

Chapter 5 — Land Use Planning, Plan Conformance and Proposed Plan Amendments

Land Use Planning and Decision-Making for Management of Oil and Gas Resources

BLM RMPs

The BLM's principal authority for managing public lands is the FLPMA (PL 94–579, 43 USC 1701–1782 [Supp.1977]), which directs BLM to manage public lands based upon the principles of multiple use and sustained yield in conformance with land use plans developed under the Act.

Within the Project Area, the BFO administers the BLM lands in portions of Campbell, Johnson, and Sheridan counties and the CFO administers the BLM lands within the northern portion of Converse County.

The BLM in Wyoming follows a multi-step approach to analyzing impacts and making decisions about oil and gas leasing and development. The first step occurs at the RMP/EIS stage, where land use allocations and other land use planning decisions are made. It is at this stage that lands are identified as closed to leasing, open to leasing subject to standard lease terms and conditions; open to leasing subject to minor constraints, such as seasonal restrictions; or open to leasing subject to major constraints, such as no surface occupancy. See Appendix O for more information about the current RMPs concerning areas open and closed to leasing. Lease stipulations that apply to areas open to leasing are also identified at this stage. See Appendix P for more information about leases, NEPA review, a listing of the current lease stipulations and the agencies' review of the lease stipulations. The FEIS does not consider changes to the leasing allocation decisions, as the FEIS does not address allocations decisions.

The RMP also includes decisions about other resources and describes the management goals, objectives, and management actions for the public lands in the planning area.

A site-specific NEPA analysis is completed when individual APDs, application for ROWs, or sundry notices are filed with the appropriate office of the BLM. These NEPA documents describe the analysis of the impacts of a single action or a group of wells in a POD and often tier to existing NEPA documents.

At each step, appropriate protective measures would be developed as part of the NEPA analysis and become mitigating measures attached as COA to individual permits and authorizations. These COA may be attached to the permit or may be submitted with the applicant's proposal as an integral part of the application. They provide the most site-specific protective measures of the multi-step authorization process. These COA must be justified in the appropriate NEPA document. COA must be consistent with the lease rights granted. The menu of possible COA can be changed as necessary to achieve the desired level of resource protection provided they are in conformance with the RMP goals and objectives. See Appendix C for the current COA.

Buffalo Field Office

Guidance for oil and gas management activities in the BFO is available from several sources. In 1985, the BFO completed an RMP, which includes land use goals for the BLM-administered public lands and federal mineral estate in the BFOA (BLM 1985c). An updated description of existing management for the Buffalo RMP was completed in April 2001 (BLM 2001b). The RMP includes numerous decisions concerning oil and gas exploration and development activities, including stipulations to be applied to leases.

Since the Wyodak Coal Bed Methane Project EIS, approved November 17, 1999 and the Wyodak Drainage Environmental Assessment (EA) approved March 26, 2001, oil and gas operators have been required to implement mitigation measures contained in those environmental documents. In addition the operator is committed to the Standard "Conditions of Approval" for APDs, BLM Buffalo Field Office (see Appendix C).

Casper Field Office

The Platte River Resource Area RMP was approved in July 1985 and is implemented and monitored by the CFO. With the exception of some specified areas, BLM-administered lands in the Platte River Resource Area are open to oil and gas leasing, subject to the Wyoming BLM mitigation guidelines.

Guidance for oil and gas management activities in the CFO is available from three applicable documents as maintained: Platte River Resource Area Resource Management Plan Record of Decision (BLM, 1985); Platte River Resource Area Oil & Gas Environmental Assessment (BLM, 1982); and Southern Big Horn Mountain Oil and Gas Leasing Environmental Assessment Record (BLM, 1979).

Thunder Basin National Grassland LRMP

Numerous land parcels within the TBNG are scattered throughout Campbell and Converse counties in the Project Area. Although the Bighorn National Forest is on the western boundary of the Project Area, none of the Bighorn National Forest lands are within the Project Area. All of the CBM resources on NFS lands within the Project Area are located in the westernmost portion of the TBNG, which is

administered by the Douglas Ranger District of the Medicine Bow-Routt National Forests. Oil and gas leasing and development activities on National Forest System lands within the TBNG are allowed, subject to the limitations imposed by the ROD for the 2001 LRMP for the Medicine Bow National Forest and TBNG (FS 2002). Actions proposed within the TNBG must conform to the management goals within the LRMP (FS 2001a).

The FS has released a ROD, Revised LRMP, and FEIS for the TBNG (July 2002). East of the coal outcrop line new leasing decisions are included in the July 2002 ROD. That decision deferred new oil and gas leasing decisions on the area west of the coal outcrop line until the cumulative effects of CBM development could be disclosed in this FEIS. Currently, the area west of the coal outcrop line is available for leasing under the 1994 ROD for Oil and Gas Leasing on the TBNG (FS 1994). Once the cumulative effects analysis contained in this FEIS is available, the FS will make new oil and gas leasing decisions for the area west of the coal outcrop line on the TBNG.

The FS is using the analysis documented in the Revised LRMP FEIS and in this FEIS to make two new leasing decisions for the area with CBM development potential on the TBNG. That area is defined as the TBNG area west of the Wyodak coal outcrop line. The first decision is whether lands in the Project Area are “available” or “not available” to lease and, if available, the conditions under which they are available [36 CFR 228.102 (d)]. If lands are determined to be “available” for leasing, then a second decision must be made regarding those lands: whether to authorize BLM to offer leases at this time, or to defer authorization until some future time. This determination of the specific lands to be leased is the “Leasing Decision for Specific Lands” [36 CFR 228.102 (e)].

Leasing analysis, as required by 36 CFR 228, was conducted during both the 1994 and more recent 2002 Northern Great Plains analyses. Both of these analyses developed many special stipulations to protect identified resources within FS-administered lands. The FS will include a decision on whether or not to implement the stipulations identified in the leasing analysis conducted for the 2002 Revised LRMP in the ROD resulting from this FEIS. In addition, the ROD will include a decision on stipulations and forest plan standards and guidelines needed to implement mitigation measures identified in this FEIS.

The FS also has a tiered approach to analyzing impacts and making decisions about oil and gas leasing and development. The FS oil and gas leasing decision process is codified in regulations at 36 CFR 228.

The first decision is to determine the lands administratively available for leasing [36 CFR 228.102 (d)]. Lands administratively available and not administratively available are determined in accordance with a Leasing Analysis described in 36 CFR 228.102 (c), which includes the identification of necessary constraints (leasing stipulations). The government grants no rights to other parties when the Leasing Analysis is completed and the administratively available decision is made.

The second decision is the leasing decision for specific lands [36 CFR 228.102 (e)]. This decision authorizes BLM to offer specific NFS lands for lease. Trans-

mittal of the specific lands decision occurs when the FS has received and reviewed a request for a lease parcel report from BLM. The regulations implementing the Leasing Reform Act require the following before BLM can be authorized to offer NFS lands for lease:

1. Verifying that oil and gas leasing on the specific lands has been adequately addressed in a NEPA document and is consistent with the LRMP.
2. Ensuring that conditions of surface occupancy identified in the Leasing Analysis are properly included as stipulations in resulting leases.
3. Determining that operations and development could be allowed somewhere on each proposed lease, except where stipulations prohibit all surface occupancy.

For both the administratively available [36 CFR 228.102 (d)] and the leasing specific lands [36 CFR 228.102 (e)] decisions, the leasing analysis was primarily conducted in the FEIS for the Revised TBNG LRMP, approved July 31, 2002. New leasing decisions for NFS lands with CBM potential were deferred pending the disclosure of the cumulative effects of CBM in this FEIS.

Prior to actual drilling or subsequent oil and gas operations, a SUPO will have to be approved covering those activities. As part of the review of the SUPO, the authorized officer must comply with NEPA (36 CFR 228.107). Identified site-specific mitigation measures will be attached to the SUPO as conditions of approval.

Plan Conformance

Conformance with the RMPs

The management decisions documented in the two BLM RMPs regarding oil and gas resources provide for the continued availability of the federal lands and mineral estate for the development of federal oil and gas resources. Implementing the Proposed Action or any of the alternatives would be in conformance with the oil and gas decisions in the BLM RMPs.

The full set of resource management decisions documented in the RMPs represents a compatible blend of land uses. The RMPs for the BFO and CFO document BLM's decision to allow for development of oil and gas on federal leases as well as to take a variety of actions related to other resource values and uses. The NEPA analyses for the RMPs recognize the effects of one land use on the other.

This FEIS analyzes the social, economic and environmental effects on a variety of resources and land uses, including those addressed in the current RMPs, of a level of oil and gas development that is different than the level analyzed in the EIS for the current RMP. BLM carefully reviewed the current RMP decisions for these other resources and land uses against the description of the impacts of oil and gas development described in the FEIS to determine if the oil and gas development impacts would preclude accomplishment of the goals and objectives for non-oil and gas resources. BLM has determined that the other resource decisions

could still be implemented and their objectives achieved with the level of development analyzed in the FEIS and that the land use plan decisions are not required to be changed. Even so, BLM has concluded that completing a discretionary amendment that is limited in scope would be helpful to the public and the oil and gas operators because it would consolidate the current direction for management of oil and gas resources into a single, comprehensive document. See Appendix Q for more information on this review and determination.

Conformance with the LRMP

Currently, all lands on the TBNG are available for oil and gas leasing. The area west of the Wyodak coal outcrop line is available for leasing under the 1994 ROD for Oil and Gas Leasing on the TBNG. East of the coal outcrop line new leasing (both the availability and specific lands) decisions are included in the July 2002 ROD. This analysis has identified no proposed changes to areas determined to be available for oil and gas leasing or additional special stipulations for development of CBM beyond those contained in the Revised 2001 TBNG LRMP.

This analysis did not identify a need to modify or add any Standards, Guidelines or lease stipulations to the 2001 Revised TBNG LRMP. Within the analyzed level of oil and gas development, resource management objectives for the TBNG LRMP will be achieved. Unique aspects of CBM will be adequately mitigated using COA and existing lease stipulations, lease notices, and current land use allocations in the Revised TBNG LRMP.

Proposed Plan Amendments

The BLM RMPs would be amended to: (1) allow oil and gas exploration and development at the level analyzed in the FEIS; (2) adopt the operational requirements included as a new Appendix I in the FEIS and standard conditions of approval (Appendix C in the DEIS and FEIS) that have been established over time; (3) adopt the mitigation measures developed in previous NEPA documents (referenced in Appendix C in the DEIS and included as a new Appendix M in the FEIS); and (4) adopt the new mitigation described in the FEIS (Chapter 4 in the DEIS and FEIS). In addition, the FEIS updates the NEPA analysis for the RMPs for management of oil and gas exploration and development on federal leases.

For the U.S. Forest Service, the FEIS will be used to allow oil and gas exploration and development at the level analyzed in the FEIS, update the NEPA analysis for the LRMP and adopt the 2002 LRMP stipulations for the area west of the coal outcrop line.

The Proposed Plan Amendments do not include changes to the leasing allocation decisions, as the FEIS does not address leasing.