

Appendix F
Public Comments and Agency Response
DOI-BLM-WY-020-EA-14-7

#	COMMENT	RESPONSE
1	<p><u>Bighorn Basin Local Government Cooperating Agencies (BBLGCA)</u>: The LGCA supports oil and gas leasing in areas located outside of Greater Sage-grouse Core Areas and where other resource conflicts would be minimized. Therefore, we request that the BLM select Alternative 2, the Proposed Action. We support Alternative 2 based on the following factors described in the EA:</p> <ol style="list-style-type: none"> 1. There would be no direct impacts to air quality during the leasing stage and impacts to air quality during the development stage would be mitigated when a proponent submits and Application for Permit to Drill (APD) 2. Alternative 2 provides the most beneficial socioeconomic impacts to the basin among the three alternatives. 3. Applicable stipulations would be added to individual parcels, when necessary, to minimize impacts to cultural resources. 4. At the leasing stage there are no identified impacts to livestock grazing and during the development stage, monitoring and adjustments to allotment management would be considered on a case-by-case basis. 5. There would be no effect on species listed under the Endangered Species Act and stipulations attached to the leases would minimize impacts to wintering big game and raptor nesting if development were to occur. 6. Leasing these parcels would have no impacts to the soil resource and best management practices would be used to mitigate impacts to the affected resource during development. 7. Impacts to water resources would be mitigated when a proponent submits and APD. 	<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>
2	<p><u>BBLGCA</u>: In summary, we support Alternative 2 based on the following factors:</p> <ul style="list-style-type: none"> - In agreement with Greater Sage-grouse protections per BLM Wyoming guidance and State of Wyoming Greater Sage-grouse Core Area Protection Executive Order. 	<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,</p>

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	<ul style="list-style-type: none"> - There are no direct impacts to resources during the leasing stage. Potential impacts to resources due to development would be determined during project-level analysis and appropriate conditions of approval and stipulations would be assigned at that time. - Alternative 2 would provide the most positive socioeconomic impact among the three alternatives. 	<p>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>Any development level analysis that would apply conditions of approval to site specific resource concerns is based on the lease stipulations added at the leasing stage. Stipulations developed through a new Land Use Planning process would not be applied until such time the Record of Decision is signed implementing the new resource stipulations.</p>
3	<p><u>Greater Yellowstone Coalition (GYC)</u>: We support the BLM’s proposal in Alternative 3 of the August 2014 Oil and Gas Lease Sale EA to defer parcel WY-1408-147 in its entirety. Parcel WY-1408-147, located on T.054N R.100W, includes sections 17, 19, 20, 21, 27, 29, 30, 31, and 32 for a total of 1798.140 acres.</p>	<p>The EA, under Alternative 3, recommends deferral of parcel WY-1408-147 in its entirety. Thank you for your comment.</p>
4	<p><u>GYC</u>: We also support the BLM’s proposal in Alternative 3 of the EA to defer parcel WY-1408-148 in its entirety. Parcel WY-1408-148, located on T.053N R.101W, includes sections 17 and 18 for a total of 316 acres. This parcel is nearly adjacent to the city limits of Cody. Industrial energy development within such close proximity to human inhabitation is not a safe or appropriate use of natural resources. While human health and safety does not appear to be a reason for deferral in the EA, we recognize that the Visual Resource Management of this area is projected to shift from the current RMP’s Class III to Class II in the preferred alternative of the draft RMP’s Alternative D. We support this change in management direction and likewise endorse the BLM’s direction to defer parcel WY-1408-148.</p>	<p>The EA, under Alternative 3, recommends deferral of parcel WY-1408-148 in its entirety. Thank you for your comment.</p>
5	<p><u>GYC</u>: The EA also states that the oil and gas industry has expressed development interests in T.056N R.102W. This is noted by parcel WY-</p>	<p>The EA, under Alternative 3, recommends partial deferral of parcel WY-1408-149. It is BLMs standard operating procedure to recommend the</p>

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	<p>1408-149, which proposes 623.370 acres of development in Alternative 2 of the EA. While we are pleased to read the BLM's intent to defer a majority of this parcel from oil and gas development, we encourage the agency to defer the entire parcel. The BLM's preferred Alternative 3 of the EA proposes to defer 582.09 of the 623.370 acres proposed for lease sale.</p> <p>Of all the sections that are deferred, it appears that track 92 in Section 004 is not deferred from oil and gas lease sale. This track accounts for 41.28 acres. We object to the lease sale of track 92 in Section 004 and any other tracks within sections overlapping or adjacent to the Clarks Fork River.</p> <p>According to Park County Wyoming's map server, track 92 lies between 0.25 and 0.33 miles southeast of the Clarks Fork River. 4 Any type of deleterious effect from oil and gas prospecting or production within the short proximity of .25 miles will negatively influence the water quality of a river.</p>	<p>sale of any remaining partially deferred parcel that is an aliquot portion of the legal description of the parcel under review.</p> <p>The following legal description is the lands that are recommended for deferral due to proposed Management Action 4134 of the Bighorn Basin draft EIS, Preferred Alternative – Avoid surface-disturbing activities up to ¼ mile, if needed to protect sensitive resources (in this case Yellowstone cutthroat trout, a BLM Sensitive Fish Species).</p> <p>T.0560 N., R.0102W., 06th PM, WY Sec. 04 LOTS: 7, 8, 13, 14; 04 TRACTS: 82, 83, 84, 85, 89, 90, 04 TRACT: 116; 05 TRACTS: 85, 89, 116; 08 TRACT: 116. Tract 92 of Section Parcel WY-1408-149</p> <p>Tract 92 does not fall within the ¼ mile of the river corridor therefore was appropriately recommended for sale.</p> <p>However, after further review, a recommendation to defer the entire parcel is made, which would include Tract 92, due to conflicts with management actions 5029 and 5030 for paleontological resources. The EA is amended as appropriate.</p>
6	<p><u>GYC</u>: In order to safeguard the high water quality of the Clarks Fork River, and its Wild and Scenic River integrity, and ensure that human health, as well as long-term viable freshwater trout habitat is not placed at risk, we request that track 92 is pulled from the oil and gas lease sale and the entire parcel WY-1408-149 is deferred.</p>	<p>See Response to Comment 5. The entirety of Parcel WY-1408-149 is now recommended for deferral.</p>
7	<p><u>GYC</u>: Under the agency's preferred Alternative D of the BLM Bighorn Basin draft Resource Management Plan, the Clarks Fork River corridor would be managed with VRM Class II objectives and surrounding lands adjacent to the river corridor and the Absaroka-Beartooth Front would be managed with VRM Class III</p>	<p>See Response to Comment 5. The entirety of Parcel WY-1408-149 is now recommended for deferral.</p>

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	<p>objectives, as denoted by Map 41 of the RMP Revision. Track 92 in Section 04 of T.056N R.102W (WY-1408-149) sits on the interface of these two Visual Resource Management directions in Alternative D of the Bighorn Basin draft RMP.</p> <p>While VRM Class III objectives are less stringent than Class II, the potential development of an oil and gas rig adjacent to the Clarks Fork River would result in a greater than “moderate” impact to the visual resource. Such energy development adjacent to Wyoming Highway 120 would also alter the existing character of the landscape and “dominate the view of the casual observer” in a specific area. Such a potential scenario is not an appropriate management practice for this resource. The BLM should cautiously consider the visual impact to T.056N R.102W in the event that oil and gas lease parcels are sold and full field development is pursued by energy companies. This is especially true while the RMP remains under development, and the VRM Class II designation might yet become the chosen management direction for this area.</p>	
8	<p><u>GYC</u>: The biological significance of this landscape encompassed by parcel 149 should take precedence over oil and gas development along the Absaroka-Beartooth Front. WY-1408- 149 contains seasonal habitat for greater sage grouse, long-billed curlew, mountain plover, nesting raptors, and healthy pronghorn populations that utilize this landscape year-round. This proposed parcel sale also exists within a Wyoming Governor Core Sage Grouse Breeding Area according to Version 3 mapping. Map 34 (Biological Resources Special Status Species-Wildlife) of the Bighorn Basin draft RMP, also illustrates that the contested parcel – WY- 1408 – 149 (Sections 004,005,008, and 009), which lies within T.056N R.102W. – exists within greater sage-grouse key habitat areas, or, within greater sage-grouse leks with a 2-mile buffer outside key habitat areas. To</p>	<p>The Sage-Grouse leasing screen was followed from IM 2012-019. The parcel listed in the comment was properly screened following policy criteria and therefore was appropriately deferred, partially deferred, or recommended for sale. No new substantive information was provided for further analysis. Parcel WY- 1408- 149 is not located within the Greater Sage Grouse Core Area.</p> <p>Concerning management of Long Billed Curlew and Mountain Plover, 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> <p>See Response to Comment 5. The entirety of Parcel WY-1408-149 is now recommended for deferral.</p>

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	<p>protect greater sage-grouse leks, female nesting, and brood rearing, these sections should be closed to oil and gas leasing and withdrawn from the August 2014 Lease Sale. The same argument applies to securing adequate conservation management for long billed curlew and mountain plover in these sections given the fact that both birds have high population densities on Chapman Bench. Map 34 also delineates a general raptor species 0.25-mile buffer protection in T.56N R.102W Section 004, in close proximity to the Clark Fork River. Such documentation reinforces the important wildlife resource value of this township-range.</p> <p>Issues related to greater sage-grouse, the current status of greater sage-grouse science, and the efficacies of current greater sage-grouse protective stipulations factor prominently in the current RMP revision process, and in fact have necessitated the release of a revised supplemental environmental impact statement for the RMP. The supplemental EIS specifically addressed additional sage-grouse issues. Both the BLM and Forest Service are in the process of incorporating greater sage-grouse conservation measures into Land Management Plan Amendments that encompass a massive area of Wyoming. With section 004 of parcel WY-1408-149 existing within a greater sage-grouse key habitat area, we suggest the BLM implement a precautionary approach and defer these parcels until a new greater sage-grouse conservation strategy is finalized.</p>	
9	<p><u>GYC</u>: At the moment, the particular management prescriptions for the Absaroka-Beartooth Front area have yet to be determined by a final revised Bighorn Basin RMP. The range of management prescriptions includes designating these lands with No Surface Occupancy (NSO) stipulations to managing the area with Class II VRM objectives, which would require retaining “the existing character of the landscape” for visual resource protection. As previously mentioned, this region of the</p>	<p>It is inferred here that the contested parcel mentioned is parcel WY- 1408- 149. Parcel 149 is not located within the proposed Absaroka Front Master Leasing Plan (MLP) area so was not considered for deferral based on the Absaroka Front MLP management actions found in the Draft Bighorn Basin EIS preferred alternative. This parcel is also not in an area proposed for NSO in the Draft Bighorn Basin EIS preferred alternative.</p>

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	<p>Bighorn Basin holds a long history of receiving vocal and written support for protecting its wildlife, wild lands and recreational values. Our conservation groups, alongside local businesses, have consistently advocated that the BLM prioritize these resource values over energy development. Collectively, our three groups represent over 30,000 members and supporters who share this view. The message that these lands are regarded with high conservation value has been echoed in past EA quarterly oil and gas lease sale comments as well as in EIS comments during the Bighorn Basin RMP revision process.</p> <p>With this in mind, we believe that the contested lease parcel should not be offered for sale until the Bighorn Basin RMP Revision process has been completed. Authority for this view is provided by Instruction Memoranda (IM) 2004-110 and 2004-110 Change 1. IM 2004-110 Change 1 provides that BLM State Directors “have discretion to temporarily defer leasing on specific tracts of land based on information under review during planning.” Given the potential for future NSO stipulations on this track of BLM surface land, the agency should defer leasing of the contested tract until the completion of the RMP revision process. For precedent, during the Pinedale RMP revision process, the BLM did not engage in leasing in that area. As a matter of practice, the BLM should avoid leasing parcels with high conservation value until final management decisions are completed through the Bighorn Basin RMP revision process. Moreover, we believe that there are issues such as those related to sage-grouse conservation that simply have not been adequately resolved in the RMP revision process. These significant new circumstances and conditions, therefore, justify not engaging in leasing in sensitive areas during the RMP revision.</p>	<p>See Response to Comment 5. The entirety of Parcel WY-1408-149 is now recommended for deferral.</p>
10	<p><u>WildEarth Guardians (WEG)</u>: We agree with BLM’s recommendations to defer at least in part the offering of Parcels 15, 38, and 60. Parcels</p>	<p>Parcels WY 1408-116, 144, and 145 were analyzed in the WRBBD EA DOI-BLM-WY-R020-EA-14-7.</p>

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	<p>116, 144 and 145 are marked for partial deferral, being partially within a Core Area, but instead should be completely deferred due to their remainder being within 4 miles of active leks outside Core Areas, which are eligible for ‘no leasing’ protection under RMP amendment alternatives. It is a wise decision to defer the long-term commitment of mineral leases at least until the sage grouse RMP amendment process is completed, in order to avoid foreclosing conservation options that may be selected for implementation under the RMP amendments.</p>	<p>The Sage-Grouse leasing screen was followed from IM 2012-019. The parcels 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>11</p>	<p>(WEG): BLM chose not to consider deferring all parcels that fall within sage grouse Core Areas:</p> <p>Wind River/Bighorn Basin EA at 2-2. This alternative is a fully reasonable and well-reasoned option, and BLM’s explanation for why it was not considered in detail is inconsistent with the precepts of NEPA. Under NEPA, BLM must consider a range of reasonable alternatives, including those that are outside the agency’s authority to implement. In this case, such an alternative would be fully within BLM’s authority to implement; state office or national Instruction Memoranda are readily replaced without NEPA process.</p>	<p>As stated in the EA at 2-2: An alternative was considered that would defer all remaining parcels that are located within Sage Grouse core areas. This alternative was not carried forward into detailed analysis because it is not supported by IM WY-2012-019, Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Including the Federal Mineral Estate and IM WO-2012-043, Greater Sage-Grouse Interim Management Policies and Procedures and because it is imbedded into the No Action Alternative.</p>
<p>12</p>	<p>(WEG): A decision not to defer parcels which are part of an area less than 11 square miles of BLM controlled, unleased land would be derived 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 Amendments 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</p>	<p>The Sage-Grouse leasing screen was followed from IM 2012-019. The parcels referred to 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. No new substantive information was provided for further analysis.</p>

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	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.	
13	(WEG): We request that all parcels listed above (Parcels 7, 9, 10, 11, 13, 14, 15, 16, 17, 28, 29, 30, 38, 39, 41, 43, 44, 45, 56, 57, 58, 60, 73, 77, 78, 79, 80, 81, 89, 98, 108, 116, 117, 144, and 145) 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. BLM should do its best to keep largely unleased areas of public land in Core Areas unleased, regardless of mineral ownership patterns.	116 is partial deferral, partially within core Within 0.6-mi. of Occupied Core Lek, 11 mi. ² Unleased Fed Fluid Mineral Estate 117 is fully deferred, is fully in core, 11 mi. ² Unleased Fed Fluid Mineral Estate 144 is partially in core, is partial deferred, Within 0.6-mi. of Occupied Core Lek, <640 Acre Portion in Core
14	(WEG): In a study near Pinedale, sage grouse from disturbed leks where gas development occurred within 3 km of the lek site showed lower nesting rates (and hence lower reproduction), traveled farther to nest, and selected greater shrub cover than grouse from undisturbed leks. According to this study, impacts of oil and gas development to sage grouse include (1) direct habitat loss from new construction, (2) increased human activity and pumping noise causing displacement, (3) increased legal and illegal harvest, (4) direct mortality associated with reserve pits, and (5) lowered water tables resulting in herbaceous vegetation loss. These impacts have not been thoroughly evaluated with full NEPA analysis.	The Sage-Grouse leasing screen was followed from IM 2012-019. The parcels referred to in the comment were properly screened following policy criteria and therefore were appropriately deferred, partially deferred, or recommended for sale. 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.
15	(WEG): In addition, parcels 5, 12, 18, 20, 21, 22, 24, 31, 32, 33, 40, 41, 42, 47, 48, 49, 50, 51, 52, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 74, 87, 88, 89, 90, 91, 92, 95, 96, 97, 99, 100, 105, 107, 112, 113, 114, 115, 116, 118, 119, 121, 122, 125, 126, 143, 144, and 145 are entirely or partially within 4 miles of active sage grouse leks but outside designated Core Areas. These parcels should be deferred as well, in	Parcels 116, 118, 119, 121, 122, 125, 126, 143, 144, and 145 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

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	<p>order to retain the decision space for “no leasing” or No Surface Occupancy for Preliminary General Habitats under the sage grouse-related RMP revisions and amendments currently underway. Parcel 60 is in this category yet is marked for only partial deferral. It should be entirely deferred.</p>	<p>due to other resource issues. No new substantive information was provided for further analysis.</p>
<p>16</p>	<p>(WEG): 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:</p> <ul style="list-style-type: none"> • 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>or at minimum 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</p>	<p>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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	<p>Connectivity Areas, the BLM could make a credible case that impacts from leasing would not result in significant impacts.</p>	
17	<p><u>(WEG)</u>: BLM has repeatedly failed to provide any analysis, through field experiments or literature reviews, examining the effectiveness of the standard quarter-mile buffers where disturbance would be “avoided.” There is substantial new information in recent studies to warrant supplemental NEPA analysis of the impacts of oil and gas development to sage grouse. It is incumbent upon BLM to consider the most recent scientific evidence regarding the status of this species and to develop mitigation measures which will ensure the species is not moved toward listing under the Endangered Species Act. It is clear from the scientific evidence that the current protections are inadequate and are contributing to the further decline of the bird’s 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>	<p>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>
18	<p><u>(WEG)</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.” 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</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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	BLM Sensitive Species policy, is arbitrary and capricious and an abuse of discretion under the Administrative Procedures Act.	
19	<p>(WEG): The restrictions contained in IM No. WY-2012-019 come nowhere close to offering sufficient on-the-ground protection to sage grouse leks. Within Core Areas, the IM allows surface disturbing activity and surface occupancy just six tenths (0.6) of a mile from “the radius of the perimeter of occupied sage-grouse leks,”⁹ a far cry from the science-based 3-mile buffer recommended by field biologists. Even less protective, restrictions outside Core or Connectivity Areas allow surface disturbing activities and surface occupancy as close as one quarter (0.25) of a mile from leks. BLM has too great an abundance of data to the contrary to continue with scientifically unsound stipulations as used in IM WY-2012-019 and the current Notice of Competitive Oil and Gas Lease Sale. This is especially clear in light of the U.S. Fish and Wildlife Service’s recent finding that listing the greater sage grouse as endangered or threatened under the Endangered Species Act is warranted, but precluded by other priorities. BLM should apply the recommendations of the National Technical Team instead, and in the meantime defer leasing until these recommendations can be formally adopted through the plan amendment/revision process. If the BLM and other federal agencies intend to keep the sage grouse from accelerating beyond other listing priorities, more protective measures, in adherence with the scientific recommendations of Holloran, Braun, and others, must be undertaken now.</p>	Beyond the scope of this document. Oil and gas stipulations are developed at the RMP. They cannot be changed unless done at that level.
20	<p>(WEG): 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</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

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	<p>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.</p>	<p>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.</p>
21	<p><u>(WEG)</u>: We recommend 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. Failing withdrawal of the parcels, parcel-by-parcel NEPA analysis should occur (we have seen no evidence of this in the November 2012 Leasing EA), 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 under its Sensitive Species Manual.</p>	<p>We assume you are referencing the August 2014 Leasing EA. All parcels for the November 2013 proposed sale have been analyzed consistent with WY-IM-2012-019 ‘Greater Sage-Grouse Habitat Management Policy on Wyoming BLM Administered Public Lands Including the Federal Mineral Estate’ and are in compliance with the existing land use plans as required by 43 CFR 1610.5. All stipulations that have been added to selected parcels are in compliance with existing land use plans.</p> <p>Instituting an NSO stipulation on all lease parcels with sage grouse leks and three-mile buffers around all leks is an RMP level decision and is beyond the scope of this EA.</p>
22	<p><u>(WEG)</u>: Parcels 117 and 127 fall within mule deer crucial winter ranges and/or migration corridors. Parcels 117, 118, 119, 121, 122, 123, 127, and 151 fall within antelope crucial winter ranges, migration corridors, and/or parturition areas. Parcels 117 falls within elk crucial winter ranges and/or parturition areas. All portions of</p>	<p>Parcels 117, 118, 119, 121, 122, 123, 127, and 151 are located within the Wind River Bighorn Basin District. All reference parcels are recommended to be deferred in full for various reasons identified in the EA and Appendices. Thank you for your comment.</p>

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	<p>these parcels falling within big game crucial ranges should be deferred pending the completion of the Bighorn Basin Resource Management Plan revision, and we applaud the agency for proposing to defer these parcels from the lease sale.</p>	
23	<p><u>(WEG)</u>: The crucial big game range portions of these parcels need to be deferred due to pending completion of the RMP revision 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>	<p>Parcels being referred to are parcels identified in comment number 22. All reference parcels are recommended to be deferred in full for various reasons identified in the EA and Appendices.</p> <p>Instituting an NSO stipulation on all lease parcels within crucial big game range is an RMP level decision and is beyond the scope of this EA.</p>
24	<p><u>(WEG)</u>: In its April 2008 Decision on a challenge of the June 6, 2006 lease sale,¹¹ the Interior Board of Land Appeals 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. We recommend against selling the lease parcels listed above because</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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	<p>BLM has in cases where parcels are not deferred 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>	
25	<p>(WEG): While WildEarth Guardians strongly recommends against the offering of any of these lease parcels for sale (Parcels 117, 118, 119, 121, 122, 123, 127, and 151), 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.</p>	<p>Parcels 117, 118, 119, 121, 122, 123, 127, and 151 are located within the Wind River Bighorn Basin District. All reference parcels are recommended to be deferred in full for various reasons identified in the EA and Appendices.</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>
26	<p>(WEG): 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>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 RMP and Lander RMP, Final EIS (2013) 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</p>

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		game at this time is not in conformance with the approved RMP and therefore would not be appropriate.
27	<u>(WEG)</u> : Under the Lander RMP EIS, BLM proposes a Timing Limitation on surface disturbing and disruptive activities during the winter season of use in the agency’s Preferred Alternative. Disruptive activities would include vehicle traffic and human presence at the wellpad, which disturb wintering big game. These are the type of TLS stipulations that need to be applied to winter range, parturition areas, and migration corridors for the upcoming lease sale.	See Response to Comment 26.
28	<u>(WEG)</u> : For parcels intersecting migration corridors to be offered at auction, special timing limitation stipulations should be attached that prevent construction, drilling, or production-related activity and vehicle traffic on the lease during the migration periods. To these parcels, BLM should attach stipulations that prohibit not just construction activity but also project-related vehicle traffic and human presence at the wellsite within 0.5 mile of the migration corridor during its season(s) of use.	See Response to Comment 26.
29	<u>(WEG)</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	See Response to Comment 26. 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.

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	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.	
30	(WEG): 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.	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.
31	(WEG): Parcels 85, 95, 96, 112, and 137 fall within mapped active black-tailed or white-tailed prairie dog colonies. Parcel 95 is marked for deferral, with which we agree. For the remainder, No Surface Occupancy stipulations should be attached to all lands within 0.25 mile of active prairie dog colonies.	Parcel 137 is located in the Wind River Bighorn Basin District. Check with Cody on whether it should be stiped for PDs.
32	(WEG): Parcel 147 is entirely or partially inside the Raw Gulch Lands with Wilderness Characteristics (LWC), and thus will not be offered for sale under Alternative 3 (Wind River/Bighorn Basin EA at 4-39); we appreciate BLM’s commitment to withdraw this parcel from the lease auction. BLM needs to defer this parcel 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 under the Bighorn Basin RMP revision. Deferral is the	Parcel 147 is fully deferred. Thank you for your comment.

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	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.	
33	<u>(WEG)</u> : Parcels 128, 131, 132 and 133 fall within the proposed Fifteen Mile Master Leasing Plan nomination proposal. These parcels should be deferred pending a decision regarding the Master Leasing Plan nomination. This is the proper action to maintain the full range of options in the pending Rock Springs RMP revision. We appreciate BLM's intention in Alternative 3 of the Wind River/Bighorn Basin EA to defer leasing of these parcels in order to maintain consistency with BLM policy and avoid limiting the scope of alternatives in forthcoming plan revisions under IM 2004-110 Change 1.	Thank you for your comment.
34	<u>(WEG)</u> : Thank you for considering our comments on the August 2014 Leasing EAs. Certainly, Alternatives B and 3 are not implementable absent full-scale EISs, as they will result in significant impacts to sage grouse, big game crucial ranges, and other sensitive resources. Even more work remains to be done on big game crucial ranges, and other sensitive wildlife habitats. We believe that the BLM should also go farther, deferring additional parcels on sensitive lands as outlined above and also applying more protective stipulations to the parcels that are approved for sale.	<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>Where there are no recommended changes in 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>
35	<u>Dan Wychgram</u> : I am experienced Wyoming geologist and outdoorsman. The Sage Grouse	See Response to Comment 34.

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	<p>numbers decline is mainly due to predation. The main predator is the Raven which eats the eggs and chicks from the nests. A game-cam study of sage grouse nests showed that most are destroyed by Ravens. There are no valid studies showing that oil and gas activity harms sage grouse. The close proximity of man to nests actually would help to see that more brood stock reaches maturity since Ravens are afraid of and avoid human beings.</p> <p>During my many trips afield, I note that Ravens are often the most plentiful wildlife observed. By controlling the Raven over population, the grouse numbers would increase dramatically.</p> <p>I recommend going with your alternative 2 of leasing 34 parcels.</p>	
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