

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD.

Decision

I have reviewed this environmental assessment including: the explanation and resolution of any potentially significant environmental impacts; errata (see Appendix A to this Decision Record, "Errata"); and public comments (see Appendix B to this Decision Record, "Summary of EA Comments and BLM Responses"). I have selected the proposed action alternative with the mitigation measures described below for authorization and implementation. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the project with the mitigation measures identified below.

Finding of No Significant Impact

Based upon the analysis of potential environmental impacts contained in the EA, I have determined that the impacts are not expected to be significant, and that an EIS is not required.

Rationale for Decision

Compared to the No Action Alternative, the Proposed Action Alternative best meets the Purpose and Need and guiding laws, regulations, and directives, including the Federal Land Policy and Management Act (FLPMA, 43 USC 35). The proposed action is in conformance with the Great Divide Resource Management Plan (RMP) and the Atlantic Rim Natural Gas Field Development Project EIS.

Public Comments/BLM Responses

Appendix B to this Decision Record contains a summary of public comments received for this action, and corresponding BLM responses.

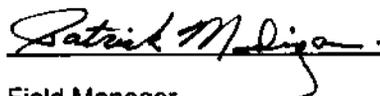
Mitigation Measures/Remarks:

All needed mitigation is part of the proposed action and can be found in the Master Plan Elements and Conditions of Approval. A total of 52 federal APDs/wells (which includes seven injection wells), as well as access across BLM-administered surface to access 3 additional fee/fee wells (all within the Catalina CBNG Federal Unit), are authorized under this decision, along with appurtenant access roads, pipelines, utility corridors, and other described infrastructure.

Monitoring and Compliance

Designated BLM personnel will monitor operations under authorizations for the proposed action as needed to ensure compliance with the Master Plan Elements and Conditions of Approval.

Authorized Official:



Field Manager
Rawlins Field Office

APR - 3 2000

Date

Appeal

Under BLM regulation this decision is subject to appeal. Under BLM regulation, this decision is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this decision must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003 within 20 business days of the date this Decision Record is received or considered to have been received.

Appendix A to the Decision Record

ERRATA

Modifications and Corrections To The
Catalina C & D Plan of Development (POD)
Environmental Assessment (EA)

Potential Environmental Impacts of the "Proposed Action" Alternative

The Wildlife Resources table and related footnote text on Page 8 of the EA and resultant Conditions of Approval, which summarize seasonal wildlife timing stipulations to be applied to subject wells, erroneously included a pygmy rabbit habitat protection stipulation. This stipulation is not required as the project avoids pygmy rabbit habitat and has therefore been removed.

End Errata

Appendix B to the Decision Record

Summary of EA Comments and BLM Responses

A total of two comment letters were received (Natural Resources Defense Council, March 20, 2008; Biodiversity Conservation Alliance, March 14, 2008). The letters have been reviewed to determine whether the information they provided would warrant a determination other than a Finding of No Significant Impact (FONSI). Substantive comments are summarized below, with BLM responses to the comments in italics. Please note comments identified and related BLM responses are common to, and incorporate content of, both documents (except where noted). The RFO would like to thank all who commented for taking the time to review the EA.

As noted in the EA (Page 3), information about the proposal was posted in the RFO public room for a 30-day period upon submittal by the proponent (beginning May 5, 2005). In addition, the BLM online NEPA register provides notice of actions for which NEPA documentation is prepared, including the proposal considered under this EA.

In reviewing the comments received, there were some instances where substantial comments were made but we could find no project-specific comments or any description of (1) new information, (2) why or how the analysis is flawed, (3) evidence of flawed assumptions, (4) evidence of error in data presented, or (5) requests for clarification that bear on conclusions presented in the analysis. This was the standard used to identify substantive comments for the following responses.

I. Site-Specific Impacts Analysis is Needed

“...According to BLM, “The affected environment and analysis of environmental impacts are discussed in the AREIS to which this EA is tiered.” See, e.g., Catalina C and D EA at 7. These impact analyses, however, deferred the above listed factors when discussing the magnitude and nature of impacts in the EIS process, and these deficiencies therefore need to be remedied in the POD EAs for these projects before the agency approves the new development.”

The BLM recognized significant impacts are likely to occur from the implementation of oil and gas projects in the area analyzed in the AR FEIS/ROD. The subject ROD and tiered EA include both broad-based and site specific mitigation measures, respectively, to reduce or eliminate potential adverse environmental effects, which are included as conditions of approval (COA).

The site-specific NEPA analysis is issue-driven and it is up to the BLM Authorized Officer to determine the scope of the proposed action and the analysis of impacts. In the present case, issues were identified for analysis in the EA as a result of information found during on-site inspections and supporting documentation submitted by the operator in their Master Surface Use Plan, the Water Management Plan (WMP), and Master Drilling Plan and by BLM specialists. If particular resources do not exist in the project area, or in the area identified as the cumulative impact analysis area, it is not necessary to analyze or discuss these resources in the EA (40 CFR 1500.1(b), 1502.20 & 1508.28).

A FONSI can therefore be reached in a tiered document, even if cumulatively the project may result in significant impacts, as long as the issues have been disclosed in the FEIS on a broad basis.

II. Wildlife

"... the EA makes no representations about the potential impacts of this POD on any other species, including BLM Sensitive Species. A full analysis of site-specific impacts to wildlife is needed..."

"...using lower-standard jeep trails for all access purposes could dramatically reduce these impacts, but does not appear to have been considered..."

The BLM's analysis of the proposed action included site-specific review of potential impacts to wildlife species (including sensitive species) using the experience and expertise of the BLM biologists as well as data and knowledge collected by the BLM, Wyoming Game and Fish Department, U.S. Fish & Wildlife Service, and other organizations. This analysis of site-specific impacts, with resultant site-specific Conditions of Approval, is addressed in the EA on page 8-10, and also by reference ("Other site specific findings by the interdisciplinary review team are provided on the attached review documents...") The EA and Conditions of Approval address BLM specialist's conclusions and required mitigation regarding potential impacts to wildlife.

As provided for in the fourth edition of the BLM Gold Book (containing BLM guidance for consideration of oil & gas activities on BLM-administered public lands), "The appropriateness of primitive roads or routes is both site-specific and use specific and is typically based on many factors...." Non-constructed roads were not mandated for this POD; should the BLM determine that alternate road designs are appropriate or necessary, the BLM could mandate the use of a reviewed and approved alternate design. In this instance, such a design was not determined to be necessary.

III. Measures for Sensitive Habitats

"The seasonal limitations imposed on construction and drilling activity are not sufficient to prevent subsequent production-phase well-tripping, maintenance traffic, and other regular human and vehicular traffic occurring throughout the sensitive seasons for the crucial wildlife habitats."

You provided no data or substantiation for your opinion that seasonal restrictions are insufficient for the protection of sensitive habitats, and so we cannot confirm your conclusion. The seasonal restrictions applied are supported by programmatic BLM decisions (such as the Great Divide RMP and Atlantic Rim ROD, among others), and are consistent with BLM policies developed in consultation with agencies such as the Wyoming Department of Game and Fish. Furthermore, prevention of production activities after construction and drilling has already occurred would not achieve the purpose and need of the project.

IV. Mule Deer Migration Corridors; Crucial Winter Ranges (BCA March 14, 2008)

"BLM needs to provide a site-specific cumulative impacts analysis of the impacts of these operations on the affected migration corridors, their permeability to mule deer, and the ultimate impact on the population dynamics of the herd..."

"...BLM has failed to address the cumulative effect that displacement from crucial winter ranges may have to lichen-related elk die-offs to date..."

In our review, we considered recently obtained data (Sawyer, 2006. Progress Report for the Atlantic Rim Mule Deer Study) regarding mule deer migration routes in the project area. No migration corridors have been identified within the POD boundaries that would be affected by the proposed action. Protection of big game crucial winter ranges is addressed through the application of site-specific timing stipulations, which are attached as conditions of approval. Also see response to item II above.

We are not aware of any suggestion or assertion by the Wyoming Game and Fish Department or

any other wildlife authority that recent elk deaths in the Red Rim area are attributable to natural gas development in the area, or specifically due to displacement from crucial winter ranges because of this development.

V. Raptor Nests and Sage Grouse

"The EA provides no analysis or information concerning potential effects on raptor nests or sage grouse...In addition, the EA implicitly acknowledges that eighteen wells will affect wintering sage grouse habitat. The level of analysis of potential effects on sage grouse and raptors is entirely insufficient."

The BLMs analysis of the proposed action included site-specific review of potential impacts to raptors and sage grouse, using the experience and expertise of the BLM biologists as well as data and knowledge collected by the BLM, Wyoming Department of Game and Fish, U.S. Fish & Wildlife Service, and other organizations. This analysis of site-specific impacts, with resultant site-specific Conditions of Approval, is addressed in the EA at Page 8-10, and also by reference ("Other site specific findings by the interdisciplinary review team are provided on the attached review documents...") The EA and Conditions of Approval address BLM specialist's conclusions and required mitigation regarding potential impacts to wildlife.

Potential impacts to sage grouse (including wintering sage grouse) and raptors from activities such as those in the proposed action have been discussed in the FEIS (see Page 4-75 through 4-78). Site-specific mitigation measures have been applied to the proposed action (see Conditions of Approval and EA at Page 8-9) to reduce potential impacts to sage grouse, wintering sage grouse, and raptors, as the result of the site-specific analysis.

You provided no data or substantiation for your opinion that the analysis was flawed, or that application of seasonal restrictions are insufficient and so we cannot confirm your conclusion. The seasonal restrictions applied are supported by programmatic BLM decisions (such as the Great Divide RMP and Atlantic Rim ROD, among others), and are consistent with BLM policies developed in consultation with agencies such as the Wyoming Department of Game and Fish.

VI. Pygmy Rabbits

VII. Wyoming Pocket Gophers

VIII. White-tailed Prairie Dogs

"The EA provides no discussion of potential impacts of the projects on the pygmy rabbit, a BLM Sensitive Species...for Catalina PODs C and D, there is evidence that at least one well will definitely affect pygmy rabbits, as BLM has required mitigation for the rabbit..."; "The EA is silent on these PODs' potential impact on the Wyoming pocket gopher, a BLM sensitive species..."; "The EAs do not provide information about specific locations of active prairie dog colonies and how they may intersect with proposed roads or wellpads...".

The BLMs analysis of the proposed action included site-specific review of potential impacts to sensitive species. See response to Items II and V above.

Additionally, modifications to the original proposal received from the operator were identified as the result of the pre-approval onsite inspections. At the on-sites, all areas of proposed surface disturbance were inspected to ensure that potential impacts to resources would be reduced, including avoidance of prairie dog colonies. See EA at Page 3.

Lastly, please also see Appendix A "Errata".

IX. Methane Seeps

Additional information regarding the potential for methane seeps is now available to BLM than when it completed the programmatic Environmental Impact Statement for the Atlantic

Rim project. This information confirms that the coalbed methane process in the Atlantic Rim area is resulting in a significant increase in the quantity of methane released into the atmosphere. We have attached some of this information. See Merschat Declaration (Exh. 3), Newsletter of Wyoming State Geological Survey (Exh. 4), and Richards Declaration (Exh. 5). These releases are significant with respect to both the acceleration of global warming and also the local hazards created by the release of large quantities of methane. There has not been adequate analysis and disclosure of the potential effects from the increased discharge of methane caused by the Atlantic Rim project in either this EA or the Atlantic Rim EIS. Accordingly, BLM should not approve PODs C and D or any additional exploration until it has conducted a supplemental EIS addressing these effects.

The BLM is not currently aware of any methane seeps within the Catalina PODs C or D. However, methane seeps (including the potential for their increase and associated impacts) are disclosed and addressed in the AR FEIS and Record of Decision (ROD), including: FEIS, Chapter 4, at Page 4-32, 4-33, 4-49, 4-52; and in the Record of Decision, Appendix B at Page B-10 and B-11.

To evaluate groundwater impacts in the area (including methane seep considerations), monitoring wells were required as part of the Interim Drilling Policy during preparation of the AR EIS (see ROD, Appendix A). Additional monitoring wells were then required as part of the AR ROD (Appendix B at Page B-10) as a Condition of Approval of the adjacent Sun Dog PODs (approved in 2007). The BLM is evaluating information from these wells, along with other cooperative studies in the area, in order to appropriately respond to issues that may arise.

X. Visual and Recreation Resources

XIII. Historical and cultural features

XI. Water Quality and Downstream Sensitive Fishes

"The EA provides no discussion of effects to visual and recreation resources...The EA is deficient for failing to provide a site-specific viewshed and recreation analysis; The EA discloses that the Rawlins to Baggs Wagon Road will be affected by at least 8 wells which are located within the two-mile buffer of the trail. EA at 7. The EA indicates that SHPO consultation was necessary for these wells and summarizes the agreement which was reached. However, these measures fail to provide the required protection for the viewshed surrounding the Rawlins to Baggs Wagon Road."

"The EA fails to discuss potential effects on water quality and downstream sensitive fish species."

The EA addresses BLM specialist conclusions regarding potential impacts to visual, recreational, historical, and cultural resources, including impacts to the Rawlins-Baggs Road (EA at Page 7-8). Accordingly, mitigation measures have been applied in accordance with Section 106 requirements, and the BLM/SHPO programmatic agreement specific to historic trail mitigation.

Compliance with other requirements including State water quality regulations, and mitigation applied by the BLM as Conditions of Approval, will reduce potential impacts from erosion and sedimentation. No impacts to sensitive fisheries are anticipated.

XII. State Certifications Required by § 401 of the Clean Water Act

"Because these proposed projects involve likely point source discharges that may make their way to the navigable waters of the United States, BLM must require that the project proponents have acquired certifications (or a waiver of such certifications) from the State of Wyoming, pursuant to Section 401 of the Clean Water Act, 33 U.S.C. §1341."

The proponent must comply with all laws, standards, and criteria set forth by all appropriate Federal, State, and Local authorities; which is a standard requirement included in BLM's Conditions of Approval.