
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; and public comments (see Appendix A 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 substantive public comments received for this action, and corresponding BLM responses.

Mitigation Measures/Remarks:

All needed mitigation is a part of the proposed action and is found in the Master Surface Plan, and accompanying attachments and appendices, with the Conditions of Approval for the MSUP and APD's. A total of 11 well APDs (9 Gas wells and 2 water injection wells on public land), unless specified otherwise in the COA, are authorized under this decision, along with associated well pads, access roads, pipelines, power-lines and utility corridors.

Please note, the Decision Record includes approval of the 7-28/7-28I APD(s) per Rawlins Field Management consideration of all interdisciplinary resource concerns/issues, including suggested alternatives as presented by wildlife biology staff.

Monitoring and Compliance

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

Authorized Official:



Field Manager
Rawlins Field Office

JUL - 2 2008

_____ 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

Summary of EA Comments and BLM Responses

A total of one (1) comment letters were received (Natural Resources Defense Council, June 25, 2008, via email/hardcopy). 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 April 6, 2007). 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.

“BLM persists on relying on mitigation that have failed and neither the FEIS or EA adequately discuss whether its proposed mitigation measures for sage grouse are appropriate or scientifically defensible”.

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. Potential impacts to sage grouse (including wintering sage grouse) from activities such as those in the proposed action have been discussed in the FEIS (see Page 4-75 through 4-78). The subject ROD and tiered EA include both broad-based and site specific mitigation measures, respectively, to reduce or eliminate potential adverse environmental effects.

The BLMs analysis of the proposed action included site-specific review of potential impacts to sage grouse, consideration of available guidance such as Connelly et.al.(Wildlife Society Bulletin 2000, 28(4):967-985), BLM 2004-057, the RFO Sage Grouse IM (was this internal?), and utilization of the experience and expertise of the BLM biologists as well as data and knowledge collected by the Wyoming Department of Game and Fish, U.S. Fish & Wildlife Service, and other organizations. This analysis of site-specific impacts, resultant moves and changes in the proposed action and final site-specific Conditions of Approval is addressed in the EA and also by reference (“Other site specific findings by the interdisciplinary review team are provided on the attached review documents...”).

You provide no substantiation for your opinion that the project analysis process was flawed, 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. While BLM acknowledges that studies and related findings in the AR area are limited and/or specific to the types of development occurring in that area, BLM and operators are actively working with the Wyoming Game and Fish Department to reduce the impact to grouse as a result of development and to remain in compliance with BLM Manual 6840.

“The EA fails to discuss the potential effects of the Doty Mountain B POD on water quality and downstream sensitive fish. We are concerned proposed activities, when occurring on highly saline, erodible, or unstable soils will contribute to significant impacts to the watershed and downstream fish.”

“The cumulative level of salt loading to the Colorado River System has not been disclosed potentially leading to violations of the Colorado River Compact. This was not addressed in either the project EIS or EA for Doty B POD.”

The Colorado River Basin Salinity Control Forum, with particular reference to salt loading, is discussed in the EIS (Volume 1, page 4-28). Its administration via the Wyoming Department of Environmental Quality (DEQ WYPDES), and compliance with the DEQ WYPDES Storm Water Program is an integral part of operator obligations; monitoring/reporting/mitigation are implicit in these permits.

While the Doty B project does not propose point source surface discharges, all manner of possible best management practices are applied during project planning, development, interim reclamation, production, and final reclamation stages to control erosion/runoff and salt mobilization in sensitive catchments; the Atlantic Rim EIS/ROD and site-specific Conditions of Approval all address and minimize the project's potential erosional effects.

Channels within the Doty B POD project area drain into Dry Cow Creek. While sensitive species have not been documented this season in Dry Cow Creek, this does not preclude the possibility of their historical and/or future presence. Again, project Best Management Practices are deemed to be protective of possible significant impacts to these populations (as applicable). As site-specific NEPA analysis is issue-driven, it is up to the BLM Authorized Officer to determine the scope of the proposed action and the analysis of impacts. 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). BLM watershed and fisheries decisions are also consistent with BLM policies developed in consultation with agencies such as the Wyoming Department of Game and Fish.

The Doty B project impacts are not considered to meet either surface or groundwater significance criteria as defined in the EIS (Volume 1, page 4-24). Similarly and at this time, the Rawlins BLM is not aware of NEPA analysis, planning decisions and/or existing on-the-ground conditions within its Field Office boundaries/jurisdiction that violate the Colorado River Basin Salinity Control Act.

In general, you provide no data or substantiation for your opinion that the project analysis was flawed, so we cannot confirm your conclusion.

“BLM must require that project proponents have acquired certifications (or waiver) from the State of Wyoming, pursuant to Section 401 of the Clean Water Act. The EA should, but does not, indicate whether such certifications have been acquired.”

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.

This project does not involve point source discharges that may make their way to navigable waters of the United States, and therefore, the proponent is not required to 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 BLM is aware that Section 401 of the Clean Water Act (33 USC 1341) requires applicants for a federal license or permit that would authorize discharge into waters of the United States to obtain a certification from the State in which the discharge originates. On March 20, 2007, the U.S. Army Corps of Engineers obtained certifications from the Wyoming Department of Environmental Quality for most Nationwide General Permits that authorize discharges pursuant to Section 404 of the Clean Water Act (33 USC 1344) in Wyoming. All certifications remain valid until March 18, 2012, for discharges authorized by nationwide permits and project proponents are not required to obtain separate certifications prior to undertaking those activities. Therefore, roads, pads, pipelines, produced water management structures, and other common activities that result in discharges are currently authorized because certification has been granted. Certifications of any other discharges that are not currently

authorized cannot be acquired until the need for a permit arises. The BLM is confident that those certifications would be acquired by the project proponent as applicable and as certified in the Doty B Water Management Plan.

"BLM continues approve drilling permits without even beginning to collect data regarding the potential for methane seeps."

"BLM should quantify potential emissions of methane."

A cooperative working group, including operators and regulatory agencies (WY DEQ, WOGCC, WSGS, and the BLM) formed in March 2007 with the goals, in part, of surveying the project area for seep presence; understanding methane seep risks; considering actions (where applicable) to address the welfare, health, and safety of human and wildlife activity in the area; developing geological models to characterize seeps (including consideration of differing survey and gas and water sampling methodologies); ensuring methane seeps are not present prior to location construction; and monitoring methane seep activity during development of the field. At the present time the Rawlins Field Office is preparing a briefing paper on this subject.

Methane (which is a greenhouse gas) emissions are not regulated (nor are there any national or state standards) by either the EPA or Wyoming DEQ. Currently the EPA has not established emissions thresholds for methane (or any other greenhouse gas). Without a method or meaningful metric established by EPA there are no jurisdictional or compliance responsibilities for the EPA or the State of WY.

The Atlantic Rim EIS analyzed potential impacts of various air quality pollutants. Under the current Rawlins RMP, analysis of potential greenhouse gas impacts is beyond the scope of the management; NEPA does not require agencies to address "remote and highly speculative consequences," such as the possibility that isolated, unknown, and/or impossible to predict phenomena such as methane seeps exist.

The BLM is not currently aware of any methane seeps within the Doty POD B project area. 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.

"BLM is proceeding without the full picture it needs regarding ozone pollution. BLM relied on an obsolete method to predict ozone impacts and should not approve Doty Mountain B POD or any other drilling permits until it corrects and updates its air quality analysis of ozone impacts."

Please refer to Page E-9 of the Atlantic Rim Record of Decision.

BLM is not aware of any exceedances of NAAQS standards at area air quality monitoring stations.