

## Appendix F Public Comments and Agency Response

#	Comment	Response
1	<u>WGFD</u> : The Department supports Alternative 3 of the Environmental Assessment.	Alternative 3 is the preferred alternative for the analysis.
2	<u>Wyoming Outdoor Council (WOC)</u> : WOC urges BLM to adopt Alternative 3 – Modified and Deferred.	BLM plans to adopt Alternative 3 of the Environmental Assessment.
3	<u>WOC</u> : WOC would like to see parcel WY-1302-209 deferred. The NSO stipulations are not sufficient protection for the Green Mountain ACEC. WOC indicates that a separate parcel would have to be created and sold to access the NSO stipulated parcel and this is not analyzed in the cumulative effects the EA.	Parcel WY-1302-209 is appropriately stipulated with the NSO stipulation. The 1987 Lander RMP requires an NSO stipulation and the Draft Lander RMP currently under review analyzed the same NSO stipulation. There is no change in management actions between the current RMP and the new Draft RMP and therefore, no justification for deferral. Any off-lease authorizations to access an NSO stipulated lease would be considered using the approval of Right-of-Way authorization under Federal Land Policy and Management Act (FLPMA) of 1976. With this, no additional parcels are needed to be analyzed for the recommendation of parcel WY-1302-209 to be offered. BLM recommends the parcel for sale with the appropriate stipulation attached.
4	<u>WOC</u> : In the Oil Mountain and Beaver Creek Oil and Gas Field area, we would urge the BLM to fully defer 9 more parcels. Most of the parcels in this area are already deferred under Alternative 3, for reasons relating to RMP revision, the development of the Beaver Rim Master Leasing Plan, concerns relating to Greater Sage-grouse, and changes to VRM Class II status, as well as cultural and historical resource evaluation issues. However, there are 9 parcels in the middle of clusters of deferred parcels that are proposed for sale. This is incongruous when these parcels are adjacent to parcels that have been deferred, particularly for reasons related to the Beaver Rim Master Leasing Plan, which is an integral part of the Lander Field Office’s RMP revision. The objective of a Master Leasing Plan (MLP) is to better plan for oil and gas leasing in a sensitive area. Leasing parcels in this area before the plan is developed would completely undermine the point of an MLP and then, if that is undermined, the strength of the conservation measures in the RMP itself. The parcels that suffer from these	Reasons for deferral of nominated parcels include change in management actions from the 1987 Lander RMP when compared to management actions being brought forth in the preferred alternative of the Draft Lander RMP. Deferral may also be recommended when screening for Greater Sage Grouse core habitat in accordance with guidance found in WY IM-2012-019. Parcels 1302-320, -321, -322, -323, 324 as well as partially deferred parcels 1302-325, -326, -327, and -328 did not meet those deferral requirements therefore are recommended for sale.

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	<p>problems and which we therefore believe should also be deferred in this area are: 1302-320, -321, -322, -323, 324. Parcels 1302-325, -326, -327, and -328 are partially deferred but should be fully deferred.</p>	
5	<p><u>WOC:</u> In the Worland Field Office, we recommend that 3 more parcels be deferred. Parcels 1302-282, -283, -284 are either being offered in full or are partially deferred in Alternative 3, but must be fully deferred. These parcels are located in the Bridger Mountain area to the northeast of Wind River Canyon. The Bridger Mountains are a striking area that provides solitude for recreating citizens, the opportunity to experience unique geologic features, and, most importantly, they provide big game winter range. The varying degrees of big game winter range stipulations attached to at least one of these parcels, -283, are not sufficient. This is especially true as the Bridger Mountains are just north of highly developed oil and gas fields and serve as a refuge for the wildlife that are driven from habitat in the existing industrialized areas. If the proposed Moneta Divide Field, estimated at 4,200 wells, is developed the Bridger Mountains will be even more necessary for area wildlife. Thus, these areas just north of the existing fields are inappropriate for oil and gas leasing and should be fully deferred from this sale. This recognition was made for many of the adjacent parcels to -282, -283, and -284 as they have been deferred because of reasons relating to RMP revision and protecting VRM class I and II resources. The same decision must be made for -282, -283, and -284 as the same issues affect these parcels.</p>	<p>Reasons for deferral of nominated parcels include change in management actions from the 1988 Washakie RMP when compared to management actions being brought forth in the preferred alternative of the Draft Bighorn Basin RMP. Deferral may also be recommended when screening for Greater Sage Grouse core habitat in accordance with guidance found in WY IM-2012-019, Greater Sage-Grouse Habitat Management Policy on Wyoming BLM Administered Public Lands Including the Federal Mineral Estate. Parcels 1302-282, -283, -284 did not meet those deferral requirements therefore are recommended for sale.</p>
6	<p><u>WOC:</u> A general comment on the Greater Sage-grouse protective stipulations on leases for sale must be made, however. The BLM has been sensitive to aligning its plan with the Wyoming Governor's Executive Order 2011-5 pertaining to sage-grouse management. Parcels that are appropriate for this lease sale but are not in core area carry stipulations regarding seasonal buffers of 0.25 miles around sage-grouse leks. Research has shown, however, that impacts</p>	<p>Current guidance found in WY IM-2012-019, Greater Sage-Grouse Habitat Management Policy on Wyoming BLM Administered Public Lands Including the Federal Mineral Estate, provides for the decision processes for screening and stipulating parcels in and out of identified core areas. Please note that Lease Notice 3 states: Greater Sage-Grouse Habitat: The lease may in part, or in total, contain important Greater sage-grouse habitats as identified by the BLM, either</p>

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	<p>from oil and natural gas development can occur at greater distances than these protections allow. We do not believe that EO 2011-5 was meant to conserve core area populations while sacrificing non-core area populations of sage-grouse. And regardless of the intent of this EO, these populations should not be offered lesser protections that would damage the sage-grouse population as a whole in the state of Wyoming. This is a prescription for Endangered Species Act listing of the sage-grouse when the Fish and Wildlife Service reconsiders its listing decision in little more than a year. Thus, even in non-core areas, we advocate that the BLM increase protective seasonal stipulations on oil and gas parcels. The stipulated 0.25 mile buffer around leks on natural gas and oil lease sale parcels is inadequate.</p>	<p>currently or prospectively. 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. These requirements as well as any measures required at the APD stage address potential impacts to Greater Sage Grouse.</p>
7	<p><u>The Wilderness Society (TWS)</u>: The Wilderness Society (“TWS”) fully supports that proposed decision, which is consistent with the BLM’s duty under the National Environmental Policy Act (“NEPA”) to avoid approving actions that will limit alternatives for ongoing EISs. 40 C.F.R. § 1506.1. Alternative 3 also fulfills the BLM’s responsibilities under Instruction Memorandum (“IM”) 2010-117, which directs the BLM to “evaluate whether oil and gas management decisions identified in the RMP (including lease stipulations) are still appropriate and provide adequate protection of resource values” and defer parcels when the RMP lacks “the necessary terms and conditions under which leasing would be appropriate. . . .” IM 2010-117 at III.C.2, III.E.</p>	<p>BLM plans to adopt Alternative 3 of the Environmental Assessment.</p>
8	<p><u>Greater Yellowstone Coalition (GYC)</u>: Parcels Should Not Be Sold Within the McCullough Peaks Herd Management Area. Parcels WY-1302- 432, 433, 434, 435, 436 and 437 (proposed in Alternative 2 with some deferrals in Alternative 3 of the EA) are located in the McCullough Peaks Herd Management Area (HMA) - an area that GYC and other conservation groups and concerned citizens have asked the BLM to close to mineral development or, at the very least, apply No</p>	<p>Guidance from WO IM 2004-110 and 2004-110 Change 1 states: All SOs are to consider temporarily deferring oil, gas and geothermal leasing on federal lands with land use plans that are currently being revised or amended. A decision temporarily to defer could include lands that are designated in the preferred alternative of draft or final RMP revisions or amendments as: 1) lands closed to leasing; 2) lands open to leasing under no surface occupancy; 3) lands open to leasing under seasonal or other constraints with an</p>

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	<p>Surface Occupancy (NSO) stipulations, pursuant to Alternative B of the draft Bighorn Basin Resource Management Plan (RMP). Our comments in support of future administrative closure and/or NSO stipulations in the HMA are part of the public record for the Bighorn Basin RMP revision. It would be inappropriate and premature to offer these parcels for lease until final decisions are made in the RMP regarding the availability of this area for leasing.</p>	<p>emphasis on wildlife concerns; or 4) other potentially restricted lands. Deferral, therefore, would not apply to areas designated in the alternative as open to leasing under the terms and conditions of the standard lease form.</p> <p>This policy is intended to provide flexibility and to re-emphasize the discretionary authority of the State Director to temporarily defer leasing of specific tracts of land when there are legitimate BLM-recognized resource concerns. It does not provide for an area-wide moratorium on all leasing of oil, gas or geothermal resources during the planning process; such a policy would be inconsistent with Bureau planning requirements and not required by law.</p> <p>As proposed in Alternative 3, preferred, parcels WY- 1302- 432, 435, and 437 are recommended to be deferred in whole while parcels WY-1302- 433, 434, and 436 are recommended to be partially deferred due to ongoing RMP decisions.</p>
9	<p><u>GYC</u>: Parcels Should Not Be Sold in Overlapping Wildlife Habitat. The biological significance of this landscape should take precedence over oil and gas development in McCullough Peaks. WY- 1302- 432, 433, 434, 435, 436 and 437 collectively contain seasonal habitat for greater sage grouse, long-billed curlew, mountain plover, nesting raptors, and healthy pronghorn populations that utilize this landscape year-round.</p>	<p>Parcels are properly stipulated for wildlife resources in accordance with current RMP prescriptions. There are no RMP prescriptions that would require deferring or deleting parcels due to overlapping habitat.</p> <p>As proposed in Alternative 3, preferred, parcels WY- 1302- 432, 435, and 437 are recommended to be deferred in whole while parcels WY-1302- 433, 434, and 436 are recommended to be partially deferred due to ongoing RMP decisions.</p>
10	<p><u>GYC</u>: Parcels Should Not Be Sold in a Proposed Special Recreation Management Area. Alternative B of the BLM Bighorn Basin draft Resource Management Plan proposes to manage the McCullough Peaks area as a Special Recreation Management Area (SRMA) of 160,860 acres with a destination recreation strategy responsive to, but not restricted to, recreationists and tourists visiting the area from outside the region. This includes applying a No Surface Occupancy (NSO) restriction to oil and gas leasing in the McCullough Peaks SRMA. This SRMA would cover the objected 2013</p>	<p>As addressed in comment response number 8, guidance from WO IM 2004-110 and 2004-110 Change 1 states: All SOs are to consider temporarily deferring oil, gas and geothermal leasing on federal lands with land use plans that are currently being revised or amended. A decision temporarily to defer could include lands that are designated in the preferred alternative of draft or final RMP revisions or amendments as: 1) lands closed to leasing; 2) lands open to leasing under no surface occupancy; 3) lands open to leasing under seasonal or other constraints with an emphasis on wildlife concerns; or 4) other</p>

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	<p>lease parcels WY-1302 - 432, 433, 434, 435, 436 and 437—all located within T.053N R.097W – noted by Map 60. For reasons explained earlier, it would be inappropriate and premature to offer these parcels for leasing until final decisions are made in the RMP regarding the designation of this proposed SRMA.</p>	<p>potentially restricted lands. Deferral, therefore, would not apply to areas designated in the alternative as open to leasing under the terms and conditions of the standard lease form.</p> <p>This policy is intended to provide flexibility and to re-emphasize the discretionary authority of the State Director to temporarily defer leasing of specific tracts of land when there are legitimate BLM-recognized resource concerns. It does not provide for an area-wide moratorium on all leasing of oil, gas or geothermal resources during the planning process; such a policy would be inconsistent with Bureau planning requirements and not required by law.</p> <p>At the draft stage of the RMP process, BLM has determined that the preferred alternative is to be preserved for final decision. Therefore, resource prescriptions found in alternative B of the Draft Bighorn Basin RMP are not considered when recommending deferring a nominated parcel.</p>
11	<p><u>GYC</u>: Partially Deferred Parcels Should Be Fully Deferred. We recognize in preferred Alternative 3 of the EA that the BLM proposes to fully defer WY – 1302 – 432, 435, and 437. Deferrals have been proposed to recognize and anticipate stronger restrictions in Alternative D of the Bighorn Basin RMP, maintain Lands with Wilderness Characteristics, and preserve the integrity of the Bridger Trail. These full deferrals would benefit the conservation of sections 005 – 009, 017 – 020, and 028 – 031 within T.053N R.097W. We appreciate and support this notion. In parcels that have been partially deferred, we recommend the BLM fully defer these parcels, as well as parcels not considered for deferral within the McCullough Peaks HMA. This action should be taken until management prescriptions for the HMA have been confirmed in a Bighorn Basin Final RMP. These include WY – 1302 – 433 Sections 010 – 012, 434 Sections 013 – 016, and 436 Sections 023 and 027.</p>	<p>Partially deferring parcels is current practice when a portion of a nominated parcel is located within a boundary of proposed change in management under review in the Draft Bighorn Basin RMP. The portions of the parcels recommended for sale are within areas where there are no recommended changes in management between the current 1990 Cody RMP and the Draft Bighorn Basin RMP, preferred alternative. Therefore, the mentioned parcels are recommended for partial deferral.</p>
12	<p><u>GYC</u>: Parcels That Impact a National Historic Trail Should Not Be Sold. According to Maps</p>	<p>Parcels WY 1302 -432, -434, -435, -436 and -437 have been analyzed for impacts to the Bridger</p>

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	<p>62 and 73 of the draft Bighorn Basin RMP, the Bridger Trail runs through proposed lease parcels WY – 1302 – 432, 434, 435, 436 and 437. The BLM should mitigate the negative impact of oil and gas development to this National Historic Trial by abandoning the sale of the aforementioned parcels.</p>	<p>Trail. Draft Bighorn Basin RMP, preferred alternative, recommends to avoid surface disturbing activities within three miles on either side of the trail, therefore, entire parcels or portions of parcels are deferred due the proposed change in management of the trail corridor. As stated in Alternative 3, the preferred alternative of the EA, parcels WY 1302 -432, -435, and -437 are recommended to be fully deferred and parcels WY 1302 -434, and -436 are partially deferred due to Bridger Trail management actions.</p>
13	<p><u>Trout Unlimited (TU):</u> Several parcels in this sale fall within currently occupied YCT habitat or reaches that have been identified as suitable for reintroduction). These parcels include: 147, 156, 159, 202, 203, 285, 310, 313, 466, 473, 475, 476, and 493. Given the commitments that BLM has made in the YCT Conservation Agreement and Strategy, direction found in both IM 2010-117 and IM 2004-110, and the RMP revisions currently taking places, it is appropriate for BLM to defer these leases until the completion of the RMP revision so as not to usurp a decision in the RMP that would provide greater protections. Additionally, deferring these parcels until the completion of the RMP will prevent management conflicts between lease term issued for these leases and new management direction in the RMP.</p>	<p>As analyzed in the EA and recommended in alternative 3, preferred, parcels WY 1302 -147, -156, -159, -285, -313, -466, -473, -475, -476, and -493 are recommended for full deferral until the completion of the Draft Bighorn Basin RMP. Parcels WY 1203 -202, -203, and -310 are recommended for partial deferral until such time the Draft Bighorn Basin RMP is completed. These recommendations are consistent with current guidance when considering leasing during ongoing RMP revisions as discussed in above response to comments.</p>
14	<p><u>TU:</u> TU Request that the BLM acknowledge their obligations as a signatory of the Conservation Agreement for Yellowstone Cutthroat Trout in the States of Idaho, Montana, Nevada, Utah and Wyoming, and the associated Conservation Strategy (YCT Conservation Agreement and Strategy).</p>	<p>Obligations as described in the comment are best addressed in land use planning efforts and are not appropriate in site specific leasing analyses which are based on RMP driven land prescriptions.</p>
15	<p><u>TU:</u> TU requests that BLM explain how commitments they have made in the YCT Conservation Agreement and Strategy have been considered and incorporated into the various alternatives.</p>	<p>Commitments as described in the comment are best addressed in land use planning efforts and are not appropriate in site specific leasing analyses which are based on RMP driven land prescriptions.</p>
16	<p><u>TU:</u> TU requests a .25 mile NSO buffer for streams and rivers identified as being suitable for Yellowstone Cutthroat trout reintroductions.</p>	<p>Buffers for streams and rivers are set by the implementation of Resource Management Plans (RMPs). If a parcel is located within locality of a stream or river, a stipulation will be added in addition to the Notice 1. If the Draft Lander or</p>

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		Bighorn Basin RMPs recommend changes to the buffer distance in the preferred alternative, the parcel or a portion of the parcel will be deferred until such time the draft RMP is implemented.
17	<p><u>TU</u>: Where an RMP revision is taking place that is considering the implementation of more restrictive stipulations, TU request that BLM defer applicable lease parcels to ensure that management option and decision space is retained until a Record of Decision is issued for the RMP revision.</p>	<p>The three Field Offices located within the Wind River / Bighorn Basin District (Cody, Worland, and Lander) have ongoing RMP revisions. Parcels are reviewed to ensure decision space is preserved. This process is done in accordance with applicable guidance found in WO IM 2004-110 and 2004-110 Change 1. The recommendation in the comment is the basis of the deferral process in the EA analysis and will continue to be utilized until such time the Record of Decisions for the Lander and Bighorn Basin RMP revisions have been signed and implemented.</p>
18	<p><u>Biodiversity Conservation Alliance (BCA)</u>: Parcels 24, 25, 38-46, 48, 52-56, 66-73, 91, 92, 94-101, 105-113, 145, 153, 156-159, 160, 162, 165-182, 184-195, 197, 202, 203, 205-208, 210-213, 224-233, 236, 239, 245-258, 262-266, 271-275, 277-282, 290-293, 295-306, 313, 317-319, 326, 327, 329, 334-336, 341-347, 349-358, 360361, 363, 364, 371-376, 380-383, 395-414, 416, 418-431, 437-454, 463, 465- 472, 474, 476-478, 480-482, 485-487, and 500 are completely or partially within sage grouse Core Areas according to BLM sage grouse leasing screens. Under Instruction Memorandum No. WY-2012-19, lands falling within sage grouse Core Areas that are primarily under BLM ownership and are not extensively leased are recommended for deferral from oil and gas leasing. Given the pendency of the Sage Grouse Plan Amendment EIS, and the perilous status of the sage grouse with regard to Endangered Species listing, these lands should all be deferred from leasing pending an outcome of the RMP amendments. No leasing in Core Areas is one reasonable alternative which BLM has been asked to consider in its Sage Grouse Plan Amendments process, and also in its RMP revisions, and leasing Core Area lands regardless of what screening mechanisms they have been subjected to will violate CEQ guidance. BLM states in the Wind</p>	<p>The Sage-grouse leasing screen was followed from IM 2012-019. The parcels in Wind River Bighorn Basin District listed did not meet the screening criteria and therefore were offered for sale.</p>

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	<p>River/Bighorn EA that this alternative was “considered but eliminated;” because BLM admits this measure falls within the range of alternatives, it should be implemented in the final decision.</p>	
<p>19</p>	<p><b>BCA:</b> Parcels 110, 111, and 166 are within Core Area lands yet are proposed for leasing because they are part of an oil and gas unit. The proper management decision for these parcels is to lease them under No Surface Occupancy stipulations or not at all, in order to avoid additional impacts to sage grouse inhabiting the Core Area lands. Unitized leases issued under NSO stipulations can have their minerals “drained” by wells on neighboring leases, minimizing additional impacts to sage grouse habitat. Having a loophole allowing for leasing in unitized areas without NSO stipulations fails to take advantage of one of the chief benefits of unitization, i.e., drainage without surface impacts. It also creates a loophole not present in the National Technical Team recommendations which may be the framework for Sage Grouse RMP Amendments and RMP revisions, and therefore not consistent with these recommendations. By leasing Core Area lands under the 2012 IM under terms more lenient than the NTT recommendations, BLM creates a situation where adverse environmental impacts will occur and the choice of alternatives in the Sage Grouse Plan Amendments and RMP revisions will be limited, because it will be too late to impose NSO stipulations on the leases themselves or not offer the leases in the first place should that be the direction adopted in the plan amendments/revisions. The proper course of action is therefore to defer these parcels at least until the plan amendments/revisions are finalized.</p>	<p>The Sage-grouse leasing screen was followed from IM 2012-019. The parcels in the Wind River Bighorn Basin District were identified as available for leasing since they were within unit agreement areas. The IM 2012-019 guidance did not identify any criteria as to the effective date of a unit agreement in relation to the Sage Grouse screening process. In response, the State of Wyoming, Governors Executive Order 2011-5 provides: “Existing land uses within Core Population Areas should be recognized and respected by state agencies. It is assumed that activities existing in Core Population Areas prior to August 1, 2008 will not be managed under Core Population Area stipulations. Examples of existing activities include oil and gas, mining, agriculture, processing facilities, housing and other uses that were in place prior to the development of the Core Population Areas (prior to August 1, 2008). Provided these activities are within a defined project boundary (such as a recognized federal oil and gas unit, drilling and spacing unit, mine plan, subdivision plat, etc.) they should be allowed to continue within the existing boundary, even if the Executive Order use exceeds recommended stipulations (see Attachment B) recognizing that all applicable federal actions shall continue.” Therefore, since the unit agreements involved in the screening process for parcels 110, 111, and 166 were approved subsequent to August 1, 2008, the parcels are therefore being reviewed and screened in accordance with IM 2012-019 without consideration of the unit agreement.</p>
<p>20</p>	<p><b>BCA:</b> The BLM apparently proposes to auction Parcels 24, 25, 38, 39, 44,-46, 53, 67-73, 95-99, 111, 180, 225, 226, 233, 236, 239, 264-266, 295, 359, 418-420, 437, 447, 448, 450, 453, 454, 463, 474, 485-487, and 500, which are entirely or partially within Core Areas, yet are not part of 11 square miles of unleased land.</p>	<p>The Sage-grouse leasing screen was followed from IM 2012-019. The parcels in Wind River Bighorn Basin District listed did not meet the screening criteria and therefore were offered for sale.</p>

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	<p>This decision derives from a Wyoming State Instruction Memorandum which was not part of any RMP, was not subject to NEPA review, and possibly as a result yields outcomes that will likely be deleterious to sage grouse. One such outcome is that BLM adopts recommendations in the National Technical Team Report through the Sage Grouse RMP Amedments or through RMP amendments, yet the existence of the leases in question create valid existing rights that cannot be undone. Once BLM leases such lands, they are very difficult to “unlease.” The result could be development in accordance with lease terms that harms the welfare of sage grouse and/or degrades their habitats, undermining population recovery or maintenance, while eliminating the option to keep these lands free of lease encumbrances under the Sage Grouse Plan Amendments and/or pending RMP revisions. These parcels should be deferred from sale even if they are not part of 11 square miles of unleased mineral estate held by BLM.</p>	
21	<p><u>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 2012 Wyoming leasing IM.</p>	<p>The Sage-grouse leasing screen was followed from IM 2012-019. The parcels in Wind River Bighorn Basin District listed did not meet the screening criteria and therefore were offered for sale.</p>
22	<p><u>BCA:</u> In addition, Parcels 2, 3, 4, 5, 6, 12, 17, 18, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 47, 51, 64, 65, 79, 82, 83, 84, 87, 88, 101, 102, 103, 104, 146, 164, 183, 188, 196, 198, 199, 200, 201, 209, 214, 221, 222, 223, 234, 237, 238, 240, 241, 242, 243, 244, 259, 260, 261, 283, 284, 285, 286, 287, 288, 289, 307, 310, 311, 314, 315, 316, 320, 321, 322, 323, 324, 325, 328, 330, 331, 332, 333, 339, 340, 362, 377, 378, 379, 388, 391, 392, 415, 417, 432, 433, 434, 435, 436, 455, 456, 457, 458, 473, 475, 476, 479, 483, 484, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, and 499 are outside designated sage grouse Core Areas but contain or are in close proximity (within 4 miles) to one or more occupied sage grouse leks. The lands within 4 miles of active leks are typically used for nesting, a sensitive</p>	<p>The Sage-grouse leasing screen was followed from IM 2012-019. The parcels in Wind River Bighorn Basin District listed did not meet the screening criteria and therefore were offered for sale.</p>

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	<p>life history period when sage grouse are sensitive to disturbance from oil and gas drilling and production activities. The current standard sage grouse stipulations that apply outside Core Areas are biologically inadequate, and their effectiveness has not been established by BLM. Indeed, scientific studies demonstrate that these mitigation measures fail to maintain sage grouse populations in the face of full-field development. BLM should not issue these sage grouse parcels unless a rigorous set of stipulations, far stronger than those provided in the EA (such as NSO stipulations), 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, 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 on 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.</p>	
23	<p><u>BCA</u>: Parcels 96, 100, 101, 103, 105, 106, 107, 108, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 37, 138, 139, 140, 141, 142, 143, 147, 149, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 191, 192, 193, 194, 196, 201, 203, 210, 211, 212, 213, 215, 216, 217, 219, 220, 221, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 236, 239, 240, 241, 254, 260, 261, 262,</p>	<p>Any parcel that is recommended for deferral or partial deferral due to wildlife concerns relates to changes in proposed management prescriptions in the Draft Bighorn Basin RMP from current RMPs. The proposed stipulation change applies to proposed timing limitation stipulations for maintenance and operations timing restrictions for leases within big game listed in Draft Bighorn Basin RMP record number 4082.</p>

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<p>263, 264, 265, 266, 268, 271, 272, 279, 280, 281, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 300, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315, 316, 317, 318, 320, 321, 322, 323, 324, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 362, 363, 366, 367, 368, 369, 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 395, 396, 397, 399, 403, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 429, 439, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 488, 489, 490, 491, 492, 493, and 494 appear to involve big game crucial winter range. Of these, Parcels 100, 101, 103, 105, 106, 107, 108, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 147, 149, 155, 156, 157, 158, 159, 165, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 191, 192, 193, 194, 201, 202, 205, 211, 215, 216, 217, 219, 220, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 239, 254, 262, 263, 264, 265, 266, 268, 271, 272, 279, 280, 284, 285, 286, 290, 291, 292, 293, 294, 295, 300, 301, 304, 308, 309, 312, 314, 315, 316, 317, 329, 330, 331, 332, 333, 337, 339, 340, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 359, 366, 367, 368, 369, 370, 372, 373, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 395, 396, 397, 399, 403, 415, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 429, 439, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 488, 489, 490, 491, 492, 493, and 494 are slated for deferral under Alternative 3 of</p>	
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	<p>the Wind River/Bighorn EA, with which we agree. BLM must defer the sale of these lease parcels to maintain the integrity of the planning process pursuant to CEQ guidance on maintaining alternatives under review. Parcels 160, 161, 162, 166, 196, 202, 203, 204, 205, 210, 212, 213, 236, 240, 241, 281, 283, 287, 288, 289, 303, 305, 306, 309, 310, 311, 318, 326, 327, 334, 335, 336, 341, 356, 357, 358, 362, 363, 374, 375, 376, 377, and 416 are slated for partial deferral under the same alternative on grounds potentially or known to be unrelated to big game, which is a cause for concern; big game crucial ranges should be deferred in all cases where an RMP revision is underway. Please confirm that all big game crucial winter ranges are included in the lands deferred from leasing under this sale. Parcels 96, 221, 260, 261, 307, 320, 321, 322, 323, 324, and 328 are not slated for any kind of deferral under any alternative; the crucial big game range portions of these parcels need to be deferred pending completion of RMP revisions to avoid foreclosing on reasonable alternatives including no leasing and NSO-only leasing on big game winter ranges, which need to be considered by BLM. 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.</p>	
24	<p><u>BCA</u>: "BCA recommends against the sale of any 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 or deferral pending the outcome of the Sage Grouse Plan Amendment EIS. "</p>	<p>The Sage-grouse leasing screen was followed from IM 2012-019. The parcels in question did not meet the screening criteria and therefore were offered for sale.</p>
25	<p><u>BCA</u>: "Failing withdrawal of the parcels, parcel-by-parcel NEPA analysis should occur,</p>	<p>Beyond the scope of this document. Sage-grouse buffer and timing restrictions can only be changed</p>

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	<p>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."</p>	<p>through the RMP revision or amendment process. Currently the BLM in Wyoming has the Draft Lander and Draft Bighorn Basin RMPs addressing Sage Grouse conservation.</p>
26	<p><u>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 1M 2004-110 Change 1.</p>	<p>The Draft Lander and Bighorn Basin RMPs management actions are considered when screening parcels for proposed Sage Grouse ACECs. Parcels were not found to be in conflict with future proposals and those that did were deferred in whole or partially as appropriate. The Lander, Cody, and Worland Field Offices are in the process of RMP revisions and are not part of the state wide Sage Grouse amendments process.</p>
27	<p><u>BCA:</u> 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.</p>	<p>The Draft Lander and Bighorn Basin RMPs management actions are considered when screening parcels for proposed Sage Grouse ACECs. Parcels were not found to be in conflict with future proposals and those that did were deferred in whole or partially as appropriate.</p>
28	<p><u>BCA:</u> We request that all parcels listed above be withdrawn entirely from the sale if they fall within large-block unleased parcels inside Core Areas are being leased, and pending pre-leasing NEPA pursuant to the 2010 Interior Department leasing 1M. BLM should do its best to keep largely unleased areas of public land in Core Areas unleased, regardless of mineral ownership patterns. Wyoming sage-grouse populations are some of the largest left in the nation and were</p>	<p>See page 2-2, Section 2.5, for a discussion of parcels deferred within Sage-grouse Core Areas. The BLM did consider deferring all parcels within Sage-grouse habitats. All parcels were analyzed through the Oil and Gas Leasing Screen for Greater Sage-grouse (IM WY-2012-019). Only parcels that fit all the screening criteria were deferred. Other parcels were also deferred for other reasons such as RMP decisions while the Draft Lander and Bighorn Basin RMPs are being</p>

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	relatively stable until the last decade, when sage-grouse populations experienced major declines rangewide.	considered.
29	<p><u>BCA</u>: "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, at minimum: 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.</p> <p>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.</p> <p>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, never mind 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) 4 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."</p>	Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level. Currently the Lander and Bighorn Basin RMPs are in draft. These Draft RMPs are analyzing and developing lease stipulations for the Greater Sage-grouse.
30	<p><u>BCA</u>: 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</p>	Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level. Currently the Lander and Bighorn Basin RMPs are in draft. These Draft RMPs are analyzing and developing lease stipulations for the Greater Sage-grouse.

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	<p>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 populations. This information constitutes significant new information that requires amendment of the Resource Management Plans before additional oil and gas leasing can move forward.</p>	
31	<p><b>BCA:</b> 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.,,7 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.</p>	<p>See page 1-5, Section 1.6, for a discussion of development in relation to leasing. Since development cannot be reasonably determined at the leasing stage, the impacts cannot realistically be analyzed at this time. At the time of APD development an analysis of these resources will be completed. Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level. Currently the Lander and Bighorn Basin RMPs are in draft. These documents are analyzing and developing lease stipulations for the Greater Sage-grouse. The Wyoming Game and Fish, as part of the State of Wyoming, is a cooperator in all planning processes and decisions. They continue to be involved in these leasing processes as well. Comments received from the Wyoming Game and Fish did not express this issue.</p>
32	<p><b>BCA:</b> "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</p>	<p>See page 1-5, Section 1.6, for a discussion of development in relation to leasing. Since development cannot be reasonably determined at the leasing stage, the impacts cannot realistically be analyzed at this time. At the time of APD development an analysis of these resources will be completed. Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level. Currently the Lander and Bighorn Basin RMPs are in draft. These documents are analyzing and developing lease stipulations for the Greater Sage-grouse. The Wyoming Game and Fish, as part of the State of Wyoming, is a cooperator in all planning processes and decisions.</p>

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	<p>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. 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."</p>	<p>They continue to be involved in these leasing processes as well. Comments received from the Wyoming Game and Fish did not express this issue.</p>
33	<p><b>BCA:</b> BCA was a party to an appeal filed with the Interior Board of Land Appeals of the BLM's denial of their Protest filed against the June 6, 2006 lease sale. In its April 2008 Decision, II the Board inquired into whether BLM had complied with the Memorandum of Understanding between BLM and the Wyoming Game and Fish Department in regarding lease parcels in big game crucial winter range and parturition areas. The BLM is required to have a rational basis for its decision to issue leases in crucial wildlife habitat, and that basis must be supported by the agency's compliance with applicable laws. While the Board held that failure of BLM to follow the directives contained in Instruction Memorandum No 2004-110 Change 1 was not, standing alone, proof of the violation of law or discretionary policy, it was probative of whether BLM had a rational basis for its decision. The Board found that the appeal record presented no evidence of</p>	<p>The BLM utilized big game crucial winter range data provided by the Wyoming Game and Fish Department (WGFD). Parcels that fall within big game crucial winter range and will be leased with a Timing Limit Stipulation (TLS) from November 15 to April 30 in accordance with current RMP prescriptions whereby parcels that do not fall within big game winter range, based on the WGFD, data will be leased without any stipulations for big game crucial winter range. The Wyoming Game and Fish as part of the State of Wyoming is a cooperater in all planning processes and decisions. They continue to be involved in these leasing processes as well. Comments received from the Wyoming Game and Fish did not express this issue.</p>

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	<p>compliance with the Memorandum of Understanding.</p> <p>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."</p>	
34	<p><u>BCA</u>: 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 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. The effectiveness of Timing Limitation Stipulations has been neither tested nor established by any other method by BLM, and the overall 30% decline of the Pinedale Mesa mule deer population while TLS stipulations were applied demonstrates their ineffectiveness</p>	<p>Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level.</p>
35	<p><u>BCA</u>: "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. See Center for Native Ecosystems, IBLA 2003-352, November 22, 2006.</p> <p>Just as important, these stipulations do not limit</p>	<p>Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level.</p>

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	<p>operational and production aspects of oil and gas development. See, for example, Jack Morrow Hills CAP EIS at A5-3. Obviously, if the stipulation does not reserve authority to BLM at the leasing stage, BLM must allow development despite severe impacts to winter ranges and big game, except for being able to require very limited "reasonable measures." These reasonable measures cannot be nearly broad enough to ensure crucial winter ranges and parturition areas are protected at the operation and production stage. See 43 CFR 3101.1-2."</p>	
36	<p><u>BCA</u>: " 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 17121(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 17121(9). There is no indication that BLM's winter timing stipulation is based on consideration of Wyoming's 1998 Mitigation Policy, or its new programmatic standards policy. 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.<sup>15</sup> Indeed, quite recently the WG&amp;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</p>	<p>The Wyoming Game and Fish as part of the State of Wyoming is a cooperater in all planning processes and decisions. They continue to be involved in these leasing processes as well. Comments received from the Wyoming Game and Fish did not express this issue.</p>

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	<p>has refused to accede to this request and has proceeded to grant waivers and exceptions. 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&amp;F expects to be applied in every instance of leasing in crucial winter range.</p>	
37	<p><b>BCA:</b> 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.</p>	<p>See page 1-5, Section 1.6, for a discussion of development in relation to leasing. Since development cannot be reasonably determined at the leasing stage, the impacts cannot realistically be analyzed at this time. At the time of APD development an analysis of these resources will be completed.</p>
38	<p><b>BCA:</b> 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.</p>	<p>Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level. The Wyoming Game and Fish as part of the State of Wyoming is a cooperater in all planning processes and decisions. They continue to be involved in these leasing processes as well. Comments received from the Wyoming Game and Fish did not express this issue.</p>
39	<p><b>BCA:</b> The various requirements in the WG&amp;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</p>	<p>See page 1-5, Section 1.6, for a discussion of development in relation to leasing. Since development cannot be reasonably determined at the leasing stage, the impacts cannot realistically be analyzed at this time. At the time of APD development an analysis of these resources will be completed.</p>

