

Appendix F
Public Comments and Agency Response
DOI-BLM-WY-050-EA-13-81

#	COMMENT	RESPONSE
1	<p>Biodiversity Conservation Alliance (BCA): Parcels 17, 18, 19, 20, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 67, 87, 102, 103, 104, 105, 106, 109, 111, 112, 113, 122, 123, 124, 126, 127, 128, 131, 134, 135, 144, 145, 146, 147, 148, 149, 150, 151, 156, 165, 166, 167, 171, 172, 175, 180, 181, 187, 188, 202, 205, 208, 225, 226, 227, 228, 299, and 235 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 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>The Sage-Grouse leasing screen was followed from IM 2012-019. The parcels in Wind River Bighorn Basin District listed in the comment were properly screened following policy criteria and therefore were appropriately deferred, partially deferred, or recommended for sale. No new substantive information was provided for further analysis.</p>

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<p>2</p>	<p>BCA: In addition, Parcels 1, 4, 5, 6, 14, 15, 16, 22, 23, 24, 25, 26, 43, 47, 48, 49, 53-65, 68, 69, 70, 71, 72, 73, 87, 88, 96, 108, 110, 115, 124, 125, 129, 130, 133, 136, 137, 139, 140, 141, 142, 143, 152, 154, 157, 160, 168, 169, 173, 174, 175, 176, 177, 178, 179, 180, 181, 188, 189, 191, 200, 201, 203, 204, 205, 209, 216, 217, 220, 221, 223, 225, and 233 are entirely or partially 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 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>	<p>Parcels 152, 154, 157, 160, 168, 169, 173, 174, 175, 176, 177, 178, 179, 180, 181, 188, 189, 191, 200, 201, 203, 204, 205, 209, 216, 217, 220, 221, 223, and 225 were analyzed in the WRBBD EA. Parcels located within Core Area were adequately screened in accordance with IM 2012-019 and properly recommended for sale or deferred. Parcels located outside of Core Area and those not deferred due to the Sage Grouse screen were analyzed under existing management of the Resource Management Plans or properly deferred due to other resource issues. No new substantive information was provided for further analysis.</p>
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3	<p>BCA: Parcels 143, 147, 148, 149, 152, 158, 159, 160, 161, 169, 157, 173, 174, 175, 178, 179, 181, 183, 184, 190, 192, 202, 215, 216, 219, 220, and 232 fall within mule deer crucial winter ranges and/or parturition areas. Parcels 30, 115, 116, 117, 124, 125, 133, 136, 137, 140, 141, 147, 148, 149, 150, 151, 152, 157, 160, 165, 166, 167, 169, 173, 174, 175, 176, 178, 179, 180, 181, 182, 183, 184, 185, 187, 188, 189, 191, 192, 193, 194, 195, 196, 197, 198, 205, 206, 207, 208, 209, and 235 fall within antelope crucial winter ranges and/or parturition areas. Parcels 149, 150, 151, 152, 215, 216, 217, 219, 220, 221, 222, and 232 fall within elk crucial winter ranges and/or parturition areas. In addition, Parcel 178 falls within moose crucial winter range. Parcels 217 and 220 are in moose crucial winter range. All portions of these parcels falling within big game crucial ranges should be deferred pending the completion of their Resource Management Plans.</p> <p>Parcels 135, 145, 147, 148, 149, 150, 151, 152, 159, 160, 161, 165, 166, 167, 187, 188, 193, 195, 196, 198, 206, 207, 208, 215, 216, 217, 219, 220, 221, 222, and 232 are slated for deferral, with which we agree regardless of the rationale for which BLM proposes to defer the parcels. 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 124, 147, 173, 175, 178, 179, 180, 181, 189, 192, 196, and 205 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. Parcel 115, 116, 117, 125, 133, 136, 137, and 140 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.</p>	<p>Any parcel that is recommended for deferral or partial deferral due to wildlife concerns, specifically crucial winter range, 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> <p>Where there are no recommended changes in timing limitation stipulations from the existing RMP to the Draft Bighorn Basin RMP, leases are appropriately stipulated and recommended for sale. This action does maintain the integrity of the planning process pursuant to CEQ guidance on maintaining alternative under review as well as guidance found in WO IM 2004-110, Change 1.</p> <p>Parcel 178 is located just southeast of the town of Shoshoni, Wyoming in the Lander FO and is not considered crucial moose winter range. The parcel is stipulated for crucial big game winter range. This parcel is recommended to be partially deferred due to high Tribal concerns whereby additional consultation may be necessary.</p> <p>Parcels 217 and 220 located in the Worland FO. Parcel 217 is not located within moose critical winter range. The southeast portion of parcel 220 is located within moose critical winter range. Both parcels are recommended to be fully deferred due to the Absaroka Front MLP, Big Game Crucial Winter Range management action changes, VRM classification change, and proposed NSO restrictions on wetland areas greater than 20 acres.</p>
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4	<p><u>BCA</u>: 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 final EIS proposed RMP and Bighorn Basin Draft RMP are in review. 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>
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5	<p><u>BCA</u>: "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. 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>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 final EIS proposed RMP and Bighorn Basin Draft RMP are in review. 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>
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6	<p><u>BCA</u>: 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 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>	<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 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>
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7	<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 through the Resource Management Plan EIS process, including allocation decisions, in accordance with FLPMA. Changes to allocation decisions (or lease stipulations) require a planning amendment or maintenance action. Subsequently, all implementation decisions must be in conformance with the approved RMP.</p> <p>As a consequence, applying NSO stipulations to big game parturition areas is not in conformance with the approved RMP and therefore would not be appropriate.</p>
8	<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 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>	<p>Oil and gas stipulations are developed through the Resource Management Plan EIS process, including allocation decisions, in accordance with FLPMA. Changes to allocation decisions (or lease stipulations) require a planning amendment or maintenance action. Subsequently, all implementation decisions must be in conformance with the approved RMP.</p> <p>The Bighorn Basin Draft and Lander Draft RMPs do propose a timing limitation stipulation for oil and gas maintenance and operations and parcels are deferred accordingly. As a consequence, applying a timing limitation stipulation for maintenance and operations for big game at this time is not in conformance with the approved RMP and therefore would not be appropriate.</p>

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9	<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. 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 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&F expects to be applied in every instance of leasing in crucial winter range.</p>	<p>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. WGFD biologists participate in the development of the EAs. The WGFD Headquarters Office in Cheyenne also comments on the analysis and the Wyoming Game and Fish did not express this issue.</p>
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10	<p><u>BCA</u>: 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> <p>The Wildlife section of the EA identified parcels that are identified in the to be in areas that timing limitation stipulations for maintenance and operations in crucial winter range are proposed in the Draft Bighorn Basin RMP EIS were in fact deferred until such time as the stipulations in crucial winter range can be applied.</p>
11	<p><u>BCA</u>: 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 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>

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12	<p><u>BCA</u>: 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.</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>
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13	<p><u>BCA</u>: 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.</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, and any potential impacts, will be completed.</p>
14	<p><u>BCA</u>: A number of the analyzed parcels are located within important white-tailed or black-tailed prairie dog habitat (Parcels 81, 84, 93, 122, 124, 157, 173, 213, 214, 221, and 223). 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.</p>	<p>BLM follows the Council on Environmental Quality Regulations, 40 CFR 1506, that state until an agency issues a record of decision as provided in Section 1505.2, no action concerning the proposal shall be taken which would (1) have an adverse environmental impact; or (2) limit the choice of reasonable alternatives. Therefore, parcels were reviewed utilizing existing RMP resource allocations and then reviewed in accordance with ongoing RMP alternatives to ensure BLM is in compliance with the above stated CEQ regulations. If a management action does not limit the choice of reasonable alternatives, the action may be taken. Guidance is also derived from BLM Washington Office IM-2004-110 Change 1.</p> <p>Parcels 157, 173, 213, 214, 221, and 223 were analyzed in the WRBBD EA and were found to be properly addressed.</p>

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15	<p><u>BCA</u>: Parcels 153 and 201 are inside Citizens' Proposed Wilderness lands. In addition, Parcels 210 and 211 were found by BLM to possess the requisite characteristics for wilderness designation, and are therefore Lands with Wilderness Character and were deferred from the lease sale under the Preferred Alternative. Wind River/Bighorn Basin EA at Appendices B, D; See DOI-BLM-WY-R010-2012-0087-EA, Appendix B. Parcel 201 is slated for deferral, with which we agree, and we support BLM in deferring parcels with regard to Lands with Wilderness Characteristics. BLM needs to defer these parcels from the lease sale in order to avoid significant impacts to lands with wilderness characteristics, and foreclosing options to keep these lands free of lease encumbrances as prescribed in Alternative B of the Bighorn Basin RMP Draft EIS. Deferral is the only way for BLM to satisfy CEQ directives regarding the need to retain the decision space to protect LWCs from oil and gas leasing under the pending RMP revision.</p>	<p>The Leasing Reform Implementation Plan for Wyoming BLM includes the screening for Wilderness Characteristics areas. The parcels identified as deferred due to wilderness characteristics is due to the analysis of the wilderness in the ongoing Draft Bighorn Basin RMP EIS analysis.</p> <p>Parcel 153 in the Worland FO is recommended to be partially deferred due to LWC analysis; however, parcel 201 was not identified as being in a LWC under analysis in the Draft Bighorn Basin RMP EIS.</p> <p>Parcels 210 and 211 located in the Cody FO are recommended to be partially deferred due to LWC analysis in the Draft Bighorn Basin RMP EIS.</p>
16	<p><u>BCA</u>: We support the BLM's proposal under Alternative 3 to defer Parcels 202 and 216-220 due to their presence in the Big Horn or Fifteen Mile MLP areas or Lander RMP MLP candidate lands. Wind River/Bighorn EA, Appendix D. This is the proper action to maintain the full range of options in the pending RMP revision. Implementation of Alternative 2, which would lease these lands, would be an arbitrary and capricious failure to follow published BLM policy and would limit the scope of alternatives in forthcoming plan revisions under IM 2004-110 Change 1.</p>	<p>Thank you for your comment. Parcel 202 is located in the proposed Beaver Rim MLP and parcels 215 through 220 are located in the Absaroka Front MLP are recommended to be deferred until the Lander RMP and Bighorn Basin RMP EISs are completed.</p>

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17	<p><u>Greater Yellowstone Coalition (GYC)</u>: We fully support the BLM’s recommendations to fully defer parcels 226, 227, 228, 229, 144, 145, 146, 147, 156, 163, 164, 165, 166, 167, 190, 202, 208, 148, 149, 150, 151, 152, 158, 159, 161 and 187 under Alternative 3.</p> <p>Parcels 225, 170, 171, 172, 175, 179, 180, 181 and 205 are partially within core, and only partially recommended for referral. We support deferring these parcels in their entirety.</p> <p>Additionally, we support fully deferring Parcel 230 as it contains an occupied sage grouse lek according to Wyoming Game & Fish Department lek monitoring data. The most current research shows impacts to greater sage-grouse leks from energy development are discernible out to a minimum of four miles (Holloran 2005, Walker et. al. 2007, Walker 2008) and that 11 miles encompasses a significant portion of the seasonal habitats that will be affected.</p>	<p>The Sage-Grouse leasing screen was followed from IM 2012-019. The parcels in Wind River Bighorn Basin District listed in the comment were properly screened following policy criteria and therefore were appropriately deferred, partially deferred, or recommended for sale. No new substantive information was provided for further analysis.</p> <p>As a result, Parcels 225, 170, 171, 172, 175, 179, 180, 181 and 205 being partially within core, the parcels were appropriately partially deferred.</p> <p>Parcel 230 is not identified to be within Sage-Grouse core area; therefore, it was appropriately stipulated and recommended for sale under IM 2012-019, and in conformance with the applicable RMP. Stipulations in conformance with the approved RMP were attached to this parcel for the purpose of protecting the lek and/or any associated nesting.</p>
18	<p><u>(GYC)</u>: In the Lander FO, we support fully deferring parcels 208 and 209 as they fall within or overlap the Ninemile Draw Important Bird Area (IBA).</p>	<p>Parcel 208 is recommended for full deferral due to the Sage-Grouse screening process (11 sq miles of unleased). Parcel 209 is located within the proposed Beaver Creek Designated Development Area as identified in the Lander Final EIS Proposed RMP. Because proposed management actions applicable in this designated area are not proposed to be changed under the FEIS, the parcel is recommended for sale.</p> <p>Impacts to migratory birds will be addressed through the site specific implementation of WO IM 2008-050 and WY IM 2013-005, guidance for migratory bird conservation.</p>
19	<p><u>(GYC)</u>: In the Cody FO, we support deferring parcel 230 in its entirety as it is found within the Champman Bench IBA.</p>	<p>Parcel 230 is recommended for sale. Impacts to migratory birds will be addressed through the site specific implementation of WO IM 2008-050 and WY IM 2013-005, guidance for migratory bird conservation.</p>

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20	<p>(GYC): We urge the BLM to defer, in their entirety, the nine parcels within the Cody FO that contain or are within a 1320 foot/ quarter mile buffer from riparian areas on public lands: parcels 210, 211, 212, 223, 224, 225, 226, 229, and 230. Leasing and subsequent development of these parcels would have the potential to impact the functionality of these riparian areas.</p> <p>Additionally, lease parcel 212 contains Polecat Creek and Sage Creek , both Class 4 trout fisheries, and lease parcels 224 and 226 contain non-game fish seasonally.</p>	<p>Attached to all parcels recommended for sale are lease notices. Lease Notice No. 1 imposes restrictions for special values and any surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, prohibited. This includes restrictions within 500 feet of surface water and/or riparian areas.</p>
21	<p>(GYC): GYC supports BLM's alternative 3, modified to protect sage grouse core area parcels not recommended for full deferral, as well as parcels within Important Bird Areas and riparian-wetland habitat.</p>	<p>Thank you for your comment</p>
22	<p><u>Wyoming Outdoor Council and Wyoming Wilderness Association (WOC/WWA):</u> In the Lander Field Office we are concerned about and object to the sale of the following proposed lease sale parcels: WY-1402-157, -173, -174, -182, -183, -185, -186,-192, -193, -195, -196, -197, -198, and -199. The parcels are within the greater Copper Mountains area (GCMA), an area with outstanding recreational and ecological resources. Our concerns reiterate the comments submitted by WWA and WOC during the Lander Field Office Draft RMP comment period.</p> <p>Given the recreational and ecological value of the GCMA and the vital wildlife habitat nearby, it is pivotal that the BLM defer the 14 parcels of concern identified above. If these parcels are offered for sale, the cumulative impacts of the Moneta Divide project and development on these parcels will surely compromise or destroy unique resources within the planning area.</p>	<p>Of the parcels identified in this comment, parcels 193, 195, 196, and 198 are being fully deferred due to proposed management actions in the Lander final EIS proposed RMP which will close the area to oil and gas leasing (RMP Record #4054). The remaining parcels are in conformance with the existing approved RMP and management restrictions for these areas under the revised RMP are not expected to change.</p>

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23	<p>(WOC/WWA): In the Worland Field Office we are concerned about and object to the sale of the following proposed lease sale parcels: WY-1402-153 and -201. These proposed lease sale parcels, WY-1402-153 and -201, are located within two Citizens' Wilderness Proposal Areas (CWPs), specifically, Honeycombs CWP and Cedar Mountain CWP, and the sale of these parcels would result in unacceptable impacts to wilderness quality lands.</p>	<p>Parcel 153 is recommended to be partially deferred due to the analysis of LWC inventory record 0016 DH (WY-010-221E) Bighorn Basin RMP Record #6258 and #4037 Wetland/Riparian Resources. As well, we have confirmed that portions of this parcel overlap the Honeycombs CWP. The areas proposed for deferral overlap the Honeycombs CWP.</p> <p>Parcel 201 is not located in a LWC analyzed in the Draft Bighorn Basin RMP. However, parcel 201 is being fully deferred due ongoing Draft BB RMP decisions, within foreground of important cultural site where setting is important, Record #5020 and 5021, as well as a change in VRM designations.</p>
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<p>24</p>	<p><u>Audubon:</u> Audubon supports BLM’s recommendations in the two draft Environmental Assessments (EAs) and unsigned Findings of No Significant Impact (FONSI) to defer most of the Core Area parcels or acres from the sale based on the initial application of the sage-grouse screen and other considerations, including 640 acre deferral recommendations. Appendix F to High Plains EA (listing all parcels including acres overlapping with Core Areas). Audubon requests extending that decision to all acres in core habitat. All Core Area parcels should be deferred to avoid undermining the effectiveness of BLM’s ongoing National Sage-Grouse Planning Strategy. Leasing would undercut planning efforts and conflict with BLM’s goal “to maintain and enhance populations and distribution of sage-grouse[.]”</p> <p>We support the partial deferrals of Parcels 17, 19, 20, 29, 31, 33, 35, 36, 37, 38, 39, 40, 87, 102, 104, 106, 112, 122, 124, 131, 147, 148, 149, 152, 161, 170, 171, 172, 175, 179, 180, 181, 202, 205, 225, 226 and 229. Audubon requests that all Core Area acres be removed from these parcels before the lease sale.</p> <p>We oppose the decision to fully offer parcels 18, 114 and 125, and request that Core Area and Important Bird Area acres in these parcels be removed from the lease sale.</p>	<p>The Sage-Grouse leasing screen was followed from IM 2012-019. The parcels in Wind River Bighorn Basin District listed in the comment were properly screened following policy criteria and therefore were appropriately deferred, partially deferred, or recommended for sale. No new substantive information was provided for further analysis.</p>
<p>25</p>	<p><u>Audubon:</u> BLM’s analysis does not disclose how many Core Area acres would be offered under the agency’s current recommendations. We strongly recommend that this information be included in future lease sales.</p>	<p>The EA for the WRBBD analyzes the proposed action of all Expressions of Interest with the Sage-Grouse deferrals not further analyzed. The Sage-Grouse leasing screen was followed from IM 2012-019. Parcels in Sage-Grouse Core that were brought forward for further analysis remain partially or wholly available after running the Greater Sage-Grouse screen required by WY IM 2012-019.</p> <p>Tabulation of the remaining acreage available for sale subsequent to the Sage-Grouse screen will be considered for future lease sale EAs.</p>

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26	<p><u>Audubon</u>: Standardization of EA formats, across all Field Offices, Districts and lease sales to the greatest extent possible</p>	Thank you for the comment.
27	<p><u>Audubon</u>: Greater consistency between GIS data provided and EAs. These inconsistencies unduly burden stakeholders and appear to present inaccurate information.</p> <ul style="list-style-type: none"> - Based on the information presented in the EAs (see numbers listed in section 2, above), a total of 241 parcels were nominated by industry and 89 of these overlap Core Area. However, the spatial data indicates 237 parcels were nominated by industry and 81 of these overlap Core Area. - Currently, GIS data simply specifies all parcels nominated by industry and assigns parcels numbers to each. The GIS data should capture the information presented in the EAs – specifically identifying which parcels are being proposed for deferral and if partial deferral, then divide the polygon so as to reflect deferred portion. - Crossover parcel lists are enormously confusing for stakeholders. BLM should retain the original parcel numbers as the lease sale proceeds through environmental review. 	<p>Thank you for your comment. Please see EA at 1-2, after the Sage-Grouse screening, 16 partial parcels and 19 full parcels, totaling 30,347.690 acres, were screened out from lease offering at this time and were not further analyzed in detail. The EA inclusively addresses 54 whole parcels and portions of 16 parcels (79,928.403 acres) located within the field offices in the Wind River Bighorn Basin District that have been nominated through “Expressions of Interest” for the February 2014 Competitive Oil and Gas Lease Sale, and remain partially or wholly available after running the Greater Sage-Grouse screen required by WY IM 2012-019.</p> <p>Further, thank you for bringing to our attention the discrepancy. The GIS shapefile has been corrected as 3 parcels were inadvertently missed during the mapping exercise. A total of 240 parcels were initially nominated; of these 84 were wholly or partially located or connected with an identified SGCA or connectivity area.</p> <p>The use of crossover lists is beyond the scope of analysis of this EA and has no effect on the analysis contained within the EA but we appreciate your comment.</p>
28	<p><u>Audubon</u>: Acres proposed to be offered within Core Areas, broken down by: 1) BLM District, 2) BLM Field Office, 3) individual Core Area, by name, and 4) individual nominated parcels. These calculations should include:</p> <ul style="list-style-type: none"> - Original Core Area acres in the EOI, and - Remaining Core Area acres, if any, after deferral 	Thank you for your comment. We will review this for potential inclusion in future leasing EAs.

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29	<p><u>Audubon</u>: A discussion of the Core Area overlapping with proposed parcels, including:</p> <ul style="list-style-type: none"> - A quantitative discussion of the most recent survey data regarding leks and bird numbers - A qualitative discussion of the resource values and condition of the Core Area, including trends, threats, and direct, indirect and cumulative impacts - Other issues and special resource values in the Core Area relevant to the leasing proposal, including migration corridors, connectivity, breeding density, special habitat types such as brood-rearing or winter habitat, existing disturbance levels and percentages (DDCT calculations), etc. - This analysis will reflect the best current scientific information, and the fact that all core areas may not be “created equal” with regard to habitat quality and importance to conservation and recovery efforts - Whether any Core Area acreage proposed for leasing is within boundaries of Areas of Critical Environmental Concern (ACECs), closure areas, NSO, or other designations that would be protected under various alternatives in currently available draft RMP amendments or supplements. If so, deferral is appropriate. 	<p>Oil and gas stipulations are developed through the Resource Management Plan EIS process, including allocation decisions, in accordance with FLPMA. Changes to allocation decisions (or lease stipulations) require a planning amendment or maintenance action. Subsequently, all implementation decisions must be in conformance with the approved RMP. The actions discussed in the comment are more appropriate for RMP level analysis. The information you have requested that the BLM consider too, is more appropriately considered at the APD stage when actual surface-disturbing activities are proposed. While a lease confers rights of development, approval of development is outside the scope of this document.</p>
30	<p><u>Audubon</u>: Audubon proposes that future EAs incorporate a specific chapter focused exclusively on sage-grouse and sagebrush ecosystem concerns related to nominated parcels.</p>	<p>Thank you for the comment.</p>
31	<p><u>Audubon</u>: Lander FO. Nine partial parcels that originally overlapped core areas are recommended to be offered in the Lander FO, after deferring specified acreage: Parcels 147, 170, 171, 172, 175, 179, 180, 181, 202, and 205. These parcels originally overlapped with the Greater South Pass Core Area. GIS spatial data provided with the existing environmental analysis does not allow Audubon or the public to ascertain the acreage remaining in core, following recommendations for deferral by the BLM.</p>	<p>As identified in Appendix C – Sage Grouse Screen, parcel 147 was fully deferred and parcels 170, 171, 172, 175, 179, 180, 181, 202, and 205 were partially deferred. As can be interpreted from the Appendix, if deferral is recommended, any portion of that parcel in core is deferred. The portions of parcels recommended for further analysis are outside of the core area or did not meet the deferral criteria of WY IM 2012-019; specific information related to the screening of these parcels can be found in Appendix C.</p>

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32	<p><u>Audubon</u>: Worland FO. Four partial parcels that originally overlapped core areas are recommended to be offered in the Worland FO, after deferring specified acreage: Parcels 148, 149, 152, and 161. GIS spatial data provided with the existing environmental analysis does not allow Audubon or the public to ascertain the acreage remaining in core, following recommendations for deferral by the BLM.</p>	<p>Parcels 148, 149, 152, and 161 are recommended for partial deferral as identified in Appendix C, Sage Grouse Screen. As can be interpreted from the Appendix, if deferral is recommended, any portion of that parcel in core is deferred. The portions of parcels recommended for further analysis are outside of the core area.</p>
33	<p><u>Audubon</u>: Cody FO. Three partial parcels that originally overlapped core areas are recommended to be offered in the Cody FO, after deferring specified acreage: Parcels 225, 226 and 229. Parcels 225 and 226 originally overlapped with the Elk Basin West Core Area; and Parcel 229 originally overlapped with the Heart Mountain Core Area. GIS spatial data provided with the existing environmental analysis does not allow Audubon or the public to ascertain the acreage remaining in core, following recommendations for deferral by the BLM.</p>	<p>Parcels 225, 226 and 229 are recommended for partial deferral as identified in Appendix C, Sage Grouse Screen. As can be interpreted from the Appendix, if deferral is recommended, any portion of that parcel in core is deferred. The portions of parcels recommended for further analysis are outside of the core area.</p>
34	<p><u>Audubon</u>: The Wind River/Bighorn EA states that “Greater sage-grouse are distributed in sagebrush habitat throughout the Bighorn Basin, where habitat fragmentation and degradation has not reduced habitat to unsuitable.” EA at 3-20. BLM must ensure that leasing decisions do not lead to such impacts in the future. Relatively intact remaining habitat warrants protection until recovery efforts document positive trends. What BLM characterizes as the “relatively subdued pace of new leasing in Core Areas” in recent years will be key to the long-term success of conservation efforts in Wyoming, the Rocky Mountain Region, and range-wide. EA at 4-42. The references and glossary in the EA cite neither the BLM National Technical Team Report nor the Conservation Objective Team Report. Nor does either of these groundbreaking reports appear to be referenced in the text. Both are directly relevant and crucial to leasing decisions implicating priority habitat and remaining populations.</p>	<p>BLM applied the Sage-Grouse leasing screen described in WY IM 2012-019. The parcels in Wind River Bighorn Basin District were properly screened following policy criteria and therefore were appropriately deferred, partially deferred, or recommended for sale. Audubon has not provided any information that would materially change the analysis presented in the EA or otherwise affect BLM’s leasing decision; nor has Audubon identified any scientific information contained in the NTT or COT report that is at odds with leasing all or any of the parcels under consideration. See BCA, 183 IBLA 97, 122 (2013).</p>

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35	<p><u>Audubon</u>: BLM leasing decisions must be informed by a conservative management approach designed to preclude listing by protecting core areas, pending completion of BLM's National Planning Strategy.</p>	<p>Thank you for your comment. Each leasing decision is based on RMP decisions in consideration of new policy, regulations and legal requirements. All decisions for inclusion of stipulations for oil and gas lease parcels are based on analysis conducted at the Land Use Planning stage or Resource Management Plans. Any protections provided for impacts to fish and wildlife are provided for there. The analysis conducted in the subject EA is to confirm existing data that would require stipulating a parcel and review any new data not currently available that would provide for adding an existing RMP analyzed stipulation to a parcel.</p>
36	<p><u>Audubon</u>: Core areas should be deferred from leasing until BLM takes a hard look at significant new information regarding the threats of energy development to sage-grouse conservation efforts.</p> <p>a. Energy development is the leading threat to sage-grouse across Wyoming and the Rocky Mountain Region.</p> <p>b. BLM's should consider the National Technical Team Report before leasing Core Area parcels.</p> <p>c. Consistent with the recommendations of BLM's National Technical Team, Core Population Areas should be deferred from leasing as BLM considers what new management policies are needed to recover sage-grouse and habitat.</p>	<p>The Sage-Grouse leasing screen was followed from WY IM 2012-019 which considered the recommendations of the NTT report; as such there is no need to reconsider this report here. The parcels in Wind River Bighorn Basin District were properly screened following policy criteria and therefore were appropriately deferred, partially deferred, or recommended for sale. Audubon has not provided any new information which would significantly change the analysis presented in the EA.</p>
37	<p><u>Audubon</u>: BLM should fully analyze Audubon's Grouse Conservation Alternative.</p>	<p>NGO conservation alternatives should be proposed through the RMP process. There is not enough information in this comment to respond to.</p>
38	<p><u>Audubon</u>: BLM should conduct additional analysis of the potential for direct, indirect and cumulative impacts under NEPA.</p>	<p>Thank you for your comment.</p>
39	<p><u>Trout Unlimited (TU)</u>: Parcels 193, 195, and 196. Boysen Reservoir is a popular recreational fishery and supports year-round fishing opportunities. We recommend the BLM remove these three parcels that abut the reservoirs shoreline and include much stronger setback provisions in the stipulations in future leasing options.</p>	<p>Parcels 193 and 195 were identified in preferred alternative, Alternative 3, as fully deferred and parcel 196 partially deferred. The Lander Final EIS Proposed RMP states: For the protection of aquatic habitat and water quality, the area adjacent to Boysen State Park to Highway 20 is closed to oil and gas leasing. Draft LFO RMP Record #4054.</p>

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40	<p>(TU): Parcels 216, 217, 218, 219, 220, 221, and 222. These parcels, located in the Wood River drainage contain spawning habitat for YCT in many of these tributaries, especially in portions of Hall Creek, Mormon Creek, Deer Creek, and Gooseberry Creek (upstream headwaters area). WGFD considers these sites important YCT waters and have high concerns for erosion issues, which are known to be significant. (Personal communication, Mark Smith, WGFD Fish Division, Cheyenne, August 27, 2013).</p>	<p>There are lease parcels that are recommended for deferral due to conflict with new management prescriptions identified in the Bighorn Basin Draft RMP EIS. The records are identified in the Draft RMP EIS under Record #4037 which states avoid surface-disturbing activities at least within 500 feet and up to 1/4 mile if needed to protect sensitive resources, of waters of the state, perennial surface water, and riparian/wetland areas and Record #4038 which states apply an NSO restriction on wetland areas greater than 20 acres.</p>
41	<p>(TU): Parcel 232. These two separated parcels in the DuNoir watershed should be permanently removed. This area is a popular recreational fishery, has significant wildlife habitat, and should be off limits based on the new Draft RMP for the Lander BLM field office.</p>	<p>This parcel is fully deferred to protect the concentration of special status species and habitats in the Dubois area and is recommended to be closed to oil and gas leasing. Draft LFO RMP Record #4111.</p>
42	<p>(TU): During the discussion on Wildlife and Fish in Section 4, the EA states that the existing stipulations would minimize impacts to fish and wildlife. Yet the EA fails to qualify this statement and TU requests that the BLM provide substantive examples of how current and past stipulations, such as those being suggested for this lease sale, provided protection from habitat loss and impacts to wildlife.</p>	<p>All decisions for inclusion of stipulations for oil and gas lease parcels are based on analysis conducted at the Land Use Planning stage or Resource Management Plans. Any protections provided for impacts to fish and wildlife are provided for there. The analysis conducted in the subject EA is to confirm existing data that would require stipulating a parcel and review any new data not currently available that would provide for adding an existing RMP analyzed stipulation to a parcel.</p>
43	<p>(TU): Under the Affected Environment section, there was a discussion of streams which would be impacted in the Bighorn Basin field office but such effects were not mentioned for those parcels within the Wind River field office. For the EA to be considered thorough for this lease sale, we suggest the BLM provide this information.</p>	<p>In Chapter 3, Part 3.10, Water Resources, the affected environment section does address waters to a HUC 8 and HUC 10 level for both the Bighorn Basin and the Wind River Basin.</p>

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44	<p>(TU): Watersheds site analysis was not conducted for this EA and for the lease parcels which occur within YCT habitat. BLM must complete an analysis of streams suitable for YCT reintroductions, and evaluate the impacts of the leasing alternatives on those streams and restoration opportunities.</p>	<p>The EA identifies watersheds and also sensitive species that may be impacted if a parcel is sold and potentially developed. Adequate protections are provided for through appropriate stipulations. Lease Notice 1 requires a setback of 500 feet from water and riparian zones and in some instances parcels are deferred due to the Draft Bighorn Basin RMP Record #4038 as addressed above. The WGFD has been coordinated with in reviewing the parcels and made no mention of plans to reintroduce YCT. RMP management actions require avoidance of activities that would contribute sediment to water bodies that support YCT. This also requires coordination with agencies, including state and local, in the reintroduction of special status species populations and/or habitats.</p>
45	<p>(TU): Air quality issues was repetitive, disorganized and uninformative, based on current updates and impacts being observed from the increase in oil and gas drilling in the West, and in Wyoming. This is particularly relevant in terms of the advance of hydraulic fracturing and horizontal drilling activities in newly discovered shale plays. Excuses for not providing adequate analysis rested on the fact that leasing doesn't mean drilling occurs. Yet, the BLM has plenty of examples of drilling impacts and associated resource degradation to be able to provide some type of educated professional analysis of what to expect when leasing areas for oil and gas development.</p>	<p>Until such time site specific data can be analyzed, NEPA analysis cannot be projected as to the impact to air resources. Therefore, any analysis of the type development or the equipment that may be used for a development scenario cannot be made at the leasing decision phase. Resource Management Plans conduct region wide analysis of air resources and the availability of mineral leasing. Site specific analysis application of mitigation cannot be accomplished until such time a development scenario is proposed.</p>

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46	<p>(TU): In the discussion of Water Resources in Affected Environment, it is unclear in the text and Table 3-1 whether the lease acreage numbers refers to 2013 lease parcel totals or whether these figures are represented just for the February 2014 lease sale. In addition, by presenting such information, it would be justifiably assumed that such information could be used in the analysis discussion of impacts. However, it appears this information is presented but not analyzed in the overall environmental assessment. TU wonders what the point is of providing such information if it will not lend itself to analysis.</p>	<p>These figures were for the parcels identified and analyzed for the February 2014 lease sale. The identification of the acres in HUC 8 areas was misidentified and has been changed to identify the acres as February 2014 parcel acres.</p>
47	<p>(TU): The EA is inconsistent in its assignment of stipulations for watersheds. For instance, 6 parcels are described in the Worland field office as being located within a quarter-mile of riparian areas (Table 3-2). While we support such protective buffers and sincerely applaud the Worland field office for implementing these restrictions, we would ask that other streams and riparian areas, especially those containing sensitive fish species, be afforded the same protective measures.</p>	<p>All parcels recommended for sale are provided set back restrictions for water and riparian areas as identified in Lease Notice 1. In the Bighorn Basin, the Draft BB RMP provides some further protections identified as Record #4038</p>
48	<p>(TU): Socioeconomic impacts and recreation-based impacts are not given adequate analysis. Two or three sentences does not cover the variety of impacts that occur from oil and gas development. And the BLM tends to favor presenting only the economic gains from oil and gas development rather than a more well-rounded discussion of the downside to recreation activities and businesses and communities that are negatively impacted when oil and gas development occurs.</p>	<p>The EA states the proposed action, sale and issuance of a lease, does not directly result in surface disturbance. Additional environmental analysis and permitting is required prior to development and production of oil and gas resources. Therefore analysis of economic impacts to recreation activities and businesses and communities that may be negatively impacted cannot be reasonably addressed.</p>

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49	<p>(TU): Rather than apply stipulations to the lease parcels where sensitive habitats will be impacted, the EA suggests that the parcels will have adequate protections and management direction applied at the APD stage with conditions of approval and site visits. We object to this style of management and suggest that it does not begin to cover adequate protection measures designed to protect not only resources at the well pad itself but also at a landscape scale and downstream considerations. Further, since adequate site visits did not occur prior to offering these lease parcels, we suggest these parcels should not be offered, since it will be an uninformed decision in many ways as to the level of impact that could occur to potentially occupied streams.</p>	<p>Land Use Plans or Resource Management Plans (RMP) analyze the ground work for the availability of oil and gas leasing. This leasing EA addresses how those nominated parcels will be stipulated in conformance with the RMPs. If an Application for Permit to Drill is received proposing to develop a lease parcel, site specific analysis of the impacts is conducted and impacts will be mitigated as determined necessary.</p>
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50	<p>(TU): The EA discusses, under Hydrology in section 4, impacts to the watershed will occur from oil and gas infrastructure development but that in time these impacts will decrease due to reclamation. In the discussion of Soils, impacts are discussed. However, under the Vegetation discussion, the EA insupportably claims that no impacts to vegetation will occur. This is baffling to anyone who has seen oil and gas fields and we ask the BLM to please clarify how they came to this conclusion. The BLM fails to provide any supportive evidence for making these statements. We have seen and are aware of the success potential for reclamation in Wyoming. If the BLM has examples of successful reclamation from development where functioning habitat conditions have been reached, the EA should contain such examples. It will help the reader/reviewer understand why/how the BLM reaches these conclusions. It is unfair and unrealistic for the BLM to ask the public to provide evidence when we make our requests on NEPA projects, yet they do not consider it their responsibility to provide the same evidence when making such blatant unresponsive statements.</p>	<p>Under Chapter 4.5.18, Water Resources, an adequate description of impacts is disclosed. These sections do not just state that impacts to watersheds will occur but will subsequently decrease due to reclamation.</p> <p>These issues are addressed once a road and well pad are proposed, action is taken and either interim or final reclamation is conducted, depending on the success of the development scenario.</p> <p>Concerning the Vegetation discussion, the EA does not claim that no impacts to vegetation will occur. The EA states in Chapter 4 under Alternative 1, No Action, No change from current existing probability for new invasive/noxious weed infestations to occur, or for increase of existing populations. No resulting effects on vegetation would be expected to occur beyond the current situation; under Alternative 2, Proposed Action, There are no direct impacts from leasing parcels. Indirect impacts would be associated with any future development occurring should the proposed leases be issued. Leasing Terms and Conditions; in addition to laws, regulations, and policy, require that reclamation be completed in a timely manner that best represents pre-disturbance conditions. Best Management Practices would be implemented upon site-specific development to ensure proper reclamation is occurring that supports land management goals and objectives; and under Alternative 3, Modified and Deferred, For those areas offered for sale, there would be no additional effects beyond those discussed in Alternative 2. For those areas to be deferred there would be no change from current probability for new invasive/noxious weed infestations to occur or for existing populations to increase.</p>
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51	<p>(TU): We do understand that the BLM is undergoing an internal review of reclamation practices and acknowledges the low reclamation success rate on these public lands. It is within BLM's purview to establish strong stipulations and mitigation guidelines that can help reduce and provide as suitable for reintroduction. For those streams identified as being suitable for YCT reintroductions and expansion, TU requests that BLM apply a .25 mile NSO buffer. 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. Due to the arid and semi-arid nature of Wyoming's region, many rivers and streams contain sparse vegetative buffers. TU recognizes that there is currently not a specific stipulation for a .25 mile NSO buffer; however, BLM's Instruction Memorandum No 2010-117 supports and actually encourages the BLM's ability to revise, alter, or create new stipulations based on the adequacy of current stipulations in the Resource Management Plans (RMP). The IM even goes so far in allowing the BLM to defer parcels should new analysis provide sufficient support for such deferrals.</p>	<p>Reclamation has to be designed in a site specific manner therefore cannot be reasonably analyzed at this stage.</p> <p>Any application of an NSO of 0.25 miles to YCT reintroduction sites is a Resource Management Plan (RMP) level decision. All stipulations added to leases have to be in conformance with land use allocations identified in the applicable RMP.</p> <p>Attached to all parcels recommended for sale are lease notices. Lease Notice No. 1 imposes restrictions for special values and any surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, prohibited. This includes restrictions within 500 feet of surface water and/or riparian areas.</p>
52	<p>(TU): For the discussion in Water Quality, the EA states that no surface water or ground water problems have been identified on the proposed parcels. TU would like to understand how this analysis was conducted in order to make this statement. Particularly in light of the fact that site visits to parcels that are in the watershed habitat did not occur.</p>	<p>Site visits were conducted on all parcels that are recommended for sale identified in Alternative 3. The analysis also includes the identification of municipal water sources and ground water investigations, none of which were discovered.</p>

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53	<p>(TU): The EA’s discussion of groundwater is less than adequate and should provide more discussion on the status of groundwater in the region, impacts that have the potential to occur from oil and gas development, and recent research efforts in groundwater contamination. We also highly recommend the BLM to require groundwater testing stipulations to the lease parcels associated within close proximity to watersheds.</p>	<p>Stipulations for ground water testing would need to be analyzed and addressed in the applicable Resource Management Plan (RMP). Any site specific requirements to protect ground water starts at the design of the well bore at the Application for Permit to Drill stage and is therefore beyond the scope of this EA.</p>
54	<p>(TU): The EA states that Alternative 3 will have less impact because less acreage will be leased due to the proposed deferrals. While that is a general statement and certainly acreage is less, the EA fails to account for the potential of multiple wells on one pad, the significant increase in impacts from advanced technology of horizontal drilling, air quality emissions from methane, and water quality and quantity issues. We suggest the EA expand its discussion to address these significant issues.</p>	<p>Multi-well pads and horizontal drilling techniques are applicable to select types of oil and gas development. The EA consistently states that any level of development is an unknown and therefore cannot be reasonably analyzed at this stage.</p>
55	<p>(TU): The EA provides inconsistent information in Table 4-42. Parcels are identified for the different field offices indicating whether the parcel is fully or partially deferred. However, for the Worland field office, there is no indication as to whether parcels are partially or fully deferred. We recommend that be clarified.</p>	<p>The table has been corrected to indicate whether the identified parcel would be deferred or partially deferred.</p>

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56	<p>(TU): In the Cumulative Impact Analysis in section 4, we suggest updating the Reasonable Foreseeable Development data. The one used (1998) is outdated. We also suggest the climate change discussion be updated.</p>	<p>As addressed in Chapter 4.2.2, Data Limitations: The level of development that might occur is unknown. Knowing the level of development that would occur would enable more precise description of environmental effects. However, any estimation of development is determined by BLM to be too speculative for this environmental assessment. Such information would likely not change BLM’s decision as adequate information is available to make a reasoned choice between the alternatives.</p> <p>Existing data is used to determine resource presence on each parcel. Resource presence may change after this analysis and prior to development. Such information would likely not change BLM’s decision as site specific surveys and data gathering would occur prior to development and conditions of approval are added as necessary to protect resources. Therefore further cumulative impact analysis would only be qualitative and not quantitative.</p>
57	<p>(TU): YCT are considered game fish and as such are managed for both conservation and recreational public use. However, as habitat disappears, changes, and shrinks for any variety of reasons, it becomes increasingly more important for agencies and the public to seek better ways to protect our landscape. TU feels that a few such ways can include better stipulations and monitoring by the BLM. This begins at the leasing stage, as it is one of the earliest ways we can confidently begin to address ways to more responsibly manage our natural resources while supporting our nation’s quest for oil and gas development.</p>	<p>The earliest way to include better stipulations and monitoring by the BLM starts at the Land Use Planning stage. New stipulations and monitoring requirements are implemented from the Resource Management Plans and subsequent amendments to those plans. The leasing EAs is to confirm existing data that would require stipulating a parcel and review any new data not currently available that would provide for adding an existing RMP analyzed stipulation to a parcel.</p>