 3 may unduly harm leaseholders, timely and efficient access to their resources and royalties paid to the federal government and state. Therefore, I urge your office to make sure no lease holder is unduly hurt competitively and all procedures are vetted accurately. (0348-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Buhl, John	A blanket ban on surface disturbance on slopes of 25% or more or highly erosive soils does not take into account best management practices or improvement in technology such as application of sound geotechnical engineering principles and methods. It is better to allow for development if an acceptable disturbance and reclamation plan is proposed by the operator. (0341-1)	The slope restriction in Alternative I, is incorporated into the gas leases. Alternatives I and III provide for the operator's ability to develop steep slopes and highly erosive soils. Operators should be able to prepare acceptable reclamation plans based upon their previous successful experiences.
Martin, Robbie	We need a new alternative or a revised alternative that greatly enhances the development of coal-bed methane while protecting the land as compared to the existing alternatives. Integrate many of the smart flexible management tools in the preferred alternative into the existing no action alternative. (0396-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
illegible	You will surely receive comments supporting the "Prescriptive Alternative". This alternative would make the project unviable. And, I do not believe it will do much too actually protect the environment. Your office can impose "reasonable restrictions" to help ensure the protection of the environment. However, the restrictions found in Alternative 2 are anything by reasonable. (0343-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
illegible	The overlapping crucial range restrictions are too restrictive in that they eliminate development in too great an area. (0343-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
illegible	In addition, the BLM needs to address or create a fair and orderly allocation of effective and secure habitat loss among all lease holders/operators In the area under Alternative II and III. (0343-3)	The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Reyna, Joshua	If proven that development can occur with minimal damage to steep slopers over 25%, then the operators should be allowed to move forward with such plans. (0344-1)	The slope restriction in Alternative I, is incorporated into the gas leases. Alternatives I and III provide for the operator's ability to develop steep slopes and highly erosive soils. Operators should be able to prepare acceptable reclamation plans based upon their previous successful experiences.
Reyna, Joshua	Interim reclamation success should not be a criteria for deciding when companies can move onto the next phase of development. Rather interim reclamation investments should be made before moving to the next phase. (0344-2)	If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.
Smiark, Brandon	I do not support the alternatives in the Environmental Assessment of Fortification Creek that include overly restrictive bans on development. The two alternatives that I am referring to is the second and third alternative in the EA. I feel that this would limit the amount of activity that would be allowed in the area. The limitation on well count, from 700 to 400 would hurt the ability to truly develop the field and would not actually do anything to help the elk herd proactively. (0346-1)	BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Shelley, Bill	I have a problem with the provisions in Alternative 2 because the Fortification Creek area they're talking about isn't a high traffic hunting area. This wilderness is so far from anywhere, it's hard to access, and it's hard to travel. The BLM is proposing to expand the critical range restrictions area to include this piece, but all that does is harm our ability to create jobs and use national fuel resources rather than the stuff from overseas and in the mean time it doesn't help hunters or the elk. (0347-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
illegible	I do not support the creation of an ACEC that you discuss in Alternative II because I do not think that it will have any noticeable effect. Even the BLM, when talking about the ACEC says that "actions would result in negligible beneficial impacts to vegetation and rangeland resources." This is probably because the operators already have their performance standards that already serve the intended purpose of the ACEC. (0338-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.
Lass, Daniel	I have to say I'm pretty frustrated with the fact that the BLM wants to designate the Fortification Creek area as an Area of Critical Environmental Concern. As I understand it, ACECs have to be both relevant and important, but this particular region has barely passable relevance and doesn't meet the guidelines for importance at all. (0349-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.
illegible	I think that the BLM is going overboard when they recommend a one year period of reclamation where absolutely no development takes place. For one, it hurts the rights of the lease holders who have land rights to areas waiting to be developed. This is because it causes unnecessary delays for development. Also, I think that things like re-seeding plants and controlling erosion on disturbed areas are good interim activities. But these things don't take a year to complete and I think that after those are finished, development should be allowed to continue in other areas. (0345-1)	If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.
Bennet, Sam	I'm very concerned about some of the provisions that are found in the Alternatives. Alternative II allows for less than 500 wells and it is so restrictive that it's questionable how much development could really happen. Alternative III allows far less than 500 wells. (0350-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.  Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different
Rodgers, Jim	A WHMA designation is not necessary; the goals of the WHMA will have already been accomplished through the timing limitations and best management practices. I do not agree with the WHMA designation in Alternative II because it could harm other uses of the land such as grazing. (0351-1)	A WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the WHMA was proposed will be adequately protected with this RMPA/EA.
illegible	The added restrictions in the action alternatives (2 & 3) would cause the loss of up to 100 high paying jobs. BLM and the various governments should consider finding a more appropriate balance between environmental resource protection and potential revenues that will ultimately benefit the local communities. (0352-1)	State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits. BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anolense, Jimmy	Alternative 1 offers the greatest number of wells which I believe to be a good thing. All around, alternative 2 is way too restrictive, especially on wildlife issues. And alternative 3 offers some nice flexibility, but has a well count that's way too low and has too many restrictions. (0353-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Hinsdale, Carrol	Overall, I am pleased the BLM went to all the trouble in creating this draft. There's still some work that needs to be done - like not putting so much restrictions on development to artificially help the elk and using the maximum number of well locations but it's a good start. (0354-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
illegible	I just don't think additional elk protection is really necessary for the area. (0355-1)	<p>Alternatives II and III and the need for security habitat are scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007).</p>
Brown, Steven Paul	The Fortification Creek herd is "not a threatened or endangered or special status species" (3-28). There is already CBM development in the area and the elk herd is well above the Wyoming Game and Fish Department herd management goal of 150. This herd has already been subjected to increased impacts, yet adult cow elk pregnancy rates are well above 90 percent. There is already an established Fortification Creek Wilderness Study Area (WSA) that the elk "are choosing to occupy." Therefore additional designations, such as an Area of Critical Environmental Concern are not needed. (0356-1)	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.</p>
Stetten, Marvin	In your study of the FCPA, I would urge you to ensure phased development should not be so restrictive as to hinder the lease rights of those in the subsequent phases. (0357-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
illegible	Approximately \$115 million in potential tax and royalty revenues will be lost with the reduction in well development found in Alternatives II and III. I think you should allow for exemptions to development during periods of timing limitations. Well visitation should be allowed during timing limitation designations. And please up the well count. Move it back closer to 700 where it ought to be. (0358-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
illegible	When you compare the alternatives side by side, there is a significant loss in revenue in Alternatives 2 and 3 predicted. This is unacceptable. (0359-1)	<p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
illegible	Additional phases of development should not be contingent, on the completion of interim reclamation in prior phases. The performance-based development with a "bolt-on" approach is a more common sense approach. (0359-2)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. The one-year development delay is included within Alternative II but is not included in Alternatives I and III. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative III includes performance based reclamations standards, development may proceed when BLM determines that the standards are met.
illegible	Development thresholds must be flexible enough to ensure operators with lease holdings in the subsequent phases will not be affected if the thresholds are exceeded. (0359-3)	The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
illegible	You should not require a one-year moratorium for interim reclamation. A one-year delay in development so successful interim reclamation can be completed does not meet the purpose and need of the document and does not adequately meet the rights of the lease holder. Interim reclamation activities such as seeding, re-contouring and erosion control structures should be completed prior to moving into the next phase of development. The FCPA currently has considerable cheat grass invasion. It is an unrealistic expectation that operators can limit cheat grass in final reclamation when adjacent, undisturbed lands are infested. BLM should not require reclamation to be better than what existed or exists on the native landscape. Standards for final reclamation must remain flexible. For instance, in those situations where private surface owners do not allow shrub species to be planted, requirements for its presence in final reclamation must be waived. (0359-4)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. The one-year development delay is included within Alternative II but is not included in Alternatives I and III. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative III includes performance based reclamations standards, development may proceed when BLM determines that the standards are met.</p> <p>Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.</p> <p>As stated in Appendix A, The standards for successful reclamation set forth in this document for soil stability and ground cover must be met regardless of surface ownership. Private surface owners will be consulted on reclamation and seed mixture for their lands. Reclamation standards for year two and three are based on vegetation recovery. BLM will use this approach on private surface, the species composition requirement may be modified based upon surface owner desires.</p>
Valencia, Jose	I disagree with you on your choice in the preferred alternative. One reason is in the wells allowed. The reduced number is significant and in my opinion unwarranted. (0360-1)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Valencia, Jose	Is there a way you could keep most of the existing management features as outlined in the no action alternative and include the flexibility and coordinated planning that's found in the performance based model and then do away with the restrictions that place arbitrary unscientific restrictions regarding elk herd levels? I think a better way to move forward is with an adaptive management approach. (0360-2)	With the adaptive management approach of Alternative III, BLM retains the ability to adjust habitat standards if warranted based upon the results of elk use monitoring.
Sosa, Selvin	One concern I have is with the one-year delay in development for successful interim reclamation, does not meet the purpose and need of the document and does not adequately meet the rights of the lease holder. (0361-1)	If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.
Garcia, Manuel	Standards for final reclamation must remain flexible. For instance, in those situations where private surface owners do not allow shrub species to be planted, requirements for its presence in final reclamation must be waived. (0362-1)	As stated in Appendix A, the standards for successful reclamation set forth in this document for soil stability and ground cover must be met regardless of surface ownership. Private surface owners will be consulted on reclamation and seed mixture for their lands. Reclamation standards for year two and three are based on vegetation recovery. BLM will use this approach on private surface, the species composition requirement may be modified based upon surface owner desires.
Becevera, Victor	This area does not warrant an ACEC designation. In order for an area to be given this special classification, it must meet the guidelines of both relevance and importance. Its classification of relevance is questionable and the classification of importance is not met, even by the BLM Buffalo Field Office's own admission in the FONSI which states "the viability of a small Wyoming elk herd is insignificant within the national and regional contexts." The goals of protecting elk herds, preserving visual resources and minimizing soil erosion and impacts to water quality can be accomplished without the designation of an ACEC. The benefits of an ACEC are relatively limited because of the small number of individual special status species present and the localized extent of the restrictions and should therefore be avoided. (0363-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.
Garcia, Bernardo	There needs to be flexibility allowed for the placement of overhead power lines. The area is a Class III Visual Resource Area and overhead power lines are consistent within this classification. (0364-1)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Robinson, John	The thresholds for the tri-phased development must not be so confining that it hurts the development of our natural resources. We need to ensure that the plan is flexible enough to allow for the operators to develop the maximum resource. (0365-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Ketter, Bryan	I don't know if you will get any letters from the county commissioners but I hope that they will speak up about the effects these two action alternatives will have on the local revenue streams. What I see is that there will be some significant resources lost if you move forward with either of these alternatives. (0366-1)	<p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>
Kohbech, Matt	I'm a little disappointed when it comes to the overall approach to the Fortification Creek EA Amendment. I believe that the existing management of the area already has sufficient provisions that already restricts development and protects the area's natural resources. (0368-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Brown, Nicole	One of the big obstacles I see to development is in Alternative 2/3. These alts. will unfairly limit the accessibility and performance of the leaseholders in the area. I get why the alts. is written this way in an attempt to mitigate impacts to the area. However, these impacts can be mitigated and managed. I think the operators should put in writing that they are going to do some things to make sure these problems are minimized. All effort to ensure that the leaseholders can continue to access and produce their leases to the maximum extent feasible should be maintained. (0367-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Canero, Kenneth	I like that alternative 1 offers so many wells in comparison to 2 and 3. But, I think that the flexibility outlined in alternative 3, as far as allowing operators the freedom to establish their own best management practices rather than the prescriptions. But I also think that this flexible management could be taken further. I don't think that 3 as its written now is the way to go. I definitely do not support alternative 2's suggestions of a WHMA or ACEC designation as I think these go against the best management practices and unnecessarily restrict the well count. (0369-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>Neither an ACEC nor a WHMA were designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be adequately protected with this RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Pierce, Jay	I am concerned that you reduced the number of well locations from 720 to less than 500. I know that you want to protect the wildlife, and so do I, but those efforts can go too far. We should develop Fortification Creek responsibly. However, cutting the amount of development in the area by almost half isn't the way to go. Energy companies today have already established a lot of practices that are designed to protect all these natural resources. (0370-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Nix Pownall, Judy	The area already has clearance for power line placement, so I think that it should be up to the operators to determine where those lines go. And as long as there isn't any harm being done to the environment by the specific placement of these lines, then operators should be able to put them up. (0371-1)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.
Nix Pownall, Judy	I guess what I'm trying to say is have some more flexibility for operators who want to continue development in the area. Regulations are good, but over regulation, as proposed in the alternatives, can cripple development and affect our way of life. (0371-2)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Fullenwich, Don	The elk aren't an endangered species. Also, the elk already hang out around the natural gas development areas in Fortification Creek, and they don't seem too bothered by the activity going on up there. (0372-1)	Alternatives II and III and the need for security habitat are scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007).
Fullenwich, Don	The Fortification Creek area is a Class III Visual Resource Area. Overhead power Lines can be put up in the area. So by its classification, the power lines can be there. The wildlife is going to be fine. Also, the operators should have the go-ahead to put up power lines where they need them as it has already been determined that power lines are allowed in the area. (0372-2)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.
Wales, Ed	I think that you need to look into a more appropriate balance to include maximizing well development implemented in combination with an adaptive management strategy that includes scientifically based elk impact thresholds and phased development in one of the alternatives. While there are many good features in all three alternatives, none of them truly reach the aforementioned goal. Alternatives II and III are overreaching in their management goals for elk secure and effective habitat retention, and places off limits far too much of the area's oil and gas resources. (0373-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Brown, Traci	<p>The component I like most about Alternative #3 is that it gives flexibility to the operators, which provides a healthier collaborative environment between the BLM and the operators. But I really think that Alternative #3 falls short in the amount of restrictions it has. I think that we need to maximize the number of wells we have, but there also needs to be flexibility for things like the placement of overhead power lines. According to my understanding, power lines are consistent with this areas visual classification, so more freedom should be given to the operator to determine where those power lines should go. This gives more power to the operator and helps them determine the best system to maximize our resources. I think you should definitely strike Alternative #2' s approach to this issue because it doesn't offer that flexibility I was talking about. I can't stress enough how important I think it is to keep the number of wells up around the numbers proposed in Alternative # 1. (0374-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place.</p>
Merritt, Daniel	<p>I am a supporter of CBNG in the FCPA. I am concerned about some public comments saying the big game wildlife is in decline because of CBNG. Am I correct in reading the EA that states clearly the populations of big game populations is increasing? And if this is true, wouldn't the BLM continue to seek an alternative that maximizes the development of CBNG? (0376-1)</p>	<p>Alternatives II and III and the need for security habitat are scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007).</p>
Merritt, Daniel	<p>What are the socioeconomic impacts of a smaller well number? How will impact domestic supplies of energy? What will be the impacts on Wyoming's economy when compared to Alternative 1? (0376-2)</p>	<p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Stapp, Dave	<p>I am not in favor of any of the alternatives for the Fortification Creek Planning Area Environmental Assessment. I think that leaseholders should have reasonable access to the lands they've purchased rights to even if the final draft of the EA goes with the phased development plan. I think that the EA should address how it's going to do this so that none of the leaseholders get shafted on account of a technicality. I also think you should put as many wells as possible in the area because we need the energy and the most wells will help us to do this. (0375-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Saunter, Susan	<p>I read over the tables in the EA and what concerned me was in table 4-41, page 149. The table compares the revenue streams from all three alternatives and there's a difference of about \$100 million between the alternatives. I also know that less development means fewer jobs. I'm just not okay with taking away job opportunities. (0377-1)</p>	<p>BLM anticipates that development in Fortification Creek would support approximately 227 jobs in surrounding counties and an increase of federal, state, and local revenues of \$204 million. Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Roester, Tabitha Stacey	I think your document has a lot of good qualities, but there are also others that I have an issue with. We need to do all of the development we can up there. (0378-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Hill, Stacey	However, when I look at the alternatives for the Fortification Creek project. I am shocked by the kind of all-encompassing bans and regulations the BLM wants to propose. (0379-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Hill, Stacey	I am also shocked by the BLM's total ban on surface disturbance in areas with steep slopes. Instead, I think they should allow operators to continue development as long as they have a plan that addresses acceptable disturbance and reclamation levels on those slopes. (0379-2)	Exemptions to the slope restrictions will be allowed under Alternatives I and III with an acceptable disturbance and reclamation plan.
Wran, Attab	I disagree with your reducing the number of well locations from 726 to 483 in alternatives 3. It appears that this was done due to wildlife and view corridor concerns. (0381-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Wran, Attab	The elk herd that's getting a lot of attention lately has already proven its ability to cope with energy development in Fortification Creek. They are a thriving herd and I don't think we should put any further regulations on operators working around the elk habitat. The best management practices and timing restrictions operators already have in place ensure that the elk will be protected. (0381-2)	Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.
Hamilton, Fleet	I think that you should choose the alternative that offers the greatest opportunity for economic growth by allowing the largest number of natural gas wells. (0380-1)	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Hamilton, Fleet	I think the elk are great, but I disagree with the proposal for a Wildlife Habitat Management Area. I disagree because this really isn't needed for this area. Natural gas companies already have in place practices and procedures that serve to protect wildlife. A WHMA in this region would just slow-up activity and could possibly drive energy companies out of Wyoming. (0380-2)	A WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the WHMA was proposed will be adequately protected with this RMPA/EA.
Farrell, Ron	I think the BLM should be more adaptable with their stance on the siting and placement for overhead power lines. I think that operators should be given the opportunity to determine the best siting and placement for power lines rather than be made to submit to government guidelines and regulations as long as the operator's plan is reasonable. (0383-1)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place.
Farrell, Ron	Overall, I support more wells for the fortification Creek project area but at this time cannot support any of the alternatives. (0383-2)	Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.
Leger, William	The operators should have at least some flexibility when they go to decide where a power line is going to be the most useful for them. (0382-1)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place.
Shutters, Mike	I feel that the phased development plan in the EA doesn't spell out how it's going to protect lease owners and therefore runs the risk of taking lease owner rights away. This is something I do not support. What I do support is full development of our resources. I hope you will allow for this. (0384-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Newman, B E	Alternative 1 is good because it has the most wells but I think that it needs more adaptive management techniques. Alternatives 2 and 3 have shortcomings in that they don't fully address the needs of the leaseholders in phased development. Provisions need to be made to ensure leaseholder rights are upheld and maintained throughout the entire process of phased development. (0386-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Wetzler, Jay	I do not agree with some of the proposed features in the EA including the lack of specificity in the phased development section as well as the overwhelming concern about the elk. Phased development is a good way to ensure that there is not excessive habitat degradation because it allows for time to evaluate impacts on the environment. But if not executed correctly, phased development runs the risk of infringing upon the rights of leaseholders. This is why I have concerns over the third alternative. (0385-1)	Thank you for your comment.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Schweitzer, Natasha	I have a problem with the recommendation of an ACEC or a WHMA found in alternative II. The first problem I have is that either of these two designations will drastically limit the number of wells allowed in the area. let me say up front that I fully support the maximum number of wells for the Fortification Creek area. The second problem I have is that I'm afraid these recommendations are going to hurt the leaseholders. If they can't have access to the land given to them because it's identified as an area of concern, then they can't take advantage of the rights entitled to them as leaseholders. Either an ACEC or a WHMA is going to infringe on the rights of leaseholders. (0387-1)	Neither an ACEC nor a WHMA were designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be adequately protected with this RMPA/EA.
Seifert, D	I am asking - with the backing of many of my friends, relatives and coworkers - that you loosen the over-burdensome restrictions you have written into the second Alternative presented in the EA. If there is a net loss in possible monies eamed on un-produced coal bed natural gas, it is the duty of the BLM to correct this problem by removing harmful stipulations, restrictions. (0388-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p> <p>Table 4-41 displays the differences in potential revenue between the alternatives.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>
Steingrube, Bernard	I do not support a one year delay for successful interim reclamation. It does not meet the rights of leaseholders because it slows the access they have to developing the lands they are entitled to. Much of the reclamation can be done in less than one years time, and development should continue when reasonable levels of reclamation are attained. (0389-1)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I does not regulate development pace, alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p> <p>The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p>
Bean, Christopher	Please register my objection to the adoption of Alternative 2 in the EA without adequate study of the lost natural gas production and negative socioeconomic impacts on our area. The nation is dependent on more domestic energy supplies and Wyoming is dependent on energy extraction for jobs and a growing tax base. Phased development should not be so restrictive as to hinder the lease rights of those in the subsequent phases. Phased development must be reasonable and economically and technically feasible. The thresholds for the tri-phased development must not be so prescriptive that it hinders the development of our energy resources. (0340-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Table 4-41 displays the differences in potential revenue between the alternatives.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>

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Name/Organization	Comment	Response
illegible	While I support the hard work that has done into the draft EA, I feel that some of the provisions in the alternatives are overly burdensome. I think that you should not restrict energy development. (0390-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Proctor, John	Alternatives II and III provide for a prescribed loss of elk secure and effective habitats. BLM must ensure that each operator, whose leases are directly affected by these habitat designations, receives their fair and equitable portion of the allowable loss. This will ensure that operators, with leaseholds in later phases, maintain opportunities to develop those areas and thus allow service companies to establish long term relationships with the operators in developing the Fortification Creek Area. (0392-1)	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p> <p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p>
Rice, Bill	The amendment right now doesn't exactly specify all the ins and outs of phased development requirements, and I think that's just going to hurt leaseholders and could even slow down production. I think the final needs to spell out exactly how phased development is going to work and the final phasing plan needs to be reasonable, economically feasible, and technically feasible for the lease holders. (0391-1)	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p> <p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p>
Fitzner, Marvin	Am I correct in reading the EA that states clearly the populations of big game populations is increasing? And If this is true, wouldn't the BLM continue to seek an alternative that maximizes the development of CBNG? (0393-1)	There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007).
Fink, Chris	I like the idea of phased development for the Fortification Creek Project. It allows some oversight to make sure there is minimal environmental degradation. However, it should not be so restrictive that it hinders the development potential for lease holders in later phases. (0394-1)	The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Fink, Chris	I also take umbrage with the crucial habitat restrictions. Protecting 100 percent of the overlapping crucial secure habitat denies operators an opportunity to responsibly develop lands duty leased by the federal government. (0394-2)	<p>None of the alternatives regulate well numbers, but instead manage sensitive resources identified in the lease stipulations (steep slopes, fragile watersheds, and crucial elk habitat. Alternatives II and III and the need for security habitat are scientifically based.</p> <p>There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate apriori mitigation measure.</p>
Ray, David	FPCA is a large space, one that can easily accommodate all 726 wells suggested in alternative 1. (0395-1)	Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.

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Name/Organization	Comment	Response
Ray, David	I also think there needs to be more consideration over the issue of phased development. The current plan appears to me that it might negatively impact leaseholders in later stages. The BLM should carefully scrutinize the plan for phased development and adjust the plan for any of the areas that are going to hurt leaseholders. (0395-2)	The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
L, Brett	I am opposed to the adoption of alternative 2 because it restricts access to drilling at a time when our nation needs more development. Alternative 2 is too restrictive. I would also like to comment on the socioeconomic side of the EA. The BLM's alternative 2 will also have a negative impact on our local economy including job loses and reductions in tax income to schools and local government. (0397-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Table 4-41 displays the differences in potential revenue between the alternatives.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>
Cape, Steven	I do not agree with the designation of a WHMA for the elk herd in the area. The operators already have practices in place to protect wildlife that serves the intended purpose of the WHMA but without a ban on development of almost 80% of the project area. (0398-1)	A WHMA or ACES was not designated because the resource values (scenic, wildlife, fragile watershed) for which the WHMA and ACEC were proposed will be protected with this RMPA/EA.
Cape, Steven	I also have a problem with the reclamation standards regarding cheat grass limitation and eradication in final reclamation. Cheatgrass is an invasive species that has overrun much of the terrain - both developed and non - in Fortification Creek. With that in mind, we cannot reasonably expect operators to get rid of the plant. (0398-2)	Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.
illegible	Both Alternatives 2 and 3 need to include a plan that has a fair and systematic method for allocating habitat loss to all the operators. (0399-1)	Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.
White, Travis	You need to reduce the restrictions and surface disturbance portions of the Fortification Creek EA. Develop new cost-effective mitigations which protect other resources such as wildlife, but do not unnecessarily inhibit natural gas development. (0400-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Byers, Burt	I would like to submit my comments regarding accessibility to leaseholders resources. At all times, you must ensure that each company who paid a fair price to have timely access to develop those resources are given that timely access without undue and infeasible restrictions or provisions. (0401-1)	The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The BLM cannot interfere with valid existing rights once leases are granted. However, BLM can apply restrictions to development, mitigation, typically in the form of as COAs attached to the APD, to reduce environmental impacts identified through site-specific NEPA reviews. Mitigation that would render a proposed operation uneconomic or is technically unfeasible is not considered to be consistent with a lessee's rights and cannot be required absent a lease stipulation unless it is determined that such mitigation is required to prevent unnecessary or undue degradation of public lands or resources. Mitigation required to prevent unnecessary or undue degradation under FLPMA is within the terms of the lease, since all leases are subject to applicable laws and regulations. BLM can also limit drilling rates if the result would exceed a State or Federal standard or otherwise violate a legal requirement or policy under which BLM must manage the site.
Buer, Corey	I support energy development on public lands but I also understand the opposition's argument about environmental protection. I also believe that energy development and environmental protection are not mutually exclusive. In order to maintain both, it is imperative to have flexible planning documents that allow for new innovations and planning. (0402-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Dahl, Justin	A plan should be developed that allows greater access to the resources than Alternatives II and III allows. Yet, it is still important to hold operators responsible for developing the area without undue degradation. We also need to ensure that there is full development of the area. That means putting in the full 726 wells in the area. It also means striking down the more strict requirements on reclamation like a one year interim and instead adopting a performance-based model. (0403-1)	Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.
illegible	BLM should allow for ample exemptions to the 25% slope restriction when operators submit a detailed construction and reclamation plan. Standards for construction requirements on steep slopes (>25%) should be established for consistency of application among BLM personnel. This will also allow operators to determine, prior to submission of applications, whether approval of a permit is feasible. (0404-1)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of Alternative III can accommodate technological advancements.</p>
illegible	Alternative II would limit compression facilities within elk crucial ranges to the minimum necessary. With proper siting, compressor facilities can coexist with wildlife. BLM should disclose in the EA the criteria it will use to determine if a compression facility is necessary. (0404-2)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Winkler, Justin	Alternative 2 restricts far too many areas which are perfect for development. (0405-1)	Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
P, Robert	As your agency is aware, anti-development groups who oppose natural gas extraction ignore market forces and science. They often request mitigations that would make the development of the FC area impossible. Don't hurt America by not allowing this incredible resource to be developed. (0406-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Table 4-41 displays the differences in potential revenue between the alternatives.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>
Schmidt, Cindy	Additional phases of development should not depend on the interim reclamation in earlier phased development. (0408-1)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I does not regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Schmidt, Cindy	With elk response thresholds in place and a well implemented adaptive management plan, the need to artificially restrict the loss of secure habitat on a percentage basis is questionable. Periodic scientific monitoring of the elk will reveal how industry is doing and the BLM can respond accordingly through adaptive management. (0408-2)	The standards for elk use (fidelity) and habitat effectiveness (Appendix B p. 1) were developed in cooperation with the WGFD and received independent review by the University of Wyoming, industry, and private wildlife consultants.
Barka, Jeremy	the overlapping crucial range restrictions are too restrictive in that they eliminate development in too great an area. (0407-1)	<p>None of the alternatives regulate well numbers, but instead manage sensitive resources identified in the lease stipulations (steep slopes, fragile watersheds, and crucial elk habitat).</p> <p>Alternatives II and III and the need for security habitat are scientifically based. There are numerous peer-reviewed papers researching the effects of road use and other disruptive activities on elk (BLM 2007a, Christensen et al 1991, Forman 2000, Forman and Alexander 1998, Hiatt and Baker 1981, Leege 1984, Lyon 1983, Powell 2003, Sawyer et al. 2007). Alternative III is an adaptive management approach that includes scientific monitoring of elk. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. However, monitoring is after the fact, it documents elk response to development. By the time impacts are documented, it may not be possible to effectively modify authorized developments. Security habitat standards are an appropriate apriori mitigation measure.</p>
M, Guy	Non-access environmentalists are trying to make the public believe hunters and environmentalists are the same. This is just not true. In fact many hunters in Wyoming also work in the extractive industry and understand that both environmentally responsible development and hunting can occur together if both are done correctly. (0409-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Barkley, Kathy	I support the maximum well count in Fortification Creek as discussed in alternative I. I think alternative III has some good qualities, but its well count is way too low. Also, I don't think any of the alternatives adequately address a reasonable approach to reclamation standards. Reclamation discussed in alternative II doesn't make sense because it requires a full year of reclamation to occur in one phase before any more development takes place in other phases. (0410-1)	<p>Implementation of alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I does not regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p>
Gebhart, Keith	we need to have the max number of wells possible. (0411-2)	Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.
Gebhart, Keith	a one year interim recommended in alternative 2 slows up development considerably and I don't think that the delay is even necessary. Also, in general the reclamation plans are too rigid, not allowing any flexibility for contingencies that may affect the way reclamation is done. (0411-1)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I does not regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.
Knapp, Caleb	Cheat grass is a real problem up in Fortification Creek, and it doesn't discriminate between lands that have CBNG development and those that do not. But with the BLM reclamation standards for Fortification Creek, operators are expected to eradicate this species on developed lands. Why the double standard? I think it is unfair to require operators to leave the land better than the surrounding areas. (0412-1)	Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.
Laughlin, J	Please revise your plan to allow for more wells and greater operator freedom. (0413-1)	Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.
Reed, Kayla	But if you did decide to go up into the area, I couldn't guarantee you'd see an elk, but I could guarantee you'd see a lot of cheat grass. This obnoxious weed has taken over everywhere it seems. Yet somehow the operators are expected to get rid of this weed or at least keep it from spreading on the lands they've developed. How is that even fair? (0414-1)	Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Huber, Kyle	I don't think I'm alone in saying that I support the largest number of natural gas wells allowed for Fortification Creek. That being said, I do think the operators getting the coal bed natural gas should be held accountable for reclaiming the lands they've disturbed, as long as the reclamation standards are reasonable. My idea of reasonable is taking into consideration the possibility that certain factors are going to change the way land gets reclaimed. Maybe a slope is too steep to have certain plants put on it. Maybe there's a landowner out there who doesn't want a certain shrub put back on their lands. There are all sorts of things that could affect how reclamation takes place and there needs to be a reclamation policy that accounts for all these potential game changers. (0415-1)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I does not regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p> <p>The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p> <p>BLM has already stated in the RMPA/EA in Section 4.4.1.3 that "Reclamation on private lands is negotiated between the landowner and CBNG operator and may be less stringent in terms of plant species composition, cover, and/or structure."</p>
Applegate, Steve	Alternative III has some big problems that are going to hurt us economically, mainly because the well count is so low. Alternate II also has this dangerously low well count, and top of that appears to me to be overly restrictive. (0416-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Table 4-41 displays the differences in potential revenue between the alternatives.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>
Applegate, Steve	Another issue I have with both of these alternatives is that they don't seem to offer enough wiggle room for operators. Take the standards on reclamation for example. At the present time, they suggest a specific formula for how the land is to be reclaimed, including the kinds of plant species that need to be planted and the kind of re-contouring that needs to happen. The problem is that this specificity doesn't account for human nature-I'm talking here about the fickleness of landowners who may not want that specific formula of plants planted on their lands once development is done. (0416-2)	<p>BLM has already stated in the RMPA/EA in Section 4.4.1.3 that "Reclamation on private lands is negotiated between the landowner and CBNG operator and may be less stringent in terms of plant species composition, cover, and/or structure."</p>
Applegate, Steve	It is important that we maximize the amount of royalties that go to the state from oil and gas companies. Therefore, I reject Alternative II and III on the basis of low well count. (0416-3)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Hall, Judy	I hope that you will carefully consider the phased development. While phased development allows opportunity to periodically evaluate impacts and ensure no undue environmental degradation, phased development should not be so restrictive as to hinder the lease rights of those in the subsequent phases. (0417-1)	<p>The RMPA/EA honors valid existing lease rights; natural gas development will be regulated under the terms and stipulations of the existing leases. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts. Phased development is a compatible and important component of the plan.</p> <p>The performance based standards of Alternative III allow for flexibility and adaptation. If the monitoring results indicate the elk are acclimating to CBNG activity then the security habitat standard may be adjusted allowing for additional CBNG development.</p>
Hall, Judy	Alternative 2 states that a one year delay of development will take place in order for reclamation activities to take place. In my opinion, I think it is prudent to require reclamation activities such as re-planting plants and re-shaping the landscape. However, I think that the one year delay takes this to the extreme. It will ultimately slow down our ability to develop and hurt the development growth in the area. (0417-2)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I does not regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p> <p>The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p>
Henning, Jim	I oppose Alternative 2 because it falls short of the spirit of a EA. The following items are inappropriate for Alternative 2: Seasonal drilling stipulations. These are outdated techniques. With emerging technologies, wildlife can be protected without the seasonal stipulations or at least caveats to timing stipulations Forced Interim reclamation before moving to next phase Prescriptive drilling procedures and low well allotment. (0418-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.
Cook, Tell	I would like to register with you my concern over the issue of reclamation standards as outlined in your EA. 1. I think it is reasonable to require operators to perform activities like reseeding and recontouring the land before further development can continue. 2. However, the activities suggested in point 1 do not take an entire year to complete. Thus, a one year interim of reclamation is too restrictive and it hinders further development. 3. Requiring operators to eliminate the cheat grass infestation in the area is unreasonable when you consider that undeveloped areas are infested with cheat grass also. (0419-1)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. The one-year development delay is included within Alternative II but is not included in Alternatives I and III. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative III includes performance based reclamations standards, development may proceed when BLM determines that the standards are met.</p> <p>Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.</p>
Jordan, Jody	BLM should craft a decision that combines elements of each alternative. Such a plan would support maximum development while implementing a phase development approach with adaptive management strategies in the Alternatives II and III without the restriction of elk habitat loss. (0420-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Jordan, Jody	Instead of having a one year interim of zero development while reclamation happens (as suggested by Alternative II), we should have requirements only for reseeding and contouring activities before development continues. This will help eliminate any prolonged periods of delayed development, while still catering to the needs of the land. We also need to make sure we are utilizing as many well as we possibly can. (0420-2)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
illegible	I think that the well count in both action alternatives other than one do not allow for enough CBM activity and will hinder development in the entire region. (0421-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p>
Knapp, Andrew	I have a problem with the EA alternatives as only alternative I has a realistic well count that will actually meet the needs of both the operators and the surrounding communities. (0422-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Table 4-41 displays the differences in potential revenue between the alternatives.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>
Knapp, Andrew	Also, none of the alternatives seem to address a good system of reclamation. They all seem to error on the side of caution to the environment, Imposing sweeping restrictions that may not be applicable in every case. Reclamation should be enforced with flexibility that accounts for the needs of the terrain, the private landowners, and anything else that may be a changing factor in reclaiming the land. (0422-2)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p> <p>The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p> <p>BLM has already stated in the RMPA/EA in Section 4.4.1.3 that reclamation on private lands is negotiated between the landowner and CBNG operator and may be less stringent in terms of plant species composition, cover, and/or structure.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Gartner, Chase	I have to say I'm pretty frustrated with the incredibly strict requirements proposed for reclamation in Fortification Creek. I think It's absurd to think operators are going to be able to curb the cheat grass infestation when it has taken over the entire area. I also don't like the fact that the requirements for the kinds of plant species that need to go into the reclaimed area are so specific. What If there's a landowner that doesn't want a specific plant to go back into the ground after development takes place? What does the operator do then? (0423-1)	<p>Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.</p> <p>BLM has already stated in the RMPA/EA in Section 4.4.1.3 that Reclamation on private lands is negotiated between the landowner and CBNG operator and may be less stringent in terms of plant species composition, cover, and/or structure.</p>
Manuel, Burt	I think the recommendation on cheat grass goes overboard. For one, this plant has infiltrated lands all over the fortification creek area. In some places, it seems like it's taken over everything else. The operators aren't responsible for starting this infestation and I think it'd be unreasonable to expect to get rid of it. Secondly, this kind of project sounds very costly for operators, and the more money they spend on taking out cheat grass means less money going to the communities with taxes. (0424-1)	<p>Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.</p>
Sayer, David	In regards to mitigations and restrictions, I believe the BLM must weigh the net loss of revenue. We should balance other resource needs but understand all economic impacts. For these reasons, I strongly believe Alternative 2 is too restrictive. (0425-1)	<p>Implementation of Alternative I would result in significant impacts and require an EIS. Alternatives II and III present reasonable approaches to balancing resource protection with CBNG development. The prescriptive nature of Alternative II does impose limitations on natural gas development. Alternative III, the preferred alternative, does not impose any new limitations on natural gas development. Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p> <p>Table 4-41 displays the differences in potential revenue between the alternatives.</p> <p>The employment analysis estimates the number of jobs development will support. State (Office of the Governor) and local government (Big Horn Mountains Coalition) comments indicate BLM has found an appropriate balance between environmental resource protection and potential economic benefits.</p>
Scott, Weston	Reclamation should not require the limiting of cheat grass in final reclamation periods. The grass occupies much of the area even in places where development is not taking place. I think this will only slow-up development. I think the BLM should take appropriate actions to the extent available to expedite projects that increase the production and transmission of energy. Please strike the requirement for eradicating cheat grass from your final plan. (0426-1)	<p>Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.</p>
Taylor, Mick	The BLM should allow for exemptions to development during periods of timing limitations to be evaluated on a case-by case basis and well visitation should be allowed during timing limitation designations. (0427-1)	<p>Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>Alternative III identifies how development proposals and exception requests would be evaluated, against the elk and reclamation performance standards.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Haight, Ralph	I also think we need a little more consideration on reclamation standards. They need to be more reasonable, especially when it comes to things like cheat grass. This grass has infested a lot of the Fortification Creek. I don't think we should make operators get rid of it. (0428-1)	Reclamation standards are based upon the ecological site potential, which is based upon the native landscape. BLM acknowledges that operators are not responsible for invasive plant control beyond their authorized work areas, and that invasive species encroachment from adjacent areas is likely. However, operators are still required to control invasive species to allow for native vegetation recovery within their authorized work areas. This may not mean complete invasive eradication, especially for cheat grass, but it also does not mean that operators are not responsible for invasive weeds control.
Howery, Delmer	Alternative II and III are overreaching in their management goals for elk secure and effective habitat retention, and places off limits far too much of the area's oil and gas resources. (0429-1)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.
Barrett, Doug	Elements that I just can support in III are the very low well count and the restrictive, prescriptive elements. (0430-1)	<p>Under Alternative III, as in all alternatives, BLM will not limit the number of wells, the number of wells will be based on meeting the security habitat standard and the other performance standards. The numbers are an estimate and actual number of wells is likely to be different.</p> <p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Hitson, Glen	One concern I have is with the one-year delay in development for successful interim reclamation. I don't think this meets the purpose and need of the document. On top of that, it infringes upon the rights of the leaseholder. This inflexible management approach would not promote the desired "orderly development of mineral resources". (0431-1)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that a reasonable range of reclamation and development pace alternatives are analyzed. Alternative I does not use reclamation to regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats. The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.
Asher, Janet PRBRC	I urge you to protect this important and fragile area and its diverse and abundant wildlife species. (0432-1)	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions including the following:</p> <p>A phased approach to drilling which keeps 2/3 of the area free from development at any one time; Timing Limitations (TL) on when drilling can occur; Restrictions on development on steep slopes. This protects the elk herd because they generally prefer the more rugged terrain where there is more cover; Restrictions on road density and number of miles. This protects the elk herd by protecting and security habitat; Restrictions on placement of water and other facilities in crucial winter and calving areas; Restrictions on well visitation; TLs for bald eagle nests and roost sites; TLs for raptor nests; Disturbance-free buffer zones for mountain plover nests; Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</p>
Asher, Janet PRBRC	I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. (0432-2)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.

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Name/Organization	Comment	Response
Asher, Janet PRBRC	Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. (0432-3)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Shannon	I urge you to protect this important and fragile area and its diverse and abundant wildlife species. (0433-1)	<p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions including the following:</p> <p>A phased approach to drilling which keeps 2/3 of the area free from development at any one time; Timing Limitations (TL) on when drilling can occur; Restrictions on development on steep slopes. This protects the elk herd because then generally prefer the more rugged terrain where there is more cover; Restrictions on road density and number of miles. This protects the elk herd by protecting and security habitat; Restrictions on placement of water and other facilities in crucial winter and calving areas; Restrictions on well visitation; TLs for bald eagle nests and roost sites; TLs for raptor nests; Disturbance-free buffer zones for mountain plover nests; Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and nesting habitats; and Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and nesting habitats.</p>
Shannon	I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. (0433-2)	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Shannon	Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils, and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0433-3)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of soil, water, cultural, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
Ventlin, Corey	Part of the limitations contained in Alternative III result from your plan to have a blanket ban from drilling on all overlapping critical habitats. This is not reasonable. You should allow development in an area - even if there are overlapping critical habitats. If a company can adequately protect wildlife in the area and minimize disturbance, they should be able to drill. (0435-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The Preferred Alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Fortification Creek Landowners Fortification Creek Landowners	Roads and Access: Would like to see one primary access road per landowner with some form of control (i.e. gated, sign in, notification system). No road crossings between landowners. Maximize the use of existing roads, minimize new road building. Limit looping roads to the well sites. (0436-1)	BLM will work cooperatively with the landowners and CBNG operators to design PODs which account for landowner concerns, protect surface resources, and honor valid existing lease rights.
Fortification Creek Landowners Fortification Creek Landowners	Water: Would like to see produce water put to beneficial use, stock tanks for livestock and wildlife. (0436-2)	Operators will be required to provide summer water sources for livestock and wildlife if current sources (permitted through the WSEO) become unavailable and that loss is directly attributable to development of CBNG. Water will be provided until those lost sources are again available and/or other permanent sources are developed.

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Name/Organization	Comment	Response
Fortification Creek Landowners Fortification Creek Landowners	Utilities: Corridor buried utility lines with roads as much as possible. Prohibit cross country pipeline routes to prevent from becoming defacto roads and increasing erosion. (0436-3)	Operators are required to locate pipelines in corridors.
Fortification Creek Landowners Fortification Creek Landowners	Overhead Power: Preference would be to bury all electric lines and place alongside the roads. Limit overhead lines as much as possible and locate alongside the roads. (0436-4)	Overhead power on BLM surface will be limited to within road corridors.
Fortification Creek Landowners Fortification Creek Landowners	Highly erosive soils/slopes > 25%: Prohibit development in situations with extremely poor reclamation potential. (0436-5)	The Preferred Alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.
Fortification Creek Landowners Fortification Creek Landowners	Monitoring team: Requested landowner representation on the monitoring team. (0436-6)	The monitoring team will be comprised of the State of Wyoming and the BLM. A minimum of one meeting annually will be open to the public, to which landowners will be invited.
Fortification Creek Landowners Fortification Creek Landowners	Viewshed protection: Keep roads, power lines, and other infrastructure off ridge tops to avoid skylining. (0436-7)	Power lines would be corridorred alongside roads. Roads would be designed to maintain 80% elk security habitat, which would protect 80% of the viewshed.
Fortification Creek Landowners Fortification Creek Landowners	Operator relations: Relationships with operators are strained. They do not feel the operators are acting in good faith; misrepresenting BLM and other parties (DEQ, PRE Corp), not providing POD materials for review, not requesting or notifying prior to accessing private surface. (0436-8)	BLM will work cooperatively with the landowners and CBNG operators to design PODs, which account for landowner concerns, protect surface resources, and honor valid existing lease rights.
Fortification Creek Landowners Fortification Creek Landowners	BLM relations: They would like to work closer with BLM. Meet with BLM prior to onsiteing to review and discuss POD proposal. (0436-9)	BLM will work cooperatively with the landowners and CBNG operators to design PODs that account for landowner concerns, protect surface resources, and honor valid existing lease rights; including meeting with landowners when requested.
Fortification Creek Landowners Fortification Creek Landowners	Grazing: Grazing and livestock impacts need to be addressed; forage, water sources, AUMs. (0436-10)	BLM discusses impacts to range and range uses in Section 4.4.1. BLM will work cooperatively with the landowners and CBNG operators to design PODs, that account for landowner concerns, protect surface resources, and honor valid existing lease rights.
Fortification Creek Landowners Fortification Creek Landowners	Roads: Construct to BLM standards including surfacing to prevent erosion. Locate to minimize erosion, avoid sky lining, and avoid snow accumulation areas for year-round access. (0436-11)	All new roads on Federal lands must meet the criteria for design and construction as specified in BLM Manual Section 9113 - Roads (BLM 1985b).

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Wischmann, Lesley Alliance of Historic Wyoming	In reviewing the recently released draft RMPA/EA for the Fortification Creek Area, we are concerned that cultural and palaeontological resources seem to receive just cursory attention under all three alternatives. In each case, the impacts are listed as "minor" with sites to be "inventoried and mitigated." This appears to be in conflict with your requirements under the National Historic Preservation Act. As I am sure you understand, any federal undertaking that might affect sites eligible for listing on the National Register of Historic Places must be undertaken in accordance with NHPA and NHPA requires that, first and foremost, the federal agency must work to avoid these resources. When and if avoidance is not possible, the agency's next responsibility is to minimize the impact to the special resources. Only when all reasonable efforts at both avoidance and minimization have been exhausted does the law permit the agency to move to mitigation. Therefore, we are quite concerned that your draft RMPA/EA seems to jump over both avoidance and minimization and move to mitigation. This is not in line with your obligations under NHPA. Therefore, we would ask that you reexamine your draft and revise those sections dealing with cultural and palaeontological resources to ensure that your actions will, in fact, be in compliance with the National Historic Preservation Act. (0437-1)	As stated in Table 2-2: Management Actions Common to All Alternatives: 1. Require archaeological inventory for all Federal undertakings, regardless of surface ownership 2. Identify historic properties. 3. Design projects to avoid or mitigate impacts to historic properties prior to approval. 4. Mitigate impacts to historic properties inadvertently discovered during or after construction.
Floyd, Darlene and Rick Floyd Land and Livestock	I have seen floods, normal rain, not methane water come down those draws in that rough country and do a number on the soil. A lot of places you disturb the soil and it slides. To develop there for gas is disturbing. (0438-1)	The preferred alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.
Floyd, Darlene and Rick Floyd Land and Livestock	We have been made all kinds of promises for water, gravel roads, land-owner input; for a right-of-way to cross our land. Only to see roads extended to our neighbors, roads all over, culverts not put in as needed, as promised; dust is a terrible problem. Our control is null. (0438-2)	BLM will work cooperatively with the landowners and CBNG operators to design PODs, that account for landowner concerns, protect surface resources, and honor valid existing lease rights.
Floyd, Darlene and Rick Floyd Land and Livestock	Our artisian wells are drying up - so there goes our year around water. They don't want us to benefit with the water. (0438-3)	Operators will be required to provide summer water sources for livestock and wildlife if current sources (permitted through the WSEO) become unavailable and that loss is directly attributable to development of CBNG. Water will be provided until those lost sources are again available and/or other permanent sources are developed.
Floyd, Darlene and Rick Floyd Land and Livestock	If this area is opened it will never be the same. People don't respect the land or the owners. It appears the way this is planned we have no control over entry. It has to have roads end not go from rancher to rancher. It has to be done with as little disturbance as possible. (0438-4)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. BLM will work cooperatively with the landowners and CBNG operators to design PODs, that account for landowner concerns, protect surface resources, and honor valid existing lease rights.

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Floyd, Darlene and Rick Floyd Land and Livestock	Because of the terrain, wildlife, beauty of the area I recommend respect the land and let it remain as I have known it for 56 years; leave it undeveloped. It opens our private surface to this and we will have no control over its fate. (0438-5)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982).</p> <p>Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation. The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained and a work activity management plan to address the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on roads, water facilities, and visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Motteler, Elizabeth	I oppose any any drilling in the Fortification Creek area under the current alternatives. I strongly urge the BLM to protect the Fortification Creek elk herd, expand the Planning area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. If there is to be any development, please require a robust phased drilling approach with strong standards and monitoring and a ban on future permitting and development if thresholds are reached. Once again I ask you to please keep natural gas development out of this and other sensitive areas. (0439-1)	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p>
Domek, Sara Wyoming Wilderness Association	BLM should not permit more wells until already disturbed habitat in the southern elk yearlong range is reclaimed, and EA monitoring criteria for elk impacts are defined, and action is taken to ensure that appropriate thresholds are met. Unbelievably, instead of changing the leasing stipulations, or not allowing impacts to occur, the BLM simply reduces the viable elk population numbers. (0308-6)	The RMPA/EA provides management actions for the FCPA only. BLM takes into account the cumulative impacts of development around the FCPA including the full elk range. Please see cumulative impacts in Section 4.3.5. Performance standards are in place, with the preferred alternative, maintaining the spirit of the lease stipulations, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.

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Name/Organization	Comment	Response
Cody, T NRDC	F*** Wyoming. Do whatever you want. They gave US Cheney. (0440-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Hochner, Jullia NRDC	I strongly oppose drilling in the Fortification Creek area. This area should be preserved. We need to respect and honor this area and not subject it to drilling. Please listen to the huge numbers of people who oppose this drilling and protect Fortification Creek!! (0441-1)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
DeHuff, Emily NRDC	I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The BLM did not even consider a "no drilling" alternative for this last wild oasis in northeast Wyoming, which provides critical habitat for many wildlife species including the declining sage grouse and the important Fortification elk herd as well as pronghorn, bobcats, deer, mountain lions and more than 200 species of migratory birds, and is also prized for its hunting and recreational opportunities. Natural gas development clearly has no place in this sensitive area. (0442-1)	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p>
Taylor	Right now the price of natural gas is deflated and industry and BLM have reduced previous estimates of recoverable CBM reserves in the Fortification Creek Area and throughout the Powder River Basin. It is not worth sacrificing the wildlife, vegetation, and water of this area for what will likely be uneconomic gas production. (0242-1)	BLM has not reduced previous estimates of recoverable CBM reserves. The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The operator has the primary responsibility in determining whether development is economically feasible.
Taylor	I oppose any drilling in the Fortification Creek Area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. (0242-2)	Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Taylor	Please protect the Fortification Creek Area by ensuring sufficient habitat is available for the elk herd, minimizing noise and disruptive activities, preventing drilling on steep slopes and erosive soils and requiring phased CBM operations. CBM development in this area will cause significant impacts and BLM should conduct an environmental impact statement to fully analyze projected impacts and develop mitigation measures that will prevent or reduce those impacts. (0242-3)	<p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation. The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives 2 and 3 including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the number of roads, the amount of elk security habitat that would be maintained and the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on wells, roads, water facilities, and visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of soil, water, cultural, and wildlife resources including elk. Monitoring programs for elk, water, soils, and other resources enable adaptive management if actual effects differ from the anticipated effects.</p>
Blackburn, Sharon NRDC	WE NEED TO KEEP THE FEW REMAINING WILD PLACES WILD! WHAT WILL WE SAY TO OUR CHILDREN WHEN THEY ASK US WHY WE DID NOT PROTECT OUR NATURAL ENVIRONMENT??!! (0443-1)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Delaney, Katherine</p>	<p>I do not understand why the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal for the Fortification Creek area. I used to live in Cheyenne. I know that is area is the last remaining wild oasis in northeast Wyoming, which provides critical habitat for many wildlife species, including the declining sage grouse, the Fortification elk herd, pronghorn, bobcats, deer, mountain lions and more than 200 species of migratory birds. Although I am not a hunter, I appreciate that the hunting and recreational opportunities bring visitors to the state. I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. Unless there are additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement should be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM should protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further mess up sage grouse populations. prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. Last, BLM should not weaken any protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area. You are supposed to be managing the land, not putting money in the pockets of the gas companies. (0444-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Savoie, Rob	I ask you to keep natural gas development out of Fortification Creek in northeast Wyoming. This is a critical habitat for many wildlife species, and drilling will cause significant negative environmental impacts. (0434-1)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Duerr, D.J.	<p>I am asking you to disallow drilling in the Fortification Creek area. This is proposed by the BLM under all of the current management alternatives the agency is considering. Any of these alternatives would cause significant impacts and irreversible damage. The BLM has not even considered a "no drilling" proposal. In addition, this area is so special, and the risks posed are so great, that a full Environmental Impact Statement should be prepared. An EA simply won't be enough because there is no plausible argument the agency can make that all the drilling would have no significant direct, indirect or cumulative impacts on the environment there. If there is to be any development in the area, please prohibit any discharge of produced water into Fortification Creek (and any ephemeral creeks or tributaries). Also, BLM should adopt strong and meaningful protections for resources in this area and for all other lands affected by the proposal. I've seen pathetic (i.e., ineffective) "guidelines" used by BLM on other places, such as the Pinedale Mesa near where I live currently. This is unacceptable. The public and wildlife deserve better. Ditto for the bogus "adaptive management" strategy that suggests activities will be adjusted in the future if monitoring shows them to be causing a problem. The monitoring generally is too weak to reveal problems, and even when a serious issue arises, BLM rarely has the courage to stand up to the gas companies (or short-sighted members of congress) and tell them drilling or production needs to be scaled back. There are tens of thousands of gas wells puncturing BLM lands throughout the region. There is only one place like the Fortification Creek watershed. Please do the right thing and protect the values of this special place. (0445-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Paul, Lori	<p>As a California licensed veterinary technician and biologist, I am very concerned about BLM plans to open Fortification Creek in northeastern Wyoming to natural gas drilling. Apparently, plans under consideration did not even include a "no drilling" option in this beautiful and sensitive wildland region. The Fortification Creek area supports critical habitat for pronghorn, elk, cougars, sage grouse, numerous songbirds, raptors and other species, including wildflowers and butterflies. Sage grouse populations are in steep decline, which makes the healthy birds in the Fortification Creek region significant. These birds and their communal breeding "leks" require pristine habitat and lack of disturbance. Drilling and the roads field exploration builds spell disaster for the sage grouse and other wildlife species of that region. Fortification Creek also provides significant recreational areas for those seeking nature and pastoral pastimes. 25,000 wells already exist in that part of the state. Keep them out of Fortification Creek! I strongly oppose any drilling and road construction in the Fortification Creek area under the current alternatives in the BLM plan and respectfully demand that a full Environmental Impact evaluation be conducted prior to approval for any intrusive natural gas exploration into this habitat. Such a study would highlight the irreversible damage drilling will inflict on the local wildland. If the worst occurs, and drilling is approved, I ask that the BLM prevent any discharge of water produced by drilling into entering Fortification Creek or any other natural arroyo and seasonal stream course. Implement safeguards to limit road expansion, control traffic, and impose noise and activity restrictions, especially in the vicinity of calving areas for pronghorn and elk. Do not allow fences that might adversely impact pronghorn movement. Protect all sage grouse "lek" territories. Include the entire, year round elk range in the plan and safeguard local herds. Do not weaken any environmental regulations to enable drilling. Monitor all drilling and associated development to minimize impacts on local wildlife, scenic vistas, and recreational access. Prohibit above ground transmission lines, require undergrounding, in order to reduce raptor impacts and fatalities. By far the best decision would be to prohibit natural gas development in the Fortification Creek region. I hope you will reconsider and support a "no drilling" alternative. (0446-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Schwartz, Karen	I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. (0447-1)	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
Schwartz, Karen	Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. (0447-2)	<p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of steep slopes, fragile watersheds, and elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
Schwartz, Karen	I urge the BLM to protect the Fortification Creek elk herd. (0447-3)	<p>The Fortification Elk herd is protected by a number of management actions including: A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time, Timing Limitations on when drilling can occur, Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim. Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Poppellwell, Deirdre</p>	<p>Drilling would cause significant impacts and irreversible damage without sufficient protection. I was surprised to hear that the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further destabilize sage grouse populations. If development is to go ahead, I am hoping that you will use your produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. Last, BLM must not weaken any protective stipulations that limit environmental impacts. (0448-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Jdschn, Joan	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, because the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd , expand the Planning Area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off- limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit aboveground power lines. -prohibit discharge of produced water to Fortification Creek or any ephemeral creeks; -require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; -reduce traffic and noise with winter and calving restrictions and remote telemetry; and -prohibit diesel generators. Last, BLM must not weaken any protective stipulations that limit environmental impacts. (0449-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. 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CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Weber, Carroll NRDC	<p>THERE SHOULD BE NO DRILLING IN THE FORTIFICATION CREEK AREA. (0450-1)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Robinson, Stephen NRDC	If there is to be any development, your agency must prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring, and a non-negotiable ban on future permitting and development if thresholds are reached; reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. Lastly, BLM must not weaken any protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area. (0451-1)	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Crouse, Gerrit NRDC	Drilling in the Fortification Creek area under the current alternatives would cause irreversible damage. BLM did not even consider a "no drilling" proposal. Without adequate protections & meaningful, enforceable mitigation, an EIS must be completed. (0454-1)	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
Reading, Miss Harvey NRDC	Apparently BLM political employees are on the take ... from "energy" corporations, since the appointees do whatever their corporate masters desire, even if it includes trashing findings made by BLM scientists. Its time that government started representing the public interest rather than the Chamber of Commerce. (0452-1)	Thank you for your interest and comments on the Fortification Creek Planning Area Draft RMPA/EA.
Fogg, Margaret NRDC	Keep Fortification Creek as it is today. No natural gas drilling there. (0453-1)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Phillips, Beth	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting; reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. BLM must not weaken any protective stipulations that limit environmental impacts. (0455-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Landon, Thomas	<p>I oppose any drilling in the Fortification Creek area under the current alternatives which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management ("BLM") did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full environmental impact statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the "Planning Area" to include the elk yearlong range and crucial area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. The BLM must also protect the wilderness study area with an expanded buffer zone that is off-limits to drilling, and designate an area of critical environmental concern or a wildlife habitat management area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines which will destroy the scenic quality of the area and provide perches for raptors and further de-stabilize sage grouse populations. If there is to be any development, your agency must (i) prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks, (ii) require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached, (iii) reduce traffic and noise with winter and calving restrictions and remote telemetry; and (iv) prohibit diesel generators. Last, the BLM must not weaken any protective stipulations that limit environmental impacts. (0456-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Michl, Sarah	<p>Please continue to keep natural gas development out of the Fortification Creek area. (0457-1)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Artemis, Diana	I oppose any drilling in the Fortification Creek area under the current alternatives. It is UNACCEPTABLE that the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. (0458-1)	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
Sparks, Craig	Take a look at the Video "GASLAND" then get back to us on the wisdom of allowing more drilling ( and later ) fracking for gas... anyone with any brains at all will see that it's just f***ing nuts. (0459-1)	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
King, Eva	What I am specifically attempting to stop is unrestricted drilling in our wilderness areas, and encouraging natural gas exploration, wind and solar farms in areas that have the least amount of impact to wildlife, the land, the water, and the people who may share it. (0460-1)	<p>No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness. BLM did not recommend the WSA for wilderness in the 1985 Buffalo RMP (p. 15, 18). If Congress were to act upon and follow BLM's recommendation then the WSA would be opened to oil and gas leasing.</p> <p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Spivey, Hudson	<p>it is my sacred duty as a citizen of this Great Nation to let you know that I oppose any drilling in the Fortification Creek area. Each of the current alternatives would without a doubt cause significant impacts and irreversible damage without sufficient protection. The Bureau of Livestock and Mining (BLM) has not (and probably has no compunction to) even consider a "no drilling" proposal. meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. As a resident of Southern Montana, I strongly urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. For the past two years, we in the Bitterroot Valley have seen a precipitous decline in the size of our elk herd; although this may be due to a number of factors, the persistence of ongoing development, habitat fragmentation, and other human incursions have no doubt been a major source of stress. I do not want to see this devastating trend spread to other parts of our glorious West. As you well know, in order to insure long-range viability of this elk population, Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. And on the subject of the sage grouse population, I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further threaten grouse populations. Your authority in this matter requires that you make a crucial stand on behalf of one of this country's few remaining pristine wild areas. While I do not deny our current dependence upon modern means of energy extraction and distribution to fuel our technological way of life, I also do not deny that this way of life is detrimental to both human and non-human communities in the long-run, and must be stemmed if we are ever to transition to a sane, stable, and sustainable economic system in this country. As a proud citizen of this country, implore you to do all that is within your power to see that the most stringent protections for elk and sage grouse, as well as for the water quality and sanctity of Fortification creek, are upheld if any development is to proceed forward. (0461-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Rosepiper, Nima NRDC	I oppose any drilling in the Fortification Creek area under the current alternatives. Please keep natural gas development out of this sensitive area. (0462-1)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
Cerellon, Robert NRDC	I oppose any drilling in the Fortification Creek area under the current alternatives, which would quite evitably cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management's responsible officers (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must under current Law now be completed. I urge the BLM to protect the Fortification Creek elk herd, and to expand the Planning Area to include the entire elk yearlong range and crucial elk area, and also to minimize any loss of habitat that is necessary for the herd's survival. Industrial facilities such as pits and compressors should be maintained once established outside the elk's yearlong range. BLM's government officers must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM's responsible leaders to prohibit above-ground power lines, which destroy the scenic quality of the area and also provide perches for raptor, which will further de-stabilize sage grouse populations. If there is to be any development here in this area I have visited and prohibit any discharge of produced water to Fortification Creek or into any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring; and establish a nonnegotiable ban on future permitting and development if danger thresholds are reached; and also reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. Last, BLM must not weaken any protective stipulations that limit environmental impacts. (0463-1)	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Oremland, Jeffrey	<p>I urge you to please establish a "no drilling" rule in this area. At the very least, carry out a full investigation and create a complete Environmental Impact Statement, before making any plans to open drilling. This area of wilderness is too important to corrupt. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide un-natural perches for raptors, which will further de-stabilize sage grouse populations. (0464-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Bess, Judith	<p>I oppose any drilling in the Fortification Creek area. Please look after the interests of American citizens and the environment, not corporate interests. I call on you to keep natural gas development out of this sensitive area. (0465-1)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Melton, Dan	<p>You need to complete a full EIS. Please do not allow drilling in the Fortification Creek area. It would cause significant impacts and irreversible damage. You didn't even consider a "no drilling" proposal. Protect the Fortification Creek elk herd. Expand the Planning Area to include the entire elk yearlong range and crucial elk area. Minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. Protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling. Designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. Prohibit above-ground power lines which provide perches for raptors, which will further destabilize sage grouse populations. IF you allow development -- Prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; Require a robust phased drilling approach with monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; Reduce traffic and noise with winter and calving restrictions and remote telemetry; Prohibit diesel generators; Do not weaken any protective stipulations that limit environmental impacts. (0466-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Tonachel, Ruth	<p>I oppose any drilling in the Fortification Creek area. I know that it would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further destabilize sage grouse populations. (0467-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wood, Margaret	<p>As such, I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines which will further de-stabilize sage grouse populations. Last, BLM must not weaken any protective stipulations that limit environmental impacts (0468-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wood, Michael	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is offlimits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines which will further de-stabilize sage grouse populations. Last, BLM must not weaken any protective stipulations that limit environmental impacts. (0469-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Johnson, Sarah	<p>I am writing to voice my opposition to any drilling in the Fortification Creek area. The Natural Resources Defense Council (NRDC) has informed me that any drilling there would cause severe damage, and that the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. I am asking the BLM to add protection of the Fortification Creek area wildlife and environment to it's plan, as described by the NRDC. (0470-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Wallace, Susan NRDC	I am begging you to keep gas drilling and all its environmental destruction out of Fortification Creek area. (0471-1)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
Burch, Anderson NRDC	Please do the right thing and protect the Fortification Creek wilderness. Serious long-term protection is needed and is much more important than short-sighted, short-term gains from gas development and drilling. (0472-1)	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Naiman, Karen</p>	<p>If there is to be any development, the BLM must (1) prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; (2) require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; (3) reduce traffic and noise with winter and calving restrictions and remote telemetry; (4) prohibit diesel generators; and (5) not weaken any protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area. (0473-1)</p>	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted a permit to discharge CBNG-produced water into FCPA drainages. The WDEQ has stated that "discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop". (WDEQ 2008).</p> <p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p> <p>Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, equipment needs to be inspected, etc.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Deloff, D NRDC	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. I understand that the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement should be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. (0474-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Burkett, Michele NRDC	<p>from my point of view it does not seem that drilling is needed or should be allowed in Fortification Creek an area provides critical habitat for many wildlife species and is among the last of our precious wild places. Keep natural gas development out of this sensitive area. (0476-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Haines, Gregg	<p>Your organization (BLM) did not even consider a "no drilling" proposal. I urge you to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which provide perches for raptors, that will further de-stabilize sage grouse populations. - Prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; - Require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached. - Reduce traffic and noise with winter and calving restrictions and remote telemetry. - Prohibit diesel generators. - Must not weaken any protective stipulations that limit environmental impacts. (0475-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Arenberg, Carol	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause irreversible environmental damage. The Bureau of Land Management (BLM) has not even considered a "no drilling" proposal, additional protections, or meaningful, enforceable mitigation measures. In addition, BLM should require a full Environmental Impact Statement. At the very least, I urge BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk year-long range and crucial elk area, and minimize the loss of habitat necessary to the survival of the herd. Industrial facilities like pits and compressors should be not be allowed in the elks' year-long range. BLM must also protect the Wilderness Study Area by expanding the buffer zone, which is off limits to drilling, and designating an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge BLM to prohibit above-ground power lines that would destroy the scenic beauty of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. If any development is approved, BLM must prohibit the discharge of waste water to Fortification Creek or ephemeral creeks; require a robust phased drilling approach subject to strict standards and monitoring, and a non-negotiable ban on future permitting and development once thresholds have been reached; reduce traffic and noise by imposing winter and calving restrictions and monitoring compliance by remote telemetry; and prohibit diesel generators. Finally, BLM must not weaken any protective stipulations that limit environmental impacts. (0477-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Gilbertson, Erna	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not consider a "no drilling" proposal without additional protections and meaningful, enforceable mitigation! A full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk year-long range and crucial elk habitat, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range! I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. (0478-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Caswell, Helen	<p>It is shortsighted in the extreme to ruin the Fortification Creek forever in the interest of the short-term gain of national gas. It is your duty to protect the lands you are responsible for. To degrade and destroy the irreplaceable wilderness of northeast Wyoming -- a rare area - would be to leave a disgusting legacy, and all in your own name. I urge you to think of future generations and act responsibly. The BLM must disallow any attempt to drill in the Fortification Creek area. (0480-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Sims, Judith	<p>I'm walking and biking and not using my car much, and I'm paying attention to the mass extinction of species that is in progress - occurring at the fastest rate of any of the last 5 mass extinctions in the Earth's history. I'm doing this because I want places like Fortification Creek to be available to migratory herds and declining populations of wild animals. Please do not allow drilling. (0479-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
McBride, Diana	<p>Drilling at Fortification Creek will change the habitat and, once started, there's no going back to its pristine wild state. This is the wrong thing to do. Please stop these plans immediately and save the last remaining wild oasis in northeast Wyoming. (0481-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Hickman, Kevin</p>	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage to the unique wildlife and recreational activities there. I am very disappointed that the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. Fortification Creek is the last remaining wild oasis in northeast Wyoming -- a remote 120,000-acre area that provides critical habitat such as clean water and wintering and birthing grounds for many wildlife species. Included are the declining sage grouse, the unique and important Fortification elk herd, as well as pronghorn, bobcats, deer, mountain lions and more than 200 species of migratory birds. It is also prized for its hunting and recreational opportunities. People need to be able to experience such an area firsthand, not just read stories and look at pictures of how America used to be. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring; reduce traffic and noise with winter and calving restrictions; prohibit diesel generators; require remote telemetry sufficient to effectively enforce these requirements; and include a non-negotiable ban on future permitting and development if thresholds are reached. Last, BLM must not weaken any protective stipulations that limit environmental impacts. (0482-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Curtler III, Hugh	<p>I oppose any drilling in the Fortification Creek area of NE Wyoming under current land management alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further destabilize sage grouse populations. Also, please do not weaken protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area (0483-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Rapuano, Shannon	<p>I oppose any drilling in the Fortification Creek area under the current alternatives. A full Environmental Impact Statement must be completed before any decision is made to develop this area. In that review I ask you to please protect the Fortification Creek elk herd. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling. I call on you to keep natural gas development out of this sensitive area (0484-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Carnevale, Susan	<p>I oppose any drilling in the Fortification Creek area under the current alternatives because each has significant impacts, insufficient protections to the environment and wildlife, and irreversible damage to the area. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Fortification Creek is the last remaining wild oasis in northeast Wyoming -- an area that provides critical habitat for many wildlife species, including the declining sage grouse, the Fortification elk herd, pronghorn antelope, bobcats, deer, mountain lions and more than 200 species of migratory birds. It is also prized for its hunting and recreational opportunities. I urge the BLM to protect the Fortification Creek elk herd by expanding the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's range. BLM must protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines. If there is to be any development, your agency must prohibit any discharge of industrial waste water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached. In addition, BLM should prohibit the use of diesel generators in the winter and elk calving areas, reduce traffic and noise within these areas, and use remote telemetry to monitor elk movements. Last, BLM must not weaken any protective stipulations that limit environmental impacts. (0485-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Nichols, Mary	<p>I'm writing to express my strong opposition to any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. Fortification Creek is the last remaining wild oasis in northeast Wyoming. Fortification Creek, a remote 120,000-acre area, provides critical habitat for many wildlife species, including the declining sage grouse and the important Fortification elk herd, pronghorn, bobcats, deer, mountain lions and more than 200 species of migratory birds. It is also prized for its hunting and recreational opportunities. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. The BLM must also protect the Wilderness Study Area with an expanded buffer zone that is offlimits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. In addition, I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. If there is to be any development, I urge your agency to do the 1. Prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; 2. Require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; 3. Reduce traffic and noise with winter and calving restrictions and remote telemetry; and 4. Prohibit diesel generators. The BLM must not weaken any protective stipulations that limit environmental impacts. (0486-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Englund, Donna	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed.</p> <p>- protect the Fortification Creek elk herd, - expand the Planning Area to include the entire elk yearlong range and crucial elk area, and - minimize any loss of habitat necessary for the herd's survival. Industrial facilities such as pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. Additionally, I urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors (who further destabilize sage grouse populations). - prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; - require a robust phased drilling approach with strong standards and monitoring and a ban (non-negotiable) on future permitting and development if thresholds are reached; - reduce traffic and noise with winter and calving restrictions and remote telemetry; and - prohibit diesel generators. Lastly, BLM must not weaken any protective stipulations that limit environmental impacts. (0487-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Patla, Donna	<p>I oppose any drilling in the Fortification Creek area under the current alternatives. Drilling would result in irreversible damage. You must consider and adopt a "no drilling" proposal, or embark on an Environmental Impact Statement. It is vital to protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling. You should also designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. Prohibit aboveground power lines. Please keep natural gas development out of this sensitive area. (0488-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
O'Neill, Leonore	<p>Please keep natural gas drilling out of the Fortification Creek area entirely. (0489-1)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Hollister, Boyd	<p>For our children's sake let's save some of today for tomorrow. Unless we do, there will come a day when the wild is gone and something in us will know and will grieve. Fortification Creek is the last remaining wild oasis in northeast Wyoming. I urge the BLM to keep natural gas development out of this sensitive area. (0490-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Geisert, Paul	<p>I oppose the current alternatives for drilling in the Fortification Creek area because I am sure they would lead to large changes and irreversible damage, not only for the wildlife there, but also for the hunting and recreational opportunities there. There just is not sufficient protection, so I am calling on you to keep the natural gas development out of this sensitive area until other alternatives are brought to the table. Keep this Fortification Creek as is until you can bring forth more protections! (0491-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Lanum, Eloise	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts &amp; irreversible damage without sufficient protection. The BLM did not even consider a "no drilling" proposal. Without additional protections &amp; meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range &amp; crucial elk area. Also, minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits &amp; compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, &amp; designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards &amp; monitoring and a non-negotiable ban on future permitting and development if thresholds are reached. Reduce traffic &amp; noise with winter &amp; calving restrictions &amp; remote telemetry; also, prohibit diesel generators. Last, BLM must not weaken any protective stipulations that limit environmental impacts. (0492-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Lish, Christopher	<p>I strongly oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The BLM did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. It is horrifying that we have to fight our own government to save the environment. -- Ansel Adams I strongly urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. The BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit aboveground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. Our duty to the whole, including to the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose and method. -- Theodore Roosevelt 1) prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; 2) require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; 3) reduce traffic and noise with winter and calving restrictions and remote telemetry; and 4) prohibit diesel generators. Lastly, the BLM must not weaken any protective stipulations that limit environmental impacts. A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise. -- Aldo Leopold Once again, I call on you to keep natural gas development out of this sensitive area. (0493-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
DeMeter, Steffen	<p>Lets leave something for the wildlife. How we treat them says a lot about us. (0494-1)</p>	<p>Oil and gas development has taken place within the FCPA since the 1970s (refer to Figure 3-13). Since the 1970s, BLM has enacted lease stipulations for the protection of steep slopes, fragile watersheds, and crucial elk habitat. In 1982 BLM developed an oil and gas protection plan for the FCPA (BLM 1982). Present day lease stipulations require an acceptable plan for the protection of sensitive resources (steep slopes, fragile watersheds and/or crucial elk habitat); this RMPA/EA represents the acceptable plan. The RMPA/EA maintains the direction of previous management decisions.</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with established standards for elk protection and reclamation.</p> <p>The Fortification Creek Planning Area has been afforded special protections through a number of management actions under both Alternatives II and III including the following:</p> <ol style="list-style-type: none"> <li>1. A phased approach to drilling which provides areas free from development at all times;</li> <li>2. Timing Limitations (TL) on when drilling can occur;</li> <li>3. A work activity management plan to reduce disruptive activities;</li> <li>4. Security habitat standards;</li> <li>5. TLs for bald eagle nests and roost sites;</li> <li>6. TLs for raptor nests;</li> <li>7. Disturbance-free buffer zones for mountain plover nests;</li> <li>8. Disturbance-free buffer zones for sage-grouse strutting/dancing grounds and timing limitations for nesting habitats; and</li> <li>9. Disturbance-free zones for sharp-tailed grouse strutting/dancing grounds and timing limitations for nesting habitats.</li> </ol> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on compression and water facilities, and prohibitions on surface water discharge and surface disturbing activities on sensitive soils.</p> <p>Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Thorsen, Ruth	<p>I oppose gas drilling in the Fortification Creek area as well as important watershed areas throughout the country. The potential impacts and irreversible damage should not be considered lightly. The Bureau of Land Management (BLM) is supposed to be a protective as well as administrative servant to the public interest of these lands. I call upon you as a citizen to do all in my and my fellow countrymen's interest to compete a full Environmental Impact Statement and envision what the impact of gas drilling means for the next three generations. Please protect the Fortification Creek area and protect the Wilderness Study Area with an expanded buffer zone that is off- limits to drilling, I implore you to keep natural gas development out of this sensitive area. (0496-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Blair, Dan & Janet	<p>The BLM's current proposal could allow the herd to decline from 219 animals to approximately 120. Studies in the Red Desert (with similar open range and scattered trees) have shown that elk abandon habitats within half a mile of a road. In the Powder River Basin, where tens of thousands of wells have already been drilled, and hundreds of thousands of acres of habitat already disturbed, this is just not acceptable. BLM plans presently include the same ineffective quarter-mile 'No Surface Occupancy' buffers, paired with two-mile restrictions on the timing of drilling and construction, that already have led to the disappearance of so many sage grouse populations in Wyoming. (0495-1)</p>	<p>Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p> <p>Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.</p> <p>Sage-grouse restrictions are consistent with WGFD requirements: Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>
Blair, Dan & Janet	<p>The BLM should consider an option that would allow no further coalbed methane development so as to maintain current values. The agency should consider an alternative that examines options such as letting coalbed methane leases expire, buying back leases, making exchanges for leases in other areas, or otherwise protecting large areas of elk habitat. (0495-2)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>
Blair, Dan & Janet	<p>The agency should designate Fortification Creek as an Area of Critical Environmental Concern and it should establish a Wildlife Habitat Management Area around the perimeter of the existing Wilderness Study Area. All citizens' proposed wilderness should be made off-limits to future oil and gas leasing. (0495-3)</p>	<p>Neither an ACEC nor a WHMA were designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be adequately protected with this RMPA/EA.</p>
Blair, Dan & Janet	<p>If BLM insists on allowing drilling in the area, here's what is Require a phased drilling approach. The BLM proposes phased development, but under its plan the agency could allow "deviations" from the phased development schedule, making so-called phased development nothing more than a feelgood illusion. (0495-4)</p>	<p>Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p> <p>Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.</p> <p>Sage-grouse restrictions are consistent with WGFD requirements: Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>
Blair, Dan & Janet	<p>Protect the Fortification Creek elk herd by expanding the Planning Area to include the entire elk yearlong range (not just the northern two-thirds) and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be (0495-4 cont'd)</p>	<p>The Planning Area boundary was chosen for two primary reasons</p> <p>The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary. BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Blair, Dan & Janet	outside the elk's yearlong range. Reduce traffic and noise with winter and calving restrictions and remote telemetry well-monitoring; prohibit diesel generators. Further, BLM must place a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels. (0495-5)	<p>Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.</p> <p>Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.</p> <p>Sage-grouse restrictions are consistent with WGFD requirements: Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>
Blair, Dan & Janet	Prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, further destabilizing sage grouse populations. (0495-6)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect approximately 50 percent of the area around the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.
Blair, Dan & Janet	Require low-impact water handling practices. BLM should require that all coalbed methane wastewater be injected underground where it cannot flood and kill cottonwood gallery woodlands that are key habitat features. The agency should not allow any discharge into rivers or creeks, which all provide sources of pristine water for wildlife. Companies can pipe produced water out of the Fortification Creek area to a location where it can be put to beneficial use. Require industry to minimize surface disturbance. (0495-7)	<p>Water discharge is regulated by the Wyoming Department of Environmental Quality (WDEQ) under the Wyoming Pollutant Discharge Elimination System (WYPDES), which has already granted a permit to discharge CBNG-produced water into FCPA drainages. The WDEQ has stated that "discharges above Powder River ambient total dissolved solid (TDS) and dissolved sodium concentrations require assimilative capacity credits, which limits the outfall. During August and September, operators have no allocation for TDS and are required to treat any direct discharges to Powder River ambient concentration or cease discharging. The remaining outfalls in the Fortification Creek drainage discharge to various types of on-channel reservoirs. The great majority of reservoirs in the Fortification Creek drainage are not allowed to discharge except in the event precipitation runoff causes the reservoir to fill and overtop, or the operator pursues a planned reservoir release and utilizes their assimilative capacity allotments to do so. The remaining Fortification Creek reservoirs are only allowed to discharge in the event precipitation runoff from a 50-year, 24-hour storm or greater causes the reservoirs to fill and overtop". (WDEQ 2008).</p> <p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Blair, Dan & Janet	Soils in Fortification Creek are highly erosive and difficult to reclaim. The BLM should require 160-acre well spacing and no disturbance on slopes steeper than 25 percent. (0495-8)	<p>Limited development may be authorized on slopes greater than 25 percent under the following conditions identified in the Draft FONSI for the Draft RMPA/EA:            Surface disturbance will not be authorized on slopes greater than 35%; Only linear features (roads, pipelines, electric lines, etc.) will be considered; An engineered reclamation plan acceptable to the authorized officer must be submitted with the project proposal; On slopes 25-30 percent, a maximum of 0.5 acre (21,780 square feet) total disturbance would be allowed per feature; and On slopes 30-35 percent, a maximum of 0.25 acres (10,890 square feet) total disturbance would be allowed per feature. If the operator cannot provide an engineered reclamation plan demonstrating to the authorized officer their ability to prevent soil erosion and their ability to successfully reclaim the area, then the proposed activities will not be authorized. Reclamation will be held to the following guidance (as per the Wyoming Policy on Reclamation (IM WY-90-231):</p> <p>A. The reclaimed area shall be stable and exhibit none of the following characteristics:</p> <ul style="list-style-type: none"> <li>i. Large rills or gullies.</li> <li>ii. Perceptible soil movement or head cutting in drainages.</li> <li>iii. Slope instability on, or adjacent to, the reclaimed area in question.</li> </ul> <p>B. The soil surface must be stable and have adequate surface roughness to reduce runoff and capture rainfall and snow melt. Additional short-term measures, such as the application of mulch, shall be used to reduce surface soil movement.</p> <p>C. Vegetation canopy cover (on unforested sites), production and species diversity (including shrubs) shall approximate the surrounding undisturbed area. The vegetation shall stabilize the site and support the planned post disturbance land use, provide for natural plant community succession and development, and be capable of renewing itself.</p> <p>D. This shall be demonstrated by:</p> <ul style="list-style-type: none"> <li>iv. Successful onsite establishment of species included in the planting mixture or other desirable species.</li> <li>v. Evidence of vegetation reproduction, either spreading by rhizomatous species or seed production.</li> </ul> <p>E. The reclaimed landscape shall have characteristics that approximate the visual quality of the adjacent area with regard to location, scale, shape, color and orientation of major landscape features and meet the needs of the planned post disturbance land use.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Strawn, Michael	<p>I believe that any drilling in the Fortification Creek area under the current alternatives would be a bad idea due to the significant impacts it would cause and probable irreversible damage without sufficient protection. Despite the numerous reasons to leave it intact, the Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement should be required. I ask BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Please also protect the Wilderness Study Area with an expanded buffer zone that is off limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. Industrial facilities like pits and compressors should be located outside the elk's yearlong range. I also urge the BLM to prohibit above-ground power lines, as they would destroy the scenic quality of the area and provide perches for raptors, which would further destabilize sage grouse populations. * prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; * require a robust phased drilling approach with strong standards and monitoring, and a non-negotiable ban on future permitting and development if thresholds are reached; * reduce traffic and noise with winter and calving restrictions and remote telemetry; * prohibit diesel generators; * and not weaken any protective stipulations that limit environmental impacts. Please keep natural gas development out of this sensitive area. (0497-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Macartney, Karen	<p>Please . . . Save Wyoming's Fortification Creek wilderness!! The Bureau of Land Management needs to do whatever it takes to keep natural gas drilling out of the spectacular Fortification Creek area. Your Help protect this wilderness, which provides critical habitat for pronghorn, bobcats, sage grouse, mountain lions and an isolated prairie elk herd. Please do what is right for our world. Keep natural gas drilling out of the Fortification Creek area (0498-1)</p>	<p>BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA the RMPA/EA will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Ramirez, Trudy	<p>If there is to be any development, your agency must prohibit any discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased-drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; reduce traffic and noise with winter and calving restrictions and remote telemetry; and, prohibit diesel generators. Lastly, the BLM must not weaken any protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area. (0499-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Fearneyhough, Jason Wyoming Department of Agriculture	<p>4.3A Vegetation Resources, page 4-39: The RMPA/EA currently states that authorized livestock grazing use will not be increased. The WDA strongly recommends that this be changed to "permitted use" to allow flexibility in management of livestock grazing. In addition, we recommend defining "authorized use" and "permitted use. (0133-1)</p>	<p>BLM is not analyzing grazing decisions in the Fortification Creek RMPA/EA. The use of "authorized" is correct in land use planning and how many and where livestock use is allocated/authorized. "Permitting" refers to the actual grazing permit.</p>
Fearneyhough, Jason Wyoming Department of Agriculture	<p>The WDA strongly recommends that the Buffalo FO add design features specific to livestock grazing management into the Fortification Creek RMPA/EA. Several oil and gas development projects throughout the state have successfully implemented features that reduce potential stress on livestock producers and livestock. We recommend adding the following to the appendices to increase communication and reduce impacts on livestock grazing management due to coal bed natural gas (CBNG) development:</p> <p>Hold annual meetings with grazing permittees to discuss project-specific impacts and required mitigation. CBNG operators will notify affected parties of proposed drilling and maintenance schedules during these meetings. Throughout the life of the project, if there are substantial changes additional meetings with livestock grazing permittees will be held.</p> <p>Provide livestock grazing permittees a map showing the location of all new well pads and access roads. (0133-2)</p>	<p>BLM appreciates these worthwhile suggestions but they are not appropriate for the RMPA/EA appendices. BLM could incorporate these suggestions into routine operations.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Fearneyhough, Jason Wyoming Department of Agriculture</p>	<p>Mitigate impacts to existing livestock water such that there are no adverse impacts to livestock management, water availability, or water quality.</p> <p>CBNG operators will repair fences, cattleguards, gates and natural barriers that are damaged by development actions. The design and installation of fences, cattleguards, gates and natural barriers will comply with current BLM construction regulations and standards.</p> <p>Control fugitive dust on all primary access roads and heavily used resource roads by utilizing BLM approved treatments or dust suppressants. CBNG operators will require contractors and employees to obey speed limits and support local law enforcement officials in enforcing speed limits to reduce fugitive dust concerns and livestock deaths, as well as for human health and safety reasons.</p> <p>The BLM, in coordination with livestock permittees, will monitor livestock movements and impacts occurring to livestock from roads or disturbance from construction and development activities. CBNG developers, in consultation with the BLM, will take appropriate and reasonable measures to mitigate any adverse impacts occurring to livestock or livestock grazing management. (0133-3)</p>	<p>BLM requires CBNG operators to construct reservoirs, wells, troughs, and pipelines to provide water in dry areas and to disperse grazing use. Additionally, the Preferred Alternative calls for operators to provide summer water sources for livestock and wildlife if current sources (permitted through the WSEO) become unavailable and that loss is directly attributable to development of CBNG. Water will be provided until those lost sources are again available and/or other permanent sources are developed.</p> <p>BLM has the following fence requirements in the RMPA/EA: Fences will be constructed to maintain wildlife mobility in important habitat areas. Fences on public land that are hindering natural movement of wildlife will be modified to conform to BLM standards. See BLM Handbook H-1741-1 for fence specifications.</p> <p>BLM has the following air quality requirements in the RMPA/EA: 1. Dust control measures will be required to increase visibility and reduce particulate impacts for all construction and other surface-disturbing activities.</p> <p>2. During construction, emissions of particulate matter from well pad and resource road construction will be minimized by application of water, or other dust suppressants, with at least 50 percent control efficiency. Roads and well locations constructed on soils susceptible to wind erosion could be appropriately surfaced or otherwise stabilized to reduce the amount of fugitive dust generated by traffic or other activities, and dust inhibitors (surfacing materials, non-saline dust suppressants, and water) could be used as necessary on unpaved collector, local and resource roads that present a fugitive dust problem. The use of chemical dust suppressants on BLM surface will require prior approval from the BLM-authorized officer (PRB O&amp;G Record of Decision [ROD], p. A-39; BLM 2003c).</p> <p>BLM recommends that operators consider livestock management while preparing the Master Surface Use Plan for their individual PODs and discuss livestock management with surface owners when working out surface use agreements. BLM would not be a party to any agreements made with private surface owners.</p>
<p>Inman, Katherine</p>	<p>Please keep the Fortification Creek area as safe habitat for plains elk by doing the following:</p> <p>Establish an Area of Critical Environmental Concern that encompasses all of the Fortification Elk Herd's yearlong range, not just the northern two-thirds; (0156-1)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be adequately protected with this RMPA/EA.</p>
<p>Inman, Katherine</p>	<p>Open less than twenty percent of elk yearlong range to drilling at any one time, and allow new areas to open up only after existing fields are completely returned to a natural state; (0156-2)</p>	<p>The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The security habitat standards used in Alternative II were originally recommended by the WGFD for use in the southern yearlong range. Alternative III, the preferred alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>The official WGFD comments indicate that although there are weaknesses with both alternatives that with stringent monitoring elk and other wildlife would be protected.</p> <p>The Fortification Elk herd is also protected by a number of management actions including:</p> <p>A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time,</p> <p>Timing Limitations on when drilling can occur, Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim.</p> <p>Performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Inman, Katherine	Close currently developed fields within elk crucial winter range or within 2 miles of sage grouse leks to all industryrelated vehicle traffic and human activity during the crucial season of wildlife use. (0156-5)	<p>One of the planning criteria is that the RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p> <p>Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>
Inman, Katherine	Place all citizens' proposed wilderness offlimits to future oil and gas leasing; (0156-4)	BLM inventoried roads within the FCPA in September 2010 and determined that with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics (Draft EA at 2-5). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal minerals outside the WSA have already been leased and therefore managing for wilderness characteristics does not meet the planning criteria identified in Draft EA. The RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
Pipen, Rita	I know that the BLM was very concerned about the elk habitat loss when it drafted the EA on the FCPA. I'm glad that they did. However, I notice that while in Alternatives II and III there is a prescription for habitat loss of elk secure and effective habitats, there was no mention of how the BLM was going to protect operators by giving each a fair allotment of this allowable loss. I know that BLM wants to look at the impacts on the animals, and that's important too. I just think they shouldn't lose sight of the fact that people depend on these lands too. Just make sure you address the human element in your final draft of the EA. (0157-1)	Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required. The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Toth, Donni & Greg	Require No Surface Occupancy for all mineral development and road construction in crucial elk winter range and calving areas as well as within 2 miles of sage grouse leks; (0159-3)	<p>One of the planning criteria is that the RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p> <p>Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15.</p> <p>Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Toth, Donni & Greg	Place a freeze on drilling and construction when elk numbers fall within 25 animals of Minimum Viable Population levels; (0159-4)	<p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana.</p> <p>Alternatives II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made.</p> <p>This alternative is performance based and will be closely monitored by BLM.</p>
Toth, Donni & Greg	Place all citizens' proposed wilderness off-limits to future oil and gas leasing; (0159-5)	<p>The federal minerals outside the WSA have already been leased and the RMPA/EA will recognize all valid existing rights (p. 1-6). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. The WSA is bounded by private property and constructed roadways. The BLM determined that there are no public lands outside the WSA with wilderness characteristics.</p>
Lewis, Thomas	Require No Surface Occupancy for all mineral development and road construction in crucial elk winter range and calving areas as well as within 2 miles of sage grouse leks; (0160-4)	<p>One of the planning criteria is that the RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. No surface occupancy requirements within the elk crucial ranges would encumber legal access to valid leases. There are 26 leases at least partially within the dual crucial ranges, overlapping crucial winter range and calving areas. Eleven leases are more than 75% contained within the overlapping crucial ranges. Directional and horizontal drilling technologies that could potentially allow development of the leases from outside of the crucial ranges has not been proven feasible within the PRB.</p> <p>Sage-grouse restrictions are consistent with WGFD requirements: Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15. Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Escudero, Michelle	requiring no surface use especially roads in calving areas and within 2-miles of sage grouse leks; (0162-3)	<p>One of the planning criteria is that the RMPA/EA will recognize all valid existing rights (p. 1-6). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. No surface occupancy requirements within the elk crucial ranges would encumber legal access to valid leases.</p> <p>There are 26 leases at least partially within the dual crucial ranges, overlapping crucial winter range and calving areas. Eleven leases are more than 75% contained within the overlapping crucial ranges. Directional and horizontal drilling technologies that could potentially allow development of the leases from outside of the crucial ranges has not been proven feasible within the PRB. Sage-grouse restrictions are consistent with WGFD requirements:</p> <p>Sage-Grouse - surface disturbing activities or surface occupancy is prohibited or restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks. Disruptive activity is restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15 - May 15.</p> <p>Surface disturbing activities are prohibited from March 15 - June 30 in suitable sage-grouse nesting and early brood-rearing habitat within mapped habitat important for connectivity or within 2 miles of any occupied or undetermined sage grouse lek.</p>
Escudero, Michelle	stop all development with the herd numbers drop to a dangerously low level of a viable population; (0162-4)	<p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers. Genetic interchange is not a primary concern as collared elk have interacted with other elk populations in the Rochelle Hills and along the Powder River in Montana.</p> <p>Alternatives II requires restriction on impacts to elk security habitat. Alternative III limits impacts to elk security habitat to 20% of the habitat in the FCPA. Additionally, the elk herd will be monitored to determine whether changes in development pace need to be made.</p> <p>This alternative is performance based and will be closely monitored by BLM.</p>
Escudero, Michelle	close current fields within winter range during calving and crucial use seasons; (0162-6)	<p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. An operations and maintenance plan is a vital component in meeting the performance standards. Some level of human visitation is necessary to ensure safe, efficient, operations and meet regulatory obligations. Operators have taken measures to reduce human visitation such as metering wells with radiotelemetry. However, even remote metering technologies do not eliminate the need for human visitation, some level of human activity is required because the remote-systems need to be checked, meters require periodic calibration, equipment needs to be inspected, etc.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p><b>BLM Must Consider A No Development Alternative in Addition to the Current Alternatives.</b></p> <p>In addition to the three alternatives currently being considered by BLM for implementation of this project, the BLM should also consider a fourth alternative, an alternative that addresses ways in which BLM could prohibit or at least discourage CBM development in the Fortification Creek area. As we discussed in our 2008 comments, there is no doubt that BLM has authority to take these kind of actions. This fact is also made clear in the analysis presented in Exhibit 2, which we have asked the BLM to fully consider. In addition, as discussed in detail in our 2008 comments, and as also addressed in section I of these comments, considering a no development alternative is within the scope of a properly defined purpose and need for this project. A properly defined purpose and need for this project must consider the need not only for allowing CBM development, but also the co-equal need of protecting the environment, as mandated by the almost innumerable federal environment statues BLM operates under. Thus, a no development alternative is fully within the proper scope and purpose and need for this project and it should be fully considered by BLM. (0309-17)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no development alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal mineral estate within the FCPA has been leased to private entities for the purpose of developing the oil and gas resources. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease. If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>
<p>Pendery, Bruce Wyoming Outdoor Council</p>	<p>BLM could pursue many options that would allow this alternative to be fully considered and in fact implemented. Lease buyout and trade could be pursued. these options have been utilized in the Rocky Mountain Front area in Montana and the Valle Vidal area in New Mexico, and are authorized by legislation that protected the Wyoming Range in Wyoming. So these are real, viable options. In addition, BLM could place leases in suspension pending the development of any needed lease trades or federal legislation allowing lease buyout. the EA makes it clear that leases in the Fortification Creek area are subjected to stipulations that insist on an acceptable plan being in place to protect elk and soil/vegetation resources before development will be allowed, so BLM has full authority to determine that the only acceptable plan will be one that does not permit development to occur, or which moves the development to areas besides Fortification Creek. (0309-17 cont'd)</p>	

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
<p>Form Letter 1 NRDC</p>	<p>Fortification Creek is the last remaining wild oasis in northeast Wyoming -- a remote 120,000-acre area that provides critical habitat for many wildlife species, including the declining sage grouse and the important Fortification elk herd, as well as pronghorn, bobcats, deer, mountain lions and more than 200 species of migratory birds. It is also prized for its hunting and recreational opportunities. I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations; discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. Last, BLM must not weaken any protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area. (0500-1)</p>	<p>The 100,665 acre Fortification Creek area provides crucial habitat for elk. There is one sage-grouse lek in the southern portion of the planning area and two just south of the planning area (reference Figure 3-9).</p> <p>Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected.</p> <p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no development alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal mineral estate within the FCPA has been leased to private entities for the purpose of developing the oil and gas resources. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
NRDC Form Letter 2	<p>I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. Last, BLM must not weaken any protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area. (0501-1)</p>	<p>A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no drilling alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p> <p>The Planning Area boundary was chosen for two primary reasons (1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the Controlled Surface Use (CSU) lease stipulation, requiring operators to prepare an acceptable mitigation plan, are based on this boundary. (2) BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.</p> <p>Under Alternative II, BLM would prescribe additional conditions including restrictions on water facilities, the amount of elk security habitat that would be maintained, and require a work activity management plan to address the frequency of well visitation. Under Alternative III, the CBNG company would be responsible for achieving BLM security habitat goals but there would not be specific restrictions on facility siting, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p> <p>The federal minerals outside the WSA have already been leased and therefore a buffer does not meet the planning criteria identified in the Draft RMPA/EA. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.</p> <p>Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. BLM only has the authority to mandate buried power on federal surface. The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only affect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades, which is the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.</p>
Coalition of Conservation Groups PRBRC, NWF, WWF, NRDC, TWS, WWA, WOC, BCA	BLM should consider site-specific bonding. BLM's blanket bonds are not adequate to ensure reclamation. (0503-6)	Reevaluating or changing bonding requirements is outside the scope of the Fortification Creek RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Coalition of Conservation Groups PRBRC, NWF, WWF, NRDC, TWS, WWA, WOC, BCA	BLM needs to establish an effective and enforceable long-term monitoring and mitigation plan for Fortification Creek. (0503-6)	<p>A monitoring and mitigation plan has been developed for the Fortification Creek Planning Area. Most methodologies are explained in the proposed wildlife monitoring plan (Appendix B). Methodologies were developed in consultation with the WGFD and the University of Wyoming. Previous versions of the monitoring plan were made available for public review including within the 2008 Draft RMPA/EA.</p> <p>Alternative III, the Preferred Alternative, retains at least 80% of the elk security habitat (limits impacts to no more than 20%). This alternative is performance based and will be closely monitored by BLM. BLM will only authorize additional drilling if BLM determines that the security habitat standard has been met.</p> <p>If funding is not available for monitoring, BLM will not be able to determine compliance and would, therefore, not be able to evaluate additional development.</p>
Coalition of Conservation Groups PRBRC, NWF, WWF, NRDC, TWS, WWA, WOC, BCA	BLM needs to analyze greenhouse gas emission and consider alternatives to prevent the waste of methane resources. (0503-6)	<p>The Council on Environmental Quality's Draft NEPA Guidance on the Consideration of the Effects of Climate Change and Greenhouse Gas Emissions suggest that agencies consider an evaluation if the proposed project will result in 25,000 metric tons per year of GHGs. This suggestion is not a minimum level that will trigger a NEPA analysis, but guidance, leaving discretion to the agency.</p> <p>Potential emissions for the Preferred Alternative, are far less than 1 percent of US GHG emissions and 0.01 percent of Wyoming GHG emissions. In terms of what could trigger a NEPA analysis, the Preferred Alternative is estimated to produce 7,384 metric tons over the life time of the project. This is far less than the 25,000 metric tons per year suggested by CEQ.</p> <p>There is some venting of gas at gas wells in the FCPA, but no flaring. The gas companies try to minimize venting, as it is a loss of gas and therefore profits. EPA's Natural Gas STAR program not only suggests control technologies that can be used to reduce GHGs but also lists the oil and gas companies that have partnered with EPA in this program. More than 40 percent of the leases in the FCPA are held by companies in this partnership.</p> <p>Review of the Draft Inventory of Greenhouse Gas Emissions and Sinks (EPA 2011) indicates that total Greenhouse Gasses (GHGs) from all sources in the U.S. was 6,639.7 million metric tons in 2009. The total GHGs from all sources in Wyoming is 56 million metric tons. Estimated emissions for the Preferred Alternative are approximately 0.0001 percent of U.S. and 0.0033 percent of Wyoming GHG emissions.</p>
Coalition of Conservation Groups PRBRC, NWF, WWF, NRDC, TWS, WWA, WOC, BCA	BLM need to consider wilderness characteristics of the Fortification Creek area. (0503-6)	<p>An alternative managing for the preservation of wilderness characteristics outside the WSA was not included because with the exception of the WSA, no other public lands within the FCPA possess wilderness characteristics. The boundary of the WSA is determined by private lands and road ways (WWA 2004). BLM inventoried 33,280 acres within the Fortification Creek Unit (WY-060-24) in 1978 (BLM 1978) and re-inventoried 28,100 acres in 1979 (BLM 1979). The 1979 inventory identified additional roads and intrusions not discovered in the initial inventory, concluded that 12,419 acres possessed sufficient wilderness characteristics to warrant further study, and recommended the 12,419-acre portion to be approved as a WSA (BLM 1979). BLM has managed the WSA to preserve its wilderness characteristics. The remainder of the unit has been managed for multiple uses including mineral development.</p> <p>BLM updated the wilderness inventory in preparation of this PRMPA/EA (BLM 2011) (Appendix D). The road inventory indicates that the areas determined not to possess wilderness characteristics in 1979 do not possess wilderness characteristics today. Most of the roads in the Fortification Creek area were constructed for conventional oil and gas exploration during the 1970s. Many continue to be used for livestock management, hunting, and fluid mineral activities.</p>
Coalition of Conservation Groups PRBRC, NWF, WWF, NRDC, TWS, WWA, WOC, BCA	BLM needs to consider foreseeable impacts of using CBM wells for microbial conversion of coal. (0503-6)	Evaluation of using CBM wells for microbial conversion of coal is outside the scope of the Fortification Creek RMPA/EA.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Coalition of Conservation Groups PRBRC, NWF, WWF, NRDC, TWS, WWA, WOC, BCA	BLM needs to consider all new information and data related to elk movement and habitat impacts. (0503-6)	BLM has and continues to consider relevant existing and new data regarding elk movement and habitat impacts. BLM works with the University of Wyoming and the WGFD to monitor elk and habitat.  Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Guise, Elizabeth	<p>Fortification Creek is the last remaining wild oasis in northeast Wyoming -- a remote 120,000-acre area that provides critical habitat for many wildlife species, including the declining sage grouse and the important Fortification elk herd, as well as pronghorn, bobcats, deer, mountain lions and more than 200 species of migratory birds. It is also prized for its hunting and recreational opportunities. I oppose any drilling in the Fortification Creek area under the current alternatives, which would cause significant impacts and irreversible damage without sufficient protection. The Bureau of Land Management (BLM) did not even consider a "no drilling" proposal. Without additional protections and meaningful, enforceable mitigation, a full Environmental Impact Statement must be completed. BEFORE YOU MAKE A DECISION, YOU MUST SEE THE DOCUMENTARY "GASLAND" TO LEARN WHAT FRACKING DOES TO OUR WATER SUPPLY, AIR, EARTH AND IN TURN, FOOD SUPPLY. ELIMINATE THE CHEMICAL TOXINS AND CARCINOGENICS. YOU WILL (WE ALL WILL) EVENTUALLY BE DRINKING WATER THAT CONTAINS THESE SUBSTANCES- THAT WILL CAUSE OUR EARLY DEMISE. LEAVE FORTIFICATION CREEK ALONE. I urge the BLM to protect the Fortification Creek elk herd, expand the Planning Area to include the entire elk yearlong range and crucial elk area, and minimize any loss of habitat necessary for the herd's survival. Industrial facilities like pits and compressors should be outside the elk's yearlong range. BLM must also protect the Wilderness Study Area with an expanded buffer zone that is off-limits to drilling, and designate an Area of Critical Environmental Concern or a Wildlife Habitat Management Area with meaningful restrictions. I also urge the BLM to prohibit above-ground power lines, which destroy the scenic quality of the area and provide perches for raptors, which will further de-stabilize sage grouse populations. discharge of produced water to Fortification Creek or any ephemeral creeks; require a robust phased drilling approach with strong standards and monitoring and a non-negotiable ban on future permitting and development if thresholds are reached; reduce traffic and noise with winter and calving restrictions and remote telemetry; and prohibit diesel generators. Last, BLM must not weaken any protective stipulations that limit environmental impacts. Once again, I call on you to keep natural gas development out of this sensitive area. (0502-1)</p>	<p>The evaluation of fracking is beyond the scope of the Fortification Creek RMPA/EA. Drilling and production techniques will be evaluated as part of the POD NEPA analysis. Water with chlorine could be used for fracking in the PRB. Additionally, Wyoming has a law that requires disclosure of the components of the fracturing fluid.</p> <p>The 100,665 acre Fortification Creek area provides crucial habitat for elk. There is one sage-grouse lek in the southern portion of the planning area and two just south of the planning area (reference Figure 3-9). Both action alternatives evaluated in this RMPA/EA would allow CBNG development, while providing protection of steep slopes, fragile watersheds, and crucial elk habitat. Alternative II uses a prescriptive approach while Alternative III follows a performance based approach with standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. A full range of reasonable alternatives were evaluated in the Draft RMPA/EA. A no development alternative does not meet the planning criteria identified in Draft RMPA/EA because BLM will recognize all valid existing rights (p. 1-7). The BLM's 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The federal mineral estate within the FCPA has been leased to private entities for the purpose of developing the oil and gas resources. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.</p> <p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are measures in place for the protection of, steep slopes, fragile watersheds, and wildlife resources including elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	LOG believes BLM can effectively balance the needs of area's varied interests by continued management under the existing lease stipulations in combination with the following measures set out in Alternatives II and III: Phased natural gas Development (Alternatives II and III); Performance Based Adaptive Management (Alternative III); Performance Based Slope and Soil Conservation (Alternative III); Performance Based Water Management Facilities (Alternative III); Water Sources; Stock Tanks (Alternative II and III); Performance Based Well Visitations (Alternative III); Performance Based Compressors (Alternative III), and Performance Based Overhead Power (Alternative II). (0504-1)	Thank you for the recommendation, BLM shall consider it while developing the proposed final RMPA/EA.
Bell, Brooke Lance Oil & Gas Company	Alternative II or III, if adopted in its entirety, contain overly prescriptive measures, some of which may violate LOG's existing lease rights. (0504-2)	<p>The RMPA/EA honors valid existing lease rights; natural gas development will be regulated under the terms and stipulations of the existing leases. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts.</p> <p>BLM determined that Alternatives II and III present two reasonable alternatives. Alternative III provides for a performance based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Bell, Brooke Lance Oil & Gas Company	None of the measures being proposed by the BFO require a plan amendment, particularly in light of the lease stipulations included in the vast majority of LOG's leases, along with timing limitation stipulations and controlled surface use stipulations. These measures provide ample means by which the BFO can fully mitigate any potential impacts to the transplanted elk herd while allowing natural gas development. Further, although the BFO's EA recognizes these mitigation measures, the BFO does not appear to have taken these measures fully into consideration in its analysis. (0504-3)	<p>A plan amendment is required for several reasons:</p> <ol style="list-style-type: none"> <li>(1) the original Buffalo Resource Area (BRA) Resource Management Plan (RMP) Record of Decision (ROD) did not consider the level of CBNG development that is currently anticipated;</li> <li>(2) BLM prohibited overhead power lines on Federal surface land within the FCPA in the BRA RMP;</li> <li>(3) BLM and the WGFD have gathered additional information regarding the population levels and crucial winter and parturition (calving) ranges of an isolated elk herd within the FCPA;</li> <li>(4) an ACEC for the FCPA was proposed by citizen groups. Additionally, BLM Handbook 1601-1 states that new decisions are required if "VI. A. 2" there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts "VI.B.2". Changes in intensity of use or impact levels for a particular resource 4. public comment or staff assessment indicating that new information or changed circumstances warrant a reconsideration of the appropriate mix of uses on particular tracts of public lands;</li> </ol>
Bell, Brooke Lance Oil & Gas Company	LOG supports a management plan that allows natural gas development under the terms of the existing lease rights and stipulations in combination with phased development. (0504-4)	The RMPA/EA honors valid existing lease rights; natural gas development will be regulated under the terms and stipulations of the existing leases. Many leases within the FCPA carry a Controlled Surface Use stipulation which states surface occupancy or use within the Fortification Creek Area will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts. BLM maintains this RMPA/EA represents the means to achieving an acceptable plan for the mitigation of anticipated impacts. Phased development is a compatible and important component of the plan.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	Although BLM has provided information regarding the potential royalty and tax revenues generated by each alternative, the information as presented by BLM does not provide as much clarity as it could with regard to the potential loss of revenues should BLM adopt either Alternative II or III. LOG suggests BLM revise Table 4-41 (Page 4-149) to include the incremental reductions between Alternatives. (0504-5)	Table 4-41 provides appropriate and adequate information for the reader to easily see the differences between alternatives. The table displays the differences in potential revenue between the alternatives.
Bell, Brooke Lance Oil & Gas Company	Table ES-1 (Page ES-5) of the Executive Summary should also be revised to show not only the well decrease, but the associated revenue decrease, in light of the BLM identified major negative impact for the "Fluid Minerals Management" category when adopting a management action under Alternatives II or III. (0504-6)	The increase in revenue was added to Table ES-1.
Bell, Brooke Lance Oil & Gas Company	LOG believes BLM's estimate of 400,000 mcf/well (0.4 BCF) total gas production results is an under valuation of the CBNG reserves for the FCPA and further results in an under estimation of royalty and tax revenue generated by the alternatives. (0504-7)	The RMPA/EA utilized the PRB FEIS Reasonably Foreseeable Development. Compiling a new Reasonably Foreseeable Development Scenario would necessitate a new NEPA analysis.  400,000 mcf/well is an average.
Bell, Brooke Lance Oil & Gas Company	In the final EA and Decision Record, BLM must provide clarity on the adaptive management process that will be undertaken should performance based standards be exceeded as a direct result of CBNG activities. LOG understands the uncertainty regarding predictive models and how the environment will ultimately respond to CBNG development. Equally important to recognize is the uncertainty that adaptive management creates for business decisions and deployment of capital to projects. As such, any adaptive management process must be primarily based on application of incremental changes in management actions rather than sudden job, revenue, and investment destroying actions - such as the immediate cessation of development activity. Denying or deferring well approvals should only occur under limited circumstances and in keeping with applicable statutes and regulations. The circumstances under which such drastic actions could occur must be clearly disclosed. Furthermore, the adaptive management process must also take into consideration the fact that all results might not be negative, in which case BLM should allow for increased development pace. (0504-8)	BLM agrees that clarity is important. BLM also recognizes that there are uncertainties in the predictive models and how the environment will respond. As stated in Appendix B, monitoring data will be reviewed to assess trends and determine if any thresholds have been crossed. The thresholds are guides for adaptive management. If a threshold is crossed it will not be automatic that management actions will change.  Additional well proposals may be denied or deferred, if a performance standard threshold is crossed. Any denials or deferrals will be in accordance with applicable statutes and regulations.  BLM acknowledges that adaptive management should be bilateral, that is to allow for increased development when supported by the monitoring data. The performance based standards of Alternative III allow for flexibility and adaptation. If the monitoring results indicate the elk are acclimating to CBNG activity then the security habitat standard may be adjusted allowing for additional CBNG development.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	<p>Within the alternative description found in Chapter 2 (FCPA Draft RMP NEA 2.2.1 - 2.2.3, Page 2-4) the following statements with regard to slope restriction are inconsistent with the language found in the vast majority of LOG's leases. In addition, BLM is not taking into account LOG's demonstrated ability to mitigate potential impacts from development on steep slopes and erosive soils through successful reclamation:</p> <p>Alternative I - "Surface-disturbing activities on slopes greater than 25 percent and on erosive soils would not be allowed, but there could be exceptions.",</p> <p>Alternative II - "Development would not be allowed on highly erosive soil or slopes greater than 25 percent.", and</p> <p>Alternative III - "Surface-disturbing activities on slopes greater than 25 percent and on erosive soils would not be allowed, but could be exceptions." (0504-9)</p>	<p>The BFO RMP states "SWAM-3 Prohibit surface disturbance or occupancy on slopes of more than 25% (see Map 12) unless the prohibition is waived by the authorized officer." The 2001 RMPA reiterated the slope restrictions: Surface occupancy and disturbance will not be allowed on slopes of 25% or more (281,100 acres). and No surface disturbance or occupancy will be allowed in areas of severe erosion from March 1 until June 15. As they are needed, conservation practices and state of Wyoming best management practices will be applied to surface-disturbing activities. Approximately 1,819,000 acres in the resource area have been identified as having severe erosion.</p> <p>Slope restrictions similar to the Alternative I are incorporated into many of the leases. Lease stipulations are identified in Appendix G. Alternatives I and III provide for the operator's ability to develop steep slopes and highly erosive soils. Operators should be able to prepare acceptable reclamation plans based upon their previous "successful" experiences.</p>
Bell, Brooke Lance Oil & Gas Company	<p>In Alternative I (FCPA Draft RMPAEA Page 4-19), BLM proposes restrictions that will not authorize surface disturbance on slopes greater than 35 percent and limits surface disturbance to only linear features on slopes greater than 25 percent. These statements pre-judge the operator's ability to mitigate potential impacts and set standards greater than those in the existing leases. Proposed measures in Alternative II that prohibit exceptions for surface disturbance on slopes greater than 25 percent and that limit application of exceptions to linear features are in direct conflict with the existing lease stipulations and are contrary to operators' current abilities to mitigate impacts (FCPA Draft RMPNEA Page 4-21). BLM's overly restrictive proposal for slopes between 25 and 35 percent that limit the maximum total disturbance for linear features in Alternative III is in conflict with the existing lease stipulations and does not provide for evolving technology and collaboration between the SMA and the lease holder (FCPA Draft RMPNEA Page 4-23). (0504-10)</p>	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range.</p> <p>Alternative I continues with existing RMP direction, alternative II manages soils through a prescriptive approach, and alternative III provides for a performance based approach. BLM is basing slope restrictions on past performance by gas companies on BFO managed leases where even with engineered designs, slopes were actively eroding.</p> <p>Alternative III provides for development and therefore is not in conflict with existing lease stipulations. BLM is always interested in evolving technology that can help achieve both BLM and developer goals. The performance based approach of alternative III can accommodate technological advancements.</p>
Bell, Brooke Lance Oil & Gas Company	<p>Through the application of sound engineering design and reclamation plans, mitigation of any potential impacts to slopes exceeding 25 percent can be achieved. LOG requests that BLM provide for flexibility in the protection of slopes as contemplated by the existing lease stipulations and revise the document to allow BLM and LOG to develop a collaborative solution as contemplated by Lease Notice No.1. (0504-11)</p>	<p>The Draft RMPA/EA for Fortification Creek accommodates and encourages collaborative solutions by providing allowances for development on steep slopes under Alternatives I and III.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	In the final EA and Decision Record LOG requests that BLM implement a secure habitat loss allocation plan. Under such a plan each operator must be allocated an established percentage of the total allowable secure habitat loss. This is especially crucial in the event BLM adopts the prescriptive approach of Alternative III. Operators must be permitted to determine the timing and location of those losses in order to facilitate the greatest recovery of coalbed methane resources. LOG suggests that the allocations to operators be proportional to the percentage of total habitat category (Le. winter crucial secure, parturition secure or yearlong secure) directly impacting each operator's respective total lease hold position within elk habitats in the FCPA. LOG also requests that BLM jointly work with operators to develop such a plan. (0504-12)	The preferred alternative would retain at least 80% of the elk security habitat within the FCPA and within each of the three geographic phases. This allocation approach provides for development within each of the geographic phases.
Bell, Brooke Lance Oil & Gas Company	The draft EA provides that; "One year of successful interim reclamation, which may include livestock grazing deferment, would be required prior to proceeding to the next development area." (Page 4-23) However, given that the basis for the tri-phase development plan is tied to elk avoidance of CBNG activities at the development stage, the document does not provide a scientific basis linking the timing of movement between phases with reclamation success. Moreover, the existing science does not appear to support BLM's position. BLM states in its 2007 Environmental Report (Report) that;"Vegetation is not a primary factor in the observed elk avoidance of wells and roads." (Page 13) The report further states that; "Vegetation and topography are not the predominate factors in determining elk movements. Human activities associated with mineral activities are having the greatest influence on elk habitat selection." (Page 25) It is clearly evident in the Report that vegetation is not a primary factor in elk use within developed CBNG areas; thus, LOG believes BLM has not validated the necessity for delays between phases. As such, LOG requests that BLM allow operators to move immediately to a successive phase upon completion of all drilling and infrastructure installation within a current working phase as soon as recontouring and reseeding has taken place as more fully set out in the subsequent paragraph. (0504-13)	<p>One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range.</p> <p>Alternative I does not regulate development pace, Alternative II includes one year of successful interim reclamation prior to proceeding to the next phase, and Alternative III requires the identified reclamation standards to be met prior to proceeding to the next phase. If the reclamation standards are met, then there is no delay between phases. First year disturbances must be seeded and stabilized. Stabilization and revegetation standards reduce erosion and lead to a quicker restoration of native habitats.</p> <p>The tri-phase development plan was primarily crafted for elk, to provide habitat secure from disruptive activity. However, successful reclamation is also important to ensure large areas of surface disturbance are not left in unstable or unvegetated states which would then require additional reclamation work potentially disruptive to the elk.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	As BLM finalizes the document, it will need to resolve the inconsistencies within Chapter 4 and Appendix B regarding the described elk secure and effective habitat loss goals. In Chapter 4 BLM states; "Security habitat and effective habitat also would be maintained at 80 percent or greater levels within both crucial and yearlong ranges. (Page 4-68) This is in direct contrast to Appendix B where BLM states; "Monitoring data will be reviewed quarterly to assess trends and determine if any thresholds have been crossed. The thresholds are guides for adaptive management they are not hard thresholds." requests that BLM revise verbiage in Chapter 4 specifically stating that thresholds associated with the performance based approach are not hard thresholds. LOG believes any performance based adaptive management approach must provide flexibility, which can not occur if the BLM adopts hard thresholds. (0504-14)	The preferred alternative uses performance standards to ensure that steep slopes, fragile watersheds, and crucial elk habitat are protected. All performance standards must be achieved to BLM satisfaction in order to remain within compliance.  Performance standards will be reviewed prior to each POD authorization. BLM will respond in accordance with the monitoring results, potentially tightening management but also relaxing management restrictions where appropriate. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to the BLM's satisfaction.
Bell, Brooke Lance Oil & Gas Company	Table 3-13 Estimated Number of Existing and New CBNG Wells - Powder River Basin.  When adding the "High" (80,000), "Moderate" (50,000), and "Low" (38,000) categories in the "Number of Wells 2010" column the total equated to 168,000 CBNG wells in the Powder River Basin Wyoming portion of the basin. This figure is excessive when compared to actual number of recorded wells in the tri-county area (Johnson, Campbell, and Sheridan Counties) of 27,500. BLM should revise the Table 3-13 well estimates and subsequent analysis based on the potentially erroneous estimate. (0504-15)	Well count estimates and the locations of proposed roads are used as a means for analyzing the impacts of each alternative. This was clarified in the text.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	4.3.5 and Appendix B  BLM states that; "the performance based monitoring requires the monitoring of elk return" and then sets the standard as; "During the operational phase of CBNG wells elk use returns to 80% of current levels" BLM needs to define, "during the operational phase" and indicate when in the life expectancy of the operational phase that elk returns will be required to meet the stated goal. The Carr Draw IVEA and other EAs addressing elk recently completed by BLM cite research indicating that elk returns will be at 50% or less (Hayden-Wing Associates 1990). BLM did not cite the Hayden-Wing Associates reference in the new document, therefore, we question if BLM has postulated an unachievable metric contrary to relevant scientific information. LOG requests that BLM adopt the 50% standard given that the WSA and other lands that remain undeveloped due to terrain inaccessibility provide sufficient compensatory acreage for elk habitation. (0504-16)	The standards for elk use (fidelity) and habitat effectiveness are defined (Appendix B p. 1). The standards were developed in cooperation with the WGFD and received independent review by the UW, industry, and private wildlife consultants (including Hayden-Wing Associates).  All performance standards must be achieved to BLM satisfaction in order to remain within compliance. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to the BLM's satisfaction.
Bell, Brooke Lance Oil & Gas Company	4.4.3.2 "Some mitigation measures could include requiring operators to provide payment or resources for county road maintenance, such as dust suppression." BLM does not have authority to require off-site mitigation and this statement should be stricken from the document. (0504-17)	BLM is responsible under the NEPA for analyzing impacts to the human environment from proposed federal actions, that was done in transportation section (4.4.3.2). Following is the full text of CEQ, Forty Most Asked Questions, 46 Fed. Reg. 18026 (Mar. 23, 1981) (Question 19b) 19b. How should an EIS treat the subject of available mitigation measures that are (1) <b>outside the jurisdiction</b> of the lead or cooperating agencies, or (2) <b>unlikely</b> to be adopted or enforced by the responsible agency  A. All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to [46 FR 18032] alert agencies or officials who can implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation.
Bell, Brooke Lance Oil & Gas Company	Appendix A - I  "If necessary to ensure timely re-vegetation, the well pads and associated surface disturbance will be fenced to BLM standards ... " Due to small scale operations of CBNG development this is not feasible, this is more common for larger conventional drilling operations. Additionally, it should only be required when highly unusual or uncertain circumstances exist. LOG suggests the following language instead: <i>"Fencing of these disturbances will not normally be required. When fencing is required it will be fenced to BLM standards to exclude livestock for the first two growing seasons or until the seeded species becomes firmly established, whichever come later. "</i> (0504-18)	The purpose of the paragraph the statement was taken from is to provide examples of potential reclamation plan components to meet the performance standards. The reclamation plan is the requirement not fencing. The paragraph will be edited to clarify that fencing is not a requirement.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	Appendix A - II  "BLM will perform follow-up monitoring on a percentage of the sites annually to ensure compliance, as well as to ensure quality control to maintain the integrity of the data." BLM needs to determine and disclose in Appendix A the percentage of sites slated for annual follow up monitoring and the basis for that percentage in order to qualify the statement made that the follow up monitoring will maintain the integrity of the data. The monitoring must assure that follow-up monitoring will be held to the same standards, dates and within the same two weeks every year for every follow up site. Additionally, BLM needs to include in Appendix A more defined parameters for the follow up monitoring in order to determine if it will be an effective process to ensure quality control, compliance, etc. (0504-19)	BLM will perform follow up monitoring on a minimum of 10% of the sites. BLM will follow the same monitoring standards as industry.
Bell, Brooke Lance Oil & Gas Company	Appendix A - II  "Monitoring sites will be located in each ecological site present within the disturbance." BLM needs to disclose if the ESD is going to be solely determined by the NRCS soil surveys. Additionally, to what degree will micro-sites to be used as ESD's on a disturbed site. These are not clearly defined in Appendix A and are left open to interpretation. (0504-20)	The NRCS ESD is the starting point, the onsite investigation will confirm or identify the correct ESD.
Bell, Brooke Lance Oil & Gas Company	Appendix A - II  "Monitoring and reporting of reclamation will be required from the time reclamation is initiated until success is achieved and agreed to by BLM." "Agreed to by BLM" indicates successful reclamation can be met, however BLM can still require ongoing monitoring and reporting. LOG suggests that the verbiage "Agreed to by BLM" be stricken; otherwise there is no definable standard for reclamation success. Furthermore, "success" should be tied to a defined set of measurable standards. Once those standards are met approvals to cease monitoring should be granted. Use of measurable standards will also allow use of third party inspectors to approve final reclamation. (0504-21)	Defined measurable reclamation standards have been identified in Appendix A and repeated in Appendix B.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	Appendix A - II  Overall requirement that photographs of each site be taken within 2 weeks each year. LOG believes this two-week timing standard is excessive and questions its usability. Variations in climate from year to year would not guarantee the same conditions will be present every year. Additionally, the amount of photo-documentation is excessive. If monitoring (basal cover, canopy cover, species diversity and soil stability) is required, the level of photo-documentation in this section should not be needed. BLM must disclose in the EA the benefits derived from this level of photo-documentation with the time and costs associated with this level of documentation for both the operator and BLM. (0504-22)	Photos should be taken as near the same time each year as possible, within two weeks is the preference. Photographs require minimal time and costs while supplying a permanent and objective record. Photographs compliment, and can be used later to verify, the other data collected (basal cover, canopy cover, etc.).
Bell, Brooke Lance Oil & Gas Company	Appendix A - III  "The operator will submit a subsequent report by Sundry Notice to BLM once stabilization measures have been implemented. This initiates the reclamation timeline." BLM needs to define what the sundry notice will cover (e.g. well pad, each discrete site, an entire section, etc.) (0504-23)	Sundry notices pertain to leases. The sundry notice should include the well pads and all associated infrastructure on a lease.
Bell, Brooke Lance Oil & Gas Company	Appendix A - III  Descriptions and use of nomenclature for "Year I", "Year 2", and "Year 3". LOG suggest that BLM clarify that Year 1 equates to first growing season, Year 2 to the second growing season and Year three to the third growing season. This is a defined time frame when considering reclamation success and would not be confused with one year following site stabilization. (0504-24)	BLM will clarify that this is growing season.
Bell, Brooke Lance Oil & Gas Company	Appendix A - III  "Native Shrubs: Reclaimed sites must have a minimum of 1 native shrub within the overall data summary." Private surface owners may not include forbs/shrubs in seed mixes. As such, BLM needs to qualify that these specific species standards are for BLM surface. Private surface standards must reflect private surface seed mixes. (0504-25)	BLM has already stated in the RMPA/EA in Section 4.4.1.3 that reclamation on private lands is negotiated between the landowner and CBNG operator and may be less stringent in terms of plant species composition, cover, and/or structure.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	Appendix A - III  "Weeds: Sites must be free of all listed species on the County, Wyoming or Federal noxious weed list ... Other ... species such as cheatgrass and halogeton will not exceed 5% of the basal cover." Requiring non-noxious weed populations to be less than 5% is not practical, specifically for areas where the background vegetation has higher than 5% of invasive non-native species. When adjacent undisturbed lands contain invasive species at densities greater than 5% operators should not be held to the 5% standard. LOG also request that in a fashion similar to the lists for noxious weeds that all other invasive species requiring control be listed. (0504-26)	Reducing the spread of noxious weeds is a management action common to all alternatives. Because this is a current management action, operators should not be surprised by this.
Bell, Brooke Lance Oil & Gas Company	Appendix A -IV  "The success criteria for reclamation were derived by taking 65% of the numbers listed in the ESDs. This would be equivalent to a rangeland in a mid-seral stage, or within "good" condition class."LOG is unaware of evidence that a mid-seral stage or good condition class can be achieved within 3 years. BLM should review scientific evidence or more appropriately conduct a statistical review of recent reclamation that has occurred in the Powder River Basin to determine the appropriate seral stage or condition class commonly found at year 3 reclamation. (0504-27)	BLM consulted with the NRCS in developing the success criteria. The University of Wyoming, Conservation Districts, industry and independent reclamation specialists all reviewed the reclamation criteria. BLM believes it has identified the appropriate reclamation success criteria. Seeded areas would likely have higher basal area and canopy cover than nearby undisturbed native communities. The adaptive management approach allows for modifications to the reclamation success criteria if BLM determines that they are necessary.
Bell, Brooke Lance Oil & Gas Company	Appendix A - VI  "VI. BLM Monitoring Protocol & Methodologies" It is unclear if the protocols and methodologies in this section are specific to BLM's efforts or if it will be required of the operators. Additionally, LOG suggests that BLM allows enough flexibility to evaluate other monitoring methodologies that may prove to be equally effective yet more cost efficient. (0504-28)	BLM will clarify monitoring responsibilities. BLM is always open to new or other methodologies that achieve BLM goals.
Bell, Brooke Lance Oil & Gas Company	Appendix A - VI "ii. a. Well locations"  This section would require sampling using the line-intercept method to consist of 400 points (4 transects 100 feet long). LOG question if this is practical for small CBNG locations. BLM needs to clarify how they are going to deviate when they can't get a full 100 points in each direction - as they will be off of most CBNG well pads at point 75. Also, there is a need to clarify how to sample on locations with no pad or no slot - only the digging of pits which would be surface disturbance of approximately 10 feet x 60 feet. (0504-29)	BLM will clarify in the text.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Bell, Brooke Lance Oil & Gas Company	<p>General Comment</p> <p>BLM must clarify in the final document that the well count estimates used in the document serve only as a means for analyzing the impacts of each alternative and will not be used as well location count limitation for natural gas development. This position is wholly in keeping with relevant decisions from the Interior Board of Lance Appeals regarding the nature of reasonably foreseeable development scenarios. Wyoming Outdoor Council, 176 IBLA 15 (September 11,2008). (0504-30)</p>	<p>Well count estimates and the locations of proposed roads are used as a means for analyzing the impacts of each alternative. This will be clarified in the text. Also include that the estimates are of potential well locations and not wells themselves as multiple wells may be drilled at a single location each targeting a different coal seam.</p>
Anderson, Shannon Coalition of Conservation Groups	<p>BLM's reliance on existing leases and the "rights" they bring is misplaced...the 2003 PRB EIS did not analyze the environmental impacts, particularly cumulative impacts, of CBM development in the unique Fortification Creek Area. Thus, a supplement to the 2003 PRB EIS is needed before leases can be used for CBM development. (0505-1)</p>	<p>BLM evaluated cumulative impacts to the elk habitat throughout the Fortification Creek elk range. Please see the cumulative impacts section of Section 4.3.5.</p>
Anderson, Shannon Coalition of Conservation Groups	<p>BLM's FONSI is not scientifically defensible. BLM must reduce impacts to insignificance in a modified preferred alternative or proceed with an EIS...BLM's discussion of the CEQ significance factors is flawed. The "context" and "intensity" of this project clearly warrant an EIS. BLM's discussion of the CEQ significance factors is flawed. The "context" and "intensity" of this project clearly warrant an EIS. (0505-2)</p>	<p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts.</p>
Anderson, Shannon Coalition of Conservation Groups	<p>The direct, indirect, and cumulative impacts to the Fortification elk herd from the proposed action and other recently permitted projects are significant...The cumulative loss of effective habitat for the elk herd is significant. (0505-3)</p>	<p>If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts.</p> <p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers.</p>
Anderson, Shannon Coalition of Conservation Groups	<p>Potential population loss is significant. BLM has set arbitrarily chosen thresholds with no scientific certainty that the agency will be able to protect enough habitat to maintain a viable elk herd..BLM must analyze the significant impacts that will result from population crash or extirpation through an EIS. (0505-4)</p>	<p>A performance standard is in place to maintain the elk population at 80% or greater of the WGFD population objective (pg. B-1). The elk population will be monitored to determine whether changes in development need to be made. If the population standard is not met and BLM determines it is necessary, then permitting of additional drilling and construction will be stopped until the population recovers.</p>
Anderson, Shannon Coalition of Conservation Groups	<p>Impacts to local sage-grouse populations will be significant. (0505-6)</p>	<p>At issue in the FCPA is the geographically isolated elk herd. Ranges of sage-grouse, mule deer, pronghorn, prairie dogs, and other species are much greater than the Fortification Creek Planning Area; they are managed and monitored in accordance with the PRB FEIS ROD.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anderson, Shannon Coalition of Conservation Groups	Impacts to soils and vegetation will be significant...BLM must adopt Alternative II's prohibition of development on slopes greater than 25%, in areas with poor reclamation potential, or in areas that are subject to high or severe risks of erosion. However, even under that Alternative, significant impacts may result from BLM's actions, and an EIS is warranted..78.5% of soils in the FCPA have a severe soil erodibility rating, 83.4% of the FCPA has severe erosion hazard potential, and 58.7% of the FCPA has poor reclamation potential. Tables 3-2, 3-3, and 3-4. Allowing CBM wells and infrastructure in any of these areas will create significant and irreparable impacts. (0505-5)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with existing RMP direction, Alternative II manages soils through a prescriptive approach, and Alternative III provides for a performance-based approach. Development will be allowed on steep slopes and soils with severe erosion hazards only if operators can propose acceptable disturbance and reclamation plans.
Anderson, Shannon Coalition of Conservation Groups	Produced water impacts are significant... In order to truly prevent impacts to a level below significance, BLM must prevent produced water from FCPA CBM development from being discharged into ephemeral drainages, prairie streams and the Powder River due to damaging effects on soils, vegetation, and the aquatic and riparian plant and animal species. (0505-7)	BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.
Anderson, Shannon Coalition of Conservation Groups	Groundwater drawdown impacts are significant. (0505-8)	Results of groundwater modeling for the PRB O&G FEIS (BLM 2003a) indicated that drawdown of 200 to 400 feet would be generally expected. Drawdown would be mitigated by recharge; however, recharge would lag drawdown by an average of four years and the rate cannot be estimated at this time.
Anderson, Shannon Coalition of Conservation Groups	Impacts to air quality are significant (0505-9)	Air quality is managed and monitored in accordance with the PRB FEIS ROD. As discussed in Section 4.3.1 impacts to air quality are not significant and will not exceed NAAQs or Wyoming air standards.
Anderson, Shannon Coalition of Conservation Groups	BLM's chosen mitigation will not reduce impacts to a level below significance (0505-10)	Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained and that fragile soils are successfully reclaimed. All performance standards must be achieved to BLM satisfaction in order to remain within compliance. Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.
Anderson, Shannon Coalition of Conservation Groups	Timing limitations, while important, are not enough. BLM must mitigate impacts of disruptive activities. (0505-11)	Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. In order to meet the performance standards, operators will need to address disruptive activities in their POD submittals. The Fortification Elk herd is protected by a number of additional management actions including: 1) A phased approach to drilling which keeps approximately 2/3 of the area free from development at any one time, 2) Reclamation performance standards, that protect the elk herd because elk generally prefer the more rugged terrain which are often the most difficult to reclaim. 3) Summer water sources for elk and livestock will be provided if current sources become unavailable because of CBNG development.
Anderson, Shannon Coalition of Conservation Groups	BLM's Adaptive Management Plan is unclear and unenforceable....BLM must firmly state in this plan that if thresholds are reached, all permitting activity will be deferred until CBM infrastructure decommissioning and subsequent habitat reclamation is achieved in other areas...BLM's reclamation and phase development plan is unclear and unenforceable. (0505-13)	Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance. Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anderson, Shannon Coalition of Conservation Groups	BLM's reclamation and phased development plan is unclear and unenforceable...BLM's FONSI is not scientifically defensible. BLM must reduce impacts to insignificance in a modified preferred alternative or proceed with an EIS... BLM needs to declare areas that are off-limits to development and ensure protection of sufficient crucial and security habitat for the elk herd. BLM should strictly follow the WGFD thresholds established in December 2009, which would prohibit any new development in the critical "dual crucial" range and only minimal development in either the winter or parturition ranges. Areas adjoining the WSA and other areas that connect security habitat with the security habitat in the WSA should be given priority for protection. (0505-14)	<p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. No surface occupancy requirements within the elk crucial ranges would encumber legal access to valid leases. There are 26 leases at least partially within the dual crucial ranges, overlapping crucial winter range and calving areas. Eleven leases are more than 75% contained within the overlapping crucial ranges. The WGFD cooperated in designing the alternatives and preparing the RMPA/EA. The official WGFD comments indicate that although there are weaknesses with both action alternatives that with stringent monitoring elk and other wildlife would be protected.</p> <p>Performance standards are in place, with the preferred alternative, to ensure that a viable elk population with a sufficient amount of effective habitat is maintained.</p>
Anderson, Shannon Coalition of Conservation Groups	BLM fails to propose any mitigation measures for air or water impacts (0505-15)	<p>BLM only has the authority to regulate the water discharge strategy on federal leases. BLM has discretion to deny site-specific authorization of discharge points regardless of WYPDES status. BLM has committed in the Draft RMPA/EA to locate discharge points to minimize erosion, require energy dissipation measures, and mitigate downstream erosion features.</p> <p>Air quality is managed and monitored in accordance with the PRB FEIS ROD. Because there are no additional anticipated impacts to air quality there are no additional mitigation measures. BLM requires compliance with Clean Air Act regulations and standards.</p>
Anderson, Shannon Coalition of Conservation Groups	BLM needs to continue existing management decisions that prohibit development on steep slopes, areas with high erosion potential, or areas with poor reclamation potential (0505-16)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that the alternatives represent reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, to minimize prescriptive measures.
Anderson, Shannon Coalition of Conservation Groups	An EIS is required in this case because of the RMP nature of the action and because future projects will tier to this document. (0505-17)	If it is unclear whether an action would have a significant effect, an environmental assessment (EA) is prepared (40 CFR 1508.9(a)). If the EA analysis shows the action would not have a significant effect, a Finding of No Significant Impact (FONSI) documents that there is no need for an environmental impact statement (EIS) (40 CFR 1508.13). An EA is a legitimate NEPA document for an RMPA. The action alternatives analyzed in the Draft RMPA/EA indicate that there are no significant environmental impacts. Additionally, there are performance standards in place for the protection of steep slopes, fragile watersheds, and elk. A monitoring program enables adaptive management if actual effects differ from the anticipated effects.
Anderson, Shannon Coalition of Conservation Groups	BLM fails to analyze cumulative impacts for the entire yearlong range (0505-18)	BLM evaluated cumulative impacts to the elk habitat throughout the Fortification Creek elk range. Please see the cumulative impacts section of Section 4.3.5.
Anderson, Shannon Coalition of Conservation Groups	Impacts from all projects and programmatic mitigation measures must be considered for the entire yearlong range crucial and yearlong range (0505-19)	The Planning Area boundary was chosen for two primary reasons The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary. BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary. CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.
Anderson, Shannon Coalition of Conservation Groups	Cumulative impacts and commensurate mitigation measures must be considered for the entire yearlong range (0505-20)	BLM evaluated cumulative impacts to the elk habitat throughout the Fortification Creek elk range. Please see the cumulative impacts section of Section 4.3.5.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anderson, Shannon Coalition of Conservation Groups	The EA fails to comply with the 2003 PRB EIS management requirements and FCPA lease stipulations (0505-21)	The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that the alternatives represent reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, to minimize prescriptive measures. Section 2.2 describes how existing lease stipulations will be handled and a list of the existing leases and their stipulations is included in Appendix G.
Anderson, Shannon Coalition of Conservation Groups	BLM's "No Action" Alternative is inherently flawed BLM misapplies the no action alternative and in doing so violates NEPA. BLM states that "Under current management direction, CBNG extraction would be allowed in accordance with the existing stipulations and terms and conditions for development." However, BLM ignores these stipulations in its environmental analysis and does not apply them in determining impacts from the "no action" alternative. (0505-12)	BLM fully considered all RMP and lease-specific stipulations in its analysis. Section 2.2 describes how existing lease stipulations will be handled and a list of the existing leases and their stipulations is included in Appendix G.
Anderson, Shannon Coalition of Conservation Groups	The EA's purpose and need results in a pre-determined outcome (0505-22)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives amongst the issues to be addressed. BLM has determined that the alternatives analyzed represent a reasonable range.
Anderson, Shannon Coalition of Conservation Groups	The EA fails to provide a full range of reasonable alternatives (0505-23)	One requirement of a NEPA analysis is to analyze a reasonable range of alternatives. BLM has determined that the alternatives analyzed represent a reasonable range. Alternative I continues with the current management, does not regulate development pace, and includes timing limitations for the protection of elk, and development restrictions on steep slopes; Alternative II prescribes management restrictions for the protection of elk, soils, and fragile watersheds including one year of successful interim reclamation prior to proceeding to the next phase; and Alternative III establishes performance standards for the protection of elk, soils, and fragile watersheds. Operators must be in conformance with the performance standards prior to proceeding to the next phase.
Anderson, Shannon Coalition of Conservation Groups	Alternatives regarding the leases...The plan fails to provide a full range of development alternatives including one that looks at limited or no mineral development based on a lease exchange, buying back leases, or allowing leases to expire or be suspended within the boundaries of the FCPA. (0505-24)	Exchanging leases, buying back leases, or allowing leases to expire are beyond the scope of the RMPA. The BLMs 1985 Buffalo Resource Management Plan determined oil and gas development to be an acceptable use of the public lands within the FCPA (BLM 1985 at p. 16). The planning criteria identified in the Draft RMPA/EA state that BLM will recognize all valid existing rights. An oil and gas lease grants the lessee the right and privilege to drill for, mine, extract, remove, and dispose of all oil and gas deposits in the lease lands, subject to the terms and conditions incorporated in the lease.
Anderson, Shannon Coalition of Conservation Groups	Alternative to include the southern yearlong range within the planning area... The EA also fails to present an alternative that includes the southern portion of the elk crucial and yearlong range in the planning amendment (0505-25)	The Planning Area boundary was chosen for two primary reasons: 1) The boundary for past Fortification Creek decisions (old SMA) is the boundary line identified in past documents including the 1975 Framework Plan, 1982 Oil and Gas Surface Protection Plan, 1985 Buffalo Resource Management Plan, and 2001 RMP review. The overhead power restriction and the CSU lease stipulation requiring operators to prepare an acceptable mitigation plan are based on this boundary. 2)BLM's 2007 Environmental Report indicated that more than 90 percent of the collared elk locations were within the chosen planning area boundary.  CBNG development proposals outside and inside the Planning Area, will continue to go through a site-specific NEPA analysis where the appropriate mitigation measures to conserve environmental resources will be identified and applied.
Anderson, Shannon Coalition of Conservation Groups	The EA fails to provide or include an alternative incorporating recommendations from BLM's own staff that would minimize impacts by requiring increased spacing, unitization, clustered development, minimizing well pad size (or requiring some wells not to have pads), shared infrastructure, and piping water out of the area. (0505-26)	BLM has recommended that development companies cooperate with each other to reduce and share infrastructure, reduce surface disturbance, and reduce visitation. Wyoming Oil and Gas Conservation Commission controls well spacing. Unitization is usually considered at the leasing stage, not at the development stage; however, some smaller companies could form cooperative arrangements with the larger companies.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anderson, Shannon Coalition of Conservation Groups	Meaningful reclamation bonds for each CBM project must be determined by a professional engineer and collected in order to ensure successful reclamation. This must also include bond considerations for reclamation of discharge locations, stream channels and outfalls. Site-specific bonding is particularly important because of the poor reclamation potential of the FCPA. (0505-27)	Reevaluating or changing bonding requirements is outside the scope of the Fortification Creek RMPA/EA.
Anderson, Shannon Coalition of Conservation Groups	BLM needs to consider (and should select) an environmentally preferred alternative that incorporates the best elements of Alternative I (no overhead power), Alternative II (preventing development on steep slopes and areas with poor reclamation potential, a prescriptive based phased development plan, prohibiting surface discharge of produced water, and designation of an ACEC and/or wildlife habitat management area), and Alternative III (reclamation requirements and habitat protection thresholds). (0505-28)	BLM is not obligated to choose the environmentally preferred alternative. BLM chooses an alternative that best meets the BLM multiple-use mandate.
Anderson, Shannon Coalition of Conservation Groups	BLM does not identify any preferred alternative in this NEPA document. (0505-29)	The Preferred Alternative is identified in the Proposed Plan.
Anderson, Shannon Coalition of Conservation Groups	BLM skews its analysis of impacts by calling impacts of Alternatives II and III "beneficial" as compared to Alternative I. (0505-30)	The impacts were fully disclosed. The impacts of the No Action alternative were analyzed in the Fortification Creek RMPA/EA and in the 2003 PRB FEIS. Reduction in the number of wells is a beneficial impact to wildlife.
Anderson, Shannon Coalition of Conservation Groups	The BLM did not adequately evaluate designating an Area of Critical Environmental Concern or a Wildlife Habitat Management Area. This results in a flawed discussion of Alternative II. (0505-31)	The impact of designating an ACEC and WHMA were evaluated. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.
Anderson, Shannon Coalition of Conservation Groups	The Fortification Creek area meets the requirements for ACEC designation. (0505-32)	A relevance and importance evaluation was conducted by BLM (Appendix H; BLM 2002b). The proposed ACEC met the relevance criteria for scenic values and wildlife and the importance criteria for wilderness characteristics, wildlife (isolated elk herd), and minimal impacts from man. However, the proposed ACEC boundaries are within the elk yearlong range and nearly all of the proposed ACEC is within elk crucial ranges. Proposed management prescriptions are protective of the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed. There would be no impacts from this management action.
Anderson, Shannon Coalition of Conservation Groups	BLM did not define management prescriptions for the ACEC or WHMA and, as a result, failed to acknowledge the benefits of these designations. (0505-33)	The impact of designating an ACEC and WHMA were evaluated. An ACEC or WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be protected with this RMPA/EA.
Anderson, Shannon Coalition of Conservation Groups	BLM illegally degrades the wilderness attributes of the WSA (0505-34)	BLM does not allow any development in the WSA. No development will occur in the WSA until Congress determines whether to permanently designate this area wilderness.
Anderson, Shannon Coalition of Conservation Groups	BLM needs to prohibit overhead power. (0505-35)	The FCPA has a mixed ownership pattern and maintaining an overhead power prohibition on BLM surface would only protect the area around approximately 50 percent of the WSA; the percentage of BLM surface surrounding the WSA. BLM only has the authority to mandate buried power on federal surface. Much of the power lines that would be necessary for CBNG development within the FCPA are already in place. Burying power lines can result in more soil and vegetation disturbance than the construction of overhead lines; especially if the buried line is not aligned with existing disturbance. Additional disturbance is a concern in the fragile watersheds of the FCPA. The areas disturbed by burying power lines would be impacted for several decades from the construction of buried lines, the time necessary for full recovery of mature sagebrush and juniper shrublands. Mitigation as identified in the PRB ROD (A.5.9.4 at p A-33) will be applied.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Anderson, Shannon Coalition of Conservation Groups	Impacts to mule deer were not adequately analyzed (0505-36)	At issue in the FCPA is the geographically isolated elk herd. Ranges of mule deer, pronghorn, prairie dogs, and other species are much greater than the Fortification Creek Planning Area; they are managed and monitored in accordance with the PRB FEIS ROD.
Anderson, Shannon Coalition of Conservation Groups	BLM fails to analyze impacts related to climate change or consider mitigation options related to greenhouse gas emissions (0505-37)	The Council on Environmental Quality's Draft NEPA Guidance on the Consideration of the Effects of Climate Change and Greenhouse Gas Emissions suggest that agencies consider an evaluation if the proposed project will result in 25,000 metric tons per year of GHGs. This suggestion is not a minimum level that will trigger a NEPA analysis, but guidance, leaving discretion to the agency. Potential emissions for the Preferred Alternative, are far less than 1 percent of US GHG emissions and 0.01 percent of Wyoming GHG emissions. In terms of what could trigger a NEPA analysis, the Preferred Alternative is estimated to produce 7,384 metric tons over the life time of the project. This is far less than the 25,000 metric tons per year suggested by CEQ.
Anderson, Shannon Coalition of Conservation Groups	BLM fails to analyze impacts related to hydraulic fracturing (0505-38)	Hydraulic fracturing is a drilling/production technique and will be addressed in POD-level NEPA analyses.
Anderson, Shannon Coalition of Conservation Groups	BLM needs to resolve all issues raised in the requests for state director review of projects in the southern yearlong range (0505-39)	The state director review of all projects in the southern year long range is outside the scope of the Fortification Creek RMPA/EA.
Anderson, Shannon Coalition of Conservation Groups	BLM needs to include members of the public on the monitoring team, or exclude industry participation (0505-40)	The monitoring team will consist of BLM and the State of Wyoming.
Anderson, Shannon Coalition of Conservation Groups	BLM needs to address the importance of additional funding and staffing to carryout the monitoring and adaptive management plan. (0505-41)	BLM is pursuing funding sources including from CBNG companies. Project approval will require monitoring commitments, as APD permitting will be dependent upon meeting the performance standards. Anadarko Petroleum has provided a written commitment to fund monitoring. The WGFD and University of Wyoming assisted BLM in designing the monitoring program. If funding is not available for monitoring, BLM will not be able to determine compliance and would, therefore, not be able to evaluate additional development.
Anderson, Shannon Coalition of Conservation Groups	BLM needs to disclose industry influence over the plan. BLM states that Section 1.7.2 describes specific actions undertaken to consult and coordinate with government agencies, special interest groups, Native American tribes, and the public in the development of this Draft RMPA/EA. EA at 1-13. However, BLM does not do this. BLM should include a narrative of meetings with various stakeholders, including industry and the Governor's Office. BLM should discuss how this draft plan was developed with input from these various groups. (0505-42)	Prior to scoping BLM sent out letters to Native American tribes, county commissioners, and state agencies to inform them of the upcoming scoping for the Fortification Creek RMPA/EA and to invite their participation as cooperating agencies. Additionally, throughout the process, BLM has responded to requests and had meetings with industry groups, conservation groups, landowner groups, and others.

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Neutzel, Rod	<p>There has been a lot talk lately about what we are going to do about the elk herd in the Powder River Basin if the Fortification Area development is expanded. Well, if you want my opinion, I think we should keep doing what we're doing because it seems to be working just fine.</p> <p>The elk already have special habitat designations form them in the Fortification Creek Wilderness area. What's remarkable about the elk is that they have actually chosen to hang out in this protected area. If we continue to develop the Fortification Creek area, the elk are still going to have their specially designated habitat, we're not going to mess with that or disturb it in any way. That's why I think additional environmental protections for the elk are aren't necessary. they already have sufficient space, and on top of that, they like occupying that space.</p> <p>That's why I oppose the creation of an ACEC in the Fortification Creek. The elk are going to be okay, trust me. In the mean time, not having an ACEC will give developers more freedom to get the coal bed natural gas we so desperately need. It's a win-win. (506-1)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.</p>
Went, Mike	<p>...creating Wildlife Management Habitat Area (WMHA) or Areas of Critical Environmental Concern (ACEC) seem unnecessary. Best Management Practices now employed by energy companies are showing wonderful results in protecting wildlife, including timing restrictions, measures to reduce vehible traffic, and reclamation practices.</p> <p>...creating WMHAs or ACECs will do far more harm than good. Imposing further regulations on oeprators only makes it more expensive for them to do business here.</p> <p>I believe that proper wildlife management in Fortification Creek can occur outside of these two designations. Simply ensure that the operators use the most successful BMPs available. And, make sure reclamation occurs well. In the end, better habitat will be left for these animals. (507-1)</p>	<p>An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.</p>

## Fortification Creek Planning Area: Comments and Responses

Name/Organization	Comment	Response
Julia	<p>I don't think that the BLM is giving operator or technology enough credit. I say this because of the ban on developing on highly erosive soils or in areas that have 25% or more slopes.</p> <p>Did you know that there have been many geotechnical engineering principle and method advancements that address this very issue? And that because of that, operators can actually develop on these fragile lands with minimal impact to the environment? That's definitely something to consider when you go to finalize the draft for the EA.</p> <p>I'm not saying that just anyone should be able to develop these steep slopes or these fragile soils. I do think that if operators can come up with a reasonable plan for how they are going to protect these places, then they should be given permission to work on the land.</p> <p>I guess that all I'm asking from the BLM is that you ease up and offer a little flexibility for 25% slopes and erosive soils. Give operators a chance to prove to you that they can be responsible to the environment because of the technology and know-how at their disposal. (508-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Emmerich, John Wyoming Game and Fish Department	<p>We commend the BLM for incorporating phased development approaches for both Alternative II (prescriptive based) and Alternative III (performance based). (509-1)</p>	<p>Thank you for your comment.</p>
Emmerich, John Wyoming Game and Fish Department	<p>Both Alternatives II and III have strengths and weaknesses in regards to providing protection to elk, other wildlife, and their habitats during implementation. As displayed in Table 3-3 and Table 3-4 the majority of the FCPA has severe erosion hazard potential (83.4%) and poor reclamation potential (58.7%). Major challenges will be to reduce disturbance to elk in the short term and successfully reclaim disturbed habitats in both the short and long term. It will be (509-2)</p>	
Emmerich, John Wyoming Game and Fish Department	<p>imperative that well designed site specific plans be developed with stringent monitoring to assure the plans are followed including assuring that reclamation is successfully completed. (509-2 cont'd)</p>	<p>Alternative III uses performance standards to ensure that a viable elk population with a sufficient amount of effective habitat is maintained. All performance standards must be achieved to BLM satisfaction in order to remain within compliance. Security habitat modeling prior to each POD authorization will be used to assess this performance based objective. The performance-based objective to maintain a herd at or above 120 is based upon the WGFD population objective of 150. If a performance standard is not met and BLM determines it is necessary, then additional permitting will be stopped until the standard has been achieved to BLM's satisfaction.</p>

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Emmerich, John Wyoming Game and Fish Department	We strongly emphasize the need for adequate funding be secured to continue the current research and monitoring of elk in the Fortification Area leading up to and thru implementation. Without adequate funding for UW researchers to radio collar elk and do associated on-the-ground work, and funding for the WGFD to conduct aerial surveys, the monitoring and adaptive management aspects will not be accomplished and therefore the performance-based phased development approach will fail. (509-3)	BLM is pursuing funding sources including from CBNG companies. Project approval will require monitoring commitments, as APD permitting will be dependent upon meeting the performance standards. Anadarko Petroleum has provided a written commitment to fund monitoring. The WGFD and University of Wyoming assisted BLM in designing the monitoring program. If funding is not available for monitoring, BLM will not be able to determine compliance and would, therefore, not be able to evaluate additional development.
Emmerich, John Wyoming Game and Fish Department	In relation to monitoring the elk population (Appendix B, Pages 1-2), we recommend that aerial surveys for elk be done via helicopter rather than fixed winged aircraft except for radio-collar relocation flights. Recent flight incidents have prompted the WGFD to begin reviewing and revising its flight policy and procedures. Because of the rough terrain in the Fortification Area, low level surveys for elk can be more safely and effectively accomplished using a helicopter. We also recommended revision or clarification under "Indicators", d. Summer calf survival - WGFD pre hunt fixed-wing survey" (Appendix B, Page 2) that summer calf survival could be collected during the post hunt (rather than pre hunt) classification survey as the hunt in the Fortification Hunt Area 2 is usually less than two weeks in duration. The post hunt classification survey is the one survey flight the WGFD has repeatedly conducted via helicopter in the Fortification Area and currently plans to continue to do so. (509-4)	Appendix B was changed to include helicopter surveys.
Emmerich, John Wyoming Game and Fish Department	In addition, on Page 2-20- under sage grouse #2- Our recommended seasonal non-core sage grouse stipulation period is from March 15 through June 30. (509-5)	The RMPA/EA was changed as suggested.
Barbula, Larry	I have reviewed the Amendment Draft Plan. I am concerned that disturbance on slopes greater than 25% will impart long term impacts primarily due to erosion of the slopes and secondarily to water quality due water borne sediment off the slopes. A third consideration is the presence of erosive soils in the plan area.  CBM type disturbance of buried pipelines, roads, well pads, and powerlines tend to concentrate slope runoff along the disturbed corridors increasing potential for erosion and sediment detachment. (510-1)	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities. Approved development and mitigation plans compatible with the identified performance standards would be required.

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Barbula, Larry	<p>The Wyoming DEQ/LQD through the Performance Measures for PMT Flexibility Policy (August, 2003), limits reclaimed slopes on coal mines to 4:1 (25%). Reclamation success on slopes steeper than this is difficult even with 1-2 feet of topsoil applied at most Wyoming coal mines. This topsoil will not be available in Fortification Creek, making reclamation all the more difficult.</p> <p>Alternative II limits disturbance to slopes no greater than 25%. Erosion and sedimentation issues will be significant in this area on lesser slopes. Alternative II should be the preferred alternative. (510-2)</p>	BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities. Approved development and mitigation plans compatible with the identified performance standards would be required.
Ullery-Whitaker, Patricia Big Horn Mountain Coalition	While we believe the 1985 land use plan, as amended in 2001, was a reasonable management approach, we laud the efforts of the BLM to re-examine the protection of the elk herd found in the FCPA and the produced water from coal bed methane gas operations. After careful study of the issues surrounding Fortification Creek, we support Option III as an appropriate alternative. Your reasoned presentation to the Coalition board at our August 26 meeting in Buffalo for a performance-based development approach appeared to strike an appropriate balance. We do not believe there needs to be any special designation for Area of Critical Environmental Concern nor Wildlife Habitat Management Area. We are also adamantly opposed to any expansion of the Wilderness Study Area, and believe this designation should be removed as a redundant layer of regulation in an area that does not meet wilderness characteristics. (512-1)	Thank you for your comments. Neither an ACEC nor a WHMA were designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC and WHMA were proposed will be adequately protected with this RMPA/EA.
Ullery-Whitaker, Patricia Big Horn Mountain Coalition	We do believe it is imperative that landowners adjacent to the FCPA should be invited to participate in the planning process as cooperators. We would also encourage BLM to open planning meetings to the general public, with established protocols, to allow for a more educated public response to changes in public lands policy. (512-2)	BLM invites other federal, state, and local governments as cooperators. BLM held both scoping and Draft RMPA/EA meetings to inform the public about the plans for the RMPA/EA.
LaVee, Bob	I have to say I'm pretty frustrated with the fact that the BLM wants to designate the Fortification Creek area as an Area of Critical Environmental Concern. As I understand it, ACECs have to be both relevant and important, but this particular region has barely passable relevance and doesn't meet the guidelines for importance at all. (513-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.
Miller, Dave	...I don't think that the designation of an Area of Critical Environmental Concern in the Fortification Creek in order to protect the native elk herd is either necessary or beneficial. (514-1)	An ACEC was not designated because the resource values (scenic, wildlife, fragile watershed) for which the ACEC was proposed will be protected with this RMPA/EA. Designating an ACEC would be a change of name but not any additional change in management.

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Watt, G	<p>Elk and development in Fortification Creek have coexisted since back in the 1990s. They know how to work around each other and not disturb each other. For the continued development of this area, the BLM has come out with an Environmental Assessment that recommends designating some of the lands as Wildlife Habitat Management Area in one of its alternatives.</p> <p>I don't really think this designation is necessary. A lot of the wildlife concerns are cleared up through the timing limitations and BMPs and to me, a WHMA just looks like more bureaucratic red tape. (515-1)</p>	<p>A WHMA was not designated because the resource values (scenic, wildlife, fragile watershed) for which the WHMA was proposed will be adequately protected with this RMPA/EA.</p>
Olson, Brad	<p>I am concerned that two of the three recommended alternatives only develop around 400 wells for the Fortification Creek's Coal-Bed Methane. I am also concerned with the requirements for reclaiming the land once the methane has been extracted. They appear to me too rigid. I think a better approach would be to sit down with operators and private land owners and determine the standards for reclamation on a case-by-case basis. I think this will help us to maximize development in Fortification Creek and it will also ensure that everyone gets their needs met. (516-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on the number of wells, locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>
Reynolds, Charles	<p>I am a supporter of BLM's multiple use mandate. Energy development is an appropriate use. All uses must be balanced, but the need for all sources of domestic energy are vital to the national security and I do not want an EA that limits our ability to access all resources. (517-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>
Nelson, Kim	<p>The prescriptive portions for location of facilities, management of water and potential limitations on well site visits found in Alternatives II are excessive and harmful to leaseholders' access to the mineral resource.</p> <p>The monies generated from oil and gas development account for billions in tax revenues. These taxes contribute to the maintenance of roads and public schools. We should therefore make development more accessible with fewer restrictions. (518-1)</p>	<p>BLM has chosen Alternative III, the performance-based approach as the Preferred Alternative. Under Alternative III, the CBNG company would be responsible for achieving BLM performance standards but there would not be specific restrictions on locating facilities, water management, or visitation. Approved development and mitigation plans compatible with the identified performance standards would be required.</p>

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unknown	<p>I am concerned with the provision in the FCPA EA that requires 100 percent protection of overlapping crucial secure habitat. This is completely unnecessary provision and eliminates development in too great an area.</p> <p>Further, this 100 percent requirement completely denies lease holders and operators the opportunity to develop the lands leased to them by the Federal Government. ...</p> <p>Finally, responsible development of energy and protection of game habitat can coexist without prescriptive, rigid provisions as outlined previously. This plan will not make good use of the land and its mineral potential. (519-1)</p>	<p>The RMPA/EA represents the acceptable plan required in the lease stipulations on many of the leases. BLM determined that Alternatives II and III present two reasonable alternatives to balancing environmental resource concerns, identified through lease stipulations, with CBNG development while honoring existing lease rights. Alternative III provides for a performance-based approach, as requested by the lease holders, to minimize prescriptive measures.</p>