

APPENDIX E: RUBICON SEISMIC SURVEY EA - SCOPING COMMENTS AND RESPONSE TO COMMENTS

ID/ Resource	Comment	Response
Mary Minihan		
Management	Asks for the BLM to respond to questions about the EA completion date, and that work cannot commence prior to completing the EA.	The Proposed Rubicon Seismic Project will not begin until after the EA is completed and Finding of No Significant Impact (FONSI) signed.
Don Schram, RSGA Land Manager		
1 Range, Water	States that the proposed seismic operation must not be approved pending a detailed water resource research and inventory of existing springs, seeps, wells and reservoirs. Notes a study was conducted to identify subsurface waters related to the springs, and that the results indicate Little Mountain has very sensitive complex shallow water subsurface channels.	The EA process involves analyses based on available data. However, due to the sensitive nature of the area springs the location of all the Project Area streams was surveyed and a 1,320 (1/4 mile) shot hole exclusion buffer was established around each spring (WOGCC rules, Chapter 4. Section 6. Geophysical/Seismic Operations). Based on available data the BLM has determined that the buffer area will allow for the protection of the springs and their source waters. The commenter is encouraged to provide the BLM with the results of the spring study that is discussed in his comments.
2 Range, Water	Provides a specific list of conditions of approval that should be required during seismic operations.	<p>1) Existing springs and water wells should be inventoried and flagged prior to work. Current yield will be documented. <u>Response:</u> This work was completed.</p> <p>2) Crews should be provided maps and briefings daily for the location of these springs, seeps and water wells. <u>Response:</u> Maps were provided and all exclusion areas marked with flagging.</p> <p>3) No drilling or surfaces charges within 1/8 mile radius and 500 ft elevation of a spring seep or water well. <u>Response:</u> All springs, seeps and wells will be avoided by 1/4 of a mile.</p> <p>4) Independent inspectors should monitor activities to ensure compliance during field and drilling operations. <u>Response:</u> Devon will provide weekly reports to the BLM on project activities, the BLM can travel onsite at anytime to carry out compliance monitoring, however, independent monitors were not considered necessary by the BLM.</p>

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		5) Devon should be responsible for replacing or reconstructing water resources, confirmed by independent professional hydrologic engineer, to have been impacted by this project. <u>Response:</u> Devon has stated that any facilities impacted by the proposed seismic survey would be repaired or replaced as soon as practical before the end of the project.
3 Range, Water	Notes that there are over 30 miles of small diameter pipeline in the project area, and the Devon should be responsible for damage to these pipelines	All functioning pipeline previously known or that were discovered during field surveys will be avoided. The shot hole buffer is ¼ mile. As noted above, Devon has stated that any facilities impacted by the proposed seismic survey would be repaired or replaced as soon as practical before the end of the project.
4 Range	Notes that there are over 50 miles of range fence in the project area. States that Devon will be responsible for any damage to fences, gates, and cattle guards. Requests a pre-inspection of the existing condition of the fences gates and cattle guards be conducted and documented, Devon would be responsible for repairs.	As noted above, Devon has stated that any facilities impacted by the proposed seismic survey would be repaired or replaced as soon as practical before the end of the project. This includes all fences, gates, cattle guards, etc.
J. Xavier Montoya, NRCS Wyoming State Conservationist		
Range	Requests that if project has the potential to convert farmland to non-agricultural use in Wyoming, to fill out and submit the form AD-1006 to determine the extent of the conversion and if alternative locations can be found.	The BLM reviewed the project for possible farmland conversion and determined that this project would not result in the loss of any farmland.
Lynne Boomgaargen, Director Wyoming Office of State Lands and Investments		
Management	States that they have no specific concerns regarding the proposed project at this time, and that the project proponent must comply with the Rules and Regulations adopted by the Board of Land Commissioners in accordance with W.S. 36-2-107 and W.S. 36-9-118, in the event it is necessary to traverse state lands.	With the Project, State of Wyoming lands were crossed, and Devon and the BLM followed the appropriate State of Wyoming regulations concerning traversing State lands

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Unknown sender		
Wildlife, Hunting	Notes concerns brought up by Mark and Temple from the Game and Fish, including; 1. The timing of the project overlapping into the hunting season, 2. Location of staging areas for the seismic activity and, 3. Buffers around shot holes for protection of springs and seeps.	The Wyoming Game and Fish Department (WGFD) were consulted during the development of this EA. Specific actions recommended by WGFD were incorporated into Conditions of Approval, Applicant Committed Measures, and additional mitigation measures. Relevant to the commenter’s three points 1. There will not be any helicopter activity during hunting season, 2. The staging areas were consolidated to one location that was well away from springs or streams, 3. A ¼ mile buffer was established around all springs and seeps.
Gus (only name given)		
Management	Asks when is this destruction of our land going to end, that the desert country around Rock Springs and Green River is an eyesore and asks what will be left when the boom is over, and to please keep them off of our scenic areas	We appreciate your comment and concern. Mitigation measures will be implemented to minimize impacts and to mitigate for any ground disturbing activities.
John Emmerich, Deputy Director Wyoming Game and Fish Department		
1 Management	Concerned that activities including driving through the proposed project area, surveying, and staking are occurring, prior to scoping or completion of the proposed EA, suggesting work has already received some type of approval outside of the NEPA process.	According to the BLM NEPA Handbook, a proposal for Federal action triggers the NEPA. The NEPA process is initiated when a proposal for a major Federal action has been developed by, or submitted to the BLM. However identification of existing conditions and of possible actions does not trigger the NEPA. The surveys conducted prior to the completion of the EA are considered part of the “identification of existing conditions” and do not require an EA.

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2 Management	States that the information provided during this scoping exercise is inadequate, and appropriate mitigation measures are not defined that would meet the standards set forth in the RMP for the Sugarloaf Basin SMA given the requirement the area is “open to mineral leasing and related exploration and development activities with appropriate mitigation requirements applied to protect all other resources”.	Scoping is the process by which the BLM solicits internal and external input on the issues, impacts, and potential alternatives that will be addressed in an EIS or EA as well as the extent to which those issues and impacts will be analyzed in the NEPA document. Once the scoping process is completed, appropriate mitigation measures are developed as part of the NEPA process, and are the result of the analysis of the potential impacts of the alternative. Through this NEPA process mitigation measures were developed to ensure the proposal would be consistent with meeting the management goals of the Sugarloaf Basin SMA.
3 Management	States that the proposal is the second activity recently proposed to develop energy resources in this locally and nationally significant wildlife area. Encourages the RSFO to proceed with a full EIS and comprehensive NEPA evaluation at this time prior to any project implementation or additional ground disturbing activities in this area.	Whether an action must be analyzed in an EA or EIS depends upon the significance of the effects. According to the CEQ regulations ‘Significantly’ requires considerations of both context and intensity. After a review of the context and intensity, including looking at direct, indirect, and cumulative effects of the project the BLM determined that an EA was the appropriate mechanism to evaluate the alternatives and potential impacts of this seismic survey. Also after the EA is prepared, the BLM can determine in their Decision Record whether an EIS would be necessary. Note that this EA does not examine the potential for future full field development; rather, the EA will assist BLM in deciding whether to approve the seismic project. Should BLM, in evaluating the effects of the proposal, find that the project can proceed with no significant impact on the environment (FONSI), the project would be limited to the proposal as stated in the EA. However, should the project prove that sufficient hydrocarbon reservoirs exist to make development feasible, BLM would require additional analysis as required under NEPA, which may require preparation of an EIS.

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4 Management	Concerned that full field development may well result in significant impacts to wildlife resources and be in conflict with existing land use plans, and urges the BLM to analyze this project in the context of expected cumulative impacts.	The results of this seismic project and the related Baxter Proposal will help to provide information on the potential for full field development. Until additional data are obtained on the oil and gas potential in the area, it is not known whether full field development will be considered by Devon. Given that potential impacts to area wildlife are a key issue in this EA, the potential impacts to wildlife will be given considerable analysis. Cumulative impacts to wildlife will also be analyzed in this EA.
5 Wildlife	Notes that the project area has a unique wildlife assemblage and habitat features, including numerous species identified in Wyoming's Comprehensive Wildlife Conservation Strategy as species of greatest conservation need (SGCN). Refers to a January 31, 2008 (Baxter EA comments) for more information.	The impacts of the seismic project to Wyoming species of greatest conservation need (SGCN), including the pygmy rabbit, greater sage-grouse, and the midget faded rattlesnake, were carefully evaluated in the environmental consequences section of the EA. Mitigation measures such as 800-foot buffers around the snake dens and pygmy rabbit burrows, if present, were established in the EA. Additional Conditions of Approval and applicant committed mitigation measures were also implemented to protect wildlife. With the proposed mitigation measures, the BLM determined that this project would not have a significant impact to the species of greatest conservation need either locally or throughout their range.
6 Wildlife	States that the local ecosystem supports nationally important trophy big game management areas, including some of the highest demand areas for limited quota elk and deer in the state. Further states that the Little Mountain area is so important that numerous state, federal and private entities have contributed over \$2.1 million for ecosystem restoration projects since 1990.	The BLM agrees that the Little Mountain area has high recreation value. Its importance for recreation is addressed in the environmental consequences section of this EA. The EA discusses the cooperative funding provided for the Little Mountain/Red Creek Watershed Enhancement Projects by private landowners, environmental organizations, and agencies, including the BLM.

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7 Wildlife	Notes that in 1997 the Rock Springs BLM office recognized the importance of ecosystem and incorporated specific habitat resource protections in the Rock Springs RMP. Further states that under review, this proposal appears to deviate from the habitat resource protections identified in the 1997 Green River RMP.	The BLM has determined that the seismic project could proceed and remain in compliance with RSFO management objectives established in the RMP. While the 1997 revision of the RMP provided additional watershed and wildlife protection enhancement objectives, it also allows for geophysical operations, if protections for other resource values are implemented. The seismic project incorporates both BLM's required protection measures and a number of additional mitigation measures intended to protect resource values, such as watershed and wildlife.
8 Wildlife	Notes that a significant number of bull and cow-calf elk, mule deer and pronghorn groups use the entire project area throughout the year. That the area includes and is adjacent to important calving and fawning areas. That the area provides a significant amount of summer and winter forage and reduces pressure applied to the limited woody browse and nearby aspen communities.	The information provided by the commenter was incorporated into the EA. The seismic project will not occur between November 15 and April 30, which is the period of time that the area is closed to disturbance to protect the elk, mule deer, and pronghorn within the crucial winter ranges. The elk parturition area is also closed between May 1 st and June 30 th to protect the elk and their young.
9 Wildlife	States that project will cause significant disturbance to game species through both helicopter activities and deployment of explosives.	The EA recognized and analyzed how noise disturbance from the helicopter and additional levels of human activity would affect game species in the proposed project area. The impacts would be expected to be short or long term. Helicopter activity would be discontinued by August 31 prior to the beginning of the hunting season, regardless of whether the seismic survey has been completed.
10 Wildlife	Notes that Mule deer stress levels may increase during repeated low level over-flights, reducing their fitness potentially resulting in increased mortality. And that given the mobility of this elk population, elk will likely be displaced from the area, and deer, pronghorn, and elk may be unavailable to hunters during the fall.	Please refer to comment #9.

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11 Recreation Wildlife	Notes that project will negatively affect hunters, and will impede Wyoming's, Utah's, and Colorado's wildlife agencies abilities to meet management objectives for big game populations.	As a result of concerns raised through the scoping process, the BLM, WGFD, and Devon have agreed that helicopter use in the project area would be discontinued by August 31. The seismic project would be completed in 2009 if necessary, but at a time approved by the BLM Authorized Officer.
12 Wildlife	Notes that proposed project overlaps a significant portion of the remaining Wyoming midget faded rattlesnake habitat. Killing of this species from exploration or the potential development activities that may follow would further reduce their numbers and contribute to potential listing under the Endangered Species Act. Requests that Devon should be required to conduct surveys to locate rattlesnake dens, summer habitats and migration corridors between dens and summer habitats.	A midget faded rattlesnake survey was carried out during May and June, 2008 to locate and map suitable habitat, denning sites, and individuals in the project area. The goal of the survey was to identify suitable habitat, locate individual snakes, and identify specific den locations and den depths for the snake. No snakes were located during the survey, and BLM does not expect impacts to occur because Devon would avoid drilling and detonation of charges on rock outcroppings, cliff areas, and caves.
13 Transportation	States that the use of "pre-approved routes" by ATVs and light trucks may compromise vegetation recovery and resource value. Many of the approved routes in the southern half of the project area appear to be straight-line roads created by previous seismic exploration. These roads were placed with little regard to resource damage.	The pre-approved routes in the project area are existing two-tracks and roads within the project area that have also been culturally surveyed. Anything that is grass-over is not considered a road. The use of these existing roads and two tracks avoids the need to add any new roads, and will minimize any impacts to areas that already disturbed.
14 Transportation	Notes that since the Wild Horse Basin Wildfire in 2000, the RSFO has closed many secondary roads and two-tracks to the public within the burn to control the spread of invasive plant species, including cheatgrass.	There are not currently any closed roads in the project area. A travel map covering the project area identifying the existing two tracks and existing roads that the seismic survey field crew would be restricted to using for motorized transportation was developed. Any roads or two tracks that the survey crew would use were surveyed for archeological resources and if necessary reroutes were established found to avoid archeological sites.

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15 Transportation	Notes that the RMP identifies the Sugarloaf Basin SMA as a rights-of-way avoidance area. States that road improvements facilitating transportation of liquid minerals or increased traffic in this SMA would appear to violate the intent of establishment of this SMA in the 1997 RMP.	According to the BLM a right-of-way avoidance area is defined as “areas of public land with highly sensitive resource values that are generally prohibited from utility and transportation facility development. However, exceptions may be granted if the proposed facility benefits or does not adversely affect sensitive resources”. With respect to the seismic project, there would not be any utility and transportation facility development, no new roads would be constructed, and none of the existing roads and two tracks would be upgraded.
16 Vegetation	Notes that cheatgrass is well established throughout the project area, and that it is detrimental to wildlife and other resources. Requests that activities that have the potential to increase cheatgrass distribution should have cheatgrass control requirements following surface disturbance.	Cheatgrass is a problem throughout the region. Weed control measures are part of the seismic project. The Conditions of Approval includes weed control requirements including that Devon is responsible for control of all invasive/noxious weed species on any and all disturbed sites. Devon is responsible for consultation with the BLM Authorized Officer and/or local authorities for acceptable weed control methods. Also the applicant-committed mitigation measures include additional weed control measures including: 1) Disturbed areas would be monitored for project-related establishment and spread of noxious weeds; and 2) Weed infestations that result from seismic operations would be treated, as necessary, and as approved by the BLM AO.
17	States that conducting seismic activity in the Sugarloaf Basin SMA violates the RMP. Based on the statement that, “Aquifer recharge zones in the area will be managed to protect groundwater quality and aquifer function (map 26). Protection includes <i>limiting road density, surface disturbing activities, and surface occupancy in identified recharge zones to maintain them in healthy functioning condition.</i> ” States that assurance that violations of this will not occur are insufficient given the information provided and the proposed activities within this SMA.	The seismic project would not result in any new roads, and surface-disturbing activities would be short-term in nature and limited in extent. Within one or two years disturbed areas would be reclaimed. Given the limited scope, BLM expects that this project would meet the established SMA management requirements, and the project would not be expected to compromise water recharge functions within the SMA. Aside from assurances to protect the management requirement, COA’s and other requirements and mitigation measures have been established to ensure that the recharge functions would not be compromised.

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18 Management	Notes that the portion of project that occurs in the Currant Creek watershed are closed to: 1) surface disturbing activities; 2) mineral material sales; and 3) mineral location. States that the proposal includes all of the above closed activities, and it appears that all lands in this watershed should not be subject to this activity.	Based on concerns raised during the scoping process the BLM and Devon and decided to exclude Currant Creek Watershed portion of the Greater Red Creek ACEC from the project area. No seismic work will occur in this ACEC.
19 Management, Water	Given the proximity of staging areas #1, #3, and #4 to drainages and spring sources, they will lead to unacceptable impacts to resources and wildlife. States that helicopter staging areas should be located to the west of the project area along Sweetwater County Road 33 and at least a mile for all perennial and ephemeral drainages and springs.	Based on concerns about the staging areas being located near springs and streams, Devon consolidated the four staging areas into one, and moved that staging area to a location that would be miles from any spring and over a quarter mile away from any stream. The new staging area would be located in Section 20 of T13N, R106W. Fuel and explosives would be stored at this staging area. Devon would keep the proposed staging area south of HWY 191 as an alternative site and potential backup.
20 Water	Notes that the project area has a history of poor soil stability and problems associated with sedimentation and poor watershed function. Notes that agencies and volunteers efforts to reverse watershed degradation and improve ecosystem function have occurred since 1990. States that increased ground disturbance would potentially negate nearly 20 years of restoration effort and will contribute to the degradation of an annual \$10+ million recreational sport fishery in Flaming Gorge Reservoir.	The highly erodible nature of the area soils and the related watershed degradation are acknowledged as an issue in the project area, and efforts to minimize soil erosion risks are being undertaken. For example, no new roads would be constructed. Also the project has a relatively small surface disturbance area, which is primarily limited to the shot holes. Approximately 2,750 shot holes are expected to be drilled, each less than four inches across, with a total surface disturbance of less than one acre. Other areas, such as the staging area and beneath the drill rig, would experience some small amounts of vegetation loss and light soil compaction, but this is not expected to lead to any increase in sediment runoff. Devon would be required to reclaim and restore any disturbed areas.
21 Management, Water	Request peer-reviewed information from the BLM or Devon documenting that the 1,320 feet avoidance buffer around spring sources is adequate protection. Similar documentation and assurances are needed for the buffers around ephemeral and perennial streams	The 1,320 foot (¼ mile) buffer is required in the Wyoming Oil and Gas Conservation Commission (WOGCC) rules (Chapter 4. Section 6. Geophysical/Seismic Operations). The Rule states that “Seismic shot hole operations will not be conducted within one-quarter (1/4) mile of any building or water well, flowing spring, or stock water pipeline”.

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22 Management, Water	Requests that an independent geologist and hydrologist provide assurances that the 1,320 foot distance is sufficient to avoid damage to springs or compromise hydrologic functions.	It is assumed that an independent study was conducted prior to issuance of the WOGCC rules.
23 Water	Requests that an analysis of all potential impacts to springs, ground water resources, perennial, and ephemeral streams should precede any activity in this area.	As part of the EA process an analysis of the potential impacts to springs, ground water resources, perennial, and ephemeral streams was conducted (see Chapter 3). The result of the analysis indicates that the seismic project would not negatively impact the water resources in or near the project area. No shot holes or the detonation of charges would be allowed within 500 feet of riparian zones or within 100 feet of ephemeral streams.
24 Water	Requests that if damage occurs as the result of this project through increased vehicle access for any entity (including the public), Devon should be held responsible for damages and should conduct repairs and reclamation.	The COA's for this project include the following requirements related to vehicle use: 1) Vehicular travel shall be suspended when ground conditions are wet enough to cause rutting or other noticeable surface deformation and severe compaction; 2) Ruts and vehicle tracks will be filled with soil and/or obliterated by either hand raking or some other method...All areas where rehabilitation work is accomplished will be reseeded with the approved seed.
25 Transportation	Suggests that any vehicular traffic off roads will result in continued use by other entities and an "established road" will be developed. Gating of roads, with Department consultation regarding location, should be required.	The COA's for this project include the following requirements: Vehicles of any kind including ATVs and/or mules will only be allowed on existing two tracks and unimproved roads that have been culturally cleared. Devon and its contractors, under the direction of the BLM, established a transportation map with the existing two--tracks and unimproved roads that have been culturally cleared and can be travelled on. No new roads, two tracks, or trails would be constructed.

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Daniel Dale, Laramie, WY		
Management	Please limit or completely prohibit seismic surveys in the Little Mountain area -- I'd prefer not to see any development there.	Comment noted. Thank you for your comment and concern.
Don Cuthbertson, Green River WY		
1 Wildlife, Recreation	States that the impact on big game in this area could actually impact over 1000 animals. States that if the project is allowed to take place during August and September while the animals (elk) are gathering for the rut it would greatly impact populations, hunting and recreational activities.	Please refer to the Wyoming Game and Fish Department comment 11.
2 Management	Asks why the BLM would allow a seismic survey or drilling in the Current Creek ACEC, given that the RMP calls for no surface occupancy, no surface disturbance activity, no mineral sales, and no mineral location in the watershed.	Please refer to the Wyoming Game and Fish Department comment 18.
3 Wildlife	Notes that the public, ranchers, BLM and the game and fish have worked very hard to repair and improve this watershed.	Please refer to the Wyoming Game and Fish Department comment 6.
4 Wildlife	Notes that this is one of the last strong holds for Sage Grouse in the west, and asks what is a seismic survey or drilling going to do to the population in the area.	Protection of the sage grouse is a BLM requirement, and actions necessary to protect the grouse will be taken, however, the project area has limited sage grouse habitat, the RMP does not have any designated sage grouse seasonal restriction areas, and there are not any known sage grouse leks in the project area. As a result, the seismic project would not be expected to result in any detrimental impacts to the sage grouse

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5 Management	States that there should be grave concern for the many archeological sites in the area, associated pollution (air, water, noise, and scenic), litter, traffic and poaching that come with the increased oil and gas activity.	NEPA, the Federal Land Policy and Management Act (FLPMA), and BLM’s regulations require that protection of the natural environment when undertaking projects such as this seismic project. Through a series of requirements and mitigation measures the impacts of this project would be minimized, and would not be expected to result in any long-term impacts to the area resources.
Craig Thompson		
1 Vegetation	States that the Little Mountain/Pine Mountain areas comprise the only alpine ecosystems (less than 0.1 % of the landscape) in Sweetwater County, and consequently it serves as a rare depository of plants and animals.	While Little Mountain contains unique habitat containing species not generally found other places in the County, the proposed project would not directly impact Little Mountain as Little Mountain is outside the proposed project area.
2 Recreation, Socioecon	Notes that area is beloved for recreation and renewal by residents and has been a part of Sweetwater County culture for generations. Provides example of local involvement in the area.	The noneconomic value of the area to local residents is discussed in the EA. All measures to protect the resources of value to local residents will be made. However, the RMP allows for geophysical operations in the area and is consistent with the multiple-use approach BLM takes to managing the area.
3 Management	Requests that if the BLM must approve the seismic exploration that the BLM concentrate the impacts and put the staging areas in one location. Suggests the old gravel pit/ on top of Mellor Mountain or a similar area.	Please refer to the Wyoming Game and Fish Department comment 19.
4 Management	Suggests careful planning to minimize the time Devon spends in seismic activities.	Comment noted. Thank you for your comment.
5 Management	Request that the BLM manage the non-renewable resources without endangering the renewable resources, in particular the wildlife, soils and the net primary productivity of our lands.	Please refer to the Don Cuthbertson comment #5

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Governor Dave Freudenthal, State of Wyoming		
1	Urges the BLM to forestall potential conflicts with fall hunting season and carefully monitor possible conflicts with the fall hunting season and to carefully monitor adverse impacts to wildlife, sensitive species, and aquatic and terrestrial habitats	Please refer to the Wyoming Game and Fish Department comment #5, #11, #21 and TU # 12.
2 Recreation, Management	Notes the importance and popularity of the area to big game hunting. Asks that because of the noise and disturbance caused by the seismic activities that the work should end well before the hunting season.	Please refer to the Wyoming Game and Fish Department comment #11.
3 Water, Geology	Requests further explanation about how the BLM arrived at determining the adequacy of a 1,320 foot buffer between shots holes and seeps and springs. Notes that delicacy of the habitat and the resources expended to restore the area.	Please refer to the Wyoming Game and Fish Department comment #21.
4 Management	Questions the location of the proposed staging area because they would require road upgrades to access the areas. Requests that staging areas be placed off existing major roads.	Please refer to the Wyoming Game and Fish Department comment #19.
5 Management, Recreation	Emphasizes that the Little Mountain area is considered by to be the County's crown jewel for wildlife and recreation and requests that any activity in the area must be undertaken with the greatest caution and sensitivity.	Please refer to the Don Cuthbertson comment #5.
Dave Welch, National Preservation Officer Oregon-California Trails Association		
1 Management	Requests that the organization be retained on the contact list for this project.	The Oregon-California Trails Association will be retained on the mailing list for this project.

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Bill Adsit, Sheridan, WY		
1 Management	Support the seismic survey. Requests that aircraft of any kind to stay at least 200 feet high during operations,	The helicopter would follow flight paths chosen to be efficient, while following activity-specific aviation operational safety standards for flight altitudes. Given those requirements, that the flight elevations will generally be greater than 200 feet when not involved landing or take offs or deploying equipment. Recreationists, wildlife, wild horses, and livestock would be avoided to the extent practicable.
2 Management, Water	Requests to put any staging areas in locations where fuel spills or other contamination would not be able to reach streams.	Please refer to the Wyoming Game and Fish Department comment 19.
Cathy Purves, Technical Advisor, Trout Unlimited, Lander, WY		
1 Management Wildlife	Notes that TU has worked with partners on watershed projects in the area. The Little Mountain Watershed Enhancement Project was initiated in 1990 due to concerns about declining populations of Colorado River cutthroat trout (CRCT), and other resource concerns.	Please refer to the Wyoming Game and Fish Department comment #6.
2 Wildlife	Notes that the Currant Creek watershed contains historic conservation populations of CRCT, a State of Wyoming and the BLM sensitive species. States that through watershed habitat restoration efforts, the CRCT populations have stabilized enough that the US Fish and Wildlife Service referenced the restored areas in their decision not to designate the CRCT as a threatened or endangered species during the last three times this species was petitioned.	The CRCT is not known to currently exist in streams located in the Sugarloaf Basin SMA (covers most of the project area). The seismic project will no longer occur in any portion of the Currant Creek Watershed.

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3 Management	Notes that the highly erosive nature of the soils, the natural springs and groundwater recharge area, the limited native herbaceous vegetation cover, the unique qualities of the high desert ecosystem with its associated riparian and wetland complexes, and the considerable big game crucial winter range all contribute to this area's vulnerability to impacts and that TU remains concerned about how energy development will harm this area.	Thank you for your comment. All required actions are being taken to ensure that the resource values in the project area will be protected. The EA provides a detailed analysis of the project area resources.
4 Management	Under the RMP the BLM made a commitment by establishing the ACEC and SMA, and that management protections would be offered for the unique and special areas in this region. TU asks the BLM to adhere to their agency responsibility and honor the RMP commitments to protect the public's natural resource.	Please refer to the Wyoming Game and Fish Department comment #7.
5 Management	Based on the RMP regarding resource protection in the proposed action area, TU believes is not able to justify a Finding of No Significant Impact for the proposed seismic action. TU requests that the agency prepare a detailed analysis in an environmental impact statement (EIS) prior to any further surface activity from Devon, including this seismic project.	Please refer to the Wyoming Game and Fish Department comment #3.
6 Wildlife	TU states that specific management goals and objectives have been identified for CRCT and it is cooperatively managed under the Conservation Agreement by Wyoming, Utah and Colorado. The WGFD recognizes the necessity for cutthroat trout protection and addresses mitigation measures (WGFD Mitigation Recommendations, 2007).	Please refer to the Trout Unlimited comment #2.

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7 Wildlife	TU makes the statement that the CRCT is known for its sensitive nature to stressful habitat conditions and are the most vulnerable of all the cutthroat trout species to impacts caused by oil and gas development. TU further discusses the impacts and population trends to the CRCT both in the project area and in the broader area	Please refer to the Trout Unlimited comment #2.
8 Noise Wildlife	Requests that the intensity of sound waves produced, including noise from the use of the explosives used for the actual drilling of the shot holes be considered in the analysis conducted for this project. Provides research information on the impacts of seismic waves on fish and wildlife. States that it can be demonstrated that certain precautionary actions could be implemented that would help offset some of the disturbing effects that seismic noise can have on the environment.	A noise section looking at the potential impact from noise was developed for this EA, and incorporated the information submitted, where applicable. As was noted in the comment, most of the detrimental impacts from seismic noise have been studied in the marine environment, and it is not well understood what the impacts on streams would be. However, with this project, the seismic shots would be located approximately 50 feet underground and located at least 100 ft from any ephemeral stream and 500 feet from any perennial stream. The ground would attenuate some of the intensity of the seismic waves prior to coming into contact with the streams. Also in any one area, seismic shots may occur at most for only a few days before the project moves into the next area. As a result while impacts are possible, they would be of short duration, and the seismic intensity attenuated.
9 Water Geology	TU has concerns about potential impacts from the seismic exploration on the ephemeral drainages, hillsides, and overall landscape area. The BLM should provide a detailed description of the subsurface hydrology of the project area, with characterization of the aquifers affected by the proposed activities.	Please refer to the Wyoming Game and Fish Department comment #23.
10 Water Geology	States that the Greater Red Creek ACEC is located within an aquifer recharge zone which plays a significant role in supporting the unique trout fisheries and aquatic diversity and emphasizes the need for the BLM to prepare a thorough analysis prior to any seismic activity.	Please refer to the Wyoming Game and Fish Department comment #23.

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11 Wildlife	TU states that given the valuable wildlife watching and hunting in the area, no seismic operations should occur during hunting season and any seismic activity should be out of the area at least one week prior to opening day of hunting season.	Please refer to the Wyoming Game and Fish Department comment #11.
12 Wildlife	States that the greater sage grouse and pygmy rabbit are moving toward being listed under the ESA. That the BLM must provide management actions that assist toward reducing these species from the BLM sensitive species list. That approving this surface disturbing activity does not place the BLM in a position of meeting its sensitive species management objectives.	Please refer to the Don Cuthbertson comment #4 about the sage grouse. A pygmy rabbit survey was conducted for this project. All suitable habitat areas were investigated for pygmy rabbit sign or presence. No rabbit sign was found and no rabbits were observed. If evidence of the rabbit was discovered an 800 no shot buffer would have been placed around the area.
13 Management	Makes the point that given the Currant Creek Watershed is managed as a surface disturbing avoidance area, it is difficult to imagine that full field development would be compatible with the objective to avoid surface disturbing activities. Requests that the BLM manage this area according to protection commitments made in the RMP.	Please refer to the Wyoming Game and Fish Department comment #11.
14 Management, Water	Notes concerns that staging area activities will have on nearby streams, seeps, springs and riparian. Notes that road construction is likely that would cross tributaries to Marsh Creek. TU recommends that the BLM work with Devon to find more appropriate staging areas in order to avoid impacts to valuable water resources.	Please refer to the Wyoming Game and Fish Department comment 19.

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15 Management Water	Currant Creek Ridge along the hydrographic divide between Marsh Creek (and its three major forks) and Currant Creek. TU requests that the BLM follow their management guidelines and remain in compliance with their RMP by not allowing road access in the Currant Creek watershed due to the likelihood that areas fragile soils erode and an increased sediment load would eventually wind up in Flaming Gorge, increasing the acceleration of sedimentation in Flaming Gorge Reservoir.	Please refer to the Wyoming Game and Fish Department comment #11.
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<p>16 Management</p>	<p>TU suggest a series of mitigation measures to be considered for if the seismic survey to proceeds.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Avoid seismic activity and road access in any BLM RMP protected resource areas. <u>Response:</u> Please refer to the Wyoming Game and Fish Department comment #18. <input type="checkbox"/> A ramping up or gradual increase of seismic energy exploration based on the location of activity, creating a safety zone, from one hour to 30 minutes prior to each seismic start up. <u>Response:</u> The seismic contractor would follow a rigorous established set of safety guidelines during seismic operations. <input type="checkbox"/> Scheduling seismic activities to avoid sensitive time periods and locations, such as spawning or big game birthing areas. <u>Response:</u> All timing limitation stipulations for the protection of wildlife will be followed. <input type="checkbox"/> Include the presence of a wildlife observer ahead of the seismic crew; <u>Response:</u> wildlife surveys for the midget faded rattlesnake and the pygmy rabbit were carried out and areas were those species were found were avoided. <input type="checkbox"/> Based on the offset distance for sound disturbance, increase the protection parameter around springs and streams from the proposed 1,320 feet (or one-quarter of a mile) to one-half mile in streams containing Colorado River cutthroat trout populations, particularly those streams that host trout egg incubation projects. <u>Response:</u> No streams with CRCT are in the project area <input type="checkbox"/> The BLM should require additional bonding amounts based on the sensitive nature of the area being explored. This increase would be fully within the BLM’s authority (CFR 3154.2) and would be based on ensuring a higher level of protection to these sensitive lands and water resources. <u>Response:</u> BLM believes that the bonding amounts are adequate for this project; however, BLM may consider additional bonding amounts if additional activities are approved following additional environmental analyses. <input type="checkbox"/> No seismic activity should be allowed one week prior to hunting seasons and all equipment and personnel should be removed at that time. <u>Response:</u> Please refer to the Wyoming Game and Fish Department
<p>Rubicon 3D Seismic</p>	<p>Environmental Assessment</p>	<p>comment #18.</p>

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17 Management	TU requests that the BLM deny approval of this project in this location and to withdraw the area from future leasing.	The BLM determined this project can occur under the RMP, and other relevant regulations, and the BLM determined in its Decision Record based on the analysis in the E that the proposed seismic survey would not result in any significant impacts to the human and natural environment. An appeal of the FONSI can be filed within 30 days of the signing of the Decision Record for the project.
Joy Owen, Field Director, Wyoming Wildlife Federation		
1 Recreation Wildlife	States that the Little Mountain area is a place that has particular recreation and wildlife significance and value. Provides a list of recreational activities pursued in the project area.	Please refer to the Trout Unlimited comment #4.
2 Management	States that the RMP for the two management areas will not be met because: project would involve surface disturbance that impairs the qualities of the riparian and watershed condition, big game winter year long, crucial winter ranges, and big game migration routes will be impacted, and that sage grouse will be impacted.	Please refer to the WGFD comments #5, #12, #11, and #18, Don Cuthbertson comment #4, and Trout Unlimited comment #12.
3 Management	States that given the management actions under the RMP for the Currant Creek Watershed that the BLM cannot allow surface disturbance and mineral exploration to occur within this watershed.	Please refer to the Wyoming Game and Fish Department comment #18.
4 Management	The Wyoming Wildlife Federation (WWF) requests and provides a list of reasons why a full Environmental Impact Statement (EIS) be completed for this project.	Please refer to the Wyoming Game and Fish Department comment #3.
5 Wildlife	WWF states that the proposed survey and its associated construction, noise and water and air degradation will independently and cumulatively impact a wide range of species (provides a list of species present in the project area).	After the environmental analysis was carried out examining the potential for impacts to wide range of plants and animals, including sensitive species, big game, and listed species, the BLM determined that would not be a significant impact to these species. Potential impacts are limited a relatively short period of time, and small foot print, with little surface disturbing activities.

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6 Recreation	Provides statistics on hunting and other recreation uses, such as, over 50 million U.S. citizens hunt and fish according to data from state game and fish agencies.	Thank you for the information on hunting and recreation statistics.
7 Socioecon	Expresses concern about social and economic impacts of the project may have on hunting activity if the wildlife are impacted	Please refer to the Wyoming Game and Fish Department comment #11.
8 Wildlife	Expresses concern about impacts to greater sage-grouse, and states that the project will cause the BLM to be out of compliance with the BLM's management responsibilities.	Please refer to the Don Cuthbertson comment #4
9 Wildlife	States that this proposed project has the potential to displace animals due to staging area placement, noise via helicopter, trucks and humans, construction of the infrastructure, increased traffic from trucks, the presence of machinery and workers, and other increased human activity	The EA found that there is potential to impact wildlife as a result of this project. However there is not expected to be any significant impacts. In addition a number of mitigation actions will be implemented to protect wildlife. For example the project would adhere to requirements on critical winter range timing limitations, no helicopter work during the hunting season, seasonal buffers around raptors nest, buffers around riparian areas, and buffers around pygmy rabbit and midget faded rattlesnake habitat.
10 Wildlife	Establish thresholds for wildlife impacts that will include indicators, a policy to mitigate or curb the impacts, and prevention methods to maintain population numbers.	For this project, additional requirements were established for protection of BLM sensitive species including field surveys and 800 foot buffers for the midget faded rattlesnake, and the pygmy rabbit habitat. There are timing limitations for critical winter range and parturition areas for big game. There are ¼ to ½ mile timing limitations for active raptor nests. There are 500 foot setbacks from riparian areas. Given the relative short duration of field portion of this project (approximately 70-90 days), the buffers and timing limitations are considered sufficient to protect important wildlife resource values.

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11 Wildlife	Provide current inventory studies and a full analysis (which should be conducted before the proposed project can be approved) of wildlife habitat, wildlife species, and current riparian and stream habitat conditions.	Inventory surveys were carried out for the midget faded rattlesnake, the pygmy rabbit, nesting raptors, and sensitive plant species. The Wyoming Natural Diversity Database was also used to locate possible occurrences for other sensitive species, including sensitive plants. A GIS coverage of riparian areas and streams was used to establish buffers around these resources. Analysis of existing data was carried out to determine if any threatened, endangered, or candidate species were likely to be present. Also the BLM has carried out a Proper Functioning Condition stream health analysis for the project area streams.
12 Wildlife	Develop action plans for monitoring, addressing thresholds, and mitigation (for wildlife).	Due to the short duration of this project, development of action plans is not thought to be a feasible option.
13 Wildlife	Provide the most current impact data to wildlife from 3D seismic survey development utilizing helicopters.	Available data was used in the development of the wildlife sections for chapters 3 and 4. This included information related to seismic survey work.
14 Wildlife	Identify migration corridors for all wildlife species within the project area and on a landscape scale that considers migration corridor changes due to the development. Also, provide an action plan for when migration corridors are fragmented or lost.	The WGFD provided information on big game migration corridors in and around the project area and was incorporated in this EA. This project is very short in duration and would not be expected to change big migrations over the long-term.
15 Wildlife	Provide an environmental compliance plan that looks at the BLM and how enforcement will occur for monitoring, environmental compliance and remediation on wildlife that will be affected by the project.	This EA and associated decision documents provide much of the information about monitoring, environmental compliance and remediation that the BLM is requiring of Devon. Other regulations, such the Onshore Orders, provide the BLM with additional information needed to ensure compliance. Given the existing resources, and due to the short duration of the project, an environmental compliance plan is not considered necessary.
16 Wildlife	Supply a comprehensive analysis of the seasonal timing restrictions and the development plan as applied to all wildlife species.	This information is contained in the EA.

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17 Wildlife	Establish a mitigation plan with a threshold matrix that addresses wildlife, wildlife habitat, invertebrates, aquatic habitat and stream changes.	Please refer to the Trout Unlimited comment #3.
18 Wildlife	Develop a landscape scale cumulative impacts analysis that addresses the development within and outside of the proposed project area. Include how the project will impact crucial habitat and crucial ranges (such as winter, summer and transitional) for wildlife species, including ungulate populations, as a whole.	Please refer to the cumulative impacts section of the EA.
19 Wildlife	Develop a cumulative effects scenario that illustrates what may occur to sensitive, threatened or endangered species that are within this project area and will see habitat changes occur.	Please refer to the cumulative impacts section of the EA.
20 Management	Implement a timing restriction for all seismic work to be out of the area at least one week before the hunting season begins on September 1.	Please refer to the Wyoming Game and Fish Department comment #11.
21 Vegetation	Evaluate, mitigate, and develop a plan for invasive plant species.	A plan to mitigate for possible noxious weeds is required by the BLM and will be followed by Devon during project implementation and reclamation to ensure that noxious weeds are controlled.
22 Air	The BLM, under the EPA, needs to conduct a comprehensive air quality model and analysis. Comprehensive and current baseline data for air quality is necessary to fully understand the cumulative effects especially with the massive growth of development within the last five years.	Emissions from helicopters, drill rigs and passenger vehicles are considered de minimus and air quality monitoring is not being conducted for the seismic EA.
23 Air	Ambient air monitoring programs should be utilized and documented with the goal of exceeding the stated mitigation goals. An analysis should be provided with particular focus on visibility and regional haze.	Ambient air monitoring programs are generally not included with EA's, which are based on existing information

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24 Air	If the BLM finds that this comprehensive and current air quality data is lacking while the next stage of this proposed plan is being established, the plans should be placed on hold until such data is complete.	Since air impacts are considered <i>de minimus</i> , the air quality data is not needed for this Project. BLM may require a more comprehensive air quality analysis in a more comprehensive NEPA document should Devon decide that results of the seismic survey warrant further exploration and development.
25 Air	The BLM should identify all air quality impacts and mitigation criteria on the onset for the project area. All preventions and remedies that the BLM can implement should be identified. Performance goals and objectives can be established to improve the quality of air and to reduce cumulative impacts that exist.	As part of the EA, air quality mitigation measures are included in the BLM's Conditions of Approval and in Devon's Applicant-Committed Measures.
26 Water	The proposed project may have an impact on the local and regional groundwater and surface water resources through contamination from storing hundreds of gallons of gas and/or diesel and motor oil at the staging areas. A chemical spill in the headwaters of these drainages will pollute the entire drainage.	The project was modified to have only one staging area where fuel and other petroleum products will be stored. The staging area well away from any spring and over ¼ mile from the nearest ephemeral stream. All petroleum products are required to be stored in a manner to minimize the risk of a spill, including secondary containment.
27 Water	Provide a complete description of the subsurface hydrology of the project area with information on how the aquifers will be affected by the proposed activities.	Please refer to the water resource sections of the EA (Sections 3.5 and 4.5).
28 Water	Proper baseline studies need to be conducted prior to the authorization of the proposed development.	This is not a development project, so there would not be any drilling of oil or gas wells. The risk of contaminating groundwater from the petroleum products stored at the staging areas and those used for project equipment would be minimal. As required by the BLM and other regulatory agencies, any spills that occur would be cleaned up immediately, and the appropriate agencies notified. Devon would be required to prepare and submit an Emergency Response Plan and a Spill Prevention, Containment, and Countermeasure Plan before proceeding with project activities.
29 Management	Implement a monitoring system for detecting spills around the proposed project area.	As part of routine operations, Devon would inspect the fuel storage systems and vehicles on a regular basis.

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30 Water	Conduct a comprehensive analysis on all waterways and drainages near or crossing roads and staging areas.	Vehicle water crossing would only occur at existing roads and two tracks, in addition Devon has committed to avoiding ephemeral crossing when water is flowing. In addition the total surface disturbance for this project will be less than one acre. Also Currant Creek will be excluded from the project area to protect CRCT. As a result there is not expected to be any measurable impact to the area waterways, and a comprehensive analysis would not be warranted.
31 Water	A complete and accurate assessment of the impacts (such as contamination and demands on water), including reasonably foreseeable impacts and baseline sampling, should be conducted to ground and surface water related to this proposed prior to approval of this proposed development.	Please refer to the water resource (Sections 3.5 and 4.5) and cumulative impact (Chapter 5) sections of the EA.
32 Water	We recommend that all equipment be contained, do not cross streams, and move the staging areas away from any stream or headwater. Preferably move west of the proposed seismic survey area.	As noted in response 26 above the staging areas have been consolidated and moved to avoid critical water resources. All required procedures to protect ground contamination from petroleum products will be taken.
James Montuoro, District Maintenance Engineer, Wyoming Department of Transportation		
1 Management	Provides requirements and penalties for utilizing the State Highway WY 191 right of way in seismic activities. Includes a form in case cable needs to cross the road surface.	Thank you for providing the form and listed the requirements. Devon will follow all WDOT requirements with respect to the right-of-way and road surface for WY 191.
Brian T. Kelly, Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office		
1 Wildlife	Notes that very few wildlife protection measures were noted in the Scoping Notice and Plan of Action, and encourages the development of adequate measures to ensure that wildlife resources are adequately protected.	As noted throughout the response to comments, a number of wildlife protection measures have been established to protect a wide range of wildlife resources. Primary among these are timing limitations for and buffers around critical wildlife resources.
2 Wildlife	Provided information on the Black-footed ferret on if a survey is needed.	The black-footed ferret inhabits white-tailed prairie dog colonies, and there are no known occurrences of this species in the seismic exploration area; the nearest population of white-tailed prairie dogs is the Baxter Basin prairie dog town located north of I-80 in central Sweetwater County. If any white-tailed prairie dog colonies are discovered in this project area, work would stop in the area, and the BLM contacted.

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3 Wildlife	Provided information on the Ute Ladies'-tresses, including habitat requirements and suggestions on survey approach	All the known Wyoming populations of the plant are found east of the continental divide, there are also populations in northern Utah, south of the proposed seismic exploration area. However there are no known occurrences of the plant in the area. Also there is a required 500 foot seismic shot buffer around riparian area, the plants habitat.
4 Wildlife	Proved information on the endangered Colorado River Fish. Discusses the issue of water depletions to the Colorado River system	Information about endangered Colorado River Fish is included in the EA. There are not any water depletions to the Green River as a result of this project.
5 Wildlife	Provided information on the Migratory Bird Treaty Act and protection of eagles. States that any work that could result in the taking of a migratory bird or eagle should be coordinated with the USFWS.	Information on the Migratory Bird Treaty Act and protection of eagles is included in the EA. A raptor survey was conducted to locate raptors and active raptor nests. The known Golden Eagle active nests in the project area are subject to timing restrictions (Feb. 1 - July 31, within one mile radius). There are no known Bald Eagles nests in the project area. There is no construction, and no vegetation clearing as a result of this project, so active migratory bird nests will be avoided.
6 Vegetation	Service recommends measures are taken to avoid or minimize impacts to wetland and riparian areas. That mitigation plans be developed if impacts are unavoidable, inkling use of BMP's	There are required no seismic shot buffers around riparian areas (500 feet) and streams (100 feet). Only established roads will be used, and no off road vehicle use is allowed. Other than road crossings, riparian and stream areas will be accessed by foot traffic only, and no ground disturbing activity will occur in them. No known wetlands are expected to be impacted by this project. There is limited ground disturbing activities as part of this project, and no stormwater permit is required, however; BMP's will be implmented, such as avoiding roads when rutting occurs.
7 Wildlife	Provided information about the Mountain Plover, and measures to protect the plover.	The Mountain Plover is not known to occur in the project area.
8 Wildlife	Provided information about the Greater Sage-grouse, including a recommendation to coordinate with the Wyoming Game and Fish.	Please refer to the Don Cuthbertson comment #4
9 Wildlife	Provided information about the Pygmy rabbit, including habitat requirements.	Please refer to the TU comment #12 and WGFD comment # 5

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Brad Pendery, Staff Attorney and Director of Public Lands, Wyoming Outdoor Council		
1 Management	States that the Currant Creek Watershed ACEC, is closed to surface disturbing activities, subject to some narrow exceptions. That it is not clear that the Project can meet these exceptions. Even if the project can proceed, BLM must ensure management goals are fully adhered to. However, BLM may not be able to approve seismic exploration in all areas of this ACEC	Please refer to the Wyoming Game and Fish Department comment #11.
2 Visual Resources	Notes that the Currant Creek Watershed is to be managed as a Class II visual resource management area, meaning, disturbances must blend into and retain the existing character of the natural landscape	Please refer to the Wyoming Game and Fish Department comment #11.
3 Management	Notes that the BLM must ensure the project meets the direction under the RMP, which could demand that the seismic activities not be allowed in all locations wanted by Devon Energy or at all times the company desires.	Based on RMP requirements there are a number of areas that are off limits to seismic operations. For example there are required no seismic shot buffers around riparian areas (500 feet) and streams (100 feet). Only established roads would be used, and no off road vehicle use would be allowed. There are ¼ mile buffers around springs. There is critical winter range timing closures in place.
4 Wildlife	Notes that special status species habitat is to be maintained, habitat is to be expanded, and the BLM is to seek to prevent these species from being listed under the Endangered Species Act (ESA). Sensitive plant species receive like protection under the RMP	A number of actions to protect sensitive species have been undertaken. Please refer to the Wyoming Game and Fish Department comment #5, TU comment # 12, and Don Cuthbertson # 4 for specifics about sensitive species protection. .
5 Management	Asks the BLM to ensure relevant provision in the RMP be fully complied with. Examples include visual resource management, requirements and maintain and improve wildlife habitat.	The BLM has determined that this seismic project would be in compliance with respect to all relevant portions of the RMP

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6 Management	Notes that the RMP maps highlight important resources that must be considered by the BLM, right-of-way avoidance areas (Map 8), big game crucial ranges (Map 15), sage-grouse restriction areas (Map 16), raptor seasonal restriction areas (Map 17), important recreation use areas (Map 21), visual resource management designations (Map 24), and areas of hydrologic concern (Map 26)	The critical elements identified have been considered in the EA.
7 Management	States that the BLM has substantial retained rights and that pursuant to these retained rights it can fully protect the natural environment in leased areas. That not only does the BLM have the right to do this, it in fact has an obligation to ensure full protection of wildlife and other resources as a condition of development of existing leases. In particular the BLM should interpret, and implement, its obligations in light of the policies established by NEPA.	Thank you for providing the relevant legal and regulatory information. The BLM endeavors to follow all relevant regulatory requirements, and values public involvement in carrying out its mission to achieve multiple-use management goals and objectives.
8 Management	States that Federal Land Policy and Management Act (FLPMA), establishes a requirement to fully protect the natural environment in areas that that have been leased.	Please refer to Wyoming Outdoor Council comment #7.
9 Management	Notes that that FLPMA’s mandate is to prevent unnecessary or undue degradation imposes dual action requirements on the BLM; and that it must take action to prevent both unnecessary degradation as well as undue degradation of the public lands.	Please refer to Wyoming Outdoor Council comment #7.
10 Management	FLPMA through its unnecessary or undue degradation clause and other provisions provides the BLM with authority, and indeed an obligation, to protect the natural environment even in areas that have already been leased.	Please refer to Wyoming Outdoor Council comment #7.
11 Management	Notes that there are a host of laws beyond FLPMA and NEPA that impose a requirement on the BLM to consider environmental conservation as a key component of oil and gas development	Please refer to Wyoming Outdoor Council comment #7.

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12 Management	Notes that the BLM has policies, regulations, and contractual provisions related to protection of the natural environment, relative to oil and gas development. It goes that the BLM has retained very substantial rights under the standard lease contract, provides a list of lease authority's	Please refer to Wyoming Outdoor Council comment #7.
13 Management	States that the standard lease and the 3101.1-2 regulation must be considered together to determine the BLM's retained rights to protection of the natural environment.	Please refer to Wyoming Outdoor Council comment #7.
14 Management	Provides a list of the three rights that the BLM conveys when it issues a lease, and provides a summary of the rights that the BLM has retained. Discusses details about the lessee and BLM lease rights.	Please refer to Wyoming Outdoor Council comment #7.
15 Management	Makes the point that under the Mineral Leasing Act, the BLM has sufficient authority to regulate development of an oil and gas lease in order to meet its legal obligations under numerous applicable environmental laws and policies enacted to protect the natural environment.	Please refer to Wyoming Outdoor Council comment #7.
16 Management	Reference regulations for onshore oil and gas leasing related to 43 C.F.R. § 3161, and the BLM retained right to protect the natural environment.	Please refer to Wyoming Outdoor Council comment #7.
17 Management	Discusses the issue of "takings" related to the issuance of an oil and gas lease, and that the takings issue is not significant in relation to a lease.	Please refer to Wyoming Outdoor Council comment #7.
18 Management	Requests that the BLM fully consider not allowing the Rubicon Project to be done "all at once," that it should consider pacing or phasing the project over a period of time so as to fully protect other resources.	Please refer to Wyoming Outdoor Council comment #7.
19 Management	Notes that the BLM in Wyoming has shown increasing granted exceptions and waivers to them to timing stipulations, and that this trend not be perpetuated, if protection of other resources is desired.	Please refer to Wyoming Outdoor Council comment #7.

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20 Management	Make the case that given the because the project is in special management areas, with their associated resources values, that the project is increasingly likely to have a significant impact, and an EIS should be carried out.	Please refer to Wyoming Outdoor Council comment #7.
21 Management	Notes that in determining the scope of this project, BLM must consider “connected actions,” “cumulative actions,” and “similar actions.” Provides information of what the three actions are and lists projects that should be considered as part of the cumulative impacts.	Please refer to Wyoming Outdoor Council comment #7.
22 Management	Makes the point that “primary purpose” of an environmental review is to “insure that the policies and goals defined in [NEPA] are infused into the ongoing programs and actions of the Federal Government. Proceeds to discuss the policies and goals of NEPA	Please refer to Wyoming Outdoor Council comment #7.
23 Management	Discusses specific NEPA requirement that the BLM considerations that it is important that they do not get overlook. For example, to insure that presently un-quantified environmental amenities and values are given consideration.	Please refer to Wyoming Outdoor Council comment #7.
24 Management	Provides information about how the purpose and need statements are determined. Notes that the BLM cannot claim the purpose and need for the Rubicon Project is essentially solely defined by, and constrained by, whatever rights and desires the lessees may have to explore for oil and gas.	Please refer to Wyoming Outdoor Council comment #7.
25 Management	Discusses the standards for information requirements necessary for environmentally informed decision-making by BLM.	Please refer to Wyoming Outdoor Council comment #7.

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26 Management	Discusses the need for a scoping process that identifies a range of alternatives. The WOC specifically request that the BLM consider alternatives that would phase or pace the seismic analysis over time and not allow it to be done “all at once” as one reasonable means to help ensure environmental protection.	Please refer to Wyoming Outdoor Council comment #7.
27 Management	States that it is crucial to recognize that unnecessary or undue degradation must be prevented as a result of the seismic project. Notes that unnecessary or undue degradation are two separate standards, and that the EA and decision record must provide that both unnecessary and undue degradation standards are met.	Please refer to Wyoming Outdoor Council comment #7.
28 Management	Discusses that under FLPMA, specific management actions like the seismic project must be done pursuant to multiple use and sustained yield principles.	Please refer to Wyoming Outdoor Council comment #7.
29 Management	Notes that under FLPMA the seismic project environmental analysis and resulting decision document must consider and be based on the relative value of the resources involved.	Please refer to Wyoming Outdoor Council comment #7.
30 Wildlife	Provides information about BLM sensitive species and candidate species and the requirements to conserve the species in a manner which contributes to their removal from BLM’s sensitive species list, or avoids listing on the ESA.	Please refer to Wyoming Outdoor Council comment #7.
31 Wildlife	Requests that the environmental analysis determine whether raptors including the ferruginous hawk, and eagles are or could be using the Rubicon Project area and ensure that LM meets its duties to provide management protections for these species	A raptor survey was completed as part of the seismic project. Active raptor nests would be protected with seasonal timing limitations and buffers, per the RMP requirement.

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32 Wildlife	Notes that the sage-grouse receives special protective measures, particularly in the context of oil and gas development and exploration activities, and BLM must ensure full compliance with its Sensitive Species Manual relative to this species, as well as other BLM guidance and guidance from the Wyoming Game and Fish Department. Also notes potential impacts to other obligate sage species.	Please refer to the Don Cuthbertson comment #4 about sage grouse. Limited surface disturbing activities related to this project would occur, and no alteration of sagebrush habitat would be expected. As a result, there will not be a loss of habitat to the sage grouse or other sagebrush-obligate species.
33 Wildlife	Provides suggestions of available information on big game that should be used in carrying out the EA. Requests that all the RMP requirements, not just critical winter range closures, for big game are followed, and that noise impacts be fully analyzed	Please refer to the Wyoming Wildlife Federation comment #4. Noise impacts are analyzed in the EA, and while there are anticipated to be impacts from helicopters on big game, that disturbance is limited in time. Also no helicopters would be used during hunting season, and in areas with critical winter range closures and elk parturition areas.
34 Water	Provides information and regulatory requirements about the Clean Water Act, and what the BLM is required to do to meet the Clean Water Act requirements. That the BLM must meet not only numeric standards but other standard as the anti-degradation standards as well.	Please refer to Wyoming Outdoor Council comment #7.
35 Vegetation	Notes that the project area contains remarkable riparian areas that are vitally important to the ecological health of the region, and that proper management of riparian areas is a critical component of managing for biological diversity and for meeting many other needs. Notes regulatory requirements for riparian area protection.	Please refer to U.S. Fish and Wildlife Service comment # 6.
36 Management	Requests that the Rubicon Project environmental analysis must consider, and the decision document must reduce to the extent possible, cumulative impacts resulting from this project.	A cumulative impacts analysis was conducted for this project which looks at the potential impacts in the project area, and also in nearby areas. Please refer to Chapter 5.0 in the EA for additional details.

APPENDIX E: RUBICON SEISMIC SURVEY EA - SCOPING COMMENTS AND RESPONSE TO COMMENTS

37 Vegetation	Requests that the BLM ensure the decision document provides for compliance with established requirements and procedures to adhere to invasive species prevention and control.	Weed control actions are required for this project and that are made part of the Conditions of Approval and other mitigation efforts including the applicant committed protection measures.
38 Vegetation	Requests that the BLM and this project should protect native plant species and communities, especially rare and special status species. The BLM should conduct surveys to determine the location of native plant communities and rare or special status species. The survey results should be presented in the environmental analysis, and the decision document should established protection standards	As part of the EA, vegetation surveys were conducted to identify BLM sensitive plant species and any ESA-listed species in the project area. The results of this survey are included as part of the EA. If sensitive or ESA-listed plants are located, specific actions to protect these plant species will required to ensure their protection.
39 Noise	Notes that the environmental analysis and the decision document should fully address issues related to noise. These impacts must be evaluated in terms of the remoteness and quietness that so many seek on the public lands.	Please see Wyoming Outdoor Council comment # 33, WGFD comment #11, Don Cuthbertson comment #4, and to the EA Noise sections (Sections 3.21 and 4.21) for further details
40 Cultural	Notes that relevant cultural resource regulations and requirements and the Project environmental analysis must ensure inventory of cultural resources and their values prior to authorizing ground-disturbing activities.	A cultural survey of the project disturbance areas was conducted ahead of the commencement of the project. The required cultural resource regulations and requirements were followed in the survey and are documented in this EA. If any cultural resources are discovered during the field portion of the project work will stop in that area and the BLM will be notified.