1995

HS Resources, Inc., Natural Gas Exploration Project, Finding of no Significant Impact Decision Record

United States Department of the Interior Bureau of Land Management

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The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield: a combination of uses that take into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness, and natural, scenic, scientific, and cultural values.
Dear Reader:

The enclosed Finding of No Significant Impact and Decision Record describes the Bureau of Land Management’s (BLM) decision for the HS Resources, Inc. Natural Gas Exploration Project Environmental Assessment (EA). The decision is to approve HS Resources’ proposal to drill three exploratory wells in the Essex Mountain area: one discovery, one confirmation, and one delineation well. The decision is based on the EA and comments received and is subject to the identified mitigation measures and monitoring requirements outlined in Appendix A. This decision is subject to appeal as explained in the decision.

The HS Resources Exploration Project EA was released to the public on June 20, 1995. Public comments were accepted through July 10, 1995. The BLM received six comment letters during the comment period. A summary of comments and BLM’s response are contained in Appendix B. Public comments did not necessitate a revision of the EA.

The EA, prepared by the BLM, fulfills the requirements of the National Environmental Policy Act of 1969, as amended. The proposed action is in conformance with the Green River Resource Area’s Big Sandy Management Framework Plan (April 1982) and the Big Sandy Oil and Gas Environmental Assessment (June 1982).

The BLM appreciates public involvement during the environmental analysis process. Public involvement greatly enhances the integrity of BLM’s decisions. If you have any questions, please contact me at (307) 362-6422.

Sincerely,

Area Manager

ASSISTANT

DECISION RECORD
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
HS RESOURCES INCORPORATED
NATURAL GAS EXPLORATION PROJECT

SUMMARY OF HS RESOURCES’ DEVELOPMENT PROPOSAL

HS Resources Incorporated and Lario Oil and Gas Company (HS Resources) propose to drill three natural gas exploration wells (one discovery, one confirmation, and one delineation well) on public lands in the Essex Mountain area located east of the Sand Dunes Wilderness Study Area (WSA) in Sweetwater County, Wyoming (see Maps 1-1 and 1-2). These public lands are administered by the Green River Resource Area (GRRA), Rock Springs District of the Bureau of Land Management.

Drilling these wells would aid in determining whether economically recoverable gas reserves are present in the area and the location and size of these reserves. The wells would be located on a one per section (640-acre) spacing for drilling in and production from the Frontier, Dakota, and Morrison Formations. If the first well proves to be nonproductive, the confirmation and delineation wells may not be drilled. However, if the three wells are all determined to be economically productive, further development in the area could occur. Further drilling and production operations beyond these three wells would not occur until a field development Environmental Impact Statement (EIS) has been completed. The EIS would incorporate a coordinated, comprehensive resource management plan for the Steamboat Mountain area and the Greater Sand Dunes Area of Critical Environmental Concern (ACEC) to accommodate oil and gas development, and management of unique habitat and resources.

DECISION

It is my decision to approve the natural gas exploration development as proposed (see EA Chapter 2) by HS Resources in the HS Resources Natural Gas Exploration Project Environmental Assessment (EA). Approval allows the authorization of necessary permits and rights-of-way on public lands administered by the BLM.

Project components include:

- Construction, drilling, completion, production, routine operation, and reclamation of up to three exploratory natural gas wells (see EA Sections 2.1.2 through 2.1.5).
Map 1.1 General Location of the HS Natural Gas Exploration Project, Sweetwater County, Wyoming, 1995.

Map 1.2 Project Area, HS Natural Gas Exploration Project, Sweetwater County, Wyoming, 1995.
Approval of these facilities is conditioned upon and subject to the following administrative assessment that the project, as described in In addition, the be conducted to determine the presence of candidate or state sensitive species known to or potentially could occur in the area of disturbances. Written concurrence will be forthcoming.

Findings

Based upon my review of the analysis in the HS Resources Natural Gas Exploration Project EA (June 1995), including the explanation and resolution of any potentially significant environmental impacts, I have determined that the Proposed Action is in conformance with the approved land use plan and programmatic oil and gas EA. With the mitigation measures described in the EA and contained in this decision, the Proposed Action will not have any significant impacts on the human environment. Therefore, an environmental impact statement is not required.

Management Considerations/Rationale for Decision

My decision to approve HS Resources exploratory natural gas project is based upon careful consideration of a number of factors including:

1) Consistency with Land Use and Resource Management Plans - This decision is in conformance with the overall planning direction for the area. The programmatic Big Sandy/Salt Wells Oil and Gas EA and the Big Sandy Management Framework Plan state that public lands in the proposed area of development are "...open to oil and gas leasing and subsequent development." It also states that "standard" and "special" protective stipulations are to be applied to development, and implementation would be on an "as needed" basis to prevent undue adverse impacts to other resource values. Standard and special protective measures were identified and incorporated into the Proposed Action to reduce or eliminate adverse impacts.

2) Public Involvement, Scoping Issues, and EA Comments - Opportunity for public involvement was provided throughout the environmental process. Scoping for issues and alternatives was initiated in November 1994 with the mailing of scoping notice and issuing a news release. Ten response letters were received. A summary of the scoping issues brought forth by the public can be found on pages 1-10 through 1-12 of the associated EA. Approximately 100 copies of the EA were distributed to the public for review and comment on June 20, 1994. On April 25, 1995, the Sweetwater County Commissioners sponsored a public information meeting at which they asked BLM to inform the attending public about federal oil and gas development activity within Sweetwater County. The HS Resources project was briefly discussed and its location identified on a map. No comments or questions were received specifically about the proposed project.

3) Agency Statutory Requirements - All federal, state, and county authorizing actions required to implement the HS Resources proposal have been identified (see EA, Table 1.1). All pertinent statutory requirements applicable to this proposal were considered. These include consultation with the U.S. Fish and Wildlife Service regarding threatened, endangered, and candidate species; coordination with State of Wyoming with regard to wildlife, environmental quality, and oil and gas conservation; and Sweetwater County for coordination of construction and use permits.

4) National Policy - Private exploration and development of federal oil and gas leases is an integral part of the BLM oil and gas leasing program under the authority of the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976. The United States continues to rely heavily on foreign energy sources. The oil and gas leasing is needed to encourage development of domestic oil and gas reserves to reduce the United States' dependence on foreign energy supplies. Also, natural gas is the "energy-of-choice" by the Congress and President because it is clean burning and less polluting. Therefore, this decision is consistent with national policy.
5) Measures to Avoid or Minimize Environmental Harm - The adoption of the mitigation measures identified in the HS Resources EA and contained in this Decision Record represent all practicable means to avoid or minimize environmental harm. To ensure that the environmental consequences of the field development activities would be minimal, not only are the required safeguards and resource protection measures identified through the Big Sandy MFP and the Big Sandy/Salt Wells Oil and Gas programmatic EA, but also provides for the incorporation of any additional protection measures that would result from the Green River Resource Management Plan (RMP) based on the RMP Draft EIS. With implementation of the prescribed mitigation measures, there are no issues that remain unresolved as raised by governmental agencies, industry, or individuals.

6) Monitoring and Enforcement Program - BLM and HS Resources will provide qualified representatives on the ground during and following construction to validate construction, reclamation, and other approved compliance checks commensurate with the provisions of this Decision Record. Appropriate remedial action will be taken by HS Resources in the event unacceptable impacts are identified during the life of the project.

7) Unique Resources - BLM recognizes the unique resources contained in the Essex Mountain/Steamboat Mountain area. Thus, should these three wells provide evidence that economically viable oil and gas reserves exist, no further development would be allowed until an EIS is prepared. Should an EIS be prepared, it would incorporate Steamboat Mountain area comprehensive management Plan that would guide future actions in the area.

8) Finding of No Significant Impact - The conclusion reached in the EA regarding the direct and indirect incremental change to the environment, introduced by implementation of this project on the affected resources, would be minimal. By minimizing or avoiding the introduction of adverse impacts, the net change in cumulative impact introduced by this project, in conjunction with past, present, and reasonably foreseeable actions, is also expected to be minimal. The Proposed Action will not result in impacts that exceed the significance criteria defined for each resource and that with the mitigation measures described in the EA and contained in this decision will not have any significant impacts on the human environment. Therefore an EIS is not required.

The decision to approve HS Resources exploratory development project takes into account important management considerations, federal agency missions, and public need for natural gas. The decision balances these considerations with the degree of adverse impact to the natural and physical environment. This action will help meet public needs for oil and gas while minimizing irreversible, irrevocable commitment of other important resources.
APPENDIX A
PROJECT-WIDE MITIGATION MEASURES

HS Resources and its contractors and subcontractors will be required to conduct operations in full compliance with applicable federal, state, and local laws and regulations, and within the guidelines and stipulations specified in this Decision Record, right-of-way grants, and permits issued by the BLM. Standard operating procedures for surface-disturbing activities must be adhered to during all proposed activities unless the Authorized Officer approves an exception in writing and only if conditions warrant.

In accordance with BLM regulation 43 CFR 3162.1(a) and Onshore Order No. 2, HS Resources will be responsible for compliance of its employees, contractors, and subcontractors with the terms and conditions of all permits, agreements, and mitigation measures described in the Decision Record. Each contractor and subcontractor will be required to maintain up-to-date plans and specifications at construction site.

COMPANY COMMITTED MEASURES

1) Well locations, access roads, and pipelines would be selected and designed to minimize disturbances to areas of high wildlife habitat and/or recreational value, including wetlands, riparian areas, and stabilized sand dunes.

2) If deemed necessary by the BLM in consultation with the Wyoming Game and Fish Department (WGFD), newly developed or improved roads through crucial wildlife areas would be gated and locked at appropriate locations to prevent unnecessary wildlife disturbance. Keys would only be provided to essential project personnel (i.e., pumpers) and area administrators (i.e., BLM, WGFD, County Sheriff’s Office, etc.).

3) Areas with high erosion potential and/or rugged topography (i.e., steep slopes, floodplains, unstable soils) would be avoided, where possible, and if these areas are impacted, further site-specific reclamation procedures would be applied as directed by the BLM.

4) Surface disturbance and/or occupancy would not occur on slopes in excess of 25%, nor would construction occur with frozen or saturated soil material or when watershed damage is likely, unless an adequate plan is submitted to the BLM that demonstrates potential impacts would be mitigated.

5) Roads not required for routine operation and maintenance of producing wells and ancillary facilities would be permanently blocked, recontoured, reclaimed, and revegetated, as would disturbed areas associated with permanently plugged and abandoned wells.

6) All abandoned wells would be plugged according to 43 CFR 3160 Onshore Order No. 2 to protect and isolate all down-hole mineral and water-bearing zones.

7) Removal or disturbance of vegetation would be kept to a minimum through construction site management (i.e., by utilizing previously disturbed areas, using existing ROWs, designating limited equipment/materials storage yards and staging areas, and scalping).

8) Available topsoil, up to 12 inches, would be segregated from subsoils during all construction operations and would be returned to the surface upon completion of operations, where feasible. Topsoil stockpiles would be revegetated or otherwise protected to prevent erosion and maintain some soil microflora and microfauna.

9) Removed vegetation would be replaced with plants of equal value using procedures including the following:
   a. Compact soil would be ripped from 12 to 18 inches deep prior to reseeding.
   b. Reseeding could employ broadcast or drill seeding procedures.
   c. Native cool season grass, forb, and shrub seeds would be utilized in a mixture approved by the landowner/BLM on the majority of disturbed areas (see Table 2.4). 
   d. BLM-approved introduced/adapted species (e.g., crested wheatgrass [Agropyron cristatum], Russian wildrye [Elymus juncceus], etc.) would be added to the seed mix only after all attempts at vegetation reestablishment with native species are unsuccessful as determined during monitoring. If used, nonnative species would be nonaggressive and nonpersistent as outlined in Executive Order (EO) 11987.
   e. All seed mixes would be free of noxious weeds.
   f. Water bars would be installed on disturbed slopes as necessary to reduce erosion.
   g. Some reclamation sites (e.g., riparian areas) would be fenced as determined on a case-by-case basis by the BLM.
   h. Where appropriate, BLM-approved weed control techniques (e.g., soil sterilants, biological controls) would be applied.

10) Reclamation success would be monitored by HS, as directed by the BLM, and if determined unsuccessful, further reclamation measures (e.g., reseeding, mulching, etc.) would be applied.

11) Soil disturbance within 500 ft of perennial surface water and/or wetland areas would not be allowed unless an exception is authorized by the AO.

12) Surface disturbance within 100 ft of the channel or inner gorge of intermittent and ephemeral drainages would not be allowed unless an exception is authorized by
the AO.

13) Current water uses on and adjacent to the HSPA would be protected from project impacts, and project activities would be conducted to prevent adverse effects on water quality and quantity, as required by federal and state regulations.

14) Temporary erosion control measures such as mulch, waterbars, or other appropriate methods would be used on unstable soils, steep slopes, and wetland areas, where these areas must be impacted, to prevent erosion and sedimentation until vegetation becomes established.

15) Surface disturbance within 1.0 mi of active raptor nest sites (i.e., used within the last three years) would be avoided during the nesting season of February 1 through July 31. If the area must be impacted, project activities would occur outside the nesting season.

16) Construction and drilling activities on crucial winter and parturition (birthing) ranges as delineated by the BLM and WGFD would not be allowed during crucial winter and parturition periods (i.e., November 15 through April 30 and May 1 to June 30, respectively). Proposed wells, roads, and pipelines located within crucial winter range would be scheduled for development during the summer months.

17) Known active sage grouse leks and adjacent public land areas (2.0 mi radius from lek centers) would be avoided during the breeding and nesting seasons from March 1 through June 30; no construction activities would be conducted on public lands within 0.25 mi of known lek sites. Project activities on public lands other than routine production and well maintenance would only occur within 2.0 mi of lek centers outside the breeding and nesting seasons.

18) Reserve pits and other areas potentially hazardous to wildlife would be fenced and netted (1 inch mesh) to prohibit wildlife access as directed by the BLM.

19) Paleontological and archaeological field checks by BLM personnel or other authorized personnel would occur prior to disturbance as deemed appropriate by the BLM. Monitoring during surface-disturbing activities would be conducted by a BLM-approved archaeologist or paleontologist, as deemed appropriate by the BLM. Paleontological or cultural resource sites would be avoided or mitigated as necessary prior to disturbance. Any cultural or paleontological resource discovered by an operator or any person working on his/her behalf would be reported immediately to the BLM, and all operations that may further disturb such resources would be suspended until written authorization to proceed is issued by the BLM AO. An evaluation of the discovery would be made by the BLM to determine appropriate actions to prevent the loss of significant resources. HS would be responsible for the cost of any mitigation required by the BLM, and the

BLM would provide technical and procedural guidelines to conduct the mitigation.

20) HS would inform all persons associated with this project that they would be subject to prosecution for damaging, altering, excavating, or removing any archaeological, historical, or vertebrate fossil objects or site(s).

21) Construction and facilities would be in conformance with Visual Resource Management (VRM) objectives for the VRM classes in the project area. Surface facilities in the HSPA would be located to minimize disturbance of the visual horizon and painted to blend in with the surrounding landscape. All attempts would be made to locate surface facilities such that they are not visible from WSAs.

22) All internal combustion engines would be muffled and maintained in good working order to minimize impacts to air quality and noise and to ensure human safety.

23) Candidate plant clearance surveys would be performed by a BLM-approved botanist prior to surface disturbance in areas of known or potential candidate plant species habitat. Avoidance of any candidate species found on the surveyed area would be pursued, or other appropriate mitigation measures applied.

ADDITIONAL MITIGATION MEASURES

24) Regular equipment maintenance, including emissions checks, and regular maintenance of roads would reduce impacts to air quality. Impacts to air quality due to airborne dust would also be minimized by maintaining appropriate speed limits. Roads and well pads would be constructed with appropriate materials (e.g., gravel and clay) to minimize dust generation. No open burning of garbage or refuse would be allowed at the well sites or other facilities.

25) Specialized reclamation/revegetation measures may be applied on the clay-acquisition area due to soil limitations and since the area is partially contained within the Greater Sand Dunes ACEC.

26) If threatened, endangered, and candidate species or special status species are discovered, or if evidence of habitat (e.g., prairie dog town) is found during permitting, development, or production activities, the BLM, USFWS, and WGFD would be consulted and appropriate mitigation measures would be implemented to ensure that no adverse impacts occur to these species.

27) Disturbance to cultural resources would be mitigated by recording and salvaging cultural resource information during Class III surveys and by avoiding sites. In the case of historic trails, additional archival research may be warranted.
28) BLM, HS Resources, and livestock permittees would monitor livestock movements, especially regarding any impacts from roads or disturbance from construction and drilling activities. Appropriate measures would be taken to correct any adverse impacts should they occur. No additional mitigation is recommended.

29) During selection of well locations, consideration would be given to prevent any one well location or combination of locations from dominating a particular view. Tanks and equipment would be painted such that they blend with the surrounding landscape. Well locations, pipelines, and other linear intrusions would be located and designed to blend with topographic features, thereby reducing the visual contrast between these structures and the natural elements of the surrounding landscape. New roads would be designed so they conform to the existing landscape. Every opportunity would be taken to reclaim existing roads/trails not used when new roads are designed over them. Additionally, portions of well locations not used during production and other disturbed sites would be reclaimed and revegetated as soon as possible and within two years.

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APPENDIX B
RESPONSE TO PUBLIC COMMENTS
HS RESOURCES/LARIO NATURAL GAS PROJECT

The BLM received five comment letters during the comment period June 20, 1995 and July 10, 1995. Substantive comments (those comments bearing directly on the effects of the Proposed Action and no action alternative) were identified and replies prepared.

WYOMING OUTDOOR COUNCIL
1. Gravey concerned about the scope and pace of energy development in southwest Wyoming. Up to 11,000 new gas wells could be authorized in addition to the thousands of existing wells in operation. Thousands of miles of roads and tens of thousands of acres of wildlife habitat have been excavated; air quality and visibility have noticeably declined. Most of the existing wells/developments have been approved under a FONSI - a situation we find most disingenuous given the fact that BLM has recognized that "profound changes" to the environment have resulted from energy development.

The BLM understands your concern about the scope and pace of energy development in southwest Wyoming. The BLM agrees that a review of the regional, cumulative impacts of mineral development is warranted. On February 8, 1995, the BLM announced that it had begun such an effort, the Southwest Wyoming Resource Evaluation. Notices have been mailed to the public, and the public has been invited to participate. The addition of between 6,000 and 11,000 new gas wells is expected to occur over a 15-year period in southwest Wyoming but is dependent upon many factors. During the same period of time, BLM expects some wells and related surface facilities to be abandoned and reclaimed. In conjunction with the Southwest Wyoming Resource Evaluation, visibility and air quality concerns within the Green River Basin will be evaluated.

Some project developments have been approved based on a FONSI during the NEPA analysis. This is acceptable and correct if the issues and concerns identified at the time were not considered significant. More recently, however, full field development or infield development proposals have been analyzed in an EIS because of the scale and scope of the proposal and the resource concerns identified internally and/or by public scoping. The BLM felt the issues and concerns raised during public scoping on the HS Resource exploration proposal could be appropriately addressed in an EA.

2. Profound environment changes have taken place, yet most of the development has been authorized under official proclamation of "no significant impacts." Enormous tracts of public land in southwest Wyoming have taken on characteristics of industrial landscapes, displacing wildlife and a host of other uses and values, yet BLM continues to maintain that it is meeting its legal obligation to provide for multiple use.

BLM disagrees that enormous tracts of public land in southwest Wyoming have taken on characteristics of industrial landscapes. However, BLM does acknowledge that oil and gas development is altering the landscape of southwest Wyoming. This was recognized in the land use plans and the programmatic oil and gas EA prepared for the Green River Resource Area as an accepted phenomenon associated with oil and gas development activity. The BLM has initiated a review of regional cumulative impacts. The BLM is mandated by regulation (43 CFR 3161.2) to:
...require that all [oil and gas] operations be conducted in a manner which protects other natural resources and the environmental quality, protects life and property..."

The BLM requires that mitigation measures be designed to minimize adverse impacts to other resource values.

3. Incremental and piecemeal environmental analysis fails to acknowledge and describe the landscape-scale changes presently taking place in southwest Wyoming and serves only to perpetuate BLM's disingenuous approach to analysis - what is referred to as the BIG LIE - past developments in southwest Wyoming have had no noticeable impact on the environment, everything is ok, and there will be no impacts from future development. We know that such a scenario is impossible. Development of 10-12,000 new wells, in addition to thousands of existing wells will not occur without serious, long-term negative consequences. BLM must be honest with the American people.

The analysis approach taken by BLM is in accordance with BLM planning and Council of Environment Quality (CEQ) regulations. BLM's land use plans, with extensive public involvement, made the initial determination which lands would be made available for oil and gas leasing and what the appropriate criteria would be for environmental protection during oil and gas development as lease stipulations. The Big Sandy Management Framework Plan (MFP) (April 1982), is the land use plan that includes the subject lands as available for lease subject to various resource protection requirements. In addition, and also with extensive public involvement, the Big Sandy/Salt Wells Oil and Gas Environmental Assessment (June 1982) programatically analyzed oil and gas development in the Green River Resource Area. The area analyzed included nearly five million acres of federal, state, and private land in parts of Sweetwater, Sublette, Lincoln, Fremont, and Uinta Counties, Wyoming. The purpose of the EA was to: (1) analyze the environmental impacts of oil and gas development in this area over a ten-year period (through 1991), (2) review existing practices, and (3) develop additional measures to mitigate those impacts where indicated. The programmatic EA was an integral part of the BLM's land use planning process, analyzing those Big Sandy MFP land use decisions relating to oil and gas leasing.

The safeguards identified through the Big Sandy MFP and the Big Sandy/Salt Wells Oil and Gas EA would be minimal. It was during this process that not leasing parcels within the subject area was considered. This decision process included full public involvement through public meetings and written comments. Re-analysis of oil and gas development within the Green River Resource Area including the cumulative effects of past, present, and reasonably foreseeable development was initiated in 1989. The Green River Resource Management Plan Draft EIS was released for public review in 1992. Several public meetings were held to receive public input; over 200 public comment letters were received. The Green River Resource Management Plan Final EIS should be published in late 1995.

CEQ guidance mandates that an environmental assessment should be a concise document which "(1) ...briefly provides sufficient evidence and analysis for determining whether to prepare an EIS; (2) aids an agency's compliance with NEPA when no EIS is necessary, i.e., it helps to identify better alternatives and mitigation measures; and (3) facilitates preparation of an EIS when one is necessary." The HS Resources EA has met these requirements.

Continued development, projected by industry at 6,000 to 11,000 wells over a 15-year period, has raised concern about the adequacy of the present BLM environmental analysis/project approval process. Thus, the BLM has instituted the Southwest Wyoming Resource Evaluation to review the cumulative impacts of mineral development in southwest Wyoming. This review will be conducted in three phases: (1)

Identification of ecosystems, current land use decisions, NEPA impacts and mitigation, existing data sources and issues; (2) review of baseline information collected during Phase I; and (3) if conclusions reached during review of the baseline data dictate, corrective planning measures will be designed. However, current, ongoing mineral leasing and development approvals will not be affected during the evaluation process.

Although the respondent may feel that the BLM is not honest with the American people, the BLM, as mandated by regulation (40 CFR 1502.1), has fully disclosed all impacts associated with this federal action.

4. Why only 20 days for review and comment on this EA?

Length of time to comment on EAs is at the manager’s discretion. The BLM felt that since this document pertained specifically to one exploratory well and provided analysis for the other two wells, 20 days was adequate for public review.

5. The EA notes that it is meant to satisfy NEPA requirements of the APD for Well #1. FOOGLRA provides for a 30-day comment period.

The Notice of Staking was received by the Green River Resource Area on July 7, 1994 and was posted on the public notification board located in the GRRA office in accordance with APD (Application for Permit to Drill) procedures for a 30-day review. Thus, the procedural provisions of FOOGLRA were complied with. Time frames for public comments on EAs are discretionary based upon the individual circumstances of the application.

6. The operator proposes to build new access road to Well #1. Why can’t access to that well be gained by utilizing the powerline/pipeline ROW? This ROW is shown as a 2-track on BLM’s Farson surface status map.

The proposed access to Well #1 would disturb fewer environmentally sensitive areas (e.g., sand dunes) than would access from the powerline/pipeline ROW and existing two-track road. The BLM determined during initial site investigations that access to Well #1 from the existing road to the west as identified in the EA would cause the least impact to surface and visual resources.

7. The EA fails to note whether the 3 wells occur on a single or multiple leases, having a direct bearing on BLM’s ability to implement a no action alternative.

Each proposed well is on an individual lease. Thus, the BLM is mandated to allow access to and the opportunity to explore for and produce the leased mineral. The EA (see page 1-1) specifies that the three exploratory wells would be located on a 640-acre spacing and that in the event the initial discovery well proves to be nonproductive, the confirmation and delineation wells may not be drilled. If, however, all three wells proved to be economically productive, further drilling and production would not occur until a field development EIS has been completed.

8. Disagree with BLM’s assessment that development activity can properly occur within a VRM Class II area. Oil and gas activity may cause significant changes to the landscape, withheld under a Class II rating. The proposed well should be located outside the Class II area.
One proposed well (#1) is located in the VRM Class II area. The other two wells are located in a VRM Class IV area. BLM Manual H-8410-1, Visual Resource Management, specifies the objectives for each VRM Class. The objective for VRM Class II areas is:

"to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen (emphasis added), but should not attract the attention of the casual observer. Any changes must respect the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape."

The Green River Resource Area RMP, Draft EIS carries forth this objective. Mitigation measures identified in Sections 2.1.6 and 4.6.4 (see page 2-38 and 4-31) of the EA describe actions that will be taken to reduce to the maximum extent possible, the visual contrast between the layout of facilities and the natural elements of the surrounding landscape. These actions comply with current goals and objectives for maintaining the visual quality of the area.

9. Re-surfacing the "grandfathered" road in the Sand Dune WSA is not consistent with BLM's interim WSA policy. The well should be located so as not to require use of this road inside a WSA.

The 0.5-mile access road in the Sand Dunes WSA is "grandfathered," meaning it was in existence prior to October 21, 1976 and led to a producing natural gas well. The "Interim Management Policy and Guideline for Lands Under Wilderness Review" clearly allows for continued use to the extent and degree that the road was in use on October 21, 1976 (in this case, to access valid existing lease(s)). This policy also clearly allows for re-surfacing as part of the maintenance program on these existing roads.

10. Cumulative effects analysis is wholly inadequate. There are a number of past, present, and reasonably foreseeable actions in the vicinity of the project area that were not considered in the EA. Some are identified on page 3-12. The EA fails to describe how past and existing projects have affected the environment in the area. Other EA/EISs are in some phase of completion in southwest Wyoming, yet the EA makes no mention of these related projects.

The BLM feels the cumulative analysis area identified in the EA is adequate to address one discovery well and if the well proves productive, one confirmation and one delineation well. The cumulative analysis area incorporates up to 36,000 acres depending upon the resource. The Southwest Wyoming Resource Evaluation will address the cumulative impacts within the southwest Wyoming region.

The respondent did not identify exactly what actions have not been identified and included in this cumulative analysis. Existing direct disturbance within the cumulative impact analysis area (CIAA) is 403 acres. Should the Proposed Action be fully implemented, total direct disturbance to the CIAA would be 426 acres, an increase of 23 acres.

It is correct that other actions are proposed in southwest Wyoming. However, the closest proposal is the Balcon project located over five miles to the east of the Lario/HS Resources project area and wholly outside the watershed boundary located used the CIAA. The Balcon proposal has been postponed.

Should these three wells proved economically viable, no further development would be allowed until an EIS is approved with full public involvement. At that time, cumulative analysis area would be expanded to incorporate a larger area based upon the extent of full field development.

12. The effects of full field development should be analyzed in the EA. Since it was not addressed before the leases were issued as required by NEPA. Full field development effects must be addressed now.

The BLM disagrees with the respondent. This action is in compliance with BLM policy which allows for the drilling of discovery, confirmation, and delineation wells before requiring analysis of a full field development scenario. The reason for this policy is to allow the lessee to determine if there are economically viable quantities of the oil and gas resource to warrant the expenditures for full field development. In addition, land use planning and programmatic resource plans have identified this area as available for leasing and development of the oil and gas resource. These documents addressed the effects of development and additional site-specific environmental analysis would be required prior to development proposed here. See response to comment #3.

13. The EA notes (page 3-8) that coaled methane development is expected to occur by the year 2002, yet fails to reveal what the effects might be. Coalbed methane development in this area is "reasonably foreseeable" and therefore must be considered in this EA.

Although the project area is located within the portion of the Green River Basin that has high potential for coaled methane, the BLM is unaware of any proposal to explore for or produce this resource at this time. Regardless, should full field development be warranted as a result of implementation of this action, the potential for coaled methane development will be addressed in the field development EIS.

14. The decision to analyze cumulative impacts based upon a limited scope (HSPA or broader scope (CIAA) appears completely arbitrary. The EA should explain why analysis of the cumulative impacts on surface resources were conducted outside the project area (e.g., visual), while the cumulative impacts of other resources were analyzed within the cumulative impacts study area (e.g., soils). We feel the proper analysis area is the region of southwest Wyoming.

The BLM believes that the cumulative impact assessment is sufficient for this exploration project and all known existing and proposed surface disturbance was quantified and included in the EA. The HS Resources Project Area (HSPA) and the CIAA were established by the BLM based on the interdisciplinary team member's familiarity with the area and the extent of proposed impacts. Some resources (i.e., geologic hazards, paleontology, cultural resources) are not impacted beyond the area of direct disturbance. Other resources (i.e., soils, surface and ground water, big game) include a larger area because disturbance may indirectly affect the resource. Impact assessment of developments outside the area of analysis is beyond the scope of this EA.

15. The EA states that after the project is completed and disturbed areas reclaimed, the same resources that were present prior to the project would be available. Same has been said about thousands of existing wells and thousands of others on the drawing board, we know this can't be true. Big game populations decimated by the destruction of large amounts of crucial winter range and parturition areas will take years to recover, if at all. Although BLM is accustomed to describing impacts to wildlife in terms of "temporary displacement," increased development has significantly eaten into the areas where wildlife that once existed in southwest Wyoming, but are increasingly being lost to thousands of miles of new and reconstructed roads suddenly return after the area has been drained of its mineral reserves? The statement on page 4-34 captures the essence of the BIG LIE.
BLM believes that once successful reclamation has occurred following abandonment, the same resources that were present before disturbance (e.g., big game populations, remote recreation) would again be present.

16. Connected, cumulative, and similar actions are not evaluated in the EA. For example, the EA makes numerous oblique references to "authorized disposal sites," "authorized gravel and crushed rock locations," and "approved sites," yet fails to describe the environmental effects of these connected actions. If gravel pits, hazardous materials, and solid waste disposal sites are required to implement the action, the effects of these connected actions must be addressed in this EA.

The authorized disposal sites and authorized gravel/crushed rock sources are existing. No new developments would occur for disposal or construction materials, only use of existing permitted sources would be used.

17. The EA states that reserve "pits would be netted in a manner that would prevent migratory bird mortality if oil or other harmful substances would be present." Yet on pages 2-26 and 2-37, the EA indicates unconditionally that netting shall be required. Please clarify.

Netting will be required on all reserve pits left to evaporate following drilling.

18. Page 2-33 notes that a number of additional plans are required. These plans should be integrated with the NEPA process and made available for public review before a decision is made. The level of piece meal analysis evidenced by this EA is not only astonishing, it is illegal.

Many documents state as part of the permitting process, additional plans will be required under regulations not administered by the BLM (e.g., EPA, WDEQ, or OHSA). These plans are available for public review at the company’s office or the affected resource area’s office.

20. Where in the EA is USFWS’s written concurrence regarding the impacts on T&E species?

The EA incorporates a biological assessment for threatened and endangered species. Findings in the impact analysis determined that no threatened or endangered species would be adversely affected by the Proposed Action and given that appropriate mitigation measures are implemented, the proposed project in combination with exiting developments in the HSPA are not likely to adversely affect or jeopardize these species. It is BLM’s responsibility to determine whether threatened or endangered species are affected by an action. If a threatened or endangered species is affected, BLM would initiate formal consultation which is not necessary in this case. Informal consultation with U.S. Fish and Wildlife Service personnel agree with BLM’s conclusion.

21. We are very concerned about the project’s effects on elk and mule deer. While this project may have minor effects on these species, impacts could be significant when combined with past, present, and reasonably future actions. Page 4-16 notes that 47 acres of elk crucial winter/yearlong and parturition range would be directly impacted by the proposal (0.01% of crucial winter range, crucial winter/yearlong habitat in the Steamboat Elk Herd Area). Yet no figures are provided for existing disturbances or reasonably foreseeable future actions. Destruction of crucial winter range is described in terms of "displacement," when in fact the impacts eventually result in increased mortality and decreased populations. Any loss of crucial winter range is significant and the EA should recognize this.

Existing and proposed disturbance in mule deer and elk crucial ranges are quantified in the CAAA (see EA Section 4.1.19, page 4-42). Potential habitat loss and displacement of elk and mule deer from critical winter range due to this exploratory drilling will not lead to increased mortality and decreased population size individually or in combination with existing development in the area. The activity will occur only during the noncrucial summer period. No significant impacts are anticipated. Potential future disturbances in these areas are unknown at this time. However, such developments would be evaluated through the NEPA process at the appropriate time.

22. The EA fails to adequately describe the actions BLM has taken to protect the Greater Sand Dunes ACEC. Oil and gas development is not consistent with the management objectives for the Sand Dunes ACEC. Objectives include: preservation of its unique geological and biological features, yet we see nothing in the EA that addresses these concerns directly. Short of disapproving the entire project, the EA should consider and evaluate the effects of directional drilling wells #2 and #3 from a single well pad outside of crucial winter range/raptor nest buffers.

None of the three wells proposed for development are within the sand dunes of the Greater Sand Dunes ACEC. One-half mile of existing access road affects the western portion of the ACEC and the Sand Dunes WSA and the main existing access road leading into the area is located within the ACEC. Although the Greater Sand Dunes ACEC is managed for the objectives listed, it does not preclude oil and gas activity which is an identified existing use in this plan.

Directional drilling of exploratory wells #2 and #3 is not feasible and thus, not analyzed as an alternative. The proposed wells are approximately one mile apart. To require directional drilling would render the wells uneconomical and constitute a takings of lease rights.

23. The EA fails to note the presence of the largest Class I airshed in the contiguous US, less than 50 miles downwind of the proposed development and reveals that BLM failed to consult with the federal agencies (USFS, Park Service) with jurisdiction over the resource. Energy development in southwest Wyoming has impacted visibility and air quality in the Wind River mountains, part of the Class I airshed and threatens pristine alpine lakes with acid rain. Why hasn’t the existence of the Class I airshed noted in the EA and why wasn’t the USFS and Park Service consulted.

The BLM assumes the respondent is referring to the airshed in the designated Jim Bridger and Popo Agie Wilderness areas located approximately 50 miles north/north-west of the project area. Wind speed and direction data presented in the Green River RMP, DEIS (Figure 4, page 341) show that prevailing winds are from the west, west-south-west, and the southwest about 50 percent of the time. Winds originating from the south occur approximately 5 percent of the time. The de minimis emissions associated with drilling up to three natural gas wells will not effect the air quality of the Class I airsheds. The BLM does agree that air quality and visibility issues should be studied further and is participating in the Green River Basin Visibility Study.

Should these wells prove economically viable, a field development EIS will be prepared before further development is authorized, and air quality and visibility issues will be fully analyzed. Both the Intermountain and Rocky Mountain regional offices of the USFS were notified and given opportunity to comment on this proposal. The National Park Service was notified because it is the adjoining Park Service facilities are located in the northwest corner of the state (Yellowstone, Grand Teton) or to the west-southwest (Fossil Buttes NM) of the project area and are not affected in any manner by this proposal.
The BLM is in the process of updating the Green River Resource Area’s land use plan. This plan incorporates programmatic actions for oil and gas activities on public land. It is expected that the Green River BMP Final EIS will be issued to the public in October 1995. Additionally, the BLM has instituted a regional evaluation to address cumulative impacts of mineral development.

27. The EA does not adequately address cumulative impacts. BLM’s intent to expand mineral leasing in the Essex Mountain region is clear. The EA’s assertion that “the proposed wells would aid in determining if economically recoverable gas reserves are present in the area and the location and size of these reserves,” reveals BLM’s desire to implement an extensive leasing scheme in the region (page 2-1). Ten active gas wells exist in the HSRA and “other oil and gas operations and development operations are proposed adjacent to the CAA” (page 3-8 and 4-39). Within the CAA there are 61 active wells and a high potential for coalbed methane development and that “development activity is expected to occur by the year 2007” (page 3-8).”

See responses to comments #13 and #26. The BLM is not proposing leasing within the Essex Mountain region. The holder of existing, valid lease wishes to explore for and produce economically recoverable quantities of natural gas. The Proposed Action is quite specific: drill one discovery well and, if the well proves to be economically viable, one confirmation and one delineation well. Once leases are issued, the BLM is obligated to allow access and exploration and development of the leased mineral. Should these wells prove themselves, the BLM will initiate and complete a field development EIS process prior to authorizing additional development. The EIS process will include full public participation.

28. The EA gives only cursory mention to the cumulative impacts of mineral leasing on the region (page 4-35). The “Cumulative Impacts” analysis often looks no farther than the HSRA, which virtually precludes consideration of other regional development. Geologic hazards, paleontological resources, wetlands, noise and odor, and vegetation, the EA’s scope is limited to the HSRA and not the more extensive CAA (page 4-39, 4-44). Any substantial consideration of cumulative effects of mineral leasing is postponed to a later undetermined date after gas reserves are located and successfully tapped at the proposed development site. This cumulative analysis is dependent on the willingness of BLM to conduct an EIS (page 4-35). Considering BLM’s reluctance to consider the cumulative impacts of other mineral development projects in southwest Wyoming, this assurance provides little guarantee that regional impacts will be adequately considered.

See responses to comments #10, #26, and #27. The proposed wells are exploratory. One well would be drilled at a time. If the first well is unsuccessful, additional drilling may not occur. The cumulative impacts of immediate concern would be those activities associated with construction and drilling each well. The EA has met this requirement in accordance with CEQ regulations and BLM policy.

Certain resources would not be affected outside of disturbance areas. For example, paleontological resources could only be impacted by direct disturbance. Consideration of mineral leasing is made at the land use planning stage and cumulative impacts associated with leasing are addressed at that point. Should these three wells proved to be economically productive, full field development will be addressed in an EIS prior to authorizing additional activity. The BLM has recently committed to conducting an evaluation of mineral development in the Southwest Wyoming Resource Evaluation (also see responses to comments #1 and #3).

29. The EA fails to address several areas of concern. Numerous resources which should be reviewed for adverse cumulative impacts by regional development are either ignored or addressed in a
mitigation measures. For example, the EA mentions several times that mitigation measures will reduce impacts. While it is legally permissible for an agency to use mitigation measures to reduce the impacts of an action to the point that the action to the point that the impacts are no longer significant, see, e.g., Friends of the Earth v. Jantzen, 760 F.2d 976, 987 (9th Cir. 1985), those measures must be "more than mere vague statements of good intentions." Audubon Soc'y of the Coast, Am. v. Dallas, 977 F.2d 428, 435-6 (5th Cir. 1992). Another court case found that a FONSI should depend on "a plan that effectively assures" that negative impacts will be avoided, City of Waltham v. U.S. Postal Service, 11 F.3d 235, 241 (1st Cir. 1993). No method of enforcing mitigation measures is mentioned in the EA. Discussions of mitigation are no "more than mere vague statements of good intentions," and therefore, legally deficient. In fact, mitigation measures are entirely site-specific and do nothing to mitigate adverse cumulative impacts. Opportunities for regional mitigation efforts are ignored.

See response to comment #1. The respondent should specifically identify what resources are ignored or addressed in a cursory fashion. The BLM disagrees that companies committed mitigation measures identified in Chapter 2 (see page 2-34 and 2-35) of the EA and those additional measures identified in Chapter 4 (see 4-4, 4-15, 4-22/23, 4-24, and 4-31) are no more than mere vague statements of good intentions. These measures will assure the impacts are kept to an acceptable level that is considered not significant. Implementation of these measures is enforceable by BLM as part of the permitting process for project components. Conditions of approval are made part of the APD authorization and the company agrees to adhere to them. In addition, companies are required to post bonds to ensure that if any environmental damage occurs, money is available to correct problems.

Mitigation measures are site specific. They are designed to eliminate or reduce direct and indirect impacts to acceptable levels. There are no adverse cumulative impacts requiring mitigation that have not already been identified. The BLM cannot require a company to repair damage that is not related to their actions although some companies have voluntarily done so.

30. The EA relies heavily on unsubstantiated personal communications and observations of officials of various federal agencies assessing the environmental impact of the proposed development. In its consideration of threatened and endangered species, the EA relies almost entirely on communications with two different officers of the USFWS to identify the potential impacts on the location of endangered species. For example, the EA notes that migrating bald eagles, as well as those nesting within 36 miles of the development site, "may occasionally use the area." However, the EA depends on unsubstantiated communications to conclude that because eagles' use of the region is "intermittent" the development would have no impact on that species. Also based on "personal communication" is the observation that 16 candidate and other state sensitive animal species potentially occur in the HSPA. However, no data is used to confirm these reports or to assess the potential impacts on the species.

The BLM depends upon the expertise of other federal and state agencies. To comply with the ESA, the BLM depends on the USFWS to provide information on the status of threatened, endangered, candidate, and state sensitive species including the location of such on public lands. The USFWS is charged with maintaining data bases for threatened and endangered species and coordinates, as does the BLM, with local and state wildlife experts. If the respondent disagrees with the findings in the EA, the respondent should provide specific data showing why the findings are wrong. The company has committed to conduct on-site surveys prior to construction for affected candidate species and to adopt protective measures as needed.

31. The EA inadequately addresses impacts on other wildlife species. Though the development area is classified as "crucial winter and summer range" for elk and mule deer, and the EA admits that "some unquantifiable amount of displacement of elk, mule deer, and pronghorn would undoubtedly occur resulting in reduced use of existing habitat," these facts are dismissed on the basis that the proposed development area consists of only a small portion of the entire crucial range. This conclusion ignores the cumulative impact of the extensive mineral leasing taking place throughout the critical range.

See response to comment #21.

32. The EA gives inadequate consideration to the fact that the development site is located adjacent to the Sand Dunes WSA. Though the EA asserts that "WSAs are to be maintained in their natural, presumably pristine condition," it admits that "an existing improved road planned for use during project activities crosses WSA." Additionally, with increased access to the region "recreational uses and the potential for illegal intrusion into the WSA" could increase. However, the EA dismisses any impact on the WSA as "negligible" without giving appropriate consideration to the extensive use planned for the access road.

See response to comment #9.

33. No consideration is given to the cumulative impacts of other existing leases on the Sand Dunes WSA. For example, the proposed Bravo Field oil and gas development is also immediately adjacent to the Sand Dunes WSA. Increased access to and intrusion into the WSA caused by these two projects, among others, is certain to have adverse impacts on the WSA not considered by the HS Resources EA.

There are four active leases located within the Sand Dunes WSA. All are held by production. The Bravo Unit, located 30 miles east of the HSPA, sits north of and adjacent to the East Sand Dunes and east of the South Pinnacles WSA, but not adjacent to the Sand Dunes WSA. The 0.5-mile access road within the Sand Dunes WSA is used to access valid leases and was in existence on October 21, 1976. See response to comment #9.

34. All BLM action granting leases or authorizing lease development in the region should be postponed until a programmatic or comprehensive EIS is completed. BLM obviously expects heavy energy development in the Essex Mountain area in the near future. Transformation of southwest Wyoming from open, nearly wild land to an industrial energy development area is a significant environmental event deserving comprehensive decisionmaking. BLM should serve the interests of both the public and energy industry by completing a comprehensive EIS for development in southwest Wyoming to guide the important decisions. Only informed decisionmaking will permit development of needed energy resources without sacrificing other resources that are the property and the heritage of the American people.

See responses to comments #1, #2, #3, #26, #27, and #28.

BIODIVERSITY ASSOCIATES AND FRIENDS OF THE BOW

35. The EA states "[i]t is often the case that public entities...that insufficient benefit to the local community and that the beneficial effects of developing undeveloped and unroaded public lands - to wildlife and the public. An EA should determine (quantify and estimate
probability of the benefits of development, not merely assume that they exist. There is no assurance that recoverable minerals will be found. The final EA should include this information, and also quantify the benefits of the no action alternative.

The impacts of the project, both beneficial and adverse, including the No Action Alternative, are presented in Chapter 4 of the EA. BLM believes that the impacts were adequately addressed. See response to comment #2.

36. Our principle concerns involve possible impairment of the Sand Dunes WSA and protection of rare, threatened, endangered, and sensitive species which may occur in the project area or may be impacted by the proposed project. The WSA’s are the infinitesimal portion of BLM in the state. Mineral exploration/development should not be allowed to degrade the last remaining undisturbed 3.3 percent of the BLM lands in the state (or 0.9 percent of the entire state). BLM assessments of the Sand Dunes WSA clearly indicate that it possesses special wildlife, geologic, and recreational values and that it should be added to the National Wilderness Preservation System as recommended.

See responses to comments #9 and #33.

37. The management plans for the Sand Dunes WSA and the Greater Sand Dunes ACEC do not appear to be considered in the Project EA, and this is a critical omission. For the public to assess the impacts of this project on these specially-designated areas, the special management requirements should be clearly delineated.

See responses to comments #8, #9, and #33.

38. The "management guidance specified for mineral development in the Draft GRRA RMP/EIS" and other documents should be included in the EA so the public can determine if adequate protective measures have been applied.

See response to comment #26.

39. No roads should be upgraded in the project area. There are already far too many roads in southwest Wyoming. It is because little or no vehicular traffic has occurred in the WSAs that they still qualify for Wilderness designation. Hence new roads, or road improvements should be categorically prohibited. Has BLM or WGFD set limits on the number of roads, or on road densities, for this portion of Wyoming? Has there been a hard look at the impacts to wildlife, water quality, air quality, primitive recreation, etc., from unlimited road building? These questions need to be answered to the satisfaction of the public before this project is allowed to proceed.

See responses to comments #9 and #33 for roads in WSAs. In other areas, the BLM has no policy setting limits on the number of roads, only that roads are constructed to BLM standards for the purpose intended. Where possible, the BLM requires use of the same road by different proponents within a given area. Properly designed and constructed roads lead to less environmental degradation than roads that appear indiscriminately.

40. Mitigation measures for wildlife (page 2-34) should be specified in the EA, not left open-ended "if deemed necessary by BLM in consultation with WGFD. Enforceable standards and requirements should be clearly stated before the decision is signed, given that habitat will be directly impacted and habitat effectiveness will be reduced.

Company committed, mitigation measures will be adhered to. How site-specific measures are applied can only be properly determined at the time of construction or during operations depending upon the conditions found at the time. The mitigation for wildlife is part of the EA and is enforceable. However, the necessity for particular mitigation measures (e.g., locked gates) is undetermined at this time.

41. Clearly, state requirements are needed to protect areas with high erosion potential. Merely avoiding damage, "where possible" is not enough, "further site-specific reclamation procedures" (page 2-34) hardly qualify as protection. These procedures must be determined before the decision is signed, not after.

These procedures will be determined to the extent necessary before the APD is signed. The company committed measure to implement additional site-specific reclamation procedures as determined by BLM is provided for to respond to unforeseen: en need which may not be identified until after authorization is granted. Having absolute specific reclamation measures identified and approved may prove to be adverse if BLM does not have the flexibility to determine site conditions and remedies should reclamation procedures fail.

42. Concerned that a 1 mile buffer, during nesting season only, is not sufficient to protect raptor/nests in the long-term. Concurrence from WGFD and USFWS should be included in the final EA.

A one-mile buffer during nesting is sufficient to protect nesting raptors in the long term. Prior to surface disturbing activities, the area would be surveyed at the appropriate time to determine whether the nest(s) is active. If the nest is active, construction restrictions would apply between February 1 and July 31. Post-nesting development within the one mile radius is not expected to cause adverse impact to future nesting since the raptor would have the choice of utilizing the same nest or selecting another site. See response to comment #20.

43. Stipulations that apply specifically to the leases in the project area should be included in the final EA so the public can determine if they are being met.

Specific lease stipulations are available for review in the affected BLM area office, in this case, the Green River Resource Area. The lease stipulations are: (1) seasonal restriction November 15 to April 30 to protect big game winter range; (2) seasonal restriction May 1 to June 30 to protect big game parturition areas; (3) No surface occupancy in the SE/SSE% of Section 19, T. 24 N., R. 103 W., to protect the Sand Dunes ACEC, and (4) seasonal restriction February 1 to July 31 to protect raptor nesting habitat in Section 19, T. 24 N., R. 103 W.

44. Activities should not be allowed in important wildlife areas such as crucial winter range.

Activities in crucial winter ranges are evaluated on a site-specific and project-specific basis since the impacts of different activities vary considerably. For instance, construction and drilling activities would not be allowed on crucial winter and parturition ranges during crucial winter and parturition periods since these activities are disruptive to big game animals. Routine production activity is not considered
disruptive and the presence of a well is even less disruptive. This evaluation determined that the proposed project would not significantly affect big game animals.

45. Activities should not proceed until management plans for all sensitive species, both mammalian and plant, are in place. This is particularly important given that "sixteen [sensitive mammal...species potentially occur in the HSPA]" and "five federally listed candidate plant species" and "seven additional state sensitive plant species" potentially occur in the HSPA. BLM manual at 6840.06 (C)(1) requires that BLM "determine the distribution, abundance, reason for current status, and habitat needs of candidate species...and evaluate the significance of the lands administered by BLM or actions in maintaining those species." Therefore, all alternatives analyzed in the subsequent EA or EIS should comply with BLM Manual 6840.06 (C)(2)(b) through (d) which require management plans for candidate species, specific habitat and population management objectives designed for recovery, strategies necessary to meet those objectives, and monitoring of populations and habitats to determine whether management objectives are being met. These requirements apply to all sensitive species which are present and should be included in the final NEPA document.

The Rock Springs District is actively gathering data regarding the presence, location, range, and biological health of special status animal and plant species. The District policy requires clearance surveys prior to approval of surface disturbing projects in areas of known or potential habitat. This information provides BLM with the location of these species. Data gathered through these and other means will be used in drafting species-specific habitat management plans.

46. Little brown bats are listed by WFGD as mammalian species of special concern SSC3-3A with "population status or trends unknown...with ongoing significant loss of habitat." Further development should not be allowed in bat habitat.

All bat species found in Wyoming are of concern to the WFGD. Currently, the WFGD is conducting inventories of caves and abandoned mines for suitable habitat. All little brown bat species prefer water for foraging and are seldom found over 1/2 mile to water. Roadway and well site locations avoid water areas and so little brown bats would not be affected by this action.

47. Protection for sensitive plants is wholly inadequate: "if any such species or habitat is found, recommendations for avoidance would be made. If avoidance is not possible, alternative mitigation would be developed." The purpose of the EA is to determine site-specific impacts. The presence of sensitive plants, and measures to assure their protection, must be included in the EA. To do otherwise is in violation of NEPA.

Since the presence of candidate plant species on project-required lands would be determined during site-specific surveys, and it is anticipated that if candidate plants are encountered, they would be avoided. The BLM believes that impacts and mitigation measures presented in the EA are adequate. Should the plant species be found construction activities would avoid the species. In cases where avoidance is impossible, consultation with the U.S. Fish and Wildlife Service would be initiated to determine other acceptable mitigation.

Although the response to comment #41 regards reclamation, the same principle applies. The BLM requires the flexibility to address site-specific issues based upon the conditions found at the time.


The EA sufficiently describes the portions of the Sand Dunes WSA that fall within the cumulative impact study area (see Map 3.1). The Rock Springs District Wilderness EIS is referenced and provides descriptive detail. The Wilderness EIS is available for review at the Green River Resource Area and the Rock Springs District offices. To comply with CEQ regulations, the EA should be a concise document which provides sufficient evidence and analysis for determining whether to prepare an EIS, aids in compliance with NEPA when an EIS is not necessary, and facilitates preparation of an EIS when one is necessary. The EA has met these requirements.

49. Section 4.1.4 on mineral resources describes a proposed action, not an environmental consequence.

Section 4.1.4 describes the impacts to the mineral resource, in this case oil and gas, for both the Proposed Action and the No Action Alternative. The BLM feels this discussion is adequate.

50. BLM should make arrangements to eliminate the existing improved road which crosses the WSA.

See response to comment #9. The existing road that crosses the WSA is consistent with BLM’s interim WSA policy.

51. Subsequent environmental documents should assess (1) the population status of all threatened, endangered, rare, sensitive, and special concern (WGFD) species, (2) impacts from the proposal on the categories of species mentioned above, and (3) the cumulative impacts of the proposal and other development activities taking place or proposed within the range of the biological populations of the vulnerable species.

All subsequent NEPA documents prepared by BLM will assess threatened, endangered, candidate, and special status species, as well as cumulative impacts as appropriate.

SWEETWATER COUNTY, DEPARTMENT OF STAFF RESOURCES AND TECHNICAL SERVICES

52. Sweetwater County strongly recommends HS Resources obtain the permits listed in Table 1.1. One of the goals of the Sweetwater County Land Use Plan encourages industrial development but also to conserve scenic, historic and other unique areas. The Boar’s Tusk area has unique features which warrant special consideration. We encourage the natural gas development to utilize methods that have the least impact on the environment.

HS Resources would obtain all required permits prior to project implementation. Appropriate mitigation, monitoring, and design measures will be employed to minimize adverse environmental impacts.

WYOMING GAME AND FISH DEPARTMENT

53. Crucial winter/summer ranges and parturition grounds impacted by this project were identified earlier in scoping comment. However, the EA makes only cursory mention of them in the narrative on pages 3-16 and 3-17 and maps on pages 3-18 and 3-19 fail to depict any crucial ranges at all. The
maps should be reviewed to clearly show locations of crucial ranges and parturition habitats, and the test should thoroughly discuss and analyze impacts to these habitats.

The BLM believes crucial ranges and parturition grounds are adequately described in the EA. Map 3.4 depicts mule deer crucial range and, as stated under Section 3.2.2.1 Big Game - Elk, "[the] entire HSPA (12,800 acres) represents 4.4 percent of the crucial range for the herd and 1 percent of the total herd area (WGFD 1991, 1995 b)."

In other words, the entire HSPA is crucial winter range and therefore was not necessary to map. Map 3.5 depicts elk and deer birthing areas and one mile radius around a raptor nest.

54. Several literature sources are cited in the discussion of big game impacts (pages 4-16 and 4-17). However, the most applicable study, Ryder (1986), has evidently not been consulted. Because of the unique desert dwelling nature of this elk herd, the study is very relevant and should be incorporated. One recommendation of that study was to limit development in the Essex Mountain area. BLM should fully consider this study in its impact analysis and selection of alternatives.

BLM believes that potential impacts to big game are adequately assessed in the EA and proper mitigation is incorporated into the Proposed Action to ensure no unnecessary or significant adverse impacts would occur from exploration drilling. In the event the exploratory drilling results in the discovery of economically producible quantities of natural gas, BLM will require the preparation of a field development EIS analagous to full consideration of the Ryder study in the impact analysis and alternative selections. Included in the analysis will be the overlaying of all elk observations in the Steamboat DAU onto a map of operating oil and gas wells to analyze the level of tolerance elk have for the level of disturbance associated with full field development.

55. Section 4.2.2.2 is inconsistent with 40 CFR 1501.1(b) and 1502.25 which require lead agencies to provide accurate scientific analyses and scientific integrity. Although elk have pioneered most suitable habitats in the area, they are rarely observed in the Nichie Gulch, Pine Canyon, Cedar Canyon, and Long Canyon areas which contain intensive oil and gas development in otherwise suitable habitat. Scoping comments specifically requested BLM to overlay all elk observations in the Steamboat DAU onto a map of operating oil and gas wells to illustrate the level of tolerance elk have for this type of disturbance. This very basic and revealing analysis was not performed in preparation of the EA. The distribution analysis should be done to support an adequate disclosure of impacts.

See response to comment #54.

56. Full field development in the Essex Mountain area will seriously compromise the crucial winter range and parturition habitat in the area, especially for elk. Failure to identify compensatory mitigation and failure to make "no action" the only defensible alternative under the provisions of NEPA would make "no action" the only defensible alternative under the provisions of NEPA. Failure to secure enforceable, executable commitments from the company to develop compensatory mitigation is inconsistent with 40 CFR 1501.1(a) - "The regulations that follow implement Section 102(1). Their purpose is to tell federal agencies what they must do to comply with the procedures...of the Act." 40 CFR 1500.2 (f) - "Federal agencies shall, to the fullest extent possible, use all practicable means...to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their action...;" and 40 CFR 1506.6 - "Agencies shall review their policies, procedures, and regulations...and revise them as necessary to assure full compliance with the purposes and provisions of the Act."

The Proposed Action is not for full field development. The Proposed Action is for three wells: discovery, confirmation, and delineation. Should the first well drilled prove to be nonproductive, there is a chance the other two wells would not be drilled. In this light, the BLM feels the impacts to the crucial winter range, given the mitigation incorporated into the Proposed Action, is not significant and therefore, compensatory mitigation (i.e., habitat replacement) is not a necessary consideration.

These are valid, existing leases and the holder has a right to explore for the leased mineral while minimizing impacts to other important resources. Seasonal restrictions apply. Should these three wells prove to be productive, the BLM would not allow additional disturbance until a field development EIS is approved. The EIS would review appropriate compensatory mitigation (e.g. directional drilling, habitat replacement) at that time.

58. At the minimum, to fulfill public disclosure requirements of NEPA, BLM should identify and analyze specific mitigation alternative which would maintain habitat effectiveness for elk, mule deer, and restore habitat effectiveness following the operation [40 CFR 1502.5(e) and (f)]. Maintaining habitat effectiveness will require development and enhancement of substitute or replacement resources [40 CFR 1508.20 (e)]. In its decision record, BLM should discuss whether all practical means have been incorporated to avoid or minimize environmental harm (including development of substitute resources), and if not, why they were not [40 CFR 1505.2(c)].

See response to comment #54. BLM’s Decision Record, based on the EA for the proposed exploratory drilling proposal, has concluded that given the incorporation of all practicable means to avoid or minimize environmental harm, the HS Resources’ Proposed Action will not have any significant impacts on the human environment.

59. The public has been very sensitive about issues affecting the Steamboat Elk Herd. The EA should be reissued addressing the public disclosure items identified in comments 1-4 so the public has adequate information and opportunity to comment on this proposal.

The BLM believes that the potential environmental impacts from the HS Resources exploratory proposal have been adequately assessed in the EA. The BLM and the operator believe they have incorporated all practicable means to avoid or minimize environmental degradation. A re-issuance of the EA is not warranted.

60. Another alternative which BLM should analyze would allow "discovery" well #1 to be drilled based on the current EA, since the well is more than one mile from Essex Mountain and outside crucial big game habitats. If the well is unsuccessful, no further action would be needed. However, an EIS should be completed if well #1 is successful, in order to adequately address the more serious concerns raised by Comments 1-4, which apply to wells 2 and 3.

BLM does not believe that it is necessary to restrict HS Resources to the single #1 "discovery" well and require an EIS if successful on the basis of that discovery. Insufficient information would be available to adequately ascertain the northerly extension of the reservoir or to realistically define a logical proposed development scenario and alternative(s) for analysis in an EIS. BLM believes, as the EA analysis demonstrates, that with incorporation of all the HS Resources committed mitigation measures, including BLM required measures, all three exploratory wells can be drilled and not cause significant environmental harm.
61. We encourage you to grant HS Resources, Incorporated approval to commence operations for the proposed action, in this area immediately. Within the project area there are seven producing gas wells with applicable access roads and pipelines. These wells have not caused an adverse effects to the environment. The impact of additional drilling should be very minimal and yet helpful to the area economically.

Thank you for the comment.