Appendix F
Public Comments and Agency Response

#	Comment	Response
1	On December 8, 2011, the Rawlins Field Office (RFO) was contacted by Resources concerning parcel WY-1205-046 questioning why the southwestern corner of 46 was being deleted from the May 2012 lease list. Samson was told that it fell into the Adobe Town WSA and that area was unavailable for leasing. The Samson representative stated that according to their maps none of parcel 46 was located in Adobe Town and were confused on the actual Adobe Town boundary.	RFO researched the wilderness inventory done on the area and compared it to the RMP map (Map 2-6a) and determined that Samson was correct. The entire parcel is located on the east side of the Adobe Town WSA boundary/boundary road. Accordingly the entire parcel is available for offering at the May 2012 oil and gas lease sale. The EA text has been modified to correct the error.
2	City of Rawlins: Please consider this a comment from the City of Rawlins relative to the Notice dated October 31, 2011, Parcel WY-1205-019. The City of Rawlins is a surface owner of the North East quarter of the South East quarter section 23 Township 17 North Range 88 West 6th pm. In addition, the City owns about 2500 acres adjacent to the proposed leases. I am attaching a map that shows city property as well as the property described in your Notice that is being considered for lease. I am also attaching a map that shows the City of Rawlins reservoir and the pipeline system that connects to the 15 springs that supply drinking water to the City of Rawlins. The City is very concerned that the proposed lease may have a negative impact on the city water system. I have reviewed the High Desert District Draft Environmental Analysis and find nothing that addresses potential negative impact to the spring system and pipeline system.	Additional text has been added to the Affected Environment and Environmental Consequences sections of the EA concerning the City of Rawlins water supply and pipeline system. Additionally parcel WY-1205-019 is being deferred from the May 2012 lease sale pending the Rawlins Field Office amending the Rawlins RMP to address the City of Rawlins water supply and pipeline system. A portion of parcel WY-1205-016 is also in close proximity to the water supply springs and pipeline system and is being deferred pending the RMP amendment.
3	Greater Little Mountain Coalition: The coalition commends the BLM for deferring the parcels with-in the GLMA, namely: WY-1205-093, WY-1205-094, WY-1205-095, WY-1205-110, WY-1205-111. We feel these decisions reflect a sober and well considered management strategy in light of the region's unique wildlife and recreation values. Likewise we support the decisions to defer, as the responsible approach while the area is evaluated for a proposed master leasing plan, as part of the ongoing planning revision of the 1997 Green River Resource Management Plan. Though parcel WY-1205-072 is within the GLMA boundary, and does overlap with greater sage grouse core area, we feel its previous inclusion in the now dissolved Chicken Springs federal oil and gas unit, and more importantly, its current encompassment within three existing units (Horseshoe Basin, Whiskey Canyon and Canyon Creek) qualify it for leasing under the spirit, if not the letter, of the coalition's previously stated aims. Thus, we have, at this time, no intention of protesting its inclusion in the May 2012 lease sale.	No response required
4	Savage: I ask that you please withdraw the parcels in the Commissary Ranch and Spring Canyon Ranch area from the May 2012 sale. These lands are too close to homes where water and air quality will be affected. Also the wildlife that live in the area will be driven away. Last month I saw quite a few elk in the area while I was hunting. Elk will not stay in areas with drilling activity. Certainly there are plenty of other	The area you are referring to is located within the BLM Kemmerer Field Office (KFO). In May 2010, KFO completed a comprehensive resource management plan (RMP) for all land and mineral estate under the Field Office's jurisdiction that made a variety of land use allocations, including areas open to oil and gas leasing. The RMP involved public meetings and comment

Appendix F
Public Comments and Agency Response

#	Comment	Response
	areas to drill without having to ruin the Commissary Ranch area.	periods. Based on that plan, the federal minerals under both the federal surface ownership and the private surface ownership in the Commissary Ridge area are designated as available for oil and gas leasing (refer to Map 3 in the Kemmerer RMP). The parcels nominated for inclusion in the May 2012 lease sale are consistent with that RMP decision. Consistent with the RMP, Lease notice No. 1 is applied to all oil and gas leases issued by the BLM and restricts or prohibits surface disturbance within ¼ of occupied dwellings.
5	Dennison: As a land owner I am sending you this Email to inform you of my opposition to selling oil and mineral leases on land you do not own. For the last two years the Private land owners of Commissary ridge and spring canyon ranches have tried to stop the BLM and The power co. from running the gateway high voltage power lines across our property and destroying the quiet beauty that we paid so dearly to enjoy and now we are faced with the state of wyoming and the BLM that want to sell the mineral and oil rights out from under our property. I am beginning think that the state of wyoming and the BLM are opposed to Private land ownership. It seams like we are always fighting to keep Big business and the government from destroying our little piece of Heaven.	See agency response to comment 4.
6	Hoover & Stacy, Inc: . . . Hoover and Stacy, Inc. nominated eleven (11) tracts of lands for inclusion in the May 2012 Lease sale. See enclosed letter dated June 28, 2011 . . . In the EA, BLM evaluates impacts of leasing tract 1 and portions of tract 2; however those certain tracts identified in the June 28th letter as Tracts 2 (a portion thereof), thru 11 were not included in Appendix B, ("Parcel Descriptions with Stipulations"), to the EA . . . BLM specifically lists a number of tracts as unavailable for leasing, EA at pages 5 and 6, and further lists in Appendix A tracts that will be deferred from leasing due to sage-grouse concerns. None of these lists address tracts 2 through 11 nominated in the June 28th letter.	In a letter to Hoover & Stacy, Inc., dated August 17, 2011, the BLM Wyoming State Office returned the tracts and/or portions of tracts 2 through 11 addressed in the Hoover and Stacy comment citing the following reason: *"Part of the land request is public domain land withdrawn for the use of the Bureau of Reclamation. The land is located in the Green River (Seedskadee) Reclamation Project. A revocation of this withdrawal is currently pending and until it is completed, the land is eligible but not available for oil and gas leasing."* Since the BLM Wyoming State Office determined at the initial review of the parcels/portions of parcels in question that they were not available for oil and gas leasing it was not necessary for them to be carried into the environmental assessment process .
7	USFS (Driver): Parcel 008 is directly adjacent to the Battle Mountain Research Natural Area. If this parcel is leased I recommend that stipulations be included to preserve the special qualities of the RNA. RNAs are selected to preserve a spectrum of relatively pristine areas that represent a wide range of natural variability within natural ecosystems and environments as well as support education, research, biodiversity, areas of scientific importance, and undisturbed scenic beauty. RNAs are meant to be managed to maintain these natural conditions and qualities by allowing ecological processes to prevail with minimal human intervention. All of	Lot 12, Section 5 T12N, R88W is a 2.02 acre portion of parcel WY-1205-008 that is approximately 45 feet wide and 2000 feet long. Lot 12 is the only portion of parcel 008 that adjoins the Battle Mountain Research Natural Area (RNA). The east end of the 45-foot wide strip of Lot 12 abuts the northwest corner of the RNA. The ROD for the Medicine Bow National Forest Revised Land and Resource Management Plan (LRMP) (December 2003) states at Section B.5 on page 5, "The Battle RNA is available for oil and gas leasing; however, no ground-disturbing oil and gas activities are

Appendix F
Public Comments and Agency Response

#	Comment	Response
	these factors need to be considered if this parcel is put up for lease and stipulations should be made to preserve the qualities of the RNA as listed above. More specific direction on RNAs can be referenced in the Medicine Bow LRMP.	permitted. Leasing in the Battle RNA will be with a no surface occupancy (NSO) stipulation" and further states in Section 2.2 Research Natural Areas on page 2-30 of the LRMP, "Allow oil and gas leasing; however no ground disturbance activities are permitted." Additional text pertaining to the Battle Mountain RNA has been added to sections 3 and 4 of the May 2012 Oil and Gas Lease Parcel EA and a Special Lease Notice has been attached to the lease parcel requiring the lease holder along with the Bureau of Land Management Rawlins Field Office to coordinate proposed development activity on Lot 12 with the Brush Creek/Hayden Ranger District. Please note that no portion parcel 008 or Lot 12 extends onto the Medicine Bow National Forest and even if it did a decision to lease parcel 008 would be compatible with the LRMP. Further note the 45-foot width of lot 12 is too narrow for the construction of a well pad.
8	<u>USFS (Anderson):</u> Several parcels occur in streams or watersheds occupied by Colorado River cutthroat trout (CRCT). The USFS, BLM Wyoming and other agencies are signatory to the Conservation Agreement for Colorado River Cutthroat Trout (CRCT Conservation Team 2006). It may be difficult to meet objectives for CRCT conservation if mineral leases are approved in occupied watersheds containing CRCT populations. Development of parcels adjacent to streams or within occupied watersheds containing CRCT should be avoided or strictly managed to ensure CRCT habitats are not negatively impacted. Applicable objectives under the Conservation Agreement include: Objective 2: Secure and enhance populations Objective 3: Restore populations Objective 4: Secure and enhance watershed conditions In addition, USFS Region 2 Sensitive amphibians and BLM Wyoming sensitive amphibians likely occupy habitats where leases are proposed. Surveys and mitigation measures should be developed to identify and protect potential breeding habitats.	The EA addresses CRCT, the 2006 Conservation Agreement, and BLM Sensitive species. All parcels are encumbered by Lease Notice No. 1 which restricts or prohibits surface use or occupancy with 500 feet of surface water and/or riparian areas.
9	<u>USFS (Loose):</u> **Leases with sage-grouse core areas on or adjacent to the Forest:** 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 25, 26, 27: There are no known sage-grouse leks on Forest adjacent to these leases but we haven't looked either.	Parcels 08-18 and 25-27 are constrained by a Greater sage grouse nesting timing limitation stipulation.
10	<u>USFS (Loose):</u> **Leases adjacent to Columbian sharp-tailed grouse leks:** 08 - Forest Plan has a stipulation of no disturbance within 1 mile from 3/1 - 6/30. Lek is within 1 mile.	Parcel 08 is constrained by a Greater sage grouse and sharp-tailed grouse nesting timing limitation stipulation.

Appendix F
Public Comments and Agency Response

#	Comment	Response
11	USFS (Loose): **Leases near Northern goshawk nest:** 10. Nest is <1/4 mile. Forest Plan stipulation is No disturbance within 1/4 mile from 4/1 - 8/30	Parcel 10 is constrained by a raptor nesting timing limitation stipulation.
12	USFS (Loose): **Leases with crucial big game winter range (CWR) on adjacent Forest:** 08, 09, 11. If operators needed access through CWR on the Forest, the following Forest Plan stips would apply: Restrict intensive management activities such as timber harvest or road construction during the winter and spring periods (Nov 15 - April 30) where conflicts with wintering wildlife are identified. Allow uses and activities inly if they do not degrade the characteristics for which the area was designated. Minimize or mitigate impacts to deer and elk habitat in mineral operating and reclamation plans. Seasonal restrictions may be used to minimize disturbance. Limit oil and gas exploration and development to periods when deer and elk are not concentrated in the area. Remotely monitor production sites where reasonable and feasible. In CWR, our travel management map (MVUM) restricts motorized travel to only those routes that are specifically open between 11/15 - and 4/30	Parcels 08, 09, & 11 are constrained by the crucial big game timing limitation stipulation.
13	Dobric: I appauld the decision to delete/defer all the leases that were proposed for the South Pass area. This region is critical to preserve for sage-grouse and big-game habitat and historical trails.	No response required.
14	Dobric: I recommend that the leases located in the citizen proposed wildernesses areas be deleted untill a full wilderness inventory administered for the areas (open to public comment/review). These areas include Devil's Playground, Twin Buttes, Adobe Town, and Kinney Rim.	As shown in appendix D, parcels on the May 2012 lease parcel list have been determined to not be in areas with lands with wilderness characteristics. The determination was done in accordance with BLM Washington Office Instruction Memorandum 2011-154.
15	Johnson: The Twin Buttes/Devil's Playground area is an outstanding outdoor recreational area with lots of wildlife and flora to enjoy. Please do not allow drilling in this area. It's too close to Green River and the Flaming Gorge Rec area. Let's keep this area of Wyoming beautiful.	Refer to the Agency response to comment 14
16	Bruno: Oil and gas development does NOT belong in these areas. i urge you, the BLM, to protect our precious WY wild	Refer to the Agency response to comment 14

Appendix F
Public Comments and Agency Response

#	Comment	Response
	areas and prohibit all energy drilling and roads into Devil's Playground, Twin Buttes, and Adobe Town. please consider future generations -- i know we've been living in a "use it all up now" kind of culture, but this is non-sustainable. please take a stand for life!	
17	Luebe: I am one of the land owners within the parcels slated for the lease auction in May 2012. I will not let anyone cross my land and being on the borderline of the city limits, I will be very disappointed if any of my neighbors allow drilling on their property. How the government can auction off oil and gas leases for ground they do not own is beyond my comprehension. This parcel is within 1 mile of the town limits I know they can directionally drill and pump, however, a rig on any property directly adjacent to my property will plummet my property value.	The area you are referring to is located within the BLM Kemmerer Field Office (KFO). When the Federal Government transferred the surface ownership for the split estate lands on the May 2012 lease parcel list it retained ownership of the mineral estate. In May 2010, KFO completed a comprehensive resource management plan (RMP) for all land and mineral estate under the Field Office's jurisdiction that made a variety of land use allocations, including areas open to oil and gas leasing. The RMP involved public meetings and comment periods. Based on that plan, the federal minerals under both the federal surface ownership and the private surface ownership in the Commissary Ridge area are designated as available for oil and gas leasing (refer to Map 3 in the Kemmerer RMP) . The parcels nominated for inclusion in the May 2012 lease sale are consistent with that RMP decision.
18	Love: I am writing to urge that proposed oil and gas leases in Township 24 and Range 116 be withdrawn from the May, 2012, auction. Specifically these are parcels: WY-1205-247 WY-1205-248 This area has changed greatly over the last few decades. It is no longer just the grazing land it once was. In fact casual observation indicates grazing has diminished during the last decade. The cattlemen don't even bother to close the gates anymore. Current uses are mostly residential and recreational. There are two large cluster developments with hundreds of relatively small lots, individually owned, and a few scattered cabins on larger lots. This is not Jackson Hole with its big money and trophy homes. This is a getaway area for the working people of southwest Wyoming and northern Utah. We buy some land and build reasonably sized cabins or bring campers. We come for recreation: hunting, fishing, camping, ATVing, snowmobiling or just to get away from the places we must live to have jobs. We come because it's pleasant with mountains that aren't too tall, views that aren't too breathtaking. The air and water are clean and you can hear for miles. It's a nice place but not so nice we can't afford it.	The EA acknowledges that parcels 247 and 248 fall in an area containing rural residences. Refer to the Agency response to comments 4 and 17 for additional responses information.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	We come here because this is one of the last, best places in Wyoming. Development has been responsible and low impact. Wildlife thrives. The area is unspoiled, so far. This must make it a target for speculators and exploiters. We've seen this with the BLM's Gateway West project and we see it here. Please consider the changed nature of this area and withdraw these parcels from the auction.	
19	Love: The question I have is why the BLM is offering these parcels for lease. The BLM's own checklist says either no one has asked to lease these parcels or there is little likelihood of oil or gas on them. That is a little vague and addresses two different points. So the possibilities are A) someone has asked to lease them but there is little likelihood they will be productive or B) no request and no O&G or C) no request but probable O&G. In an area as closely scrutinized as SW Wyoming we can rule out Option C. If Option B is true, quit wasting everyone's time and withdraw the leases. So it must be Option A. Right? Someone wants to buy these worthless leases so they can sell them to someone else for a profit. This sounds a lot like the situation which caused the recent crash in the real estate market and led to global recession. Is that what the BLM is up to? Facilitating the cheating of investors and senseless destruction of property values? Shame!	The checklist format in Appendix E is intend to help BLM determine whether or not parcels fall in an area that would require development of a master leasing plan or if they are in an area where oil and gas leasing is addressed through the existing Resource Management Plan. Column 3 of Appendix E asks if industry has expressed specific interest in a given parcel and also asks if the parcel is located in an area with a moderate or high development potential. The nomination of the parcel indicates an industry interest. Parcels 247 and 248, Map 3-5 in the Final Foreseeable Development Scenario for Oil and Gas fir the Kemmerer Field Office, Wyoming, October 2006 for the Kemmerer RMP shows the parcels fall in an area with a moderate potential to contain a developable oil or gas resource. Map 7-6 shows the area containing parcels has a low potential for oil and gas development during the life of the RMP (i.e. the area containing parcels 247 and 248 would not likely experience development greater than 20 wells per township during the life-of-plan period). Based on this low potential, column 3 in Appendix E was marked "no" for moderate to high development potential and it was determined a master leasing plan was not required and leasing could proceed under the Kemmerer RMP.
20	Love: The BLM is playing Russian Roulette with one of the last, best places in Wyoming. It is risking destruction of an area which is very important to its residents and just for the few thousand dollars the leases will bring in. This area is unspoiled, so far. That must make it a target for speculators and exploiters. We've seen this with the BLM's Gateway West project and we see it here. So why are they being offered? To feed the greed of speculators? To give scammers something to sell? Is that who the BLM works for? Think about what happened to Fannie Mae and Freddie Mac. Please act responsibly and withdraw these parcels from the auction.	The offering of parcels 247 and 248, is in accordance with the Kemmerer RMP. Refer to Agency response to comments 4 and 17.
21	Love: These parcels are in the heart of one of the last best places in Wyoming. There are two large cluster developments with hundreds of relatively small lots, individually owned, and	Comment acknowledged, no response required

Appendix F
Public Comments and Agency Response

#	Comment	Response
	a few scattered cabins on larger lots. This is not Jackson Hole with its big money and trophy homes. This is a getaway area for the working people of southwest Wyoming and northern Utah. We buy some land and build reasonably sized cabins or bring campers. We come for recreation: hunting, fishing, camping, ATVing, snowmobiling or just to get away from the places we must live to have jobs. We come because it's pleasant with mountains that aren't too tall, views that aren't too breathtaking. The air and water are clean and you can hear for miles. It's a nice place but not so nice we can't afford it. Development has been responsible and low impact. Wildlife thrives. The area is unspoiled, so far. I have seen what happens when drilling occurs. I've seen the needless destruction, the violation of protective laws, the so-what attitude of drillers and the inability of the government to protect surface rights. To the BLM the lease of these parcels creates a small revenue stream for the government and it sure seems to need it. But I see the significant risk that the quality of life for the entire valley will be ruined for at least the rest of my lifetime. I've seen Sublette County made the ozone capital of the USA by BLM leases. I've seen a cowboy build an unregulated toxic waste dump which the drillers on BLM leases were only too happy to use. I've lived a mile from a drill site and had to put up with the unending noise month after month. I've called the sheriff to ask about a flaring well on a BLM lease that looked like the Yellowstone super volcano and found out the well was more than thirty miles away. And now the BLM wants to bring all this to our valley.	
22	Love: So there is air pollution, water pollution, ground pollution, noise pollution and light pollution. No opportunity has been missed and all this mess is avoidable. If the government were to act responsibly. Perhaps when the drilling is in Jonah the problems aren't so noticeable but when leases are issued in residential areas, the impact is great. And since the government provides no effective protection for the those living in and around the leases it issues, I am very concerned. Please withdraw these parcels	The EA addresses potential air quality, water quality, and socio-economic impacts. Please note, however, that at the leasing stage BLM cannot determine if a parcel or parcels will receive qualifying bids, and if they do whether or not they will actually be developed. Prior to authorizing drilling BLM will prepare an additional EA or an EIS to address the project-specific impacts.
23	Welsh: In the EIS check sheet, you have indicated that there is not a "Confirmed Moderate to High Potential for O&G Development" for these two parcels. In addition, both of these parcels consist of areas developed for residential subdivisions valued for their scenic viewsheds. Your EIS does not adequately address the potential for ground water and aquifer contamination, both of which are relied on for potable water supplies for the residents within the parcels. It does not	Refer to Agency response to comments 19 and 22

Appendix F
Public Comments and Agency Response

#	Comment	Response
	adequately address the degradation of recreational opportunity that exists within these two areas.	
24	Welsh: Parcels WY1205-247 and WY1205-248 are located in and along pristine viewshed areas of the Sublette Cutoff of the Oregon Trail which will be degraded as a result of oil and gas development.	Based on Kemmerer RMP Map 20 parcel 248 is located within the designated viewshed of the Oregon/Mormon National Historic Trail System; whereas parcel 247 lies farther to the north and is not in the designated viewshed. The May 2012 Oil and Gas Lease Parcel EA identifies and addresses potential impacts to national historic trails. Parcel 248 is encumbered by a controlled surface use stipulation for protection of the trail.
25	Welsh: The two parcels in question are also within areas identified by the Wyoming Game and Fish as Crucial Big Game Winter Range. Developing them will fragment the range, leading to detrimental effects for wintering mule deer. As a member of the Wyoming Range Mule Deer Initiative working group, I have learned that Oil and gas development on the Mesa in Pinedale has proven to devastate mule deer numbers in the north western areas of Wyoming. The Moxa Arch development in the southwestern reaches of this region has had less publicized but similar effects on the southwestern portion of the Wyoming Range herd. Development of WY1205-247 and WY1205-248 may likely be the last nail in the coffin for this struggling herd.	Based on the geographic information system (GIS) data base at the Kemmerer Field Office and the BLM-Wyoming State Office and as depicted on the Kemmerer RMP Map 7 neither parcel 247 or 248 are located in Wyoming Game and Fish Department designated big game crucial winter range.
26	Welsh: The most negative impact of developing these two parcels will be the effects this type of development will have on sage grouse. The immediate effects will be the loss of habitat associated with surface disturbance. The long reaching results will be by the establishment of new raptor perches that will diminish and displace the high numbers of grouse that inhabit the area. Turning a blind eye to these effects is going to the cripple our state economy and jeopardizes responsible mineral development on a federal level. Choosing to develop Oil and Gas leases in areas like WY1205-247 and WY1205-248 that have large sage grouse populations is going to lead to extinction of the sage grouse. When the sage grouse is listed as an Endangered Species, the US Fish and Wildlife Service will shut down mineral development altogether in areas suitable for grouse inhabitance which includes three fourths of the state of Wyoming. When this happens the country's energy supply will be reduced, increasing cost to the consumer and decreasing federal revenue. Please exhibit responsibility and foresight in this matter and remove parcels WY1205-247 and WY1205-248 from the upcoming auction.	Based on the GIS data base at the Kemmerer Field Office and the BLM-Wyoming State Office and as depicted on the Kemmerer RMP Map 10 neither parcel 247 or 248 are located in Core/Key Greater sage-grouse habitat areas designated by the State of Wyoming. The GIS data base does show that portions of both parcels are located in sage grouse nesting habitat within 2 miles of lek. Chapter 3 of the May 2012 Oil and Gas Leasing EA shows the parcels are located in nesting habitat. Chapter 4 addresses potential impacts from oil and gas development in nesting habitat and prescribes a timing limitation stipulation to protect sage grouse during the nesting period. Offering parcels 247 and 248 for lease at the May 2012 oil and gas lease sale is consistent with decisions in the Kemmerer RMP.
27	Vermillion Ranch (Dickinson): While Vermillion understands that the lands in question have been proposed for deferral from the May Lease Sale we respectfully request consideration of and response to the following comments within the EA and any subsequent Document before these lands are subject to a	No response required

Appendix F
Public Comments and Agency Response

#	Comment	Response
	Lease Sale. In General Vermillion is appreciative and supportive of BLM's position that surface use agreements must be in place before lease development can occur on split estate lands.	
28	Vermillion Ranch (Dickinson): However Vermillion believes private surface use requirements should be disclosed before leasing.	BLM has no way of knowing what surface use requirements individual lands owners may negotiate with leaseholders. In relation to surface use Onshore Order No. 1 at Section VI states, ". . . the operator must make a good faith effort to notify the private surface owner before entry and make a good faith effort to obtain a Surface Access Agreement from the surface owner."
29	Vermillion Ranch (Dickinson): Vermillion respectfully objects to the FONSI finding of no significant impact Based on the following concerns: A. In regards to item 2 last sentence the Ranch buildings and improvements in Parcel Wyo-1205-075 were not given similar protections as provided to Bridger valley See below This parcel contains a residential area with small children and farm animals Potable water and interference with ranch related activities such as critical winter use None of which has been consulted with nor acknowledged by BLM. **2. The degree to which the selected alternative will affect public health or safety**. The proposed action is to offer lease parcels for sale. Parcels WY-1205-229, 230, 236 and 238 are located with 10,000 feet of the Bridger Airport runway near Lyman and Mountain View; however each of these parcels carry a controlled surface use stipulation that restricts or prohibits surface use or disturbance unless a satisfactory plan to mitigate the potential impacts to public safety is developed. No other aspect of the action alternatives (B and C) would have an effect on public health and safety. If the parcels are subsequently sold and the leases enter into a development stage, public health or safety would be further addressed through site specific National Environmental Policy Act (NEPA) analysis	Additional text has been added to the EA and the FONSI concerning potential public safety impacts to private residences. Lease Notice No. 1 is applied to all lease parcels and restricts surface disturbing activities within ¼ mile of occupied residences. The 10,000 foot restriction applied to the Bridger Airport is required by Federal Aviation Administration regulations. BLM has complied with the surface owner notification requirement/policy established through Washington Office Instruction Memorandum 2009-184 though the notification letter to Vermillion Ranch dated October 21, 2011.
30	Vermillion Ranch (Dickinson): B. Parcels Wyo-1205-075 and 93 Contain numerous Cultural and Historic site while Vermillion is the private holder of these sites under the Cultural act there has been no consultation or coordination on these Issues. **8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register**	The EA at Section 3.2.2.4 states, "All parcels addressed in this EA, have the potential to contain surface and buried archaeological materials. Once the decision is made by the lessee to develop a lease, area specific cultural records review would be done to determine if there is a need for a cultural inventory of the areas that could be affected by the subsequent surface disturbing activities." And further states, " Generally, a cultural inventory will be required before new surface disturbance and all historic and archaeological sites that

Appendix F
Public Comments and Agency Response

#	Comment	Response
	of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources. There are no features within the project area listed or eligible for listing in the NRHP that would be adversely affected by a decision to offer for sale the subject parcels. If the leases enter into a development stage, NRHP resources would be further addressed through site specific NEPA analysis. Known sites occurring in any the parcels that would be offered for sale are protected by either a controlled use or no surface occupancy stipulation. Refer to item 3 for additional discussion	are eligible for listing in the National Register of Historic Places or potentially eligible to be listed would be either avoided by the undertaking or have the information in the sites extracted through archaeological data recovery before surface disturbance." Through this BLM acknowledges that the private surface owned by Vermillion Ranch likely contains cultural resources. The EA states that prior to any surface disturbing activity related to lease operations, a cultural resource inventory would be required to determine if an Federal Register eligible site would be impacted. Lease Notice No. 2 is applied to all parcels offered for leasing. Avoidance measures would be imposed wherever eligible cultural and/or paleontological resources are potentially impacted including no surface occupancy and controlled surface use for designated National Register for Historic Places and National Historic Trails (refer to Table 4.1a and Appendix B for the parcels with cultural and historic stipulations).
31	<u>Vermillion Ranch (Dickinson):</u> C. As the private surface owner Vermillion has had no consultation with BLM how can # 10 Finding be made. **10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. In addition, the project is consistent with applicable land management plans, policies, and programs. The decision as to which public lands and minerals are open for leasing and what leasing stipulations may be necessary, based on information available at the time, is made during the land use planning process. Surface management of non-BLM administered land overlaying federal minerals is determined by BLM in consultation with the appropriate surface management agency or the private surface owner.	With reference to the statement at the end of the first paragraph in the EA that *"Surface management of non-BLM administered land overlaying federal minerals is determined by BLM in consultation with the appropriate surface management agency or the private surface owner*" BLM will conduct this consultation when it has a proposal for occupancy or use of the non-federal surface. Prior to such a proposal as stated in Section 1.3, "The BLM cannot determine at the leasing stage whether or not a nominated parcel will actually be leased, or if it is leased, whether or not the lease would be explored or developed."
32	<u>Vermillion Ranch (Dickinson):</u> D. Vermillion is respective of the right of Mineral interest to develop however to be fair All requirements should be disclosed before leasing so that the mineral lessee can appropriately the various issues in the Lease area "However, when site-specific impacts are reasonably foreseeable at the leasing stage, NEPA requires the analysis	Refer to the Agency response to comment 31. Please note that the New Mexico ruling pertains to leasing situations, such as that related to Otero Mesa where BLM reasonably knows that post lease development would occur and what the extent of what that post lease development would likely be. As stated in Section 1.3 of the EA, BLM in the case of the parcels addressed in the May 2012 Oil and Gas Leasing EA

#	Comment	Response
	and disclosure of such reasonably foreseeable site specific impacts. (N.M ex rel.Richardson v. BLM, 565 F.3d 683, 718-19 (10th Cir. 2009)." As Vermillion has a very substantive surface use agreement similar in nature to BLM Land use requirements for reclamation setting measurable objectives and BLM should disclose within The EA or Leasing Documents Vermillion Requirements as they are reasonably foreseeable as found N.M. above. In addition the above general concerns both parcels contain a significant amount of slopes greater than 25% contrarily the EA indicates the exact opposite For these reason Vermillion respectfully requests full consultation and coordination with BLM before either parcel is let for leasing and full disclosure of Vermillion's surface use requirements to any potential mineral lessees before Lease Sale.	does not reasonably know whether or not an offered lease will be actually be leased and if it is leased whether or not exploration or development would occur. With reference to Vermillion's surface use agreement and request for consultation, please refer to the Agency response to comments 28 and 31.
33	Wyoming Water Development Office (Ogle): The WWDO agrees with the no surface occupancy stipulation for the lease parcels 013 and 014 to protect the High Savery Dam and Reservoir Site Special Management Unit as presented in Appendix B of the EA. Additionally, the WWDO would like a no surface occupancy stipulation included for portions of lease parcel WY-1205-015 that are adjacent to the High Savery Dam and Reservoir Project Area to protect the area from resource impacts and to prevent safety hazards to the dam, reservoir, and associated facilities. In fact, the WWDO believes is would be best to defer oil and gas leasing on the portions of 013 and 014 that lie within or adjacent to the High Savery Dam and Reservoir Project Area, and those portions of 015 adjacent to the area.	The western portion of parcel 015 is located outside the High Savery Dam and Reservoir Project Area and is over 2 miles downstream of the dam. The eastern piece of 015 corner adjoins the southeastern corner of the High Savery Dam and Reservoir Project Area and is over ¾ mile from the reservoir proper and more than 2½ miles from the dam. In cooperation with WWDO, the Rawlins RMP established the High Savery Dam and Reservoir Project Area as special management area, established the boundary for the special management area and identified management goals, objectives, and actions, which including making those portions of the area under BLM jurisdiction open to mineral leasing with a no surface occupancy (NSO) stipulation. On July 2, 2003, the BLM and the Wyoming Water Development Commission entered into a Memorandum of Understanding (MOU) for management of the High Savery Dam and Reservoir Project Area. The MOU was carried into the RMP and also allowed for mineral leasing with a NSO stipulation. Neither the RMP nor the MOU identified a need to defer leasing in areas outside the Project Area boundary. Nor did they identify a need to impose a NSO stipulation on areas outside the project boundary. While WWDO requests deferring of leasing and imposition of the NSO on areas outside the project area, they fail to provide substantive rationale to support the request.
34	WGFD: We support Alternative B of the Draft Environmental Assessment except for the following: The CSU stipulation for sage grouse leks should be 0.6 miles from the perimeter of leks within cores (BLM Key Habitats),	The referenced parcels were processed in accordance with BLM Wyoming Instruction Memorandum WY-2010-012 and 013. Policy Statement 2 of IM WY-2010-012 states,

Appendix F
Public Comments and Agency Response

#	Comment	Response
	not ¼ mile. The following parcels have this stipulation incorrectly applied. • WY-1205-06 • WY-1205-07 • WY-1205-13 • WY-1205-15 • WY-1205-17 • WY-1205-26 • WY-1205-33 • WY-1205-35 • WY-1205-38 • WY-1205-40 The following parcels are completely missing the CSU stipulation for sage grouse leks. • WY-1205-16 • WY-1205-19 • WY-1205-20 • WY-1205-34 • WY-1205-37 • WY-1205-47	"***<u>Pending completion of ongoing land use planning decisions</u>***, Wyoming Field Offices must consider and evaluate the following sage-grouse habitat conservation measures related to timing, distance, and density for all proposed projects both within and outside of Core Areas (**emphasis added**). In addition, Field Offices should, on a project-by-project basis, evaluate other habitat conservation measures as appropriate. <u>Sage-grouse leks inside Core Areas</u>**:** Surface disturbing activity or surface occupancy is prohibited or restricted on or within a six tenths (0.6) mile radius of the perimeter1 of occupied or undetermined2 sage-grouse leks. Disruptive activity is restricted on or within six tenths (0.6) mile radius of the perimeter of occupied or undetermined sage-grouse leks from 6 pm to 8 am from March 15-May 15. <u>Sage-grouse leks outside Core Areas:</u> 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." BLM is still in the process of preparing sage grouse amendments for the Rawlins, Kemmerer, Pinedale, Rock Springs, Casper, and Newcastle RMPs. After coordination between the BLM Wyoming State Office and the State of Wyoming, BLM deferred portions of fourteen parcels occurring within 0.6 miles of occupied sage grouse leks in key habitat from the May 2012 lease sale.
35	<u>Coalition of Local Governments:</u> The Coalition strongly supports the EA's handling of the lands with wilderness characteristics (LWC) issue. EA at 88-89. Last February CLG submitted comments on the Secretarial Order 3310 BLM manuals to the effect that the Interior Secretary lacked the legal authority to issue the order or to implement it. While Congress has frozen funds to implement Secretarial Order 3310, Secretary Salazar did not withdraw the order and BLM Director merely put the implementing manuals in abeyance. Instruction Memorandum (IM) 2011-172. The fate of the congressional rider freezing appropriations used for implementing Secretarial Order 3310 is uncertain in light of the current impasse in Congress.	Comment acknowledged, response not required
36	<u>Coalition of Local Governments:</u> A Freedom of Information Act (FOIA) revealed that BLM received a number of master	Comment acknowledged, response not required

Appendix F
Public Comments and Agency Response

#	Comment	Response
	lease plan nominations in Wyoming, as well as Colorado and Utah. The public, state and local government officials were not given the same opportunity to submit nominations or respond to these. The areas nominated were justified largely on their alleged wilderness character. See e.g. Adobe Town expansion. As is correctly stated in the EA, although nominated for wilderness management, the area shows ample evidence of human impacts. EA at 89.	
37	Coalition of Local Governments: The Coalition questions, however, the merit of deferring more than 84 parcels and several partial areas based on the pending sage grouse RMP revision. The BLM sage grouse RMP revision is behind schedule. The cooperators are still discussing the alternatives, a discussion that is apparently on hold due to the Idaho District Court decision in Western Watersheds Project v. Salazar, Sept. 28, 2011. The Coalition suggests that because the Idaho court decision appears to have only been concerned with the Pinedale RMP and did not address the WGFD plan, it has little or no bearing on conservation measures in Wyoming. The State of Wyoming has been implementing a robust program of sage grouse protection, while continuing to develop data regarding lek locations and related habitat. This process began more than seven years ago with regional working groups. The state remains committed to its core area identification, which attempted to balance energy development and access with sage grouse conservation. This process resulted in the identification of core areas and detailed management guidelines. While CLG members have not agreed with every detail, BLM cannot ignore the fact that there is already a robust conservation program in place that contradicts the assumed need to defer the leases for an RMP revision that is unlikely to be final for several years. Based on this background, there is no valid basis to defer until the RMP amendment is completed.	The parcel deferrals pending completion of the sage grouse amendment Rawlins, Rock Springs, and Kemmerer RMPs are consistent with and are in conformance with BLM Wyoming IM WY-2010-013
38	Coalition of Local Governments: Leasing subject to Wyoming BLM Instruction Memorandum, which incorporates the Wyoming executive order is not an irreversible and irretrievable commitment of resources. Deferral only interferes with completion of land positions necessary to drill. It also permits drainage when the deferred parcels are located near or adjacent to state and private lands. As indicated in earlier comments, the local governments depend on sales tax revenues from the energy industry. The high percent of federally-owned land within each affected county makes property taxes a relatively small source of revenues and federal in lieu of taxes payments (PILT) are an insufficient substitute. The energy industry is an equally	Comment acknowledged. The EA at Section 4.2.15 addresses anticipated socio-economic impacts. As stated in the Agency response to comment 37, the sage grouse deferrals are in accordance with IM WY-2010-013

Appendix F
Public Comments and Agency Response

#	Comment	Response
	important source of jobs and stability within the counties. Accordingly the deferral of these lease parcels for an indefinite period on these facts is unwarranted.	
39	Coalition of Local Governments: The Coalition understood that Wyoming BLM did not recommend any areas for master lease planning (MLP) in 2010. Certainly none is identified in public documents, as compared to other western states. The identification of the Little Mountain area for master lease planning is particularly problematic in light of the lack of opportunity to comment on the reasons and the scope of the area for such planning, when originally BLM determined that the RMP process would be sufficient	Memorandum dated February 16, 2011 to the Wyoming State Director from BLM Director states, "I also concur with your MLP assessment and proposal to complete MLP analysis for Absoraka-Beartooth Front, Fifteen Mile Area, Bighorn Front; Dubois: Beaver Rim; and Greater Little Mountain as part of the ongoing resource management planning efforts." Based on this the Rock Springs Field Office is incorporating MLP analysis for the Greater Little Mountain area into the ongoing Green River RMP revision.
40	Trout Unlimited: We continue to feel strongly that this new process has increased the ability to review and provide thoughtful analysis and comments to the BLM prior to any offering of oil and gas leasing parcels for sale. We appreciate the efforts of the BLM staff that provided detailed responses to our comments on the November 2011 leasing DEA. Those responses have helped us provide more focused and effective comments on this lease sale. Additionally, we have noticed that much of the additional analysis and inclusion of fisheries based information requested in past EA leasing comments has been included in this DEA. TU appreciates this though we would like to see stronger considerations for the economic benefits of hunting and angling, as oil and gas leasing and development continues to expand on our public lands.	Comment acknowledged; no response required.
42	Trout Unlimited: TU agrees with the BLM's decision on the deferral and deletion of the parcels under Alternative B in the DEA. We e commend you for deferring parcels located within the area designated for the Little Mountain Energy Master Leasing Plan (MLP). Deferring these 4 whole and 1 partial parcels pending completion of the MLP maintains decision space for the BLM to develop a balanced long term plan for the area through the Rock Springs Resource Management Plan (RMP) Revision as well as the Master Leasing Plan process. We are also pleased to see that all parcels on the Wind River Front Special Resource Management Area have been deleted from the sale. This area contains outstanding natural resource values and was wisely removed from future oil and gas leasing under the Green River RMP.	Comment acknowledged; no response required.
43	Trout Unlimited: Additionally, we support the deferral of parcels within the Red Rim Grizzly and Cow Creek Wildlife Habitat Management Areas (WHMAs). TU, along with federal, state, county, and private partners, have been working to restore and improve native fisheries in this area. While deferrals of these lease parcels helps in the short term, TU would like to see permanent withdrawal or one-half mile No Surface Occupancy (NSO) stipulations applied along riparian areas and streams containing sensitive native fish species. Such action will thus ensure the long-term success of the	Establishing permanent withdrawal or one-half mile NSO stipulations along riparian areas and streams containing sensitive fish species requires a RMP amendment and is beyond the scope of this EA. However, please note that under the Rawlins RMP, Upper Muddy/Grizzly and Cow Butte/Wild Cow WHMAs are unavailable for oil and gas leasing and the parcels and portions of parcels on the May 2012 lease list that were located within the boundaries of these WHMAs are deleted from the sale.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	financial and conservation protection efforts applied by all partners.	
44	Trout Unlimited: Colorado River cutthroat trout (CRCT) and Bonneville cutthroat trout (BCT) and their habitat components are present in several of the lease parcels offered in the May 2012 lease sale. These parcels include: WY-1205-009, 011-018, 025-028, 038, 043, 157, 158, 176, 181, 196, 198, 200, 219, and 247-251. The Wyoming Game and Fish Department (WGFD) has identified both native trout species as Specie of Greatest Conservation Need in their updated SWAP (Strategic Wildlife Action Plan, 2010) and the BLM has identified them as a Sensitive Species. Both these status rankings accentuate the importance for protection maintenance and the need for additional mitigation measures that may reach beyond the general standards the BLM routinely requires.	The EA address CRCT and BCT and establishes mitigations consistent with the Kemmerer, Rawlins, and Green River RMPs.
45	Trout Unlimited: TU appreciates the attention given to fisheries, and native trout in particular, within this EA. The CRCT and BCT screening under Affected Environment Table 3-2 is extremely helpful when analyzing this lease sale. This should be included as a standard format for future leasing EAs.	Comment acknowledged; no response required.
46	Trout Unlimited: We would like to see further discussion on the responsible obligations required by all agencies who have committed to working on the habitat protection measures identified in the 2006 Conservation Agreement for CRCT. The Rangewide Assessment, required every 5 years, for CRCT are in the midst of being updated and compiled and a new updated assessment is due in the Spring of 2012. Though the report is not yet publicly available, the updates in terms of population parameters, habitat assessments, etc. are available among agencies. We recommend the BLM include the new data as there may be information that identifies new and potential populations within the 3 BLM resource management areas.	BLM feels the EA provides adequate discussion concerning the CRCT Conservation Agreement. BLM does not feel that it is appropriate to include data or information before it is fully vetted and available publicly.
47	Trout Unlimited: The Conservation Agreement for the BCT has not been discussed in the DEA and we recommend that such a discussion be included. Though it is mentioned that BCT are considered stable, it is only because of the increased habitat restoration and protection measures many agencies and organizations have undertaken.	Text has been added to the EA concerning the Conservation Agreement for the BCT.
48	Trout Unlimited: As you know, TU has several native trout habitat restoration and reconnect projects on the ground in these lease parcel areas . . . This project work is specifically mentioned in the EA, but we would like to provide an up-to-date list of our project work in the areas of the proposed lease parcels for your reference: **Henry's Fork:** TU is currently working with water users and landowners to improve a barrier to insure that no invasive species from the Flaming Gorge Reservoir can access the Henry's Fork and risk harming conservation populations of	Additional text concerning CRCT and BCT restoration projects has added to the EA. Instituting half mile wide NSO buffers for CRCT and BCT watersheds is a RMP level decision and is beyond the scope of this EA. We acknowledge that any potential affects to streams containing Bonneville or Colorado River cutthroat trout would be further reduced by increasing the riparian buffer to ½ mile. While the Dillon RMP (BLM Montana) does impose a ½ CSU buffer for Westside cutthroat trout and the Beaverhead-

Appendix F
Public Comments and Agency Response

#	Comment	Response
	BCT. We are also working with land owners to improve irrigation efficiency as well as assessing barriers to fish passage throughout the Henrys fork watershed. Parcels 157, 159, 158, 171, 180, 181, 196, 200, 201, 202 are located within the project area and we request that stronger stipulations that include NSO and up to half-mile buffers be placed within this watershed. **Little Snake/Savery Watershed:** TU has been working on the ground with a wide range of partners, including the BLM, to reconnect and restore native trout and their habitat in the Little Snake and Savery drainages. To date TU has several projects in the planning stages that are expected to break ground in 2012. The first is a fish barrier removal on Dirtyman Creek, which is a tributary of Savery Reservoir. The second is a fish barrier removal on Hell Canyon Creek, which is a tributary of Savery Creek. Combined these projects will cost in excess of $200,000. An additional four diversion structures are set to be reconstructed for fish passage, starting in April 2012. Parcels 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 25, 26, 27, 28 are located within the project area and we request that stronger stipulations that include NSO and up to half-mile buffers be placed within this watershed. **Hams Fork/Rock Creek/Bear River Drainages:** Again, TU has been working on the ground with a wide range of partners, including the BLM, to reconnect and restore native trout populations of CRCT in the Hams Fork and Rock Creek drainages. To date TU has completed 9 separate projects in these drainages. These projects included the removal of barriers to fish passage, installations of fish screens on irrigation diversions and the consolidation of irrigation diversions. Overall these projects have reconnected over 100 miles of habitat. To date these projects have cost over $1,000,000.00. Parcels 240, 246, 247, 248 are located within the project area and we request that stronger stipulations that include NSO and up to half-mile buffers be placed within this watershed.	Deer Lodge National Forest LUP sets buffers of ½ to 1 mile for arctic grayling, they do not provide supporting rationale as why these expanded buffers are needed or why lesser buffers are not adequate. Additionally, we could not find documentation that the 500-foot riparian buffer used BLM-Wyoming's RMPs does not provide adequate protection for fishes.
49	Trout Unlimited: Parcel 250 is located adjacent to the Cokeville Meadows National Wildlife Refuge. The parcel is also along Twin Creek where TU has done project work to restore historic BCT habitat. While the DEA discusses the Cokeville Meadows National Wildlife Refuge (NWR) in Chapter 4 (4.2.18-G.-p. 137-138) it fails to acknowledge the TU restoration projects and the BLM land swap which is under negotiations.	Parcel 250 is located on area formerly occupied by a phosphate mine. The parcel is approximately ¼ mile south of the Cokeville Meadows NWR outside the refuge boundary and is approximately ¾ mile north of Twin Creek. The parcel is approximately 1.5 miles northwest of the Twin Creek fish barrier. Parcel 250 does not fall within BLM lands within the Cokeville Meadows NWR being considered for transfer to the FWS. Additional text has been added to section 4.2.18.G of the EA.
50	Trout Unlimited: Further, no one from the NWR has been contacted for consultation on the parcels that occur within the	An email message was sent to David Lucas at the USFWS Regional Office in Denver, CO and to Carl

Appendix F
Public Comments and Agency Response

#	Comment	Response
	vicinity of the Refuge. In the May 2010 lease sale environmental review, parcels within the NWR boundary were listed yet the NWR staff had not been consulted at that time either. TU mentioned this in our comments to that May 2010 Leasing EA, and as provided below. We request that the Final EA include this information and that the BLM contact the NWR:	Milligan, Refuge Manager Seedskadee and Cokeville Meadows refuges on October 27, 2011 alerting them to the EA and providing them with the web-address and comment period for the EA.
51	Trout Unlimited: *The Wyoming Game and Fish Department Habitat Biologist for the Kemmerer area was also unaware of the leasing EA and indicated he, too, had high levels of concern about these leases and their proximity to highly important wildlife resources (Ron Lockwood, personal communication November 2010).*	As stated in section 6.0 of the EA, the Kemmerer Field Office sent list of the lease parcels and request for comments was submitted to Mark Zornes and the Green River WGFD Office via email on August 26, 2011. No comments were received
52	Trout Unlimited: Table 3.2 identifies many parcels as being located within habitat containing the Colorado River native fish species, including the "three species": Bluehead sucker, roundtail chub, and Flannelmouth sucker. These species are managed in a multi-state cooperative effort spanning Utah, Wyoming and Idaho (Colorado River Fish and Wildlife Council 2004). The WGFD has assigned all three species the highest priority in the updated 2010 Statewide Wildlife Action Plan. Challenges to these three species include impacts from water development and depletion, drought, migration corridors being removed, habitat degradation, nonnatives overtaking their habitat, and hybridization. We suggest the EA include a more thorough review on how energy development might impact these sensitive native non-game fish.	The EA states, "*The offering and subsequent issuance of oil and gas leases is strictly an administrative action, which, in and of itself, does not cause or directly result in any surface disturbance. BLM cannot determine at the leasing stage whether or not a proposed parcel will actually be sold, or if it is sold and issued, whether or not the lease would be explored or developed. Consequently, the BLM cannot determine exactly where a well or wells may be drilled or what technology that may be used to drill and produce wells, so the impacts listed below are more generic, rather than site-specific. Additional NEPA analysis would be conducted prior to approval of an APD. This additional environmental documentation would provide site-specific analysis for that well location. Additional conditions of approval (mitigation) may be applied at that time to mitigate identified impacts*." The EA at section 4.2.2.2 does provide discussion on potential water depletion impacts.
53	Trout Unlimited: TU would like to see increased buffers placed on rivers and streams containing populations of native trout, wild trout, and native non-game Colorado River fish species. Lease Notice Number 1 includes a 500-foot buffer for all riparian areas, but it does not address rivers or streams. Often streams and rivers in Wyoming lack distinguishable riparian areas and we request that language be specific to include streams and rivers, as well . . . In order to further our request with validation, we have developed a summary and reference discussion as an attachment to this comment letter (see Attachment A).	BLM believes the protection afforded through Lease Stipulation No. 1 (i.e. *surface disturbing activities on slopes of 25% or greater or within 500 feet of surface water and/or riparian areas will be prohibited unless or until the permittee or the designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts*) provide the requisite protection. Lease Notice No. 1 does address rivers and streams through the inclusion of the term "surface water". Surface water is inclusive of rivers and streams, as well as ponds, reservoirs, and lakes. BLM concurs with the importance of riparian buffers referenced in TU's Attachment A. While the Dillon RMP (BLM Montana) does impose a ½ CSU buffer for

Appendix F
Public Comments and Agency Response

#	Comment	Response
		Westside cutthroat trout and the Beaverhead-Deer Lodge National Forest LUP sets buffers of ½ to 1 mile for arctic grayling, they do not provide supporting rationale as why these expanded buffers are needed or why lesser buffers are not adequate. Additionally, we could not find documentation that the 500-foot riparian buffer used BLM-Wyoming's RMPs does not provide adequate protection for riparian, wetlands, and streams. It is important to remember that BLM's 500-foot buffer is from the edge the surface water or the edge of the riparian habitat, whichever is greater. If a stream is bounded by 100 feet of riparian the buffer would extend 500 feet in the upland beyond the edge of the riparian area. Semlitsch and Bodie (October 2003) state, "It is generally acknowledged that terrestrial buffers or riparian strips 30–60 m wide will effectively protect water resources". They further state the importance of amphibian and reptilian core habitat and suggest including "three terrestrial zones adjacent to core aquatic and wetland habitats . . . (1) a first terrestrial zone immediately adjacent to the aquatic habitat, which is restricted from use and designed to buffer the core aquatic habitat and protect water resources; (2) starting again from the wetland edge and overlapping with the first zone, a second terrestrial zone that encompasses the core terrestrial habitat defined by semiaquatic focal-group use (e.g., amphibians . . .); and (3) a third zone, outside the second zone, that serves to buffer the core terrestrial habitat from edge effects from surrounding land use." and "Although wetlands vary in many characteristics related to type, region, topography, climate, and land-use surrounding them, the data we compiled suggest that a single all-encompassing value for the size of core habitats can be used effectively." Based on the definition for riparian habitat (i.e., areas adjacent to rivers and streams with a differing density, diversity, and productivity of plant and animal species relative to nearby uplands) is appears that the core habitat zone would correlate with riparian areas. Semlitsch and Bodie recommend a minimum core zone of 142 meters (465 feet). BLM's 500 foot buffer from the edge of riparian habitat or surface water meets this minimum core zone width. They also recommend a 50 meter upland buffer. A Google[tm]earth review of Twin Creek near Sage Junction, the Little Snake River, Savery Creek and tributaries, the Hams Fork and tributaries indicate that these streams appear to commonly have riparian habitat extending 100 feet or more from the streams. Where

Appendix F
Public Comments and Agency Response

#	Comment	Response
		the riparian habitat is 100 feet or greater, the 500 foot buffer would essentially meet the core and upland buffer recommended by Semlitsch and Bodie.. It is important to remember that, as stated in the EA, issuing an oil and gas lease is an administrative process that in and of itself does not necessarily result in environmental impacts. During the environmental review process, BLM cannot determine or predict where a given parcel will actually receive qualifying bids at the lease. Parcels frequently do not receive bids. If a parcel does get leased, BLM cannot determine or predict whether or not the lease will be developed. In the event development is proposed, BLM initiates "site-specific" NEPA analysis to address the "on-the-ground" environmental impacts anticipated from the proposed development.
54	Trout Unlimited: The discussion in Chapter 4 (page 124) on siltation justifies our recommendation for increasing the setback buffer on riparian areas and streams, in particular on water bodies containing sensitive fish species. By imposing more stringent buffer setbacks, the BLM not only engages itself in a more active role toward responsible energy development and management, it also helps decrease the risk factor associated with the inherently industrial business of oil and gas extraction. Establishing strong setback parameters is not negating access to oil and gas reserves; indeed, it is an example of employing responsible and multiple-use management principles. Implementing protective buffers should be considered a best management practice.	Refer to Agency response to comment 53
55	Trout Unlimited: The latest federal management plan to impose strict buffer setbacks and NSO stipulations is the Uinta National Forest Oil and Gas Leasing FEIS (2011). In addition to not allowing oil and gas activities in any riparian area, regardless of acreage, it also requires an operator to install water quality monitoring devices where roads are constructed and/or where well pads are located within 500-feet of fish-bearing waters. Further, if turbidity differences between monitoring sites (above and below wells or road crossings) exceed a specific measuring unit, operations will be temporarily suspended. In addition, supplemental best management practices (BMPs) are to be employed to further maintain water quality.	As previously stated, absent a development proposal, BLM cannot predict whether or not or to what degree development would occur on a given parcels. Nor can BLM predict what actual impacts would occur. Once BLM has a development proposal site-specific NEPA analysis would be instituted. Through this subsequent analysis BMPs, such as those suggested could be considered.
56	Trout Unlimited: As BLM appropriately mentioned, there were 33,000 active wells in the state as of 2008. Though we would request that this number be updated to better reflect the conditions which exist today, we feel a more glaring subject which was not reflected in the discussion was how much water oil and gas wells require during the exploration and	According to Petroleum Association of Wyoming website (http://www.pawyo.org/facts.html) there were 39491 producing well in 2010. The EA has been changed to reflect this update. As previously stated, absent a development proposal,

Appendix F
Public Comments and Agency Response

#	Comment	Response
	development stage. In addition, a discussion should also include the water quantity necessary when a well requires a workover or fracking stimulation when reserves become low enough to require further stimulation. There are many unknowns as to how oil and gas development, particularly the use of hydraulic fracturing fluids, impacts groundwaters on a long-term basis.	BLM cannot predict whether or not or to what degree development would occur on a given parcels. Nor can BLM determine what depth of wells may be drilled or what kind of well stimulation or fracking, if any would be needed. These are factors in determining how much water may be used.
57	Trout Unlimited: BLM is incorrect in stating that oil and gas wells are cased and cemented at depths below all usable water zones. EPA recently concluded in their investigation of the Pavillion Gas Field (EPA November 2011) that wells were not appropriately surface cased nor were they deeper than all usable water zones.	BLM and the Wyoming Oil and Gas Conservation Commission (WOGCC) have entered into an Memorandum of Understanding concerning oil and gas development and operations in Wyoming. Additionally BLM and WOGCC, each approve APDs which include drilling casing plans for each well drilled on federal surface or into federal minerals. WOGCC rule at Chapter 3, Section 22 establishes the surface casing requirement: Surface casing shall be run to reach a depth below all known or reasonably estimated utilizable groundwater (as defined in Chapter 3, Section 8(c)(iv)) to protect the Use Class category and to prevent blowouts or uncontrolled flows. Unless otherwise approved by the Supervisor, surface casing shall be set at a minimum of three (3) joints or approximately one hundred (100) to one hundred twenty (120) feet below the depth of any Wyoming Office of State Engineer permitted water supply wells designated for domestic, stock water, irrigation or municipal use, within a minimum of one-quarter (1/4) mile radius and shall be cemented to surface. Any coalbed methane well receiving a Ground Water Appropriate Permit (Form UW 5) from the State Engineer's Office is exempt from this specific subsection. Fresh water flows detected during drilling, including seismic, core, or other exploratory holes, shall be recorded on Form 19 (Report of Fresh Water Flows) and reported to the Commission on the next business day. Information contained on the form shall describe the depth at which the sand was encountered, the thickness, and the rate of water flow, if known. In areas where pressures and formations are unknown, surface casing shall be of sufficient size to permit the use of an intermediate string or strings of casing. Surface casing shall be set in or through an impervious formation and shall be cemented by the pump and plug or displacement or other approved method with sufficient cement to fill the annulus to the top of the hole, all in accordance with reasonable requirements of the Supervisor. The Supervisor may require the Owner or Operator to pump a specified quantity of excess cement above the design volume if severe washed out hole conditions are known to exist on the surface hole portion of wells in the immediate vicinity of the well to

Appendix F
Public Comments and Agency Response

#	Comment	Response
		be drilled. If cement is not circulated to the surface during the primary operation, the Owner/Operator shall perform supplemental cementing operations to assure that the annular space from the casing shoe to the surface is filled with cement. The Supervisor may require the Owner or Operator to provide cased hole bond logs to be run for casing strings to demonstrate isolation from the placement of cement across and above the productive intervals or above the last casing shoe in the well, if there is a demonstrated reason to believe an inadequate cement job was performed.
58	Trout Unlimited: Migration of chemicals into groundwater is not been adequately addressed in the DEA and TU requests that the BLM include a more in-depth discussion on the potential impacts and unknowns that exist as more and more gas development occurs in Wyoming.	Refer to Agency response to comment 52
59	Trout Unlimited: Currently, water use to drill one well ranges between 1 and 6 million gallons. In fracturing a well, companies have estimated that generally they use a ratio of 0.5 percent hydraulic chemical fluid mix to 1.5 million gallons of water. That translates to a minimum of 5,000 gallons of chemicals into one well for every 1.5 million gallons of water used to fracture a well (Paschke, Dr. Suzanne. USGS, Denver, Colorado. September 2011). The cumulative impact to groundwater and surface water communication must be addressed in the Final EA.	The text provided by TU concern water usage has been added to the EA. BLM still asserts that adherence to surface casing and cementing requirement as referenced in in the Agency response to comment 57 provides adequate for protection of ground water resources and that additional discussion in the cumulative impact is not needed.
60	Trout Unlimited: TU feels the DEA fails to adequately consider the cumulative effects on the long-term benefits of renewable resources such as recreation, economic development, and community integrity.	The cumulative impacts section of the draft EA states, "Offering the subject parcels for lease, and the subsequent issuance of leases, in and of itself, would not result in any cumulative impacts. The referenced RMPs/EISs provide cumulative affects analysis for oil and gas development based on the reasonable, foreseeable oil and gas development scenario. This analysis is here by incorporated by reference. The offering of the proposed lease parcels is consistent with that analysis. As discussed in Section 1.3, it is assumed that any development on those leases would occur within the RDF level analyzed in the EISs for the governing RMPs and that the impacts would also be within the thresholds of identified in the EISs."
61	Trout Unlimited: The bigger point we are trying to instill is that economic contributions from renewable recreation and tourism opportunities is long-term and just as important to the people and communities of this state as are the valuable mineral resources we have. We must consider both resources in the value scheme. The DEA's economic analysis is weak in terms of measuring the renewable resource benefits and economic contributions from outdoor recreation. We request a	Information provided by TU concerning recreational use and economic benefits on the public lands has been added to section 3.2.2.10 of the EA.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	more thorough review and analysis in the Final EA that takes into consideration the long term benefits of sustaining renewable resources and creating healthy and balanced opportunities for economic and community development.	
62	Trout Unlimited: One final observation needs mentioning. In the discussion under Recreation, the EA provides information that animals have moved 2 miles or more from logging operations, illustrating the impact from human interference. We request that the BLM update this to include the science data that illustrates big game animals are moving from traditional habitat areas due to oil and gas operations.	Refer to Agency response to comment 52. The reference to logging operations is intended to show that human industrial activity does impacts wildlife use of habitats. The EA also states, "Should activity occur that is analogous to that occurring on Pinedale Anticline, it could be assumed that impacts similar to those shown in the Sawyer (2010), Holloran (2005), and Berger (2008) studies would occur." Additional text was added to section 4.2.12.
63	Trout Unlimited: The EA provides discussion on impacts to wildlife but lacks the analysis it needs to be able to implement adequate best management practices and better stipulations. This is particularly disconcerting based on the now-available decades of science based research on impacts to wildlife, particularly big game, from oil and gas development.	Refer to Agency response to comment 52
64	Trout Unlimited: Based on the information provided, we request the BLM to review the stipulations once again for these leases and reconsider how the assignment of stronger stipulations will provide less impact to big game and fisheries, still maintain an operator's ability to access the mineral resources, and decrease the potential conflicts among the concerned citizens and operators when something does go wrong.	The EA states at section 1.1 states that the EA is tiering to the referenced RMPs and associated EISs and further states, "The mitigation measures developed through those EISs reduced/minimized the anticipated impacts associated with the projected development to acceptable levels below the significance thresholds." The stipulations attached to the parcels are consistent with and are in conformance with the decisions and requirements in the governing RMPs. BLM also asserts that through tiering to the governing RMPS/FEISs, in conjunction with the analysis contained in the draft EA itself, the agency has met the requisite of determining the anticipated effectiveness of the stipulations applied to the proposed parcels to mitigate the anticipated impacts.
65	NOLS: NOLS feels that the lease areas WY-1205-067 and WY-1205-068, given their ecological and habitat features, and their recreational and educational opportunities, should be left in a natural state so that traditional uses can continue, and that the predominantly natural viewscape surrounding the area be preserved.	The referenced Rawlins, Kemmerer, and Green River RMPs established landscape scale resource management allocations, including identifying which areas within the respective field office would be available for oil and gas leasing. The RMPs also provide the landscape scale cumulative impacts analysis. Parcels 067 and 068 are in areas designated as available for oil and gas leasing.
66	NOLS: Within section 4.1.1 of the EA, the economic benefits of oil and gas development are discussed, including increased employment opportunities for the region. We ask that adverse economic impacts to the region also be analyzed, specifically those that affect the travel and tourism economic sector, occupied by outdoor education, recreation and outfitting. For	Refer to Agency response to comment 6. Section 1.1 of the EA states, "Pursuant to 40 CFR1508.28 and 1502.21, this EA tiers to and conforms with the approved Kemmerer, Rawlins, and Green River RMPs and Final Environmental Impact Statements

Appendix F
Public Comments and Agency Response

#	Comment	Response
	example, NOLS Rocky Mountain spent over $7.7 million in Wyoming in 2010 in the form of wages for full time and seasonal staff, food, fuel, and maintenance expenditures, and fees to local outfitters. This revenue is generated by non-resident course participants who are drawn to Wyoming for its natural landscapes and the backcountry experiences they find here.	(FEIS) and to the associated Records of Decisions (ROD) for each Field Office. The impact analysis in the EISs for the affects from oil and gas development was based on and is commensurate with the Reasonably Foreseeable Development (RFD) scenario (i.e., the level of oil and gas development projected for the life of the plan based on historically and projected trends)." This includes the socio-economic analysis associated with recreation.
67	NOLS: One of the few remaining landscapes where one can enjoy sweeping, uninterrupted views of a vast and unpopulated land is within Wyoming's Red Desert. While many BLM lands across the west have seen dense oil and gas development, exploration in the Red Desert has been less expansive. These open spaces draw visitors, including clients for outfitters such as NOLS, and are an important aspect of Wyoming's heritage. The BLM has an opportunity during this EA to better preserve these viewscapes. This EA should address the need for development in known recreation zones, such as those occupied by WY-1205-067 and WY-1205-068, to have minimal visual impacts.	See Agency responses to comments 66 and 67.
68	NOLS: The BLM should consider several steps that will help mitigate anticipated air quality violations should oil and gas development within the Red Desert expand. For example, it should consider additional monitors in popular recreation areas. It should require that best management practices be made mandatory (including the use of Tier-IV, or the equivalent emissions reductions, on drilling rigs). It should encourage directional drilling techniques be explored to reduce well and infrastructure density. It should have an action plan prepared to resolve excessive emissions issues when ozone and other noxious gases elevate. Finally, careful consideration should be given to impacts of development on other resources, including backcountry recreation. We ask that the BLM enforce these measures as part of this EA.	The EA provides extensive discussion concerning air quality. Section 4.2.1.4 provides a listing of potential BMPs. As previously stated post lease development will require additionally NEPA analysis. Such analysis would determine additional monitoring needs, which could include the establishment of additional air quality monitoring stations/sites and ozone contingency plans.
69	NOLS: NOLS courses occasionally travel in the vicinity of parcels WY-1205-067 and WY-1205-068, and we are concerned that development in those parcels would impact the surface water quality for courses traveling nearby. Outdoor education and recreation activities are entirely dependent upon surface water resources for not only livestock, but also expedition participants. In its analysis, the BLM should address the impacts development could have on the potability of nearby surface water resources.	Refer to Agency response to comments 66 and 67. The EA at section 4.2.9 provides discussion on potential impacts to water quality.
70	Wyoming Wilderness Association: There are six parcels within the Rawlins Field Office boundaries that we are concerned with. These parcels include: • WY 1205 – 045, 046 • WY 1205 – 062-066	The EA at section 3.2.2.3 states, "Parcels 45, 46, 62-66 fall within the Adobe Town DRUA that was developed through the Rawlins RMP analysis of a citizen's wilderness proposal. Approximately 145 acres along the southern edge of parcel 46 occur in an area within

Appendix F
Public Comments and Agency Response

#	Comment	Response
	These six leases are adjacent to Adobe Town WSA. WY 1205 – 045 and WY 1205 – 046 are located along the northeast boundary of the WSA and WY 1205 – 062, WY 1205 – 063, WY 1205 – 064, WY 1205 – 065 and WY 1205 – 066 are located near the southwestern boundary of the WSA. We are concerned that if these specific parcels are leased and subsequently developed for resource extraction purposes that they will negatively impact the wilderness characteristics and values of Adobe Town WSA.	the Rawlins Field Office identified as having wilderness characteristics. Based on a 2002 inventory, the Rawlins RMP determined "the lands to be unmanageable for wilderness character because of preexisting oil and gas leases, the BLM elected to manage lands with wilderness character for multiple use and not for protection of wilderness character. Accordingly, measures to provide protection for any wilderness characteristics of lands (outside of previously established WSAs) will not be considered in the alternatives in this RMP. This is consistent with BLM policy as presented in BLM IM 2003-275" which was corroborated by a BLM interdisciplinary team review in July 2011. The 2002 inventory was corroborated by a BLM interdisciplinary team review in July, 2011. Parcels 62-66 are within the Kinney Rim South citizen wilderness proposal (CWP), which the 2002 inventory the concluded "does not have supplemental values. Due to the abundance of human impacts, the area was determined not to have wilderness characteristics."
71	Wyoming Wilderness Association: The Wyoming Wilderness Association asks that the Bureau of Land Management re-consider a lease sale of parcels WY 1205 – 045, WY 1205 – 046, WY 1205 – 062, WY 1205 – 063, WY 1205 – 064, WY 1205 – 065 and WY 1205 – 066.	As stated in the Agency response to comment 70, parcels 045, 046, and 062-066 are located in the DRUA established through the Rawlins RMP, which designates the area as available for multiple use management, including oil and gas leasing and development. Including these parcels in the May 2012 oil and gas lease sale is consistent with the RMP decision.
72	Wyoming Wilderness Association: Parcels WY 1205 – 045 and WY 1205 – 046 would potentially impede on the VRM Class II of Adobe Town. Development of these parcels would also impact air quality and would impede traditional mule deer and antelope winter range. Infrastructure and access development will directly impact sensitive plant species in the area as well. Thus, we propose that these two parcels be removed from this lease sale.	The 2008 Rawlins RMP (Map 2-50) designates the area containing parcels 045 and 046 as VRM Class III. The Rawlins Field Office is in the process of revising the 2008 RMP to readdress VRM designations across the field office area. As part of that process a visual resource inventory (VRI) was completed in 2011. The VRI identifies the area with parcels 045 and 046 as being in a visual quality class II area. Until the RMP amendment/revision is completed the existing RMP decisions remain in full force and effect, see the H-1601-1citation below. BLM Land Use Planning Handbook H-1601-1, Section VII.E states, "*Existing land use plans decisions remain in effect during an amendment or revision until the amendment or revision is completed and approved. The decisions of existing land use plans do not change. For example, if current land use plans have designated lands open for a particular use, they remain open for that use. Land use plan decisions may be changed only through the amendment or revision process.*"
73	Wyoming Wilderness Association: As for parcels WY 1205 –	Refer to agency response to comment 70.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	062, WY 1205 – 063, WY 1205 – 064, WY 1205 – 065 and WY 1205 – 066, we propose removal from the lease sale as well. These parcels border and area that qualifies as having legitimate wilderness characteristics. Development of these parcels would impede the potential process of moving forward in retention of these specific characteristics and values on the southwestern corner of Adobe Town WSA. If they are included in the lease sale, a mandatory MLP that constrains development, operation and maintenance to a singular season as not to negatively impact crucial mule deer and antelope winter range.	Parcels 062-066 lie between 3 and 9 miles southwest of the nearest part of the Adobe Town WSA. BLM evaluated the parcels against the master leasing plan (MLP) criteria in Washington Office Instruction Memorandum 2010-117 (see EA Appendix E) and determined the area does not meet the criteria for an MLP. As designated by the Rawlins RMP, parcels 062-066 are constrained a timing limitation stipulation for protection of the crucial big game winter range.
74	Wyoming Wilderness Association: There are 21 parcels located within the Rock Springs Field Office boundaries that we are concerned with. These include: • WY 1205 – 073 – 076 • WY 1205 – 156 – 158 • WY 1205 – 160 – 167 • WY 1205 – 175 • WY 1205 – 177 • WY 1205 – 184 – 185 • WY 1205 – 188 – 189 Four of these parcels (WY 1205 – 073 – 076) are adjacent to the Kinney Rim CWP and threaten the recognized wilderness characteristics and wildlife values of the area. 11 of the parcels (*Table 1*) are located within the Twin Buttes/Devil's Playground WSA/CWP. We believe that it is improper to locate any of these parcels inside areas that are shown to have wilderness characteristics.	Text has been added to the EA acknowledging the citizen proposed wilderness. As stated in section 3.2.2.3 of the EA, BLM has evaluated the areas contain parcel 073-076, 156-158, 160-137, 175, 177, 184, 185, 188, and 189 for lands with wilderness characteristics in accordance with Washington Office Instruction Memorandum 2011-154 and determined the areas do not contain lands with wilderness characteristics.
75	Wyoming Wilderness Association: Placing development (*Figure 1*) would cut off crucial winter range, directly impact numerous special status species and render the Twin Buttes/Devil's Playground WSA/CWP un-fit for possible future Wilderness designation. Development would impact VRM classifications inside the CWPs negatively.	The EA addresses impacts to wildlife, including crucial big game winter range, and to special status species. Additionally, the EA, as stated in the Agency response to comment 64 is tiered to the EIS for the Green River RMP, which provided additional analysis concerning these resource values. Wilderness Study Area designations are stand alone, independent determination based on the values within their respective boundaries and are dependent on or determined by values or conditions outside the boundaries. The CWPs are currently in areas designated by the Green River RMP as Class IV, which allows substantial modification to the visual setting.
76	Wyoming Wilderness Association: Wyoming Wilderness Association recommends that the BLM remove parcels WY 1205 – 156, WY 1205 – 160-165, WY 1205 – 167, WY 1205 – 184-185, WY 1205 – 188 from the lease sale. These parcels are located within the boundaries of the Citizens' Proposed Wilderness, an area with recognized wilderness characteristics. We understand that the BLM is not obligated to manage an area as Wilderness solely because it may display some	Refer to Agency response to comment 74

#	Comment	Response
	particular wilderness characteristics. This area, as part of a citizens' proposal, is recognized by countless Wyoming citizens as well as numerous local, regional and national groups. Thus, we believe that there is sufficient support for the protection of the values of Twin Buttes/Devil's Garden WSA/CWP as they currently stand. We ask that the remaining parcels, WY 1205 – 157-158, WY 1205 – 165-166, WY 1205 – 175, WY 1205 – 177, WY 1205 – 184, WY 1205 – 189, are also removed from the lease sale. We recognize that the BLM does not often recognize buffer zones around protected areas such as WSAs but as this potential development would take place immediately adjacent to the WSA/CWP boundary, we ask that the WSA and its current status be given precedence in this case.	
77	Wyoming Wilderness Association: As energy development in Wyoming and throughout the west is exponentially expanding daily, we aim to speak in order to retain some of the special heritage sites throughout our state. Wild places are the true heritage of Wyoming. Energy development is also a vital part of Wyoming's economy, identity and heritage. We believe that balanced management in Wyoming is possible. Through the draft of a lease sale management strategy that praises and takes note of the value of mineral resources alongside wildlife, visual and recreational resources, this is possible. As a result, responsible development of mineral resources is a reality.	Response not required
78	The Wilderness Society: parcels 045, 046 and 062-066 are all located in citizens proposed wilderness areas. Parcels 045 and 046 are located in the Adobe Town CWP, and border the Adobe Town WSA. Parcels 062-066 are located in the Kinney Rim South CWP. Additionally, all seven parcels are part of the Adobe Town Dispersed Recreation Use Area ("DRUA"). Yet, the Proposed Action lacks adequate measures to protect wilderness characteristics from the impacts of leasing parcels 045, 046 and 062-066. Furthermore, the BLM cannot rely on the measures contained in the Rawlins RMP, because those measures (and their supporting analysis) are flawed and inconsistent with current policy on the inventory and consideration of wilderness characteristics.	Refer to agency response to comments 70 and 71 The 2008 Rawlins RMP is the approved lands use plan for the Rawlins Field Office. Based on the H-1601-1 Land Use Planning Handbook the purpose of a land use plan is to "ensure that the public lands are managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of multiple use and sustained yield. As required by FLPMA and BLM policy, the public lands must be managed in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; that will provide for outdoor recreation and human occupancy and use; and that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands by encouraging collaboration and public participation throughout the planning process." The Rawlins RMP meets this requisite.

Appendix F
Public Comments and Agency Response

#	Comment	Response
		H-1601-1 further states, "When an approved land use plan or land use plan amendment decision document (i.e., ROD or decision record) is signed, most of the land use plan decisions in the plan are effective immediately and require no additional planning or NEPA analysis."
79	The EA fails to evaluate applying NSO stipulations to parcels 045, 046 and 062-066 in order to protect their wilderness characteristics. Under the National Environmental Policy Act ("NEPA"), the BLM must consider a broad range of alternatives in EAs to mitigate environmental impacts. 40 C.F.R. § 1502.14(a); *see also Theodore Roosevelt Conservation P'ship v. Salazar*, No. 10-5386, slip op. at 11-12 (D.C. Cir. Nov. 18, 2011) (requiring the BLM to consider a reasonable range of alternatives for oil and gas activity). Additionally, under current policy, the BLM must fully "consider" wilderness characteristics during planning actions and evaluate a range of measures to protect wilderness characteristics during the leasing process, including measures not contained in existing RMPs. *See* IM 2011-154 at Att. 2; IM 2010-117 at III. E., F. Because the EA fails to consider measures to protect wilderness characteristics in the Rawlins Field Office, and because such measures were not evaluated in the Rawlins RMP, specific measures, such as NSO stipulations, to EA violates NEPA, IM 2011-154 and IM 2010-117.	Refer to Agency response to comments 70, 71, and78
80	<u>The Wilderness Society:</u> The BLM did not consider "measures to provide protection for any wilderness characteristics of lands (outside of previously established WSAs)" in any of the alternatives for the Rawlins RMP. Rawlins ROD and Approved RMP at 1-3; EA at 125. This decision violated a host of federal laws and regulations, including the Federal Land Policy and Management Act ("FLPMA") and NEPA. Moreover, this decision prevents the BLM from claiming, as it does in the EA, that the Rawlins RMP actually does protect wilderness characteristics from the impacts of oil and gas leasing and development. *See* Rawlins ROD and Approved RMP at 1-3 ("The BLM Approved RMP was selected from an alternative in the Proposed RMP/Final EIS that did not include management for wilderness characteristics."). Furthermore, the Rawlins RMP is not consistent with current policy concerning the inventory and consideration of lands with wilderness characteristics. As explained in the RMP, "[b]ecause the BLM found the lands to be unmanageable for wilderness character because of preexisting oil and gas leases, the BLM elected to manage lands with wilderness character for multiple use and not for protection of wilderness character.	Refer to Agency response to comments 70, 71, and 78. The EA at section 3.2.2.4 states, "This is consistent with BLM policy as presented in BLM IM 2003-275" which was corroborated by a BLM interdisciplinary team review in July 2011." This follow-up corroboration meets the requirements of IM 2011-154.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	Accordingly, measures to provide protection for any wilderness characteristics of lands (outside of previously established WSAs) will not be considered in the alternatives in this RMP. This is consistent with BLM policy as presented in BLM IM 2003-275." *Id*. However, IM 2003-275 has been superseded by IM 2011-154, under which "undeveloped possessory interests (*e.g., mineral leases*) *are not treated as impacts to wilderness characteristics* because these rights may never be developed." IM 2011-154 at Att. 1-8 (emphasis added). Consequently, the Rawlins RMP's findings and analysis concerning lands with wilderness characteristic do not comply with current policy, and cannot be relied upon here.	
81	The Wilderness Society: The BLM has not updated its wilderness inventory for parcels 045, 046 and 062-066, as required by FLPMA and IM 2011-054. Under FLPMA, the BLM must maintain a current inventory of lands with wilderness characteristics. 43 U.S.C. § 1711(a); s*ee also Ore. Natural Desert Ass'n v. BLM*, 531 F.3d 1114, 1119 (9th Cir. 2008). IM 2011-154 contains guidance on how to implement this requirement, stating that the BLM must "update a wilderness characteristic inventory" when: (1) the BLM or the public identify wilderness characteristics as an issue during the NEPA process; (2) the BLM receives new information concerning wilderness characteristics; or (3) a project may impair wilderness characteristics. IM 2011-154 at Att. 1-1. Because all three circumstances exist here, the BLM must update its wilderness inventory for parcels 045, 046 and 062-066 prior to offering them for lease.	Refer to Agency response to comment 80
82	The Wilderness Society: First, the BLM identified wilderness characteristics as a "resource issue or concern" during internal scoping for the May 2012 Leases Sale. EA at 9. The BLM did so because over the years either the agency and/or citizens have found that parcels 045, 046 or 062-066 contain wilderness characteristics. *Id.* at 125. Furthermore, as the BLM acknowledges in the EA, oil and gas development in areas "with wilderness characteristics," such as parcels 045, 046 and 062-066, "would potentially degrade those values and result in [the areas] begin redesignated as no longer having conditions that meet the wilderness characteristics criteria." *Id.* Thus, the BLM must base its leasing decisions for parcels that may contain wilderness characteristics on updated inventories.	Refer to Agency response to comment 80
83	The Wilderness Society: In the EA, the BLM stated that parcels 045 and 046 are "unmanageable for wilderness character because of existing oil and gas leases. . . ." EA at 89. However, the BLM based this determination on a wilderness inventory from 2002, and the situation on the ground has obviously changed since then, as shown by the fact that parcels 045 and 046 (and perhaps surrounding parcels) are	The Rawlins Field Office Oil and Gas Lease and Active Wells Map attached to the EA shows that the area adjoining parcels WY-1205-045 and 046 are currently leased. The Rawlins West Lease Parcels, Leases, and Wells attached to EA for the November 2011 Oil and Gas Lease Parcels shows the area adjoining parcels 045 and 046 are not only leased but the leases are currently

#	Comment	Response
	no longer encumbered by existing leases.	held by production. Based on this the lease won't expired as long as they are held by production. *Please note that* the Rawlins RMP decision to make the DRUA open to multiple use management, including oil and gas leasing was based the preponderance of leases and area leased. The decision did not stipulate that expiring leases could not be re-offered for lease. The decision made the unleased lands in the DRUA available for leasing. That includes expired leases.
84	The Wilderness Society: As recently as March 2011, the BLM suggested that the findings of the 2002 inventory, as well as a more recent 2010 inventory, are outdated and no longer valid: Seven (7) other parcels . . . also underwent initial wilderness review in 2010, at which time parcels o44 and 069 were determined to not have wilderness characteristics due to their proximity to BLM Road 4407 and to existing oil/gas wells; parcel 062, 064, 065, & 066 were determined to not have wilderness characteristics due to adjacent oil & gas leases and lease held by production. Parcel 063 was determined to meet wilderness criteria , but was still made available for leasing due to the Dispersed Recreation Use Area designation and associated decisions in the 2008 Rawlins RMP/ROD. The post Secretarial Order 3301 review conducted in March 2011 determined that all seven (7) parcels fell within a more expansive area than that reviewed in 2010. This larger area is defined as the land bounded by BLM Road 4412, and a constructed and maintained road connecting roads 4407 and 4412. The area is greater than 5000 acres. It was also determined that the area containing these parcels has several widely spaced bisecting two-track roads, as well as several reclaimed well pads and associated reclaimed access roads. Due to the wide/relatively sparse nature of the two-tracks, field inventory is needed to determine if the presence and condition of the two-tracks and the reclaimed facilities meet the naturalness criteria in BLM Manual 6300-1 or not. BLM, Decision Record Amended EA for the February, May, August 2010 Lease Parcel Reviews for the Kemmerer, Pinedale, Rawlins, & Rock Springs Field Office of the Wyoming High Desert District at 15.	Refer to Agency response to comments 70, 71, and 80.
85	The Wilderness Society: Finally, the BLM based its determination that parcels 042, 045 and 062-066 are "unmanageable for wilderness character" by relying on a policy (IM 2003-275) that has been superseded by a new policy (IM 2011-154). Unlike IM 2003-275, IM 2011-154 prohibits the BLM from treating "undeveloped possessory interests (e.g., mineral leases) . . . as impacts to wilderness	Again refer to Agency response to comments 70, 71, and 80.

#	Comment	Response
	characteristics because these rights may never be developed." IM 2011-152 at Att. 1-8. Consequently, the BLM must reinventory the wilderness characteristics of parcels 045, 046 and 062-066 prior to rendering a leasing decision.	
86	The Wilderness Society: Third, as discussed above, the BLM found that leasing parcels with potential wilderness characteristics will impair those values. Consequently, for this reason, and for the additional reasons discussed above, the BLM must reinventory parcels 045, 046 and 062-066 prior to making a leasing decision.	Again refer to Agency response to comments 70, 71, and 80.
87	The Wilderness Society: During the preparation of the Rawlins RMP, the BLM did not update its Visual Resource Inventory ("VRI") for the Rawlins Field Office. For this reason, the Wyoming State Director remanded the RMP to the Rawlins Field Office in order to update the VRI and revised the Visual Resource Management ("VRM") classifications. In February 2011, the BLM issued the updated VRI; however, it has yet to revise the VRM classifications. As a consequence, the Rawlins Field Office is currently operating under "outdated" VRM classifications from its prior plan. Rawlins Approved RMP and ROD at 2-2. In the updated VRI, the BLM found that parcels 045, 046 and 062-066 are located in VRI Class II areas. VRI at 73. The management objective for such areas "is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape." BLM Manual H-8410-1 at V.B.2. Yet, the EA lacks any discussion whatsoever of the updated VRI and its findings as they pertain to parcels 045, 046 and 062-066. Instead, the EA cites and generally discusses the current VRMs, which the BLM has referred to as "outdated." Furthermore, because parcels 045, 046 and 062-066 are currently classified as VRM Class III, which allows for more significant changes to the landscape than VRM Class II or I, the EA may effectively prevent the BLM from ever considering a VRM Class II designation for those parcels, consistent with the findings of the updated VRI.	Section 3.2.2.13 Visual Resource Management has been added to the EA and discussed the VRI classification for the area contain parcels 045, 046, and 062-066. Section 1.1.1.1 of the December 2008 ROD for the Rawlins RMP/EIS discusses the remand and the requirement to update the visual resource inventory and to potentially revise the VRM Classifications for the Rawlins Field Office. Section 1.1.1.1 also states, "Until such time, the Approved RMP will utilize the VRM class designations as established and analyzed in the No Action Alternative, Alternative 1 in the Proposed RMP/Final EIS (emphasis added). The VRM designation under Alternative 1 of the Proposed RMP/Final EIS, dated January 2008, for the area containing parcels 045, 046, and 062-066 is VRM Class III. The VRM classifications the these parcels in this EA are consistent with this RMP decision,
88	Wyoming Wildlife Federation (WWF): Kemmerer Field Office May 2012 Lease Parcels Big Game Winter and Parturition Areas maps did not have parcel numbers associated with their parcel boxes. This makes reviewing the data very	BLM will strive to improve the map quality in future leasing EAs. Parcel 251 is depicted on the big game winter and parturition area map; however most of parcel is obscured by the field office boundary.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	difficult. Please add lease parcel numbers to maps created such as the Rawlins Field Office and Rock Springs Field Office. Lease parcel WY-1205-251 is not shown on the big game winter and parturition area map.	
89	Wyoming Wildlife Federation: Alternative B includes 53 lease parcels that need to be fully removed from the sale leaving the remainder suitable for lease from a wildlife, ecosystem health, habitat, and recreation stand-point. The lease parcels we identify as not being suitable include multiple-use resource conflicts, with a majority of the acreage in low development potential. If the potential is low and the resource conflict high, WWF doesn't see the benefit in leasing the area for oil and gas development when the intention of purchasing a lease is to develop that lease causing landscape fragmentation and diminishing waterway quality. The terrestrial, aquatic, recreation, and habitat values outweigh the need to develop the area leaving our organization to request a no action or Alternative A on the 53 leases parcels identified.	The EA includes a no action alternative under which none of the parcels on the May 2012 lease parcel list. This includes the 53 parcels WWF reference (see EA section 2.1).
90	Wyoming Wildlife Federation: For instance, Wyoming Wildlife Federation is satisfied to read lease parcels WY-1205-029 and WY-1205-039 are entirely deleted from the May 2012 sale; however, lease parcel WY-1205-040 is only partially deleted. And, lease parcel WY-1205-019 remains entirely within the lease sale. Lease parcels WY-1205-040 and WY-1205-019 are adjacent to the Upper Muddy Creek Watershed/ Grizzly Wildlife Habitat Management Area (WHMA), which "…is closed to new oil and gas leasing and surface disturbance activities on existing leases will be intensively managed" (Rawlins RMP, December 2008, page 2-41). Given the strict nature of the WHMA and the values surrounding these lease parcels, WWF believes they should also not be part of the lease sale, which will reduce the quality of the WHMA. According to the Rawlins Resource Management Plan, December 2008, the management goals for the WHMA include managing the area for "Colorado River fish species unique to the Muddy Creek watershed and …crucial winter habitat for elk and mule deer" (page 2-41). Colorado River cutthroat trout were reintroduced within this watershed and the Little Savery Creek is positioned well for expansion habitat for the CRCT, which is just south of lease parcel WY-1205-019. The surrounding area also includes Miller Mountain, a recreation spot for mule deer hunting.	The management decision in the Rawlins RMP making the Upper Muddy Creek/Grizzly WHMA unavailable for oil and gas leasing exclusively pertains to the area within the WHMA boundary. A portion of parcel 40 and the entirety of parcel 019 lie outside the WHMA. As such they are not constrained by the no leasing decision. Based on the RMP parcel 019 and the portion of parcel 40 outside the WHMA are available for leasing with appropriate stipulations. Please note however that subsequent to posting the draft EA for public review, BLM became aware that parcel 019 and a portion of parcel 016 are in an area with a series of springs that comprise a substantial portion of the domestic water supply for the City of Rawlins. Parcel 019 and the portion of 016 are being deferred from the May 2012 lease sale (refer to Agency response to comment 2)
91	Wyoming Wildlife Federation: The Cow Butte/Wild Cow Wildlife Habitat Management Area includes lease parcel WY-1205-021, WY-1205-023, WY-1205-026, WY-1205-027, WY-1205-028, and WY-1205-033. WWF appreciates that these parcels will be deleted from the sale given they are within this WHMA. The BLM recognizes the value of this area by not allowing new oil and gas leasing. The following	The management decision in the Rawlins RMP making the Cow Butte/Wild Cow WHMA unavailable for oil and gas leasing exclusively pertains to the area within the WHMA boundary. Parcels 026, 028, and 038are not located with the boundary of the WHMA and are therefore not constrained by the no leasing decision. In conformance with the RMP, the May 2012 Oil and Gas Leasing EA properly makes these parcels available for leasing with the appropriate stipulations.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	three lease parcels WY-1205-026, WY-1205-028, and WY-1205-038; however, are adjacent to this WHMA and remain in the sale. This WHMA is managed "to protect crucial winter habitat for elk, mule deer, and important habitat for Columbia sharp-tailed grouse… and to maintain or enhance the aspen and mountain shrub complexes" (Rawlins RMP, December 2008, page 2-34). Although not directly within the WHMA, these lease parcels have terrestrial, aquatic, viable habitat and recreation values that WWF believes warrants their elimination from the sale.	
92	Wyoming Wildlife Federation: A majority of the lease parcels identified are within big game crucial ranges, winter range, migration corridors, transitional ranges, and/or parturition areas. The wildlife, habitat, and recreation overlay of these acres and the knowledge that once a lease is sold the landscape will be impacted and altered in order to drill and produce oil and/or natural gas, WWF believes these lease parcels should be removed from the sale. Lease parcel development is the intent of buying a parcel at the competitive oil and gas lease sale. The result is significant degradation to the surface and water, habitat, vegetation, health of the wildlife, and movement of these terrestrial species.	The Kemmerer, Green River, and Rawlins RMPs address various wildlife habitats such as crucial big game winter range, etc. and have made these habitat areas available for multiple use management, including oil and gas leasing and development. In conformance with these RMP, the May 2012 Oil and Gas Leasing EA properly makes these parcels available for leasing with the appropriate stipulations.
93	Wyoming Wildlife Federation: The environmental assessment (EA) says, "it is not possible to determine or even reasonably project at the leasing stage whether a parcel will be leased and if it is whether or not it will be developed or what the intensity level of that development may be" (BLM, EA, May 2012, page 85). This is not correct. The buyer of a lease must have the intent to develop their lease otherwise anyone with the funding available could purchase an oil and gas lease to hold for 10 years so that development doesn't occur. The BLM must measure their management strategies on the intent of the lease buyer and that all leases purchased will be developed given the rules under the Competitive Oil and Gas Lease Sale.	BLM's is based on the fact that not every parcel nominated and offered for sale actually gets leased. Based on the BLM Wyoming Oil and Gas Leasing website: www.blm.gov/wy/st/en/programs/energy/Oil_and_Gas/Leasing.html in the last 10 years (2001-2010) 8392 parcels were offered for lease; however only 88% (7409 parcels) were actually leased. The EA at section 1.3 states, "According to one estimate by the BLM Wyoming State Office Reservoir Management Division, since 1969, 75,192 leases totaling 57,612,690 Federal mineral acres have been leased in Wyoming. Of those, only 4,920 leases totaling 3,079,061 acres have produced some type of oil or gas in sufficient quantities that the lease was held by production. Therefore 6.5 percent of the leases sold and 5.3 percent of the acreage was actually developed into production. "
94	Wyoming Wildlife Federation: Standard timing stipulations may help alleviate disruption of winter big game activity during initial drilling, but they do not address loss and degradation of habitat caused by development. Recent research suggests timing limitations are ineffective at protecting mule deer populations impacted by development. Research shows that timing limitations may not be achieving their desired results. These lease parcels will be subjected to mineral development that will inevitably have a negative impact on big	The EA at section 4.2.2 acknowledges the wildlife impacts on the Pinedale Anticline (PA) and further acknowledges that similar impacts could occur elsewhere should development analogous to that of the PA occur. Section 4.2.2 also asserts that at the leasing stage BLM cannot predict which leases may or may not be leased or which leases may or may not be developed. The EA properly tiers to the EIS analysis with mitigation (including timing limitation stipulations) for

Appendix F
Public Comments and Agency Response

#	Comment	Response
	game and their crucial ranges. This is of particular concern as associated human activity may negate the effectiveness of timing restrictions on drilling activities as a means of mitigation (Sawyer *et al*. 2006). Sawyer recommends that mitigation measures seeking to minimize disturbance to mule deer on winter range consider all human activity across the entire project area and not be restricted to the development of wells or to crucial winter ranges. Predictive maps of mule deer show that, "deer use was lowest in areas with clusters of well pads", which is associated to direct habitat loss (Sawyer et al. 2010). WWF asserts that timing limitation effectiveness further decreases when exceptions are granted to industry, allowing them to enter and conduct activities on these crucial lands during restricted seasons. Because BLM regularly grants exceptions to winter stipulations, the effectiveness of timing limitations to mitigate impacts from surface disturbing activities is unknown. The BLM should not focus solely on timing limitations in crucial winter ranges as the primary mitigation measure for big game.	the referenced RMPs. EA also states that post lease developing proposals would be subject to additional NEPA analysis and based the proposed development actions and intensity additional and/or more stringent site-specific mitigation could be implemented.
95	Wyoming Wildlife Federation: WWF believes value lies in an intact ecosystem with healthy populations of wildlife. The parcels WWF would like withdrawn from the May 2012 sale have more than one overlap of big game crucial winter range, big game transition range, greater sage grouse core area, and the majority are within a migration corridor. Lease parcels of overlapping wildlife crucial ranges should be withdrawn.	The parcels are being offered in accordance with analysis and decisions in the referenced RMPs/EISs, which includes multiple use management, including oil and gas leasing, on overlapping winter ranges.
96	Wyoming Wildlife Federation: Monitoring is a necessary but not sufficient component of maintaining ecosystem function and wildlife population viability. It only works if it is rigorously designed, continuously implemented, and tied to triggers for actual management action. It is impossible to maintain or restore biological diversity without understanding what populations are present. Moreover, adaptive management strategies cannot be successful without sufficient attention to monitoring plan design and mandatory, consistent implementation of monitoring resource conditions. Otherwise, there is no way to guarantee that management will be successfully adapted to a change in conditions.	Comment acknowledged. Monitoring plans would be developed during post leasing project-specific NEPA analysis.
97	Wyoming Wildlife Federation: Migration routes are substantially important to big game. Development within migration corridors and stopover points – this includes roads, well pads and support facilities – should be avoided. Limiting the ability of migrating big game to access critical habitats reduces their chances to survive and thrive (Sawyer and Kaufmann 2009, Sawyer and Nielson 2011). The ability to move freely between seasonal habitats is crucial. Migration corridors are vital to the long-term health and survival of big game and avoidance of negative impacts is essential.	Table 3.2 identifies which parcels fall within one of the migration routes depicted on figure 1 of the Wyoming Open Spaces publication "Big Game Migration Corridors in Wyoming". Stipulations are applied as determined by the governing RMP.

Appendix F
Public Comments and Agency Response

#	Comment	Response
98	Wyoming Wildlife Federation: A non-big game animal that warrants attention is the Greater sage grouse. The chicken sized bird is listed as a candidate species under the United States Fish and Wildlife Service (USFWS) and sensitive by the Bureau of Land Management (BLM). This species resides in the proposed project area and is part of Wyoming's core habitat area. As a BLM sensitive species, also known as a candidate species, the BLM Manual 6840.12 requires the agency to implement management plans that conserve candidate species and their habitats to ensure that actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed. In accordance with BLM Manual 6840, the Greater sage grouse is to be managed "to promote their conservation and to minimize the need for listing under the Endangered Species Act. It is imperative that fragmentation and degradation…not continue to the point that sustainable sage-grouse populations can no longer be supported." (US Dept. of Interior, March 5, 2010, Instruction Memorandum No. 2010-071).	The EA at sections 3.2.2.3 and 4.2.2.1 provides discussion pertaining to Greater sage-grouse and potential impacts and provides mitigation (stipulations) in accordance with the governing RMP and as governed by BLM Wyoming Instruction Memorandum WY-2010-012 and 013.
99	Wyoming Wildlife Federation: The BLM has a duty to protect the diversity of all native wildlife on public lands. Habitat fragmentation, connectivity and other factors affecting biological diversity are inherently landscape-level considerations. Protecting biological diversity can only be dealt with appropriately at the programmatic or planning level. This is the only way to ensure biological diversity is preserved and that ecosystem attributes are not steadily diminished by individually small but cumulatively significant site-specific projects. The project level is simply too small a scale for adequate exploration of impacts to the health of large ecosystems.	Comment acknowledged
100	Wyoming Wildlife Federation: A number of lease parcels within this EA are within critical stream habitat for Colorado River cutthroat trout, Bonneville cutthroat trout, and within a blue ribbon trout fishery. Colorado River cutthroat trout (CRCT) will be directly hindered from the sale of the following lease parcels WY-1205-009, WY-1205-011, WY-1205-012, WY-1205-013, WY-1205-014, WY-1205-015, WY-1205-016, WY-1205-017, WY-1205-018, WY-1205-025, WY-1205-026, WY-1205-027, WY-1205-028, WY-1205-038, WY-1205-043, WY-1205-157, WY-1205-158, WY-1205-171, WY-1205-172, WY-1205-181, WY-1205-200, WY-1205-238, WY-1205-239, WY-1205-240, WY-1205-246, WY-1205-247, and WY-1205-248.	The EA recognizes parcels that contain streams with CRCT, see Table 3.2. Section 4.2.2.1 address potential impacts and mitigation in accordance with the governing RMP.
101	Wyoming Wildlife Federation: The population decline of the CRCT emphasizes the need to protect both existing and potential CRCT habitat. For long term viability of CRCT, it is critical that state wildlife agencies, federal land management agencies, sportsmen, and concerned citizens do not accept the current status. Recovery of this species requires reintroduction	Comment acknowledged. The EA provides discussion concerning the Conservation Strategy

Appendix F
Public Comments and Agency Response

#	Comment	Response
	into suitable habitat within the historic range of CRCT. In order to maximize reintroduction opportunities, it is important to ensure that streams meet the habitat requirements of CRCT and that water quality impacts do not occur that would diminish opportunities to reintroduce CRCT. The CRCT Conservation Strategy states that "Land management agencies agree to protect existing and potential cutthroat trout waters from adverse effects of other land uses."	
102	Wyoming Wildlife Federation: Bonneville cutthroat trout is Wyoming's rarest cutthroat trout. The species is labeled as a Sensitive Species by the BLM. Located in the Bear River along the western border of Wyoming and in the Bear River watershed, this fish is highly revered in the fly fishing world. "Watershed function has been degraded in many headwater streams by a variety of anthropogenic activities and fire suppression resulting in the loss of aspen and beaver" (WGFD, Bonneville Cutthroat Trout (Oncorhynchus clarki utah), Conservation Strategy, page 467 and 468). Lease parcel WY-1205-251 should be withdrawn from the May 2012 oil and gas lease sale because of the importance of this species.	Parcel 251 is offered in accordance with decisions in the Kemmerer RMP. The parcel is located more than a mile from the Bear River.
103	Wyoming Wildlife Federation: If the leases are not removed, a buffer of 500 feet should be a lease stipulation to reduce sediment and nutrient loading in streams which causes turbid water and change in flow speeds and temperature. These changes reduce the quality of the water and aquatic habitat. WWF believes the impacts to the watersheds are not worth the benefit of oil and gas development.	All parcels proposed for offer at the May 2012 Oil and Gas Lease Sale are encumbered by Lease Notice No. 1 which states "surface disturbing activities on slopes of 25% or greater or within 500 feet of surface water and/or riparian areas will be prohibited unless or until the permittee or the designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts."
104	Wyoming Wildlife Federation: WWF members visit, hunt, and fish within or near these parcels. The May 2012 Environmental Assessment says, "the quality of the recreational experience would likely be diminished by oil and gas development operations" (page 131). All of the lease parcels WWF is requesting for withdrawn have a recreation component. Hunting and fishing continue to provide a valuable and sustainable economic return to the state of Wyoming. Many retail businesses would not survive without the income from hunters, anglers, snowmobilers, hikers, outfitters, and recreationists alike. Counties and communities have vested interests in the renewable economic opportunities these resources supply.	Additional text has been added to the EA.
105	Wyoming Wildlife Federation: If the parcels being offered are ultimately explored or developed for fluid mineral production, wildlife (both terrestrial and aquatic), wildlife habitats, and fishing and hunting participation will be affected. Impacts associated with oil and gas development on big game habitat (including crucial ranges, winter range, and transitional ranges), migration, coldwater fisheries, and Greater sage	A variety of mitigation measures have been included in the EA to mitigate impacts to hunting and fishing, complying with the Order's purpose to facilitate the expansion and enhancement of hunting opportunities. Additionally, the governing RMPs contain goals and objectives designed to "maintain, improve, or enhance" wildlife

Appendix F
Public Comments and Agency Response

#	Comment	Response
	grouse populations are well documented in scientific literature. The Executive Order directs federal agencies not only to evaluate and consider impacts to wildlife and habitat, but also to "facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat" (*Id.* § 1). The environmental assessment is absent of any evidence that the BLM considered the mandates of Executive Order 13443. The BLM should consider the requirements of the order and perform all review necessary to comply with its mandates prior to offering the parcels at the lease sale.	species and habitats, as well as recreation opportunities, including hunting and fishing.
106	Wyoming Wildlife Federation: A large amount of Wyoming's public land available for energy development has been leased. If these leases are all developed, our wildlife, water, and recreation will be intensely diminished. The cumulative impacts of multiple industrial projects adjacent to one another will lead to habitat fragmentation and loss of true multiple-use. The cumulative impacts include a reduction in wildlife populations, habitat functionality, water and air quality, as well as recreation opportunities. Our state needs to guarantee a balance of land for wildlife (both terrestrial and aquatic) and recreation in addition to energy. WWF believes the above 53 parcels need to be withdrawn to balance the values on our public lands. The parcels overlay multiple layers of antelope, elk, moose and mule deer crucial ranges, big game migration corridors, big game parturition areas, cold water fisheries, greater sage grouse core areas, and landscapes frequently utilized for recreation.	The governing RMPs and associated EIS's have analyzed oil and gas leasing along with a myriad of other resource values and uses, including but not limited to wildlife habitat and recreation. Through the RMP/EIS process the lands containing the parcels proposed for offer under Alternative B, are designated as open for multiple use, including oil and gas leasing and development.
107	Western Resource Advocates (WRA): Of the 252 parcels in the preliminary sale list, 144 fall wholly or partly within core areas. All of these parcels should be deferred from the sale. These parcels are listed in the Excel Table attached as Exhibit A. We appreciate the recommendation of the unsigned Finding of No Significant Impact (FONSI) to 1) delete nine entire and thirteen partial parcels from the sale; and 2) defer 84 whole parcels and 12 partial parcels from the sale. Unsigned FONSI at 1. We respectfully request that BLM similarly delete or defer all remaining parcels in core habitat. Audubon maps of proposed parcels are attached as Exhibits M-1 (May 2012 All Parcels HDDO), M-2 (May 2012 Parcels South of Rawlins), and M-3 (May 2012 Parcels Southwest of Lander).	On December 29, 2009, BLM Wyoming implemented Instruction Memorandum (IM) WY-2010-013 which established a screen to determine if oil and gas lease parcels should be deferred from leasing or could be offered. The purpose of the screen is to assist the Field Office specialists in determining appropriate recommendations for leasing of lands in Greater Sage-Grouse Core Areas, as defined by the Wyoming Governor's Sage-Grouse Implementation Team. The guidance provides a consistent, landscape management approach for the Wyoming (WY) BLM Field Offices in order to conserve habitat for the Greater Sage-Grouse within Core Areas and in support of the Wyoming Game and Fish Department's objective to maintain or enhance all populations of Greater Sage-Grouse within the same Core Areas . . ." All parcels on the May 2012 lease list, excluding the 9 whole parcels that are in areas that are unavailable for leasing, were evaluated using the IM criteria and screening process. Refer to Appendix Afor the parcels deferred for sage grouse protection.

Appendix F
Public Comments and Agency Response

#	Comment	Response
108	Western Resource Advocates: The tentative conclusion of the unsigned FONSI that the project will not significantly impact the environment and that environmental effects will not meet the definition of significance are unsupported. Leasing core habitat would likely: 1) have significant impacts on the Greater sage-grouse's prospects for recovery and survival, and 2) push the species towards a listing decision that could result in significant socio-economic and environmental impacts across Wyoming and the region.	The FONSI conclusion is supported by BLM's adherence to the policy and procedures established through IM WY-2010-013and by the referenced/tier to analysis in the supporting RMPs/EISs. Additionally as previously stated, in section 1.3 of the EA, "offering and subsequent issuance of oil and gas leases is strictly an administrative action, which, in and of itself, does not cause or directly result in any surface disturbance. The issuance of an oil and gas lease, however, does convey to the lessee the rights to occupy, explore, and extract oil and gas resources from the lease with prior approval of the Authorized Officer. These post-leasing actions can result in surface impact. As part of the lease issuance process, nominated parcels are reviewed against the appropriate land use plan, and stipulations are attached to mitigate any known environmental or resource conflicts that may occur on a given lease parcel. As stated above, on-the-ground impacts would potentially occur when a lessee applies for and receives approval to explore, occupy and/or drill on the lease. The BLM cannot determine at the leasing stage whether or not a nominated parcel will actually be leased, or if it is leased, whether or not the lease would be explored or developed. According to an estimate from the BLM Wyoming State Office Reservoir Management Division, since 1969, 75,192 leases totaling 57,612,690 Federal mineral acres have been leased in Wyoming. Of those, only 4,920 leases totaling 3,079,061 acres have produced some type of oil or gas in sufficient quantities that the lease was held by production. Therefore 6.5 percent of the leases sold and 5.3 percent of the acreage was actually developed into production. Based data extracted from the BLM Wyoming Oil and Gas Leasing webpage 88 percent of the parcels offered for lease over the past 10 years were leased. The remained 12 percent were not leased."
109	Western Resource Advocates: Core habitat is vital to the survival and recovery of the Greater sage-grouse, and a conservative management approach is needed pending major management decisions in 2012.	As stated in the Agency response to comment 108, the May 2012 lease parcels were evaluated in accordance with IM WY-2010-013, which states, "The guidance provides a consistent, landscape management approach for the Wyoming (WY) BLM Field Offices in order to conserve habitat for the Greater Sage-Grouse within Core Areas and in support of the Wyoming Game and Fish Department's objective to maintain or enhance all populations of Greater Sage-Grouse within the same Core Areas, as defined." And further states, "The screen is also consistent with the Wyoming Governor's Sage-Grouse Implementation Team - Core Population Area Strategy, and the associated Executive Order

Appendix F
Public Comments and Agency Response

#	Comment	Response
		issued by the Wyoming Governor . . ."
110	Western Resource Advocates: The unprecedented scale at which parcels located within core areas are being proposed for leasing threatens to undercut efforts to recover the species and its habitat. Because of the importance of core population areas to sage-grouse populations, parcels located within core areas should not be leased. Audubon's biological expertise on this issue is summarized in Exhibit B, Expert Comments of Alison Holloran, Director of Science – Rocky Mountain Region, Audubon Rockies. Exhibits M-1, M-2 and M-3 are maps depicting the parcels, core area layers and other GIS information referred to in these comments. Excerpt from Exhibit B: According to the grouse density maps the parcels for sale located just southwest of Lander, WY (includes parcels 78-155) are not only located within the designated core sage-grouse habitat but are in an area that has some of the most dense populations of Greater Sage-grouse in the state of Wyoming. In addition, the area which holds most of these parcels is also an Important Bird Area; designated solely on the basis of the grouse populations within the area. It is my professional opinion that these parcels should be withdrawn from the sale due to the dense grouse populations that are known to inhabit the area.	Refer to Agency response to comments 108 and 109. With the exception of parcels 110 and 111, parcels 78-155 discussed in Exhibit B attached to the WRA comment letter are deferred from leasing based on sage grouse core area. Parcels 110 and 111 are not in a sage grouse core area, but are also deferred from the May 2012 lease sale pending completion of the Green River RMP Revision and the associated Greater Little Mountain Master Leasing Plan.
111	Western Resource Advocates: It is well recognized that Wyoming is the strong-hold for Greater sage-grouse and the sagebrush landscape, on which the species completely depends. Decisions on parcels proposed for the May 2012 lease sale will be critical for the recovery of the species. Extensive research, much of which was focused in Wyoming, has shown the negative impacts that oil and gas activity have on sage-grouse populations. These impacts include change in habitat use patterns (use of lower quality habitats), avoidance, noise disturbances, increase in invasive species, death due to collision and electrocution, decreased lek recruitment, habitat fragmentation, cumulative impacts, and creation of travel routes for land predators. Furthermore, researchers have documented a correlation between human footprint and sage-grouse persistence and performance in altered landscapes, providing important insights into impacts of anthropogenic changes in landscape (Aldridge 2000, Braun et al. 2002, Holloran 2005, Naugle et al. 2010). The EA (at 127-28) acknowledged concerns about invasive/nonnative species impacts but did not analyze how such issues might undercut efforts to recover sage-grouse and habitat; or acknowledge the significant reclamation challenges in these arid landscapes. Because leasing is the point of an irretrievable commitment of resources, these issues must be	Additional text was added to sections 4.2.2.1, 4.2.7, and 4.5 of the EA.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	addressed before offering the disputed core area parcels for sale.	
112	Western Resource Advocates: Core areas should be deferred from leasing as BLM considers what new management policies are needed to recover sage-grouse and habitat.	BLM processed the parcels in accordance with policy provided through IM WY-2010-013. Parcels in areas meeting the IM's criteria are being deferred. Parcels not meeting the IM's criteria would be offered. Post-lease development on parcels in sage grouse core areas would be subject the screening and management criteria in IM WY-2010-012, which could result in increased lek protection buffers and more stringent surface disturbance limitations. Also refer to Agency response to comment 34.
113	Western Resource Advocates: BLM has taken proactive measures in recent months, launching the regional strategy that focuses on the conservation of sage-grouse and the protection of their habitat. The leasing of parcels within identified important habitat for sage-grouse flies in the face of the larger on-going BLM effort. Audubon strongly recommends that leasing of all parcels within core areas should be deferred until the regional planning effort has been completed.	BLM acknowledges WRAs comment, but again asserts that offering parcels within areas that do not meet the IM WY-2010-013 criteria is in compliance with policy. Further, continuing to proceed with offering these parcel without waiting for the RMPs amendments to be completed is in compliance with the BLM Land Use Planning Handbook H-1601-1, Section VII.E., which states, "*Existing land use plans decisions remain in effect during an amendment or revision until the amendment or revision is completed and approved. The decisions of existing land use plans do not change. For example, if current land use plans have designated lands open for a particular use, they remain open for that use. Land use plan decisions may be changed only through the amendment or revision process.*"
114	Western Resource Advocates: Decisions, such as leasing large acreage of important sage-grouse habitat prior to the completion of regional conservation planning efforts, will push the species closer to a full listing and must therefore be avoided. Pending final decisions on RMP amendments and the regional planning process, BLM should proceed with caution and must improve or at least preserve the status quo of habitat conditions for sage-grouse – to avoid dooming conservation efforts from the start.	Refer to Agency response to comments 112 and 113
115	Western Resource Advocates: In addition to negatively impacting BLM's regional efforts, offering core area parcels would (1) undermine the RMP sage-grouse amendment process currently proceeding within Wyoming, (2) violate existing BLM sage-grouse policies and Instruction Memoranda, (3) violate NEPA (specifically the "hard look", new information and cumulative impacts provisions), (4) compromise the Audubon Vision of "Open spaces rich in birds and other wildlife, and citizens who value that richness;" (5) violate Federal Land Policy Management Act provisions, including the multiple-use, sustained-yield mandate and unnecessary and undue degradation provisions (see 43 U.S.C.	BLM disagrees with WRA assertion: (1) As previously stated, BLM processed the May 2012 lease parcels in accordance with IM WY-2010-013 and is deferring those parcels that meet the deferral criteria; (2) The EA is in compliance with BLM sage grouse policies and IMs, as demonstrated in response above; (3) The EA does provide the requisite "hard look" through analysis contained within the EA proper and through the tiered analysis in the referenced RMP EISs; (4) With the exception of parcels 30-32, 52-56, 67, 68, 247, and 248, the parcels falling within the "Audubon Important Bird Areas" are also in sage core area meeting the WY-2010-

Appendix F
Public Comments and Agency Response

#	Comment	Response
	§§ 1712(c)(1), 1732(a) and (b); and 43 C.F.R. § 1601.0-2); and (6) risk undermining the public's trust in the agency's stewardship responsibility of the nation's public lands and wildlife resources.	013 deferral criteria and are deferred from the May 2012 lease sale; (5) The EA and offering is in compliance with FLPMA. Offering leases is an administrative action that does not automatically correlate to on-the-ground development. As previous stated, since 1969 about 6.5 percent of the leases issued by BLM Wyoming have been developed to production; (6) The EA has been vetted through the public review and comment process to provide transparency is BLMs NEPA and fluid mineral leasing process.
116	Western Resource Advocates: The BLM National Technical Team is currently developing draft stipulations and protective measures for energy development activities in sage-grouse habitat. Premature leasing decisions will inhibit BLM's ability to ensure full and adequate protections. These policies must be informed by the best available and most recent scientific literature, and subject to comment and suggestions by interested public, private, other agency, and NGO stakeholders.	Lease Notice No. 3 is applied to all lease parcels offered for sale and provides a mechanism for encumbering post-lease development with new or revised Greater Sage-grouse habitat protection measures. Additionally as stated in Agency response to comment 112, post lease development would be required to comply with the requirements of IM WY-2010-012.
117	Western Resource Advocates: No leasing in core areas should be approved until all new management recommendations have been finalized after considering the comments and appropriately incorporating the input of interested stakeholders. To date, existing RMPs have not incorporated much significant new scientific information regarding the status of the sage-grouse, population trends, or the state of its habitat; or necessary conservation measures to avoid pushing it further towards a listing.	Refer to Agency response to comment 113
118	Western Resource Advocates: The Purpose and Need section must be changed to recognize that BLM must comply with all applicable law, including: the multiple-use, sustained yield mandate in the Federal Land Policy Management Act; the Endangered Species Act; and Mineral Leasing Act provisions and case law providing that the Secretary has absolute discretion over decisions of whether to lease federal minerals. Under a broader and more accurate purpose and need, we are confident the BLM will decide to defer all core area parcels.	The EA is tiered to the Kemmerer, Rawlins, and Green River RMPs all of which were developed in compliance with FLPMA (including the multiple use/sustained yield mandates); ESA; MLA; NHPA; and other applicable laws. Through the tiering, as well as through the analysis in the EA proper, BLM is in compliance with these laws and the multiple use/sustained yield mandate. The governing RMPs designated certain areas available for multiple use management, including oil and gas leasing. They also designated other areas as unavailable for oil and gas leasing. The EA and the parcels recommended for offer at the May 2012 lease sale are in full compliance with the RMP allocations/management decisions. Additionally, BLM is required to comply with all applicable Federal Laws. This is mandatory, not optional. It is not necessary that the purpose and need for a project or activity state this. The purpose and need in EA DOI-BLM-WY-WY-040-EA11-213 is properly stated. Additional text was added to the EA introduction section concerning the Secretary's authority under MLA and BLM's required compliance with applicable federal laws and regulations. Additional

Appendix F
Public Comments and Agency Response

#	Comment	Response
		text has been added to section 1.0 of the EA.
119	Western Resource Advocates: As new formations and plays emerge, such as the Niobrara, it must be assumed that practically all existing lease acres will eventually be developed.	The trend since 1969 that shows only about 6 to 7 percent of leased issued are actually developed into production. Based on this it is not reasonable to assume that " practically all existing lease acres will eventually be developed"
120	Western Resource Advocates: Despite the fact that several proposals for drilling projects north of 5,000 wells have recently been reported in the media (Normally Pressurized Lance and others), BLM has never analyzed how developing existing valid leases in the bird's habitat (both private and public lands) could impact recovery and survival efforts – let alone adding many thousands more acres to the lease pool.	As previously stated, until BLM receives a development proposal, such as the NPL, is not possible to predict if parcels will be developed or what the development level/intensity would be. Therefore absent such a concrete proposal analyzing "how developing existing valid leases in the bird's habitat (both private and public lands) could impact recovery and survival efforts" would be purely speculative.
121	There is little or no urgency to aggressively lease the relatively small pockets of currently unleased federal mineral estate in Wyoming. According to analysis of BLM statistics conducted by other groups, only 6.5 percent of public land leases issued in WY since 1969 have actually been developed into production. According to one estimate, since 1969, a total of 75,192 leases encompassing 57,612,690 federal mineral acres have been leased in Wyoming. Of those, only 4,920 leases totaling 3,079,061 acres have produced some type of oil or gas in sufficient quantities that the lease was held by production. Otherwise stated, it appears that only approximately 6.5 percent of the leases sold and 5.3 percent of the acreage actually resulted in production since 1969.	Neither the EA, nor the purpose and need infer an urgency to issue leases. Rather they convey that offering the recommended leases is in compliance with MLA, FLPMA, and the governing resource management plans.
122	The most important consideration for these parcels goes to their environmental and habitat value at this urgent junction of recovery efforts. The bottom line is that, as the unsigned FONSI states, leasing the remaining parcels will satisfy that part of a revised Purpose and Need going to providing and developing additional oil and gas resources in Colorado.	The governing RMPs have designated the areas containing the parcels proposed to be offered for lease at the May 2012 lease sale as open to multiple use management for oil and gas leasing, as well as livestock grazing, wildlife habitat management, and other uses. The FONSI states, "While the proposed action would delete certain parcels and would defer other parcels from being offered at the May 2012 Competitive Oil and Gas Lease Sale, it still meets the purpose and need through the parcels that are recommended to be offered . . ."
123	Western Resource Advocates: BLM failed to consider reasonable alternatives to adequately conserve sage-grouse and their habitat at this vital planning juncture for federal recovery programs, specifically providing the option to defer all parcels within sage-grouse core areas. That reasonable alternative should be considered and adopted. Not considering such an alternative would violate NEPA.	The proposed alternative is a component of the No Action alternative which would defer all parcels on the May 2012 list.
124	Western Resource Advocates: Conserving the core area	As stated in the EA, the administrative act of offering or

#	Comment	Response
	parcels south of Rawlins are essential to ensuring what connectivity remains between Colorado and Wyoming sage-grouse populations. Exhibit 6 M-2, Parcels South of Rawlins. Any leasing of this core habitat which would contribute to further habitat fragmentation separating the Wyoming and Colorado populations would be a tragic error. Genetic diversity of the remaining birds is a stake. Future declines in the Wyoming population could result in the demise of the northern Colorado population.	leasing a parcel does not, in and of itself, cause surface disturbing activity. The parcels within the core area south of Rawlins that are recommended for lease are, by and large, split estate where BLM has no jurisdiction over surface uses and/or are interspersed with existing oil and gas leases; therefore the parcels do not meet the manageability criteria set forth in IM WY-2010-013. In areas where BLM does have surface jurisdiction and the area is predominantly unleased, such as the area southwest of Lander, the parcels meet the manageability criteria and accordingly are being deferred from the May 2012 lease sale. It is also important to note that post-lease development in core area would have to comport to the screening process and protection requirements in IM WY-2010-012, which would limit the amount of disturbance allowed in core areas. This would limit habitat fragmentation. In Exhibit B to the WRA comments Audubon states, "The proposed development due to the sales will also put at risk not only the Wyoming grouse population but also Colorado's North Park grouse population as the area serves as a genetic connection between the two populations. If this area is developed, it will not only negatively influence the Wyoming grouse population but could also negatively impact an already greatly compromised Colorado population of grouse. Any development in the area would compromise the critical habitat needed by Greater Sage-grouse (as determined by the Core Areas designation) and therefore both Wyoming and Colorado populations." BLM notes that the parcels on the May 2012 list in the core area south of Rawlins are separated from the North Park population by the Sierra Madre mountain range. However connectivity between the North Park Colorado population and the Wyoming population is provided by habitats and core area in the North Platte/Saratoga Valley southeast of Rawlins. BLM also notes that there are no parcels on the May 2012 list located in the North Platte/Saratoga Valley.
125	Western Resource Advocates: It is also urgent to delete or defer the entire block of core area parcels located southwest of Lander identified in Exhibit M-3. This habitat vitally important and serves an important connectively function to maintain genetic diversity and resiliency. It provides important linkage for the Pinedale area populations west and southwest of the Wind River Range with the Lander populations east and southeast of the Winds.	As stated in the Agency response to comment 110 these parcels are deferred from the May 2012 lease sale
126	Western Resource Advocates: Parcels 249-251 are in the vicinity of the southern and western boundaries of the	The EA at section4.2.18 G acknowledges the values contained in the Cokeville Meadows NWR. The fall

Appendix F
Public Comments and Agency Response

#	Comment	Response
	Cokeville Meadows National Wildlife Refuge. EA at 137. The EA reviews the importance of this area for water birds, nesting waterfowl, and due to its location on important migratory corridors for the redhead duck and other species. Deferring these parcels should be considered to avoid significant adverse impacts to the Refuge and species that rely on it for habitat.	within an area addressed and analyzed in the Kemmerer RMP/EIS. Through the RMP the area containing the parcels was determined to be available for multiple use management, including oil and gas leasing/development. It is important to note that parcels 249 and 251 are separated from the refuge by a well-used paved county road and parcel 259 is located on a reclaim phosphate mine.
127	Western Resource Advocates: A landmark federal court ruling regarding BLM management and the Greater sage-grouse was decided on September 28, 2011 – after the EA and unsigned FONSI were drafted. Western Watersheds Project v. Salazar, Case No. 4:08-CV-516-BLW (D. Idaho 2011). WWP remanded the Pinedale, Wyoming and Craters of the Moon, Idaho RMPs for violations of NEPA and FLPMA. The deficiencies in the Pinedale RMP involved both energy development and grazing analysis in the remanded RMP.	None of the parcels on the May 2012 leas parcel list are in the Pinedale Field Office, nor does the EA reference or base any analysis on the Pinedale RMP.
128	Wyoming Outdoor Council (WOC): We are concerned by the proposed sale of several lease parcels north of the town of Kemmerer, north of U.S. Highways 189 and 30. The parcels that concern us are parcels WY-1205-240, -246, -247, -248, and -249. These parcels appear to be located in the contiguous vegetation block areas recognized in the Kemmerer RMP. The RMP provides that BLM is to "Manage large, contiguous blocks . . . by maintaining or enhancing sagebrush, aspen, and mountain shrub communities." Kemmerer RMP Record of Decision (ROD) at 2-34 (Decision # 4015). *See also* Kemmerer RMP ROD at Map 8 (presenting the contiguous vegetation blocks). Moreover, BLM is to, "Maintain connections between these community types by managing projects to minimize construction disturbance to the smallest acreage possible with consideration for engineering feasibility and safety." *Id.* In our view the BLM has not met these requirements. None of the parcels of concern contain stipulations that would ensure maintenance of large, contiguous sagebrush blocks of vegetation. There is no reservation of authority that would ensure that the BLM can protect connections among this community type or that would ensure these vegetation blocks could be maintained and that construction disturbance can be managed "to the smallest acreage possible." Until stipulations that would ensure these requirements are met are attached to these lease parcels they should not be offered for sale. If BLM offers these parcels for sale without stipulations ensuring large, contiguous blocks of vegetation can be protected and maintained, it would not be in compliance with the Kemmerer RMP, which of course is prohibited.	The Kemmerer RMP at page 2-26, Decision 2014 specifically states "Fluid mineral leasing is currently allowed on areas within large, contiguous blocks of federal land containing sagebrush, mountain shrub, and aspen habitat", thus offering parcels 240, 246, 247, and 248 is fully within the objectives, goals, requirements, and decisions of the RMP. The criteria and conditions in Decision 4015 would appropriately be applied at the time of post-lease development.
129	Wyoming Outdoor Council: We cannot emphasize too	See Agency response to comment 128

Appendix F
Public Comments and Agency Response

#	Comment	Response
	strongly the magnificent nature and the great ecological value of the vast, contiguous sweep of sagebrush habitat that occurs on BLM lands north of Kemmerer. This is one of the most impressive areas of sagebrush habitat found in Wyoming. And it is north of the railroad "checkerboard," so the vast majority of these lands are owned by the federal government. The BLM has full management authority in this area. Consequently, the BLM should actively seek to protect its contiguous character. It is beyond doubt that contiguous sagebrush habitats have a wide range of values, including open space, habitat for big game and sage-grouse, and many other ecological services and benefits.	
130	Wyoming Outdoor Council: Furthermore, as shown on Map 10 in the Kemmerer RMP ROD, these parcels would be located in very high value sage-grouse habitats. While numerous stipulations are attached to these parcels that would seek to protect sage-grouse, we believe the BLM should reconsider whether these stipulations are sufficient before offering these lease parcels for sale. There is no doubt sage-grouse management and protections are in a state of flux. The BLM of course is preparing RMP amendments to address sage-grouse issues in five Wyoming Field Offices, including Kemmerer. Nationally, the BLM is engaged in a major sage-grouse conservation initiative that could have widespread affects on mitigation measures required for sage-grouse, including in the Kemmerer Field Office. And last, the recent decision by the court in *Western Watersheds Project v. Salazar*, Case No. 4:08-CV-516-BLW (D. Idaho, Sept. 28, 2011), where the court invalidated BLM RMP decisions relative to the sage-grouse in the Pinedale Field Office and Craters of the Moon area could have significant implications for many BLM RMPs, including the Kemmerer RMP.	Refer to Agency response to comments 109, 112, 113, and 127.
131	Wyoming Outdoor Council: Some of these parcels may also be located in special recreation management areas recognized in the Kemmerer RMP. Kemmerer RMP ROD at Map 16. Parcels -247, -248 and -249 could intersect with the Oregon Trail or Dempsey Ridge special recreation management areas. We ask the BLM to evaluate whether this is the case, and make leasing decisions accordingly.	Parcels 247, 248, and 249 are not located within any of the special recreation management areas identified in or designated by the Kemmerer RMP. Parcel 248 does contain a Class 1 segment of the Dempsey-Hockaday National Historic Trail and contains a controlled surface use (CSU) stipulation for protection of the trail.
132	Wyoming Outdoor Council: There is an additional parcel that is also of concern to us in the Kemmerer Field Office. That is parcel WY-1205-250. This parcel appears to be located in the Bear River Divide prescriptive management area recognized in the Kemmerer RMP. Kemmerer RMP ROD at Map 21. In Decision Number 7015 in the Kemmerer RMP ROD, the BLM makes a number of important management decisions regarding this area. Among other things, BLM is to "Manage the Bear River Divide area of significant resource concern with the objective of preserving and enhancing the critical wildlife	Parcel 250 is located approximately ½ mile outside the boundary of the Bear River Divide Management Area and is not subject to the RMP decisions pertaining to the management area.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	habitats and cultural values that occur within the area." Yet there are no stipulations attached to parcel -250 that would ensure this management direction could be fully fulfilled. This parcel should not be offered for sale until BLM has ensured that the management requirements applicable to the Bear River Divide can be fully met.	
133	Wyoming Outdoor Council: There are a large number of lease parcels proposed for sale in the Rock Springs Field Office in the area west of Flaming Gorge Reservoir, generally in the Cedar Mountain and Haystack Buttes areas. These parcels are: WY-1205-156, -157, -158, -159, -160, -161, -162, -163, -164, -165, -166, -167, -173, -174, -175, -176, -177, -178, -179, -180, -181, -182, -183, -184, -185, -186, -187, -188, -189, -199, -200, 201, and -202. For several reasons we feel the BLM should defer leasing these parcels. We believe multiple-use principles, sensitive natural values, and the ongoing revision of the Rock Springs RMP all caution against offering for sale the above-mentioned parcels at the May, 2012 BLM oil and gas lease sale.	Offering these parcel without waiting for the RMP Revision to be completed is in compliance with the BLM Land Use Planning Handbook H-1601-1, Section VII.E. which states, "*Existing land use plans decisions remain in effect during an amendment or revision until the amendment or revision is completed and approved. The decisions of existing land use plans do not change. For example, if current land use plans have designated lands open for a particular use, they remain open for that use. Land use plan decisions may be changed only through the amendment or revision process.*"
134	Wyoming Outdoor Council: The 10th Circuit Court of Appeals recently noted that "[i]t is past doubt that the principle of multiple-use does not require BLM to prioritize development over other uses. As we have reasoned in the past, '[i]f all the competing demands reflected in [the Federal Land Policy and Management Act] were focused on one particular piece of public land, in many instances only one set of demands could be satisfied. A parcel of land cannot both be preserved in its natural character and mined.'" *New Mexico ex rel. Richardson v. Bureau of Land Management*, 565 F.3d 683, 685 (10th Cir. 2009) (quoting *Utah v. Andrus*, 486 F. Supp. 995, 1003 (D. Utah 1979)). Consistent with this statement, the BLM is to consider whether "non-mineral resource values are greater than potential mineral development values" when determining whether to lease a parcel. BLM Instruction Memorandum (IM) 2010-117 at 10.	As state in section 4.2.18 B, "All of parcels addressed in this EA have multiple surface resource values (see the affected environment discussions above). Whether the surface resource values for a given parcel are greater or less than the potential oil and gas development potential is subjective. Persons interested in preserving the surface resources would very likely say those values are greater than the potential mineral development value; whereas somebody interested in securing and developing one of the leases would likely say that the mineral value is greater. The Kemmerer, Rawlins, Green River RMPs have addressed values of the lands containing the parcels in this EA and have made resource allocations. Parcels 29, 37, 39, and 81-86, as well as portions of 26, 28, 40, 79, 80, 86, 87, 90, 101, 105, and 111 fell within areas where the surface resource values were determined to be greater than the mineral resource values, hence these parcel are not available to be offered for lease. The rest of the parcels fall in areas that are available for oil and gas leasing. This doesn't mean mineral development was given a higher priority. All of the parcels have stipulations intended to mitigate impacts to the surface resource values."
135	Wyoming Outdoor Council: The greater Cedar Mountain and Haystack Buttes areas are a large block of contiguous BLM land in Wyoming that is south of the railroad checkerboard and west of Flaming Gorge Reservoir. The areas are in relatively pristine condition with few improved roads or other surface alterations. They host important habitat for greater sage-grouse, elk, mule deer, pronghorn, and a number	As stated in Agency response to comment 134, the Green River RMP did evaluate the various resource values in the Cedar Mountain and Haystack Buttes area and designated the area available for multiple use management, including oil and gas leasing/development. The RMP also provides protection measures such as No Surface Occupancy on

Appendix F
Public Comments and Agency Response

#	Comment	Response
	of sensitive species. Several plant species that occur here are found nowhere else in the world. Paleontological resources in the greater Cedar Mountain and Haystack Buttes areas receive BLM's highest potential fossil yield classification. Many local residents, especially those from the nearby Bridger Valley, engage in many kinds of recreation in these areas. Uinta County School District # 4 has routinely used the greater Cedar Mountain area to expose local children to the outdoors and teach them about paleontology, biology, and geology.	the sensitive species sites and timing limitation stipulations for sage grouse nesting and crucial big game winter range which have been applied to the appropriate lease parcels.
136	Wyoming Outdoor Council: Consistent with IM 2010-117, we believe that the many natural, educational, and recreational values within the greater Cedar Mountain and Haystack Buttes areas outweigh potential mineral resource values and should prompt BLM not to lease these parcels.	Refer to Agency response to comment 134
137	Wyoming Outdoor Council: The important resource values of these areas are indicated by the maps in the ROD and Green River RMP (Oct., 1987). Among other things, there are historic or cultural sites (Map 3), a number of rights-of-way avoidance areas (Map 8), numerous public water reserves (Map 11), lease closure/no surface occupancy/controlled surface use areas (Maps 13, 14, and 18), large areas of big game crucial winter range (Map 15), sage-grouse habitat (Map 16), raptor nesting areas (Map 17), special status plant species occurrences (Map 23), areas of hydrologic concern recharge areas (Map 26), two wilderness study areas, Devils Playground and Twin Buttes (Map 28), and the existing and proposed Pine Spring Area of Critical Environmental Concern (Green River RMP and Final Environmental Impact Statement Map A). Given this wide array of resource values, the BLM should reconsider whether it is appropriate to lease these parcels, and at a minimum it should attach additional stipulations to these parcels in order to protect all of these resource values.	Refer to Agency response to comment 135
138	Wyoming Outdoor Council: Furthermore, not leasing these parcels is appropriate since the Green River RMP is under revision, and BLM should preserve its "decision space" so as to have a full range of options available to it in order to develop the best possible land use plan. Leasing these parcels will significantly narrow the BLM's decision space for revision of the RMP.	Refer to Agency response to comment 133
139	Wyoming Outdoor Council: We are concerned about the sale of one parcel adjacent to Battle Mountain in T12N R88W and several other parcels adjacent to Forest Service lands in the same general area. The parcels of concern are parcels WY-1205-008, -009, -010, -011, and -012. They are in the Rawlins Field Office. Development on these parcels would have a high likelihood of harming a number of important resources. First, these parcels are adjacent to or in the near vicinity of the Battle Mountain Research Natural Area, which is designated in the Medicine Bow National Forest Land and Resource	Concerning Battle Mountain refer to Agency response to comment 7 The EA recognizes that parcels 008-012, as well as the rest of the parcels on the May 2012 lease parcel list have a variety resource values. Table 3-2 shows, among other things, that parcels 008-012 are in a sage grouse core area, all 5 are in nesting habitat, all 5 contain crucial big game winter range and/or parturition habitat, all five have raptor nesting habitat, parcel 8 contains bald eagle roosting habitat, parcels 9 and 10 have sharp-

Appendix F
Public Comments and Agency Response

#	Comment	Response
	Management Plan. Second, these parcels have been given a VRM Class II designation in the Rawlins RMP. Third, these parcels are located within important habitat for elk, mule deer, greater sage-grouse, sharp-tailed grouse, and bald eagles, among other species. Finally, the BLM lands that lie within these parcels form part of a larger block of public land that is extremely important to backcountry recreation users. In our view, each of these values individually warrant against offering these parcels for sale, but when these values are aggregated they far outweigh the potential value of oil and gas and should be protected by not offering parcels -008, -009, -010, -011, and -012 at this time.	tailed grouse dancing grounds, and parcels 8 and 11 are in VRM Class II. Parcels 9, 10, and 12 are private surface and as such do not have VRM designations. The Rawlins RMP recognizes the variety of resoures and resource values in the area occupied by these parcels. The RMP also designated this area as being available for multiple use management, including oil and gas leasing. The RMP also specifies lease stipulations to diminish potential impacts to these resources. Tables 4.1a Parts 1 and 2, and Appendix B of the May 2012 Oil and Gas Leasing EA identify the stipulations applied to each parcel to mitigate potential impacts. WOC asserts that the BLM lands within parcels 008-012 form part of a larger block of public land. BLM acknowledges that the BLM lands in parcels 008and 011 do adjoin a block of Forest Service land to the east. BLM also recognizes that area contain parcels 008-012 is predominantly split estate with the surface being privately owned.
140	Wyoming Outdoor Council: Research Natural Areas (RNAs) have been designated by the U.S. Forest Service to form a long-term network of areas for research, education, and to preserve biological diversity. According to the Forest Service, "RNAs are selected to preserve a spectrum of relatively pristine areas that represent a wide range of natural variability within natural ecosystems and environments…and areas that have special or unique characteristics of scientific importance." In addition, "RNAs will be managed to maintain natural conditions by allowing ecological processes to prevail with minimal human intervention." The Forest Service should only "[a]llow uses [within an RNA] that maintain or improve the ecological characteristics for which the RNA was designated." As one of only six small RNAs in the entire Medicine Bow National Forest, the Battle Mountain RNA is obviously important. Development of parcel -008 in particular would likely undermine the values that the Forest Service has sought to protect.	Refer to Agency response to comment 7. Please note that the USFS RNA designation is only incumbent on the lands within the boundary of the RNA. No portion of the parcels on the May 2012 lease parcel list fall within the RNA boundary.
141	Wyoming Outdoor Council: In addition to potential impacts to the RNA, the sale of these parcels, even with protective stipulations in place, could threaten the high quality visual environment in these areas and the extremely important wildlife resources. These long-term threats should not be put in place through the sale of leases.	BLM asserts that the Controlled Surface Use stipulation applied to parcels 008 and 011 is sufficient to protect the Class II VRM values.
142	Wyoming Outdoor Council: It is not apparent that the BLM has consulted with the Forest Service regarding the sale of these lease parcels despite their close proximity to Forest Service lands and the potential to threaten resource protection and management on Forest Service lands. Under IM 2010-117 the BLM is to provide for interdisciplinary review of lease parcels. It specifically is to "consider including staff specialists	Subsequent to receiving WOC's comment letter, BLM realized that it had inadvertently erred in not consulting with the Forest Service on the parcels bordering Medicine Bow National Forest lands. BLM immediately contacted staff and the Brush Creek-Hayden Ranger District and solicited a review and comments pertaining to those parcels. See comments 7

#	Comment	Response
	from other agencies when lands and/or resources that are administered by those agencies could be impacted by future development on the lease parcels under review." IM 2010-117 § III.C. Having apparently not consulted with the Forest Service regarding the sale of these lease parcels, we do not believe IM 2010-117 has been complied with, and therefore the lease parcels of concern should not be offered for sale at this time.	through 12.
143	Wyoming Outdoor Council: There are several parcels located in the general Adobe Town area that are of concern to us. These parcels are located in the Rawlins Field Office. The parcels of concern are parcels WY-1205-045, -062, -063, -064, -065, and -066. These parcels have a number of special values that make leasing inappropriate at this time. As indicated by the stipulations attached to these parcels, oil and gas development in this area could affect crucial big game winter ranges, nesting raptors, greater sage-grouse and sage-grouse core areas, the Cherokee Trail and its setting, the Adobe Town Dispersed Recreation Use Area, and threatened, endangered, or special status species such as the sage-grouse, Colorado River fish species, and the Wyoming pocket gopher. Moreover, these parcels are located in the citizens' proposed Kinney Rim South wilderness area. While in its decision regarding protests of the June, 2008 oil and gas lease sale BLM rejected views that the Kinney Rim South area had wilderness values, citizens in the environmental community, do not share this view and continue to believe that these citizens' proposed wilderness areas have wilderness values and should be managed to protect such.	Refer to Agency response to comments 70, 71, and 80.
144	Wyoming Outdoor Council: One "other consideration" that BLM is to consider under the terms of IM 2010-117 is whether in undeveloped areas, non-mineral values are greater than mineral development values. Given the array of non-mineral values associated with these parcels, we believe there is little chance the mineral values exceed non-mineral values. BLM's claim in the lease EA that balancing whether mineral values are outweighed by non-mineral values is "subjective" (EA at 134) is without merit. It is BLM's *job* to make this analysis and make a *determination* of whether mineral values are outweighed by non-mineral values *on these parcels.* There is nothing "subjective" about this, BLM is to make a determination based on the facts—this is objectivity, not subjectivity. Furthermore, even if the applicable RMP found these areas are available for leasing, that is not sufficient to comply with the IM; a *site specific* analysis of whether mineral values on *these parcels* are outweighed by non-mineral values must be made, and it has not been. The RMP made no analysis	IM 2010-117 states, "There are other considerations that ***should*** be taken into account when determining the availability of parcels for lease. The following is a non-exhaustive list of considerations, further refinement of which may depend on the IDPR Team's review and site visits. Field offices ***should*** consider whether (emphasis): • In undeveloped areas, non-mineral resource values are greater than potential mineral development values. The "should" infers that it is desirable to address this situation, but also that such evaluation is not mandatory. The site-visits did not identify environmental, geographic, or geologic conditions that would preclude mineral development. The IM also states that the consideration s not dependent upon the economic values that may be assigned to competing resources.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	of the specific conditions related to *these specific lease parcels*, as the IM requires. Thus IM 2010-117 has not been complied with.	Figure 12 of the Oil & Gas Reasonable Foreseeable Development (RFD) Scenario for the Rawlins RMP shows the area contain parcel 045, 046, and 062-066 has a high potential for oil and gas occurrence. Figure 23 shows the area has a moderate or higher potential for that resource to be developed. The RFD information has been added to section 4.2.18 B. BLM asserts that it has complied with IM 2010-117
145	Wyoming Outdoor Council: Another consideration is whether access roads to isolated parcels—as these parcels are—would have unacceptable impacts on important resource values. The EA has nothing to say about this issue other than there are existing two-track roads in the vicinity of the parcels and these could be upgraded. EA at 135-136. This "analysis" says nothing about whether upgrading of the roads or the construction of new roads could have "unacceptable impacts on important resource values," as the IM requires. Thus, again, IM 2010-117 has not been complied with. A further consideration is whether leasing would have unacceptable impacts to specially designated areas.	Section 4.2.18 F is preface with the statement that without a site-specific development proposal BLM cannot determine where an access road or roads would be needed; therefore cannot determine if road construction would result in unacceptable impacts. However in re-evaluation BLM has determined that there are existing constructed roads and well pads within ½ mile of parcel 045 and within 1 mile of parcel 046. Parcels 045 and 046 are also bisected by a constructed road. The re-evaluation also shows that there is a constructed road and reclaimed well pad in parcel 065 and that the road and pad are within a mile of parcels 062, 063, 064 and 066. This information has been added to section 4.2.18 F of the EA.
146	Wyoming Outdoor Council: As noted, these parcels are part of the Adobe Town Dispersed Recreation Use Area. Yet all the EA does is *list* in Table 3.2 whether a special management area is associated with the parcel; there is no *analysis* whatsoever of whether there would be "unacceptable impacts" to the area or whether leasing would be "incompatible with the purpose of the designation," as IM 2010-117 requires. That the RMP provides for leasing in these areas, as the EA states on page 138, does not answer the question on a site specific basis of whether there would be unacceptable impacts to the Adobe Town Dispersed Recreation Area. Given the important "other" values present in these areas we believe it is inappropriate to lease these parcels at this time.	Text has been added to section 4.2.3 to address anticipated impacts to the DRUA.
147	Wyoming Outdoor Council: It is also not appropriate to offer these parcels for sale while the Rawlins RMP is undergoing an amendment so as to ensure it adequately incorporates needed sage-grouse protective provisions. The BLM should not offer these parcels for sale while an RMP amendment is underway. Authority for this view is provided by IM Nos. 2004-110 and 2004-110 Change 1. Under IM 2004-110, additional NEPA documentation prior to leasing is needed when there are significant new circumstances or information that bear on the environmental consequences of leasing that are not within the scope previously analyzed in the existing RMP. Existing NEPA documentation supporting an RMP and its decisions relative to leasing become insufficient when the analysis of impacts fails to identify stipulations that would retain BLM's	It is appropriate for BLM to continue offering parcels for lease while the Rawlins RMPs revisions for sage grouse and VRM are underway. The December 2008 RMP at section 1.1 states, "*The VRM designations and decisions will be reevaluated and subject to subsequent NEPA analysis. To comply with VRM policy (BLM VRM Manual 8400 and 8410), the RFO will undertake an effort to update the inventory of visual resources within the RMPPA. Using this updated inventory as a baseline, VRM class designations will be considered and analyzed in a future VRM-targeted EIS for the RMPPA. Through the subsequent NEPA process, the public will have an opportunity to comment during this environmental analysis process regarding Rawlins*

Appendix F
Public Comments and Agency Response

#	Comment	Response
	"full authority to protect or mitigate effects to other resources." This is the case with sage-grouse issues, and moreover, the Rawlins RMP is also being amended relative to VRM categories, so this adds weight to not offering these lease parcels for sale at this time	*VRM.* ***Until such time, the Approved RMP will utilize the VRM class designations as established and analyzed in the No Action Alternative, Alternative 1 in the Proposed RMP/Final EIS.*** *Unless otherwise specified, all other portions of the Proposed RMP are upheld and approved by the State Director* (emphasis added)." IM WY-2010-013 provides policy to issues or deferring lease parcels while the sage grouse RMP amendment is being completed. The IM states, "For all nominated parcels that meet all of the criteria specialist may recommend deferral for sage-grouse habitat conservation. Deferred parcel areas will remain deferred from leasing until conservation planning and management potential can be evaluated in the context of a Land Use Planning action (i.e., revision, maintenance, or amendment). This approach will ensure appropriate conservation measures and strategy can be effectively applied within Core Areas."
148	Wyoming Outdoor Council: IM 2004-110 Change 1 provides that BLM State Directors "have discretion to temporarily defer leasing on specific tracts of land based on information under review during planning." Given the lack of up-to-date information regarding sage-grouse, VRM categories, and the other very high level values found on these parcels which have been noted, it seems very prudent to exercise this discretion to temporarily defer leasing these parcels. IM 2004-110 Change 1 "re-emphasizes the importance of considering temporary deferral of oil, gas, and geothermal leasing in those areas with active land use planning activities." Accordingly, lease parcels -045, -062, -063, -064, -065, and -066 should not be offered for sale at this time.	Refer to Agency response to comment 147.
149	Biodiversity Conservation Alliance (BCA): We agree with BLM's proposal to delete Parcels 26, 28, 29, 39, 40, 81, 82, 83, 84, and 85, which fall within Core Areas. We also agree with BLM's proposal to defer the offering of Parcels 47, 48, 49, 51, 57, 58, 59, 60, 73, 74, 75, 76, 78, 86-92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124-132, 133, 134-155, 168, 169, 190, 220-222, 225, 226, and 227, which fall entirely or partially within Core Areas. It is a wise decision to defer the long-term commitment of mineral leases at least until the sage grouse RMP amendment process is completed, in order to avoid foreclosing conservation options that may be selected for implementation under the RMP amendments.	No response required
150	Biodiversity Conservation Alliance (BCA): The BLM apparently proposes to auction Parcels 4, 5, 6, 7, 8, 9, 11, 12, 13-19, 25, 27, 30, 33, 50, 52, 53, 61, 69, 72, 168, 203, 204,	Refer to Agency response to comments 107 and 112. Note parcel 50 is being deferred, see EA Appendix A.

#	Comment	Response
	211, 212, 215, 232, and 233, which are entirely or partially within Core Areas. These parcels should be deferred from sale even if they fall within checkerboard ownership areas because the BLM has know way of predicting that the privately owned minerals in checkerboard areas will be leased and ultimately developed.	
151	Biodiversity Conservation Alliance (BCA): The decision not to defer Parcels 50, and 61 is especially puzzling because these parcels are adjacent to or nearby parcels currently proposed for deferral, which would theoretically be part of a large contiguous block of unleased (or soon-to-be-unleased) land in Core Areas. Additionally, the decision to allow Parcel 72 is also puzzling because this parcels falls within a Core Area that is being considered as a sage grouse ACEC under the sage grouse RMP amendment process, which is proposed for removal from future leasing.	Parcel 50 is being deferred. Parcel 061 is surrounded by existing oil and gas leases and does not meet the manageability criteria in IM WY-2010-013. The area containing is no longer being considered for ACEC through the sage grouse RMP amendment. The parcel is in the Chicken Springs Unit and is partially surrounded by the Horseshoe Basin, Canyon Dome, and Whiskey Canyon federal oil and gas exploratory units identified in the December 2009 letter from the BLM Wyoming State Director to the Governor of Wyoming. The letter states, "Any parcel nominated for oil and gas leasing located within a Federal oil and gas exploratory unit agreement will be offered for sale with existing stipulations as defined for the area in accordance with the existing Green River RMP . . ." Additionally parcel 72 did not meet the deferral criteria in IM WY-2010-013.
152	Biodiversity Conservation Alliance (BCA): We request that all parcels listed above be deferred from the lease sale pending analysis of whether large-block unleased parcels inside Core Areas are being leased, pursuant to the 2010 Interior Department leasing IM. BLM should do its best to keep largely unleased areas of public land in Core Areas unleased, regardless of mineral ownership patterns.	Offering the referenced parcels is consistent with the policies and procedures established in IM WY-2010-013.
153	Biodiversity Conservation Alliance (BCA): In addition, Parcels 2, 3, 12, 30, 31, 32, 39, 41, 42, 43, 44, 45, 46, 56, 62, 64, 65, 67, 68, 77, 94, 165, 171, 172, 173, 174, 179, 180, 181, 191, 192, 194, 196, 197, 203, 204, 205, 207, 208, 209, 210, 212, 213, 216, 229, 230, 231, 235, 236, 237, 239, 240, 246, and 248 are outside designated sage grouse Core Areas but contain or are in close proximity to one or more occupied sage grouse leks. The current standard sage grouse stipulations that apply outside Core Areas are biologically inadequate. BLM should not issue these sage grouse parcels unless a rigorous set of stipulations, far stronger than those provided in the EA, are applied to the parcels. This should include either the following combination: • 2-mile No Surface Occupancy buffers surrounding leks; • 3-mile Timing Limitation Stipulations surrounding leks during the breeding and nesting season prohibiting not just construction and drilling activities but also production-related vehicle traffic and human presence; • No overhead powerlines within 5 miles of leks,	The referenced parcels are being offered in conformance with the policies and procedures established in IM WY-2010-013. It is also important to note that post-lease development in core area would have to comport to the screening process and protection requirements in IM WY-2010-012, which would limit the amount of disturbance allowed in core areas. Also refer to Agency response to comment 34. The sage grouse protection measures (stipulations) attached to the referenced parcels are based on decisions in the governing RMPs which are supported by the connected EISs. The BCA suggested requirements would require amendment of the existing RMP decisions which is beyond the scope of this EA. Please note that in accordance with IM 2010-110, Change 1, Lease Notice No. 3 is applied to all parcels. Lease Notice No.3 states, "The lease may in part, or in total, contain important Greater sage-grouse habitats as identified by the BLM, either currently or prospectively.

#	Comment	Response
	or new Timing Limitation Stipulations that extend 3 miles from the lek and restrict production related activities in addition to drilling and construction, as has been proposed by BLM under the Lander RMP DEIS (Record 4095)4, paired with a prohibition n overhead power lines within 5 miles of leks. If these stipulations are implemented together with even stronger measures for Core and Connectivity Areas, the BLM could make a credible case that impacts from leasing would not result in significant impacts.	The operator may be required to implement specific measures to reduce impacts of oil and gas operations on the Greater sage-grouse populations and habitat quality. Such measures shall be developed during the Application for Permit to Drill (APD) on-site and environmental review process and will be consistent with the lease rights granted." IM 2010-110, Change 1 states, ". . . BMPs can usually be applied as conditions of approval at the permitting stage to accomplish the management goals of newly revised or amended RMPs. Section 6 of the standard federal oil and gas lease (Form 3100-11) provides the Bureau with authority to require reasonable measures to minimize adverse impacts to land, air, and water, to cultural, biological, visual, and other resources and to other uses or users. These measures may include, but are not limited to siting, design, timing, and reclamation of oil and gas facilities. Therefore, for new surface disturbing activities, FOs are directed to evaluate during the NEPA process the application of BMPs to provide the necessary level of protection for critical resources on existing leases consistent with lease rights granted." The stipulations attached to the parcels are consistent with and are in conformance with the decisions and requirements in the governing RMPs. In the event the sage grouse amendment to those governing RMPs implements more stringent measures, those measure would be considered as Conditions of Approval through the NEPA process at the time a development proposal is received.
154	<u>Biodiversity Conservation Alliance (BCA):</u> Lease parcels should also be screened against Sage Grouse ACECs proposed in the context of the statewide Sage Grouse Plan Amendments EIS process. Many of the proposed ACECs have for proposed management withdrawal from future oil and gas leasing. Parcels in each of these areas should be deferred pending the outcome of the Sage Grouse Plan Amendments process, so that a proper decision can be made regarding whether or not to lease them and/or appropriate stipulations can be attached, per IM 2004-110 Change 1. BLM should also consider whether any parcels fall within proposed Sage Grouse ACECs. In the forthcoming RMP revisions, it is our expectation that the BLM will be considering the designation of several Core Areas as Sage Grouse ACECs, to be managed for no future leasing for oil and gas development.	IM 2004-110 Change 1 states, "A decision temporarily to defer could include lands that are designated in the <u>preferred alternative</u> of draft or final RMP revisions or amendments . . ." (emphasis added). The sage grouse amendments have not designated a preferred alternative to date; consequently the request deferral is outside the policy of the IM. IM WY-2010-013 works in concert with IM 2010-010, Change 1 to identify specific partials to be deferred for sage grouse pending completion of the sage grouse RMP amendment. Parcels that overlap the ACECs currently being considered through the sage grouse RMP amendment to the Kemmerer, Pinedale, Green River, and Rawlins RMPs would be evaluated for deferral through the IM WY-2010-013 screening process.
155	<u>Biodiversity Conservation Alliance (BCA):</u> We request that all parcels listed above be deferred from the lease sale pending analysis of whether large-block unleased parcels inside Core Areas are being leased, pursuant to the 2010	Parcels on the May 2012 lease list were processed in accordance with the policies and procedures in IM WY-2010-013. This leasing EA is the required pre-leasing NEPA pursuant to IM 2010-117.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	Interior Department leasing IM. BLM should do its best to keep largely unleased areas of public land in Core Areas unleased, regardless of mineral ownership patterns.	
156	Biodiversity Conservation Alliance (BCA): Wyoming sage-grouse populations are some of the largest left in the nation and were relatively stable until the last decade, when sage-grouse populations experienced major declines range-wide. The Wyoming Game and Fish Department reported that since 1952, there has been a 20% decline in the overall Wyoming sage-grouse population, with some fragmented populations declining more than 80% . . . Since these figures were published, grouse populations have continued to decline. These declines are attributable at least in part to habitat loss due to mining and energy development and associated roads, and to habitat fragmentation due to roads and well fields. Oil and gas development poses perhaps the greatest threat to sage-grouse viability in the region. The area within 2 to 3 miles of a sage-grouse lek is crucial to both the breeding activities and nesting success of local sagegrouse populations. In a study near Pinedale, sage-grouse from disturbed leks where gas development occurred within 3 km of the lek site showed lower nesting rates (and hence lower reproduction), traveled farther to nest, and selected greater shrub cover than grouse from undisturbed leks. According to this study, impacts of oil and gas development to sage-grouse include (1) direct habitat loss from new construction, (2) increased human activity and pumping noise causing displacement, (3) increased legal and illegal harvest, (4) direct mortality associated with reserve pits, and (5) lowered water tables resulting in herbaceous vegetation loss. These impacts have not been thoroughly evaluated with full NEPA analysis.	Additional text was added to section 4.2.2.1 of the EA. Absent a definitive development proposal it is not possible to conduct a more specific impact and/or cumulative effects analysis. As stated in Section 1.3 of the draft EA, BLM cannot determine at the leasing stage whether or not a nominated parcel will actually be leased, or if leased, whether or not the lease would be explored or developed or at what intensity (spacing) development may occur. As further stated in Section 1.3 of the EA, "additional NEPA documentation would be prepared at the time an APD(s) or field development proposal is submitted. This environmental documentation would provide site-specific analysis for the proposed action to address questions like those presented in the comment.
157	Biodiversity Conservation Alliance (BCA): In addition, Parcels 2, 3, 12, 30, 31, 32, 39, 41, 42, 43, 44, 45, 46, 56, 62, 64, 65, 67, 68, 77, 94, 165, 171, 172, 173, 174, 179, 180, 181, 191, 192, 194, 196, 197, 203, 204, 205, 207, 208, 209, 210, 212, 213, 216, 229, 230, 231, 235, 236, 237, 239, 240, 246, and 248 are outside designated sage grouse Core Areas but contain or are in close proximity to one or more occupied sage grouse leks. The current standard sage grouse stipulations that apply outside Core Areas are biologically inadequate. BLM should not issue these sage grouse parcels unless a rigorous set of stipulations, far stronger than those provided in the EA, are applied to the parcels. This should include either the following combination: • 2-mile No Surface Occupancy buffers surrounding leks; • 3-mile Timing Limitation Stipulations surrounding leks during the breeding and nesting season prohibiting not just construction and drilling activities but also production-related	Refer to Agency response to comment 153.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	vehicle traffic and human presence; • No overhead powerlines within 5 miles of leks, or new Timing Limitation Stipulations that extend 3 miles from the lek and restrict production related activities in addition to drilling and construction, as has been proposed by BLM under the Lander RMP DEIS (Record 4095), paired with a prohibition n overhead power lines within 5 miles of leks. If these stipulations are implemented together with even stronger measures for Core and Connectivity Areas, the BLM could make a credible case that impacts from leasing would not result in significant impacts.	
158	Biodiversity Conservation Alliance (BCA): Outside Core Areas, current sage grouse lease stipulations provide an NSO stipulation of ¼ mile around active sage grouse leks. This is a ridiculously inadequate amount of protection for the lekking grouse during the breeding period, nevermind for hens nesting on lands surrounding the lek. Studies have shown that the majority of hens nest within 3 miles of a lek, and that a 5.3-mile buffer would encompass almost all nesting birds in some cases. For Core Areas, the most scientifically supportable metric for NSO buffers would be 2 miles from the lek to protect breeding birds (after Holloran 2005, finding impacts from post-drilling production extend 1.9 miles from the wellsite) and 5.3 miles to protect nesting birds, with the understanding that the impacts of drilling and production activity would extend into the NSO buffer area from wells arrayed along its edge.	Comment acknowledged, no response required
159	Biodiversity Conservation Alliance (BCA): Other important findings on the negative impacts of oil and gas operations on sage-grouse and their implications for the species are contained in three studies recently accepted for publication. Sage-grouse mitigation measures have been demonstrated to be ineffective at maintaining this species at pre-development levels in the face of oil and gas development by Holloran (2005) and Naugle et al. (2006). Naugle found an 85% decline of sage-grouse populations in the Powder River Basin of northeastern Wyoming since the onset of coalbed methane development there. BLM has repeatedly failed to provide any analysis, through field experiments or literature reviews, examining the effectiveness of the standard quarter-mile buffers where disturbance would be "avoided." There is substantial new information in recent studies to warrant supplemental NEPA analysis of the impacts of oil and gas development to sage-grouse. It is incumbent upon BLM to consider the most recent scientific evidence regarding the status of this species and to develop mitigation measures which will ensure the species is not moved toward listing under the Endangered Species Act. It is clear from the scientific evidence that the current protections are inadequate and are contributing to the further decline of the bird's	BLM is currently engaged preparing an amendment to the Newcastle, Casper, Kemmerer, Pinedale, Rawlins, and Green River RMPs to evaluate the status of sage grouse and to incorporate results and recommendations from recent studies, such as those referenced in the BCA comment into BLMs land use planning process. In accordance with IM 2010-110, Change 1 and Lease Notice No. 3 any new standards/mitigation/stipulations coming forth from that process can be applied to post-lease actions.(i.e., APDs, Sundry Notices, Rights-of-Way, etc.

#	Comment	Response
	populations. This information constitutes significant new information that requires amendment of the Resource Management Plans before additional oil and gas leasing can move forward.	
160	Biodiversity Conservation Alliance (BCA): Wyoming Game and Fish Department biologists have reached a consensus that the Timing Limitation Stipulations proposed for sage-grouse in this lease sale are ineffective in the face of standard oil and gas development practices. These stipulations have likewise been condemned as inadequate by the U.S. Fish and Wildlife Service and renowned sage-grouse expert Dr. Clait Braun. The BLM itself has been forced to admit that "New information from monitoring and studies indicate that current RMP decisions/actions may move the species toward listing…conflicts with current BLM decision to implement BLM's sensitive species policy" and "New information and science indicate 1985 RMP Decisions, as amended, may not be adequate for sage grouse." Continued application of stipulations known to be ineffective in the face of strong evidence that they do not work, and continuing to drive the sage-grouse toward ESA listing in violation of BLM Sensitive Species policy, is arbitrary and capricious and an abuse of discretion under the Administrative Procedures Act.	The information provided in the BCA comment is specific to findings related to the Buffalo RMP and the Powder River Basin area, not to RMPs in general. Additionally, the findings state that the RMP decisions, as amended, "may" not be adequate (emphasis added). There are two important qualifiers in the quotes provided in the BCA comment. The first, is "monitoring and studies indicate that current RMP decisions/actions may move the species toward listing (emphasis added)". The second is "indicate 1985 RMP Decisions, as amended, may not be adequate for sage grouse (again emphasis added)". These statements indicate that it is not conclusive that the timing limitation stipulations are ineffective. Regardless of this, BLM has implemented IMs WY-2010-012 and WY-2010-013 to enhance protection of sage grouse core area habitat. Additionally BLM initiated the sage grouse RMP amendment process to address sage grouse habitat issues. In the event the amendment implements more stringent measures, those measures would be considered as Conditions of Approval through the NEPA process at the time a development proposal is received.
161	Biodiversity Conservation Alliance (BCA): The restrictions contained in IM No. WY-2010-012 come nowhere close to offering sufficient on-the-ground protection to sage-grouse leks. Within Core Areas, the IM allows surface disturbing activity and surface occupancy just six tenths (0.6) of a mile from "occupied or undetermined" leks, a far cry from the science-based 3-mile buffer recommended by field biologists. Even less protective, restrictions outside Core Areas allow surface disturbing activities and surface occupancy as close as one quarter (0.25) of a mile from leks. BLM has too great an abundance of data to the contrary to continue with scientifically unsound stipulations as used in IM WY-2010-012 and the current Notice of Competitive Oil and Gas Lease Sale. This is especially clear in light of the U.S. Fish and Wildlife Service's recent finding that listing the greater sage-grouse as endangered or threatened under the Endangered Species Act is warranted, but precluded by other priorities. If the BLM and other federal agencies intend to keep the sage-grouse from accelerating beyond other listing priorities, more protective measures, in adherence with the scientific recommendations of Holloran, Braun, and others, must be undertaken now.	It is beyond the scope of this EA to address the validity and/or perceived inadequacies of IM 2010-012. Additionally refer to the Agency response to comment159.

Appendix F
Public Comments and Agency Response

#	Comment	Response
162	Biodiversity Conservation Alliance (BCA): The vague stipulations included in BLM's Notice of Competitive Oil and Gas Lease Sale for particular parcels do little to clarify to the interested public or potential lessees what restrictions might actually apply to protect sage-grouse populations. For example, for some parcels, BLM imposes a Timing Limitation Stipulation and a Controlled Surface Use Stipulation. Such acceptable plans for mitigation of anticipated impacts must be prepared prior to issuing the lease in order to give the public full opportunity to comment, and to abide by the Department of Interior's stated new policy to complete site-specific environmental review at the leasing stage, not the APD stage. Without site-specific review and opportunity for comment, neither the public nor potential lessees can clearly gauge how restrictive or lax "acceptable plans for mitigation" might be, and whether they comply with federal laws, regulations, and agency guidelines and policies. Thus, absent such review, the leases should not issue at all.	Absent a definitive development proposal it is not possible a more specific impact and/or cumulative effects analysis and as stated in Section 1.3 of the draft EA, BLM cannot determine at the leasing stage whether or not a nominated parcel will actually be leased, or if leased, whether or not the lease would be explored or developed or at what intensity (spacing) development may occur. As further stated in Section 1.3 of the EA, "additional NEPA documentation would be prepared at the time an APD(s) or field development proposal is submitted. This environmental documentation would provide site-specific analysis for the proposed action to address questions like those presented in the comment.
163	Biodiversity Conservation Alliance (BCA): BLM has the scientific information needed to recognize that any use of these parcels will result in further population declines, propelling the sage-grouse ahead of other "priorities" on the ESA "candidate list." Again, it is in all interested parties favor (conservation groups, potential lessees, BLM and other federal agencies) for BLM to determine specific "modifications" prior to issuing leases, such as NSO restrictions. If the BLM fails to do so through site-specific environmental review before the APD stage, the agency will violate the "jeopardy" prohibition in the Endangered Species Act and will not adhere to the directive of Secretary Salazar and the Department of Interior's announced leasing reforms.	Refer to Agency response to comment 162
164	Biodiversity Conservation Alliance (BCA): BCA recommends withholding the sale of all lease parcels which contain sage-grouse leks, nesting habitat, breeding habitat, wintering habitat and brood-rearing habitat. We request that these parcels be withdrawn from the lease sale. Failing withdrawal of the parcels, parcel-by parcel NEPA analysis should occur, and NSO stipulations must be placed on all lease parcels with sage-grouse leks. In addition, three-mile buffers must be placed around all leks. It is critical that these stipulations be attached at the leasing stage, when BLM has the maximum authority to restrict activities on these crucial habitats for the protection of the species, and that no exceptions to the stipulations be granted. BLM's failure to do so will permit oil and gas development activities which will contribute to declining sage-grouse populations and ultimately listing by the U.S. Fish and Wildlife Service as a threatened or endangered species, in violation of BLM's duty to take all actions necessary to prevent listing	Refer to the Agency response to comment 162. The stipulations attached to the parcels are consistent with and are in conformance with the decisions and requirements in the governing RMPs. In the event the sage grouse amendment to those governing RMPs implements more stringent measures, those measure would be considered as Conditions of Approval through the NEPA process at the time a development proposal is received.

Appendix F
Public Comments and Agency Response

#	Comment	Response
165	Biodiversity Conservation Alliance (BCA): Biodiversity Conservation Alliance (Molvar): It would be prudent for BLM not to commit these lands for a 10-year period during which the leaseholders would possess some right to explore and produce oil and gas on their leaseholds. A comprehensive analysis of the level of crucial winter range conservation necessary to maintain herd populations at or above targets needs to be undertaken; we urge BLM to defer such parcels until this analysis is complete, in order to avoid foreclosing on options for conservation.	Wildlife crucial winter range is addressed in the governing resource management plans, as well as subsequent EAs. This EA did not come to any findings that would dispute the current RMP decisions nor compel the agency to postpone taking implementation actions, such as issuance of leases, for ongoing RMP revisions. BLM Land Use Planning Handbook H-1601-1, Section VII.E. dated March 11, 2005 states, "Existing land use plans decisions remain in effect during an amendment or revision until the amendment or revision is completed and approved. The decisions of existing land use plans do not change. For example, if current land use plans have designated lands open for a particular use, they remain open for that use. Land use plan decisions may be changed only through the amendment or revision process."
166	Biodiversity Conservation Alliance (BCA): It would be prudent for BLM not to commit these lands for a 10-year period during which the leaseholders would possess some right to explore and produce oil and gas on their leaseholds. A comprehensive analysis of the level of crucial winter range conservation necessary to maintain herd populations at or above targets needs to be undertaken; we urge BLM to defer such parcels until this analysis is complete, in order to avoid foreclosing on options for conservation.	Wildlife crucial winter range management and protection is addressed in the governing resource management plans. This EA did not come to any findings that would dispute the current RMP decisions nor compel the agency to postpone taking implementation actions, such as issuance of leases.
167	Biodiversity Conservation Alliance (BCA): The Parties recommend against selling the lease parcels listed above because BLM has again failed to comply with the Memorandum of Understanding and therefore has not provided a rational basis for its decision to offer lease parcels in areas with big game crucial winter range and parturition areas. Until such time as BLM complies with the Memorandum of Understanding it has no rational basis for its decision and the decision is arbitrary and capricious. We request that the parcels be withdrawn from the upcoming lease sale.	Consistent with the MOU, the Wyoming Game and Fish Department (WGFD) participates in BLM RMP and NEPA processes as a cooperating agency. Through their cooperating agency status they participate in the defining alternatives, they providing input and guidance on management decisions, including those that affect wildlife and fisheries. Note: All of the parcels recommended for offer at the May 2012 lease sale are in areas identified in the governing RMPs as available for lease. Also consistent with the MOU, WGFD is provided opportunities to participate in the leasing process. They are provided a copy of the lease parcel and are invited to provide comments to BLM as part of the parcel review and EA preparation process, see Section 6 of the EA. They are also providing an opportunity to provide comments on the EA through the public comment period.
168	Biodiversity Conservation Alliance (BCA): While BCA strongly recommends against the offering of any of these lease parcels for sale, at the minimum, all such parcels in big game crucial winter range and parturition areas should have No Surface Occupancy (NSO) stipulations applied to them. NSOs provide the only real protection for big game. Recent studies	Wildlife crucial winter range is addressed in the governing resource management plans, as well as subsequent EAs. This EA did not come to any findings that would dispute the current RMP decisions nor compel the agency to postpone taking implementation actions, such as issuance of leases, for ongoing RMP.

#	Comment	Response
	on the impacts of oil and gas development and production on big game in Wyoming show that the impacts have been huge. Not only have impacts to big game been significant, but they have occurred in spite of the application of winter timing limitations, demonstrating that these stipulations alone do not provide adequate protections for big game.	Also refer the Agency response to comment 92.
169	Biodiversity Conservation Alliance (Molvar): A further noteworthy factor is that timing limitations apply only during oil and gas development, not during the production phase. Once production begins, there are no stipulations in place for the protection of big game. It is therefore imperative that stipulations adequate to protect big game be applied at the ***leasing*** stage, not the APD stage.	Table 4.1a Parts 1 and 2 provide the all of the stipulations that are proposed to be applied to each lease parcel recommended for offered at the May 2012 lease sale, including timing limitation stipulations for crucial big game winter range. These stipulations provide the foundation for more extensive mitigation that could by applied should a post lease exploration or development proposal occur. They are not the "end-all" level of mitigation that could be applied at post-lease exploration or development. Consistent with IM 2004-110, Change 1 more extensive/expansive/restrictive mitigation, including adaptive management, could be developed during the site-specific NEPA analysis that would be required to address any specific post-lease exploration or development actions that are proposed. It is important to note that the recent research referenced in the comment are primarily based on the results associated with one intensively developed natural gas field and may not be indicative of all oil and gas development.
170	Biodiversity Conservation Alliance (Molvar): The Wyoming Game and Fish Commission (WG&F) has a formal policy relative to disturbance of crucial habitats, including crucial winter ranges. Crucial habitat is habitat "which is the determining factor in a population's ability to maintain and reproduce itself . . . over the long term." *Id*. at 7. WG&F further describes big game crucial winter ranges as vital habitats. Vital habitats are those which directly limit a community, population, or subpopulation (of species), and restoration or replacement of these habitats may not be possible. The WG&F has stated that there should be "no loss of habitat function" in these vital/crucial habitats, and although some modification may be allowed, habitat function, such as the location, essential features, and species supported must remain unchanged.	To promote consistency with state and local plans, BLM invited the State of Wyoming and its agencies', as well as the counties within the RMP area to participate in the RMP process as Cooperating Agencies, which they did. The plans also underwent a Governor's consistency review, which also involved the state agencies including Game and Fish. The input from this process was used in the development of the alternatives and the final decisions. Based on the cooperating agency and Governor's consistency review processes, BLM believes the respective RMPs are consistent with the " policy of the Wyoming Game and Fish Commission that crucial habitat for wildlife species within the State should be managed to prevent "any loss of habitat function" (Wyoming Game and Fish Commission Policy No. VII H (April 28, 1998) at 138)", as qualified "*Some modification of crucial habitat is permitted but only if habitat function is maintained (i.e., the location, essential features, and species supported are unchanged (emphasis added)*". The RMPs do allow for modification of crucial habitats,

Appendix F
Public Comments and Agency Response

#	Comment	Response
		but make every effort to maintain habitat function.
171	Biodiversity Conservation Alliance (BCA): Furthermore, Wyoming Game and Fish released the recommended minimum standards to sustain wildlife in areas affected by oil and gas development. Their policy recognized the ineffectiveness of winter range stipulations standing alone as currently applied. Mitigation Policy at 6. In all cases, Wyoming's new mitigation policy recommends going beyond just the winter drilling timing limitations, which BLM currently applies to lease parcels on crucial winter range. In addition to the winter timing limitations, the Mitigation Policy includes a suite of additional standard management practices. Mitigation Policy at 9-11, 52-58. These additional management practices include planning to regulate the pattern and rate of development, phased development, and cluster development, among many other provisions. Mitigation Policy at 52.	See Agency response to comment 167 and 172. Absent a definitive development proposal it is not possible a more specific impact and/or cumulative effects analysis and as stated in Section 1.3 of the draft EA, BLM cannot determine at the leasing stage whether or not a nominated parcel will actually be leased, or if leased, whether or not the lease would be explored or developed or at what intensity (spacing) development may occur. As further stated in Section 1.3 of the EA, "additional NEPA documentation would be prepared at the time an APD(s) or field development proposal is submitted. This environmental documentation would provide site-specific analysis for the proposed action to address mitigation like those presented in the comment.
172	Biodiversity Conservation Alliance (BCA): Clearly, the timing limitation stipulation applicable to the Crucial Winter Range Parcels is not in compliance with the State of Wyoming's policies and plans regarding the protection of wildlife. The timing stipulation, standing alone, does not ensure protection of habitat function. There is absolutely no guarantee, or even the remote likelihood that the location, essential features, and species supported on the crucial winter range will remain "unchanged."	Refer to Agency response to comment 170
173	Biodiversity Conservation Alliance (BCA): Parcels 8, 9, 12, 13, 14, 15, 16, 17, 18, 20, 26, 27, 28, 36, 37, 38, 39, 40, 44, 53, 55, 61, 101, 102, 103, 109, 112, 114, 118, 119, 120, 121, 122, 135, 136, 140, 142, 145, 150, 151, 153, 154, 174, 198, 204, 213, 217, 222, 223, 231, 236, 243, 244, and 246 intersect identified big-game migration corridors. Parcels 26, 28, 37, 38, 39, and 40 are proposed for deletion from the lease auction, and Parcels 101, 102, 103, 109, 112, 114, 118, 119, 120, 121, 122, 135, 136, 140, 142, 145, 150, 151, 153, 154, and 222 are earmarked for deferral, which would take care of any issues regarding impacts to big game migrations. For parcels intersecting migration corridors to be offered at auction, special timing limitation stipulations should be attached that prevent construction, drilling, or production related activity and vehicle traffic on the lease during the migration periods. To these parcels, BLM should attach stipulations that prohibit not just construction activity but also project-related vehicle traffic and human presence at the wellsite within 0.5 mile of the migration corridor during its season(s) of use.	Absent a definitive development proposal BLM cannot determine whether or not, or to what extent a migration corridor might be affected. Should development be proposed, additional site-specific NEPA analysis would be conducted, which would include addressing big game migration if the proposal would fall within a migration area. This environmental documentation would provide site-specific analysis for the proposed action to address mitigation like that presented in the comment and consistent with IM 2004-110, Change 1 would consider implementation of BMPs to reduce or eliminate impacts to migration corridors.
174	The findings in the scientific and popular literature have been confirmed in recent BLM NEPA documents. The Green River EIS/RMP/ROD is replete with documentation of the importance of crucial winter ranges, and their ongoing loss, despite the stipulation required by BLM. Green River	Based on the complete analysis in the governing RMPs/EISs, BLM made resource allocation decisions, including making the areas containing the parcels recommended for offer at the May 2012 lease sale available for multiple use management, including oil

#	Comment	Response
	EIS/RMP at 347-349. ("Probably the single most important factor affecting antelope populations are weather," at 438-441.) (" . . . oil and gas development in Nitchie Draw causing forage loss and habitat displacement;" "Displaced wildlife move to less desirable habitat where animals may be more adversely stressed . . .;" "Long-term maintenance and operations activities in crucial wildlife habitats would continue to cause displacement of wildlife from crucial habitats, including . . . crucial big game winter habitats;" "Surface disturbing activities would continue to cause long-term loss of wildlife habitat," etc.) The Jack Morrow Hills EIS also documents the importance of crucial winter ranges, particularly to elk, and the sensitivity of wildlife on winter ranges not only to drilling during the winter period, but also due to ongoing displacement and disturbance of wildlife from oil and gas development. Jack Morrow Hills EIS at 4-61 to 4-64, 4-80 to 4-88. The Rawlins Draft RMP further documents the negative effects of oil and gas drilling on big game when on winter ranges. Rawlins RMP Draft EIS at 3-131 to 3-136.	and gas leasing.
175	Biodiversity Conservation Alliance (Molvar): Given this evidence and the simple fact that each well pad converts 3-5 acres of crucial winter range to bare ground for extended periods of time, there is no rational basis for BLM to claim that it meets Wyoming's mitigation policy. It is Impossible for crucial winter ranges to remain "unchanged" in terms of the location, essential features, and species supported, even if drilling does not take place during the timing stipulations. What is worse, however, is the fact that drilling ***does*** take place during the timing stipulations when they are waived, as they frequently are. Crucial winter ranges will clearly not remain unchanged" because BLM has not retained the authority to condition well operations (lasting for decades) at the leasing stage.	The metric in Wyoming Game and Fish Commission policy concerning crucial habitat for wildlife species within the State is that those habitats should be managed to prevent "**loss of habitat function**" (*emphasis added*) (Wyoming Game and Fish Commission Policy No. VII H (April 28, 1998) at 138). The policy allows for some modification of crucial habitat is permitted but only if habitat function is maintained (i.e., the location, essential features, and species supported are unchanged). Activities can occur on crucial winter ranges and meet this criterion; however at the leasing stage without a definitive development proposal BLM cannot predict if or evaluate what affects may occur.
176	Biodiversity Conservation Alliance (BCA): The Federal Land Policy and Management Act (FLPMA) requires BLM to "coordinate the land use inventory, planning, and ***management activities*** of [public lands] with the land use planning and management programs of . . . the States and local governments . . . by, among other things, considering the policies of approved State and tribal resource management programs." 43 USC 1712I(9) (emphasis added). BLM must give special attention to "officially approved and adopted resource related plans." 43 CFR 1601.0-5(g). BLM must remain apprised of State land use plans, assure they are considered, and resolve to the extent practical, inconsistencies between state and federal plans. 43 USC 1712I(9).	Comment acknowledged. Refer to Agency response to comment 170
177	Biodiversity Conservation Alliance (BCA): There is no indication that BLM's winter timing stipulation is based on	Comment acknowledged.

#	Comment	Response
	consideration of Wyoming's 1998 Mitigation Policy, or its new programmatic standards policy. *See* Footnote 3. It is apparent there has been no attempt to resolve inconsistencies between what BLM's stipulation provides and what Wyoming's mitigation policy requires. There are certainly inconsistencies. BLM's timing stipulation attempts to prohibit drilling during limited periods, yet this prohibition is frequently waived. Indeed, quite recently the WG&F asked BLM in Wyoming not to grant any waivers of stipulations last winter due to the lack of quality forage for big game in their winter range and the anticipated impacts that year-round drilling will have on big game under those conditions. BLM has refused to accede to this request and has proceeded to grant waivers. Wyoming's mitigation policy specifically seeks to fill gaps left by the timing stipulation, by requiring a number of standard management practices on crucial winter ranges in ***all*** cases. These recommendations are standing policy which WG&F expects to be applied in every instance of leasing in crucial winter range.	
178	Biodiversity Conservation Alliance (BCA): The inconsistencies are even more glaring when one considers the fact that BLM's timing stipulation does not regulate the production phase. Until BLM considers and attempts to resolve these inconsistencies, it cannot allow the sale of the Crucial Winter Range Parcels to go forward. To do so would be a violation of NEPA. Furthermore, the timing stipulation attached to the Crucial Winter Range Parcels is inconsistent with the policy of the BLM Wyoming State Office, as enunciated in the Revised Umbrella Memorandum of Understanding (MOU) between BLM and Wyoming Game and Fish Department. The various requirements in the WG&F minimum programmatic standards for oil and gas development establish "sideboards" as to what actions need to be taken to prevent unnecessary or undue degradation. BLM has not considered these standards from the perspective of its FLPMA imposed requirement to prevent unnecessary or undue degradation. BLM is not meeting its duty to take "any" action that is necessary to prevent unnecessary or undue degradation. 43 USC 1732(b). Once again, this failure is most apparent where application of the winter timing stipulation does not even regulate ongoing operations such as production. BLM has an independent duty under FLPMA to take any action necessary to prevent unnecessary or undue degradation, in addition to its NEPA duty to coordinate its activities with the State of Wyoming and comply with the MOU. Since BLM has given up its ability to require restrictions in the future by not imposing sufficient stipulations at the leasing stage, the effect of this failure to require adequate restrictions at the leasing stage violates FLPMA by permitting unnecessary or undue degradation when oil and gas development commences.	Absent a definitive development proposal BLM cannot determine what affects may occur on a given parcel, whether or not a future development proposal would result in undue or unnecessary degradation. Again, we iterate that the WGFD metric is "maintaining habitat" function. We also reiterate that all of the stipulations referenced in Table 4.1a Parts 1 and 2, and attached to the lease parcels in Appendix B are derived from decisions in the governing RMPs, which were develop with WGFD serving as a Cooperating Agency. We also reiterate that WGFD supports implementing Alternative B, which includes issuing leases in crucial big game winter range with the timing limitation stipulation. Also refer to Section 1.3 in the EA.

Appendix F
Public Comments and Agency Response

#	Comment	Response
179	Biodiversity Conservation Alliance (BCA): The parties also recommend against the sale of the Crucial Winter Range Parcels on the basis that their sale would cause unnecessary or undue degradation of public lands. "In managing the public lands the [Secretary of Interior] **shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands."** 43 U.S.C. § 1732(b) (emphasis added). BLM's obligation to prevent unnecessary or undue degradation is not discretionary; it is mandatory. "The court finds that in enacting FLPMA, Congress's intent was clear: **Interior is to prevent, not only unnecessary degradation, but also degradation that, while necessary . . . is undue or excessive**." *Mineral Policy Center v. Norton*, 292 F.Supp.2d 30, 43 (D.D.C. 2003) (emphasis added). The BLM has a statutory obligation to demonstrate that leasing will not result in unnecessary or undue degradation.	Refer to the preceding response.
180	Due to the lack of a "hard look" at impacts to Wyoming pocket gopher on a parcel-by parcel basis, it is difficult to comment on this Lease EA. Based on the geographic distribution of the parcels and our knowledge of known Wyoming pocket gopher occurrences, Parcels 5 through 66 are particularly likely to contain important Wyoming pocket gopher habitat, and Parcels 67, 68, 69, 70, 72, 73, 74, 75, 76, 93, 94, 95, 110, and 111 also potentially contain Wyoming pocket gopher habitat, all of which is of critical conservation concern. As BLM is no doubt aware, BCA authored a petition to list the Wyoming pocket gopher as Threatened or Endangered under the Endangered Species Act.16 The U.S. Fish and Wildlife Service's recently released finding that the Wyoming pocket gopher is not warranted for Endangered Species Act protections only heightens the fact that this incredibly rare species faces a grim long-term prognosis due to direct conflicts in its limited range with oil and gas development. As a BLM Sensitive Species, the BLM should refrain from approving or conducting any activity that could harm Wyoming pocket gophers or their habitat. Stipulations and mitigation measures proposed to date cannot guarantee adequate protection for the species, as so little data has been collected to establish its breeding patterns and habitat continuity, among other variables. The Leasing EA provides no analysis whatsoever on impacts to pocket gophers. More needs to be done.	Table 3-2 identifies which parcels on the May 2012 lease parcel list potentially contain Wyoming pocket gophers and or their habitat. Absent a definitive development proposal BLM cannot determine whether or not, or to what extent the Wyoming pocket gopher might be affected. The EA at Section 4.2.2.2 does disclose generally disclose the surface disturbance would potential result in habitat fragmentation as well as short- and long-term habitat losses. Should development be proposed, additional site-specific NEPA analysis would be conducted, which would include addressing Wyoming pocket gopher if the proposal would fall within their habitat. This environmental documentation would provide site-specific analysis for the proposed action to address mitigation like that presented in the comment.
181	Biodiversity Conservation Alliance (BCA): First, it was our understanding that the leasing reforms would analyze leases on a case-by-case, site specific basis before the leasing decision is made, instead of deferring site visits until the APD phase. Second, as no specific representations are made in the EA concerning how locations will be "adjusted to minimize	Again, absent a definitive development proposal it is not possible a more specific impact and/or cumulative effects analysis and as stated in Section 1.3 of the draft EA, BLM cannot determine at the leasing stage whether or not a nominated parcel will actually be leased, or if leased, whether or not the lease would be explored or

#	Comment	Response
	habitat loss," it is impossible for either the reader or the BLM to reach any conclusion whatsoever regarding the effectiveness of these "adjustments" and therefore conclude whether or not significant impacts are likely to occur. These parcels should therefore be deferred until a real impact analysis is undertaken. These leases should not issue pending site-specific NEPA analysis; no analysis has been done at the RMP level. Wyoming pocket gophers are one of the rarest mammals in North America, if not the rarest. This naturally uncommon species is extremely vulnerable to habitat loss due to mining and energy development and associated roads, and to habitat fragmentation due to roads and well fields. Oil and gas development poses perhaps the greatest threat to Wyoming pocket gopher viability. Both breeding and foraging activities of Wyoming pocket gopher populations are impacted by above and below ground disturbances associated with oil and gas exploration, drilling and associated activities. Impacts of oil and gas development to Wyoming pocket gopher include (1) direct habitat loss from new construction, (2) increased human activity and pumping noise causing generally known and unknown behavioral changes, (3) direct mortality associated with reserve pits, crushing due to vehicular movements and construction activities, and (4) lowered water tables resulting in herbaceous vegetation loss. These impacts have not been thoroughly evaluated with full NEPA analysis.	developed or at what intensity (spacing) development may occur. As further stated in Section 1.3 of the EA, "additional NEPA documentation would be prepared at the time an APD(s) or field development proposal is submitted. This environmental documentation would provide site-specific analysis for the proposed action to address questions like those presented in the comment. The May 2012 lease parcel EA meets the requirements of IM 2010-117. Please note that the Rawlins RMP does address Wyoming pocket gopher the that the following controlled surface use stipulation is applied to all lease parcels on the May 2012 lease sale list: "*the lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation*"
182	BCA provided several pages of life cycle and habitat information concerning the Wyoming gopher.	The information was condensed and included in section 3.2.2.3 of the EA
183	<u>Biodiversity Conservation Alliance (Molvar):</u> Small mammals with restricted distributions and/or narrow habitat requirements are more vulnerable than others to habitat loss. The paucity of information regarding Wyoming pocket gophers requires extreme caution when proposing to disturb potential habitat. Habitat destruction is the primary threat to *T. clusius*. Habitat fragmentation and isolation also threaten *T. clusius*. Continued oil and gas development creates increasingly dense road networks, diminishes corridors for dispersal, and further separates populations. Roads act as barriers to finding mates, leading to inbreeding and loss of gene flow within individual populations. Habitat fragmentation results in shrinking islands of intact habitat with increased exposure to edge effects. The impacts of disturbances associated with oil and gas development will only increase under the February sale of parcels containing	We note the BCA references the February lease sale, but we assume they mean the May 2012 lease sale. Please refer to Agency response to comment 180 as well as previous responses concerning the level of analysis achievable at the pre-lease stage.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	Wyoming pocket gophers and habitat.	
184	Biodiversity Conservation Alliance (BCA): The Wyoming BLM assigned the Wyoming pocket gopher to its sensitive species list. The BLM developed the list to "ensure that any actions on public lands consider the overall welfare of these sensitive species and do not contribute to their decline". In addition, the Wyoming Game and Fish Department includes the Wyoming pocket gopher on a long list of species of concern under Wyoming's Comprehensive Wildlife Conservation Strategy. The BLM's sensitive species management includes "developing conservation strategies" and "prioritizing what conservation work is needed." BLM's inclusion of parcels with Wyoming pocket gophers and habitat in the February 2010 lease sale does not indicate the agency is adhering to its own management standards.	BCA refers to the February 2010 lease sale. We again assume they meant to refer to the May 2012 lease sale instead. The Rawlins RMP addresses the Wyoming pocket gopher as a sensitive species. The RMP also makes the parcels on the May 2012 lease list, including those with or potentially with Wyoming pocket gopher habitat available for oil and gas leasing subject to the controlled use stipulation described in the Agency response to comment 181.
185	Biodiversity Conservation Alliance (BCA): The Wyoming Natural Diversity Database has assigned the Wyoming pocket gopher a rank of G2/S2. The G2 refers to a relatively high probability of global extinction, based primarily on the species' extremely small global range. The S2 refers to a relatively high probability of extinction from Wyoming, based largely on range restriction, but also considering apparently low range occupation, uncertain abundance trends, and moderate biological vulnerability. Further, the Database assigned a Wyoming Significance Rank of Very High to the Wyoming pocket gopher, which reflects the extremely high contribution of Wyoming population segments to continental persistence of the species.	Comment acknowledged
186	Biodiversity Conservation Alliance (BCA): To date, there are no management plans or conservation strategies pertaining explicitly to the Wyoming pocket gopher, although one status assessment has been drafted with support of the Wyoming BLM State Office and the Wyoming Natural Diversity Database. There appear to be insufficiently described mechanisms by which conservation of Wyoming pocket gophers could be achieved should oil and gas development occur within their known and potential range. However, the primary concern stated by most studies of the species is the lack of information on its biology and ecology. Without gathering the needed information, conservation mechanisms' efficacy cannot be determined. Biodiversity Conservation Alliance asks the Wyoming BLM State Office to withdraw parcels containing known and potential Wyoming pocket gophers and habitat while adequate information is gathered and evaluated and the USFWS completes its review of our petition for listing under the ESA.	The Rawlins RMP addresses the Wyoming pocket gopher as a sensitive species. The RMP also makes the parcels on the May 2012 lease list, including those with or potentially with Wyoming pocket gopher habitat available for oil and gas leasing subject to the controlled use stipulation described in the Agency response to comment 181 We note in a press release date April 14, 2010, the US Fish and Wildlife Service determined that including Wyoming pocket gopher on the threatened and endangered species list was not warranted.
187	Biodiversity Conservation Alliance (Molvar): Negative impacts of oil and gas operations on Wyoming pocket gopher and their implications for the species are named in virtually every scientific Wyoming pocket gopher (*Thomomys clusius*)	Refer to Agency responses 180 through 186

#	Comment	Response
	conservation assessment and survey. Wyoming pocket gopher mitigation measures are essentially non-existent due to their extremely limited range and a paucity of scientific knowledge concerning its ability or inability to adapt to changing habitat conditions. BLM has failed to provide any analysis, whether field experiments or literature reviews, that describes if and how disturbance to *T. clusius* habitat would be avoided." There is substantial new information in recent studies to warrant supplemental NEPA analysis of the impacts of oil and gas development to Wyoming pocket gopher. It is incumbent upon BLM to consider the most recent scientific evidence regarding the status of this species and to develop mitigation measures, if possible, which will ensure the species is not moved toward listing under the Endangered Species Act. It is clear from the scientific evidence and a total absence of meaningful BLM (state and federal levels), Wyoming Game and Fish, and U.S. Fish and Wildlife Service conservation measures for the Wyoming pocket gopher that current protections are non-existent, thereby allowing if not encouraging habitat degradation and destruction. New and continuing Wyoming pocket gopher survey information constitutes significant new information that requires amendment of the Resource Management Plans before additional oil and gas leasing can move forward.	
188	Biodiversity Conservation Alliance (Molvar): For example, the BLM itself has been forced to admit that "New information from monitoring and studies indicate that current RMP decisions/actions may move the species [greater sage grouse] toward listing…conflicts with current BLM decision to implement BLM's sensitive species policy" and "New information and science indicate 1985 RMP Decisions, as amended, may not be adequate for greater sage grouse." Continued application of stipulations known to be ineffective in the face of strong evidence that they do not work, and continuing to drive the greater sage grouse toward ESA listing in violation of BLM Sensitive Species policy, is arbitrary and capricious and an abuse of discretion under the Administrative Procedures Act.	This is a repeat of a portion of comment 160; refer to the Agency response to that comment.
189	Biodiversity Conservation Alliance (BCA): We hold that, in the case of the Wyoming pocket gopher, relevant stipulations do not exist. Further, we hold that a total absence of stipulations serves to drive the Wyoming pocket gopher toward ESA listing in violation of BLM Sensitive Species policy, is arbitrary and capricious, and is an abuse of discretion under the Administrative Procedure Act.	See controlled surface use stipulation in Agency response to comment 181
190	Biodiversity Conservation Alliance (BCA): No lease parcels which contain known and potential Wyoming pocket gopher habitat should be offered until a full NEPA analysis on impacts to this BLM Sensitive Species is performed and appropriate stipulations are formulated and attached to ensure the viability of pocket gopher populations in the area. We	The parcels proposed to be offered for sale at the November 2011 oil and gas lease sale are located within areas determined to be available for leasing through the governing RMPs. The controlled surface use stipulation discussed in the Agency response to comment 181 is designed to provide protection for Wyoming pocket

Appendix F
Public Comments and Agency Response

#	Comment	Response
	request that these parcels be withdrawn from the lease sale. Failing withdrawal of the parcels, it is critical that NEPA analysis occur on each parcel before leasing, and NSO stipulations be placed on all lease parcels containing known and potential Wyoming pocket gopher habitat. These stipulations should be attached at the leasing stage, when BLM has the maximum authority to restrict activities on these crucial habitats for the protection of the species, and that no exceptions to the stipulations be granted. BLM's failure to do so will permit oil and gas development activities which will directly and indirectly negatively impact Wyoming pocket gopher populations and habitat and increase the potential for listing by USFWS as a Threatened or Endangered species, in violation of BLM's duty to take all actions necessary to prevent listing.	gophers and their habitat, as well as that for other BLM sensitive species. Neither the Rawlins RMP or this EA identified a need to impose a NSO stipulation for this species.
191	Biodiversity Conservation Alliance (BCA): The Wyoming pocket gopher (*Thomomys clusius*) is the only known vertebrate species endemic to Wyoming -apparently only in south-central Wyoming and in specifically Sweetwater and Carbon counties. One of our petitions primary rationales for the species' listing under the Endangered Species Act is the potential negative effects of energy development taking place within their known range. Energy development is also named as a "more likely" threat than even agriculture to the Wyoming pocket gopher in the Wyoming Natural Diversity Database Wyoming pocket gopher Conservation Assessments.	Comment acknowledged.
192	Biodiversity Conservation Alliance (BCA): A number of the analyzed parcels are located within important white-tailed prairie dog habitat (parcels 25, 26, 30, 31, 32, 35, 36, 38, 44, 57, 67, 79, 80, 82, 83, 90, 92, 100, 113, 114, 153, 156, 158, 161, 162, 163, 164, 165, 216, 232, 233, 234, 235, 236) . GIS data for this analysis was obtained from various sources; details on the data sources will be provided upon request. Oil and gas development authorized by the leasing of these parcels is likely to have significant direct, indirect, and cumulative impacts on white-tailed prairie dog and other species that rely on white-tailed prairie dogs, including black-footed ferrets.	Table 3-2 identifies parcels 2, 30-32, 35, 36, 41, 42, 57, 67-69, 72, 73, 141, 152, 161, 192, 198, 203, 204, 210, 213, 215, 232-237, and 243 has having or potentially having whited-tailed prairie dog habitat based in the Field Office's GIS data bases. Table 4.1a and Appendix B show that a sensitive species control use stipulation for white-tailed prairie dogs is applied to these parcels. Refer to Agency response to comment 181.
193	Wyoming BLM prepared a programmatic Biological Evaluation of the impacts of Wyoming BLM's oil and gas program on white-tailed prairie dog. The BE which can be found at http://www.blm.gov/pgdata/etc/medialib/blm/wy/wildlife/wt20prdog.Par.20150.File.dat/WTPDbio-eval.pdf, concludes that the BLM's oil and gas program in Wyoming will contribute to the need to list the white-tailed prairie dog under the Endangered Species Act. The BE makes the following determination on p. 3-14: "Implementation of energy and mineral resource management actions may impact and is likely to contribute to the need for Federal listing of the WTPD for the Great Divide (Rawlins	The Kemmerer and Rawlins RMPs address a white-tailed prairie dog and their habitats. The RMPs made the areas contained the parcels listed in the Agency response to comment 192. The RMPs also provide the following mitigation/conditions of approval that would be applied to post-leased actions such as APDs or rights-of –way: Kemmerer RMP: Avoid activities that could result in collapse of burrows in occupied white-tailed prairie dog colonies or complexes 200 acres or greater Rawlins RMP:

#	Comment	Response
	FO), Green River (Rock Springs FO), Kemmerer, and Pinedale RMPs. This determination is based on the limited ability for the BLM to provide minimization of direct effects of oil and gas development to the WTPD through implementation of the conservation strategies (section 4.0) and the potential to damage or destroy suitable occupied and unoccupied WTPD habitat on split estates. In addition, each of these FOs have WTPD complexes located in areas of potential mineral development." The BE recommends the following Best Management Practices for oil and gas development to remedy this situation on p. 4-2: "No further oil and gas exploration and development should be allowed into occupied prairie dog colonies, or the BLM should apply a Condition of Approval (COA) on all Applications for Permit to Drill (APDs) within areas containing known populations of WTPDs that protects rearing of young from April 1 through July 15. When possible, a No Surface Occupancy stipulation should be applied to all occupied and recovering prairie dog habitat for well pads or ancillary facilities (e.g. compressor stations, processing plants, etc.) within 1/8th mile of WTPD habitat. When possible, no seismic activity should be allowed in occupied or recovering prairie dog habitat." Though BLM has prepared new RMPs since this BE was written, none of the new RMPs incorporated the above BMPs recommended in the BE. They should be incorporated now prior to issuing any leases in these areas.	• Surface disturbing and disruptive activities in white-tailed and black-tailed prairie dog towns will be avoided. • Motorized vehicle use within white-tailed prairie dog towns is limited to either designated roads and vehicle routes or existing roads and vehicle routes, depending on the landownership pattern in the area of specific white-tailed prairie dog complexes. • Prairie dog poisoning is prohibited in white-tailed and black-tailed prairie dog towns/complexes, except for demonstrated reasons of human health and safety. • Anti-raptor perching devices will be considered, on a case-by-case basis, for any above-ground facilities within one-quarter mile of prairie dog towns. • Placement of power poles within prairie dog towns will be avoided; however, in the event that power poles are required to be placed within these towns, raptor anti-perch devices will be required White-tailed prairie dog habitat management is being addressed through Green RMP Revision that is currently being developed. Until the RMP amendment/revision is completed the existing RMP decisions remain in full force and effect, see the H-1601-1citation below: BLM Land Use Planning Handbook H-1601-1, Section VII.E states, *"Existing land use plans decisions remain in effect during an amendment or revision until the amendment or revision is completed and approved. The decisions of existing land use plans do not change. For example, if current land use plans have designated lands open for a particular use, they remain open for that use. Land use plan decisions may be changed only through the amendment or revision process."* All parcels on the May 2012 list containing white-tailed prairie dog habitat are constrained by the controlled surface use stipulation for sensitive species which states, *The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or*

Appendix F
Public Comments and Agency Response

#	Comment	Response
		listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.
194	Parcels 62, 63, 64, 65, 66, 69, 73, 74, 75, 76, and 94 fall within or partially within the Kinney Rim South and Kinney Rim North citizens' proposed wilderness areas. Parcels 45 and 46 fall within the Adobe Town citizens' proposed wilderness; only the portion of Parcel 46 that is inside the WSA is marked for deletion. Parcels 45, 46, and 62-66 also fall within the Adobe Town Dispersed Recreation Use Area as outlined in the Rawlins Resource Management Plan. Parcels 73-76 are recommended for deferral under the BLM's Proposed Alternative, which we support and which takes care of our concerns regarding these parcels for now. Parcels 150, 151, 153, and 154 fall within the Elk Mountain citizens' proposed wilderness, but these parcels are earmarked for deferral from the lease auction, with which we concur. Parcel 78 falls within the Oregon Buttes Badlands and Big Empty citizens' proposed wilderness areas, bit it is proposed for deletion from the lease sale, which we also support. Parcels 156, 158, 160, 161, 162, 163, 164, 165, 167, 184, 185, 188, and 189 fall within the Devils Playground citizens' proposed wilderness area. We would like to have the opportunity to accompany BLM on a site visit of all parcels proposed to be auctioned in citizens' proposed wilderness should there be an inclination to move forward with leasing these parcels at some point in the future.	Additional text acknowledging the BCA listed citizen wilderness proposals information has been added to section 3.2.2.4 of the EA
195	<u>Biodiversity Conservation Alliance (BCA):</u> These citizens' proposed wilderness units, involving both the deferred parcels and the parcels not proposed for deferral, have not been inventoried by BLM since approximately 2003 (and it is questionable whether a thorough field agency has ever been attempted by the agency), and the2003 inventory does not follow the guidelines of the new inventory manual. The Devils Playground expansions and Elk Mountain unit have not to our knowledge ever been inventoried by BLM subsequent to citizens' proposed wilderness submissions. These parcels should be deferred pending analysis for 'Wild Lands' eligibility. In addition, BLM has the option to manage these plans to protect the wilderness characteristics that are documented to occur here. We recommend all these parcels not already slated for deletion be deferred pending new wilderness inventories to be conducted pursuant to BLM IM 2011-154 or deleted.	The BLM has completed the requisite inventories required through IM 2011-154 for the areas containing the parcels on the May 2012 lease list. Refer to Agency responses to comments 70 and 74.

Appendix F
Public Comments and Agency Response

#	Comment	Response
196	Biodiversity Conservation Alliance (BCA): These parcels will hereinafter be referred to as the Special Values Parcels. Because all of these parcels lie in or very near Citizens Proposed Wilderness areas or BLM Wilderness Study Areas they clearly have special values, such a wildness and remoteness characteristics and the ecological services typical of such areas (such as greater biological diversity and better water quality), even if BLM does not recommend them for wilderness designation. The fact that BLM did not recommend CWP areas for wilderness designation does not change these special and unique wilderness values. We are certain BLM is well aware of these special values, as well as the WSA areas it has recommended for wilderness designation.	Comment acknowledged, refer to the Agency response to comment 195.
197	Biodiversity Conservation Alliance (BCA): The impacts to these wilderness-quality lands has not been analyzed thoroughly, either in the EA, or in RMP-level NEPA documents thus far. Leasing these parcels without No Surface Occupancy (NSO) stipulations could irretrievably destroy the wilderness character of these areas. Therefore, BLM will violate NEPA if these lands are leased in this sale. Before leasing these parcels, BLM must analyze impacts to visitors' experiences, recreation values, and scenic values. *See e.g., Pennaco Energy, Inc. v. Department of the Interior*, 377 F.3d 1147 (10th Cir. 2004). The regulations implementing NEPA provide that federal agencies shall, to the fullest extent possible, "[u]se the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 C.F.R. § 1500.2(e). Such alternatives should include reasonable alternatives to a proposed action that will accomplish the intended purpose, are technically and economically feasible, and yet have a lesser impact. *Id.*; *Headwaters, Inc. v. BLM*, 914 F.2d 1174, 1180-81 (9th Cir. 1990); *City of Aurora v. Hunt*, 749 F. 2d 1457, 1466-67 (10th Cir. 1984). The purpose of NEPA's alternatives requirement is to ensure agencies do not undertake projects "without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means." *Envnt'l Defense Fund, Inc. v. U.S. Army Corps of Eng'rs*, 492 F.2d 1123, 1135 (5th Cir. 1974); *see also Or. Envtl. Council v. Kunzman*, 614 F.Supp. 657, 660 (D. Or. 1985) (stating that the alternatives that must be considered under NEPA are those that would "avoid or minimize" adverse environmental effects).	Refer to Agency response to comment 195. The EA provides potential impacts to recreation, VRM, and wilderness characteristics.
198	Biodiversity Conservation Alliance (BCA): The Green River and Rawlins RMPs were adopted substantially before BLM's latest wilderness inventory manual. These RMPs are quite old and the NEPA analysis that was conducted is even older than the plans. These plans were approved ***before*** oil and natural gas of the current scale and impact was on the BLM's radar	The Green River RMP was approved in October 1997 and the Rawlins RMP, as revised, was approved in December 2008. Both are within their intended twenty-year lifespan.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	screen. While there has been light oil and gas development in Wyoming for decades, today's pace of leasing and drilling wasn't foreseen, indeed, couldn't have even been contemplated, at the time these management plans were developed. It is undeniable that BLM has been under intense pressure to lease every acre of public land which has any potential for future oil and gas development.	
199	Biodiversity Conservation Alliance (BCA): In its initial inventorying of the CWP proposed lands in the 1970s under the Wilderness Act of 1964, BLM determined that they did not possess wilderness qualities. Since that time, new information has been provided to BLM regarding these proposed wilderness areas. In approximately 1992 the Sierra Club submitted a citizens' wilderness proposal to BLM which included the Cedar Mountain and Honeycombs areas. In 2004 a more comprehensive citizens' proposal for wilderness areas was submitted to BLM by the Wyoming Wilderness Association. BLM has reassessed these areas for their wilderness qualities since receiving the Wyoming Wilderness Association submission, and now has its own analysis on record. Many years have passed since the initial assessment and inventory by BLM in the 1970s.	Comment acknowledged.
200	Biodiversity Conservation Alliance (BCA): Under the Federal Land Policy and Management Act (FLPMA) BLM was required to inventory all roadless areas on public lands over 5000 acres under its jurisdiction and to identify lands which have wilderness characteristics as described in the Wilderness Act of 1964. 43 U.S.C. § 1782(a). In addition, under 43 U.S.C. 1711(a), BLM is required to maintain an inventory of all public lands and their resource and other values, which is to be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.	Refer to the Agency response to comment 195
201	Biodiversity Conservation Alliance (Molvar): It is imperative that these parcels be withdrawn from the lease sale until such time as BLM has met its legal obligation under FLPMA to re-evaluate these lands for potential inclusion as 'Wild Lands.' At the very least, BLM should consider a "no action" alternative before selling these leases. At the lease stage, the "no action" alternative is, of course, the option of not selling the lease. 42 U.S.C. § 4332(2)(E); 40 C.F.R. § 1502.14(d). Alternatively, BLM should consider an alternative whereby BLM subjects these lease parcels to NSO stipulations. In both situations, BLM would preserve its ability to preclude surface use of these parcels and thereby preserve its ability to properly account for wilderness values through site-specific NEPA analysis.	Refer to Agency response to comment 195. Parcels were either determined to not have lands with wilderness characteristics or they were proposed to be deferred from the May 2012 sale. In both cases, imposing a NSO is not warranted. The EA does analyze a "no action" alternative, see Section 2.1.
202	Biodiversity Conservation Alliance (BCA): IM 2004-110 Change 1 requires BLM to "evaluate the application of BMPs when taking leasing actions." (See also WO IM 2004-194.) The Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) prepared by the Field Offices where these parcels are located give no indication there was any	This comment lacks merit. The parcel proposed for inclusion on the on the May 2012 lease were evaluated through attached EA. There is no DNA for these parcels.

#	Comment	Response
	evaluation of applying BMPs to the CWP and WSA parcels in order to protect their values. Because neither the DNAs nor the underlying Resource Management Plans (RMPs) evaluated the application of BMPs to these parcels, IM 2004-110 Change 1 (Change IM) was violated. No evaluation of the potential application of BMPs has occurred prior to offering the parcels for sale.	
203	Biodiversity Conservation Alliance (BCA): The leases at issue here contain a number of stipulations intended to protect resources. Many of them are timing limitation stipulations intended to protect big game, sage grouse, or raptors. While these stipulations may help protect these specific resources temporarily, they do not prohibit development; as IM 2004-110 Change 1 recognizes, "[O]ften BMPs, applied as either stipulations or conditions of approval, are more effective in mitigating impacts to wildlife resources than stipulations such as timing limitations or seasonal closures." Thus, the existing stipulations attached to these parcels are not enough, standing alone, to meet the requirements of the Change IM. ***BMPs*** must also be ***evaluated*** before leases are offered for sale, and there is no indication this occurred for these parcels. Without identifying and evaluating the efficacy of BMPs before leases are offered for sale, BLM has no idea whether BMPs would be able to mitigate impacts within acceptable limits. *See e.g.*, 43 U.S.C. § 1732(b) (requiring BLM to prevent unnecessary or undue degradation.). There is no indication BLM identified or evaluated the BMPs referenced in IM 2004-194 in the context of the site-specific conditions and circumstances presented by the delineated lease parcels being offered for sale. BLM did not even evaluate the application of BMPs that should be "considered in nearly all circumstances," such as requirements for camouflage painting and construction of roads to a standard "no higher than necessary." Certainly such BMPs can be identified, evaluated, and required, as effectively at the leasing stage as the application for permit to drill (APD) stage. Indeed, a front-end analysis of BMPs provides a measure of certainty for the lessee and, most importantly, may reveal that BMPs, alone, may be inadequate to mitigate impacts within acceptable limits, thus indicating the need for more robust lease stipulations. Moreover, it may behoove BLM to require the BMPs as a lease stipulation rather than as a condition of approval. Additionally, front-end evaluation of BMPs may indicate that BLM may be unable to mitigate impacts within acceptable limits and, therefore, the lease should either be subject to an NSO stipulation or withdrawn from sale (i.e., through selection of a "no action" alternative). There is no doubt that IM 2004-110 Change 1 is intended to apply to leasing. The IM specifically applies to fluid minerals ***leasing*** actions. It is not the intent of the Change IM with	Concerning BMPs, in general, the EA analyzes impacts to the extent reasonably possible, absent a definitive development proposal. Based on the analysis as mitigated through the stipulations attached to the parcels, see Table 4.1a Parts 1 & 2, and Appendix B, it was determined that offering, selling, and issuing the proposed leas parcels would not constitute a significant impact and that a FONSI was appropriate. The EA also acknowledges additional NEPA analysis would be necessary once a development proposal was initiated. Through this subsequent analysis additional mitigations and BLM could be developed and/or implemented as conditions of approval to the proposed development. See Sections 4.2.1.4 and 4.2.2.3 for discussions concerning BMPs. Consistent with IM 2004-110, Change 1 more extensive/expansive/restrictive mitigation, including adaptive management, could be developed during the site-specific NEPA analysis that would be required to address any specific post-lease exploration or development actions that are proposed

Appendix F
Public Comments and Agency Response

#	Comment	Response
	respect to BMP evaluation, that it be applied at the APD stage. That had already been very specifically accomplished with IM 2004-194 issued on June 22, 2004. The Change IM was issued on August 16, 2004, ***after*** IM 2004-194, to fill in gaps in the ***leasing*** program guidance provided by IM 2004-110. Thus, while BLM may further consider and refine BMPs at the APD stage, it nevertheless ***must*** evaluate their application at the leasing stage. There is no indication in the Documentations this was done for any of the parcels listed in the table above, despite the clear language in the Change IM that BLM "shall also evaluate the application of BMPs" at the leasing stage. Additionally, there is no question that BLM has ongoing authority and responsibility to consider the wilderness values of an area, especially where an area has been proposed for wilderness consideration by private citizens. IM 2003-275 recognizes this authority and that citizens' wilderness proposal areas may contain a number of values that are not protected by the above stipulations, such as providing solitude and preserving areas that do not have significant signs of human use or development. The stipulations which would be applied to these parcels do not protect these kinds of values which clearly exist in the CWP parcels. BLM's failure to evaluate BMPs as a way to protect these values violated IM 2004-110 Change 1 and IM 2003-275.	
204	<u>Biodiversity Conservation Alliance (BCA):</u> Interestingly, for Parcels 26, 38, 45, 46, 48,62, 63, 64, 65, and 66, BLM's Appendix D states in relevant part, in response to whether parcels were within citizens' proposed wilderness, "Yes, but dropped during the RMP process. See RMP ROD Page 1-3, bullet 4 and Proposed RMP/Final EIS page 2-10 & 11 'Expanded Wilderness Study Area Alternative.'" Parcels 73-76 and 94 were not addressed in this table (despited being known by BLM to be part of citizens' proposed wilderness areas), an omission that reveals an apparent failure to take the legally required 'hard look.' When the Rawlins RMP ROD is consulted at the relevant page, it is noted that lands with wilderness characteristics were not considered for withdrawal from future leasing in cases where "valid existing lease rights prohibit implementation of management actions to protect the wilderness characteristics identified." Rawlins RMP ROD at 1-3.	The omission of parcels from the CWP column in Appendix D of the EA. Parcel 94 is west of highway 430.
205	<u>Biodiversity Conservation Alliance (BCA):</u> First of all, because the lands being offered for lease in the May 2012 lease sale will not have any valid existing lease rights (being unheld by any corporation and available for auction once again), the idea that conservation protections are "prohibited" is absurd. Secondly, using an existing leasehold, using a paper right that has not been exercised (otherwise the lease in	In this comment we assume BCA is referring to the Rawlins RMP decision that made the area around the Adobe Town WSA available for oil and gas leasing and created the DRUA. It is beyond the scope of this EA to evaluate RMP decisions.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	question would be "held by production" and ineligible for the lease sale) as a rationale for not protecting lands found to possess wilderness character is directly contrary to the directives of IM 2011-154, which state, "Undeveloped ROWs and similar undeveloped possessory interests (e.g., mineral leases) are not treated as impacts to wilderness characteristics because these rights may never be developed." IM 2011-154 at 8. Because BLM's earlier decision is inconsistent with present policy, a new wilderness inventory and determination is warranted, and these parcels should be deferred until such time as the additional analysis is completed.	
206	Biodiversity Conservation Alliance (BCA): BLM has the ongoing authority and responsibility to consider the wilderness values of an area before it authorizes the sale of leases which intrude upon Citizen Wilderness Proposal areas. The U.S. District Court for the District of Utah recently underscored this duty with its decision in *Southern Utah Wilderness Alliance v. Norton*, Case No. 2:04CV574 DAK. The Court held that BLM violated NEPA by issuing leases in areas proposed for wilderness without taking a hard look at the no-leasing alternative and by failing to consider significant new information about wilderness values and characteristics of the parcels.	Refer to Agency responses to comments 70, 74, and 195.
207	Biodiversity Conservation Alliance (BCA): Parcels 13, 14, 17, 18, 20, 29, 39, 35, 36, 63, 64, 65, 66, 211, 219, appear to be astride or extremely close to the Overland and/or Cherokee historic trails, which is currently being considered for National Historic Trail designation in the National Park Service's Oregon, Mormon Pioneer, California, and Pony Express Trails expansion feasibility study. Parcels 14, 15, 16, 25, 62, 166, 182, 183, 212, 214, 215, 230, 231, appear to be within 5 miles of these trails. Parcels 26, 29, 38, 39, 40, are slated for deletion from the lease auction, which dispenses with our concerns regarding impacts to historic trails as long as BLM follows through with these deletions. In addition, a large number of parcels appear to be within 5 miles of the Oregon/Mormon/California/Pony Express NHTs and the Sublette Cuttoff within or near the South Pass Historic Landscape, but if BLM follows through with its proposal to defer or delete these parcels, that will take care of our concerns regarding these trails. The same is true for Parcels 168, 169, and 190. However, Parcels 192, 193, 194, 195, 205, 216, 208, 209, 238, 239, 240, 246, 247, 248, 249, 250, and 251 are within 5 miles of these trails and are proposed for leasing in the BLM's EA. Parcels 229, 230, 231, 232, 233, 234, 235, 236, 237, 241, 242, 243, 244, and 245 are across or within 5 miles of the Ham's Fork Cutoff. For these parcels, BLM should attach a new, stronger lease stipulation to protect the settings of these historic trails, along the lines of the measure that the BLM has proposed for implementation in the Lander RMP:	Table 3-2 identifies the parcels that contain National Historic Trails and/or viewshed setting for the trails. The parcels are constrained NSO and/or CSU protection stipulations as required by the appropriate governing RMPs. The Lander RMP referenced BCAs comment is the draft stage and the referenced stipulations are subject modification in the Final RMP/EIS based on public comments. Establishing a three-mile No Surface Occupancy with an additional two mile CSU stipulation is an RMP level decision and is beyond the scope of this EA.

Appendix F
Public Comments and Agency Response

#	Comment	Response
	three-mile No Surface Occupancy with an additional two mile CSU stipulation that prohibits surface occupancy if roads or developments are visible from the trail.	
208	Biodiversity Conservation Alliance (BCA): The Rawlins Resource Management Plan, approved in January 2009, is legally inadequate inasmuch as the EIS supporting the final ROD failed to consider an adequate range of alternatives. Among the alternatives which were reasonable and yet were not encompassed by the range of alternatives analyzed by BLM including but not limited to the Western Heritage Alternative. This alternative prescribed no future leasing in citizens' proposed wilderness as well as designation of a Powder Rim ACEC, neither of which was considered in detail under any alternative in the EIS. This alternative had broad public support (both within Wyoming and nationally), and was deemed worthy of detailed consideration by Governor Freudenthal in official public statements. The BLM's rationale for eliminating this alternative from detailed consideration was fatally flawed (i.e., the concept that not allowing surface occupancy for oil and gas development renders the alternative unreasonable is not supported by any fact or law, and is therefore arbitrary and capricious). Lease parcels to which this concern applies includes parcels in the Adobe Town citizens' proposed wilderness (45 and 46) and in the Kinney Rim South citizens' proposed wilderness (Parcels 62, 63, 64, 65, and 66). BLM had full authority to withdraw these lands from future reason for any reason it chose (or indeed, no reason at all) including the option of withdrawing the Adobe Town DRUA from future leasing, but failed to consider any of these options in the EIS, therefore leading to the legally flawed underpinning for this lease sale.	The Rawlins RMP went through a 30-day protest period was provided on the land use plan decisions contained in the Proposed RMP/Final EIS in accordance with 43 CFR Part 1610.5-2. BLM received 79 protest letters that were subsequently resolved by the BLM Director, whose decision constitutes final agency action for the USDI and Record of Decision was approved on December 24, 2008. In resolution of one protest the State Director issued a remand on the visual resource management class designation and decisions. The ROD at 1.1 states, "The decision is made to approve the attached RMP (hereafter referred to as the Approved RMP) for the RFO. The Approved RMP was prepared under the authority of the Federal Land Policy and Management Act (FLPMA) (43 United States Code [U.S.C.] §1701, et seq.) and other applicable laws (43 Code of Federal Regulations [CFR] Part 1600) and includes broad land use plan decisions that provide overall direction for management of resources and resource uses within the RMPPA (emphasis added)." A determination of the legal sufficiency is beyond the scope and authority of this EA.