SECTION 3:

CONSULTATION AND COORDINATION

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3.1 SCOPING PROCESS

The BLM published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the Federal Register on May 18, 2000.

A Scoping Notice was prepared and submitted to the public by the BLM on May 24, 2000, requesting input to the proposed Desolation Flats Natural Gas Field Development project. Scoping documents were sent out to the public listed on the BLM mailing list, as well as organizations, groups, and individuals requesting a copy of the scoping document. The Scoping Notice explained the scope of the Desolation Flats Operator's Proposed Action and requested comments concerning the level of analysis included in the DEIS. The public was given until July 23, 2000 to comment. All comments received were incorporated into the analysis of issues identified in the DEIS (pages 1-19, 1-22, and 1-23). There were 181 written responses received during the scoping period in response to this project.

During preparation of the EIS, the BLM and the consultant interdisciplinary team (IDT) have communicated with, and received or solicited input from various federal, State, county, and local agencies, elected representatives, environmental and citizens groups, industries, and individuals potentially concerned with issues regarding the proposed drilling action. The contacts made are summarized in the following sections.

3.2 DRAFT EIS CONSULTATION AND COORDINATION

The BLM consulted with the Department of Interior U.S. Fish and Wildlife Service and the Wyoming Game and Fish Department on issues, impacts and mitigation for Mountain Plover, Black-footed Ferret, and other wildlife populations and habitats; and consulted with the Department of Environmental Protection Agency, the U.S. Forest Service and Wyoming Department of Environmental Quality on issues, impacts and mitigation for air quality and water quality. The BLM has also consulted and coordinated with local, state, and county government officials. Native American Indian tribes were provided notices of the proposed project during scoping and through affirmative contact by mail in early 2004. Mailings in 2004 requested comment and input to the proposal, however none was received.

3.3 PUBLIC REVIEW OF DRAFT EIS

The Environmental Protection Agency's Notice of Availability was published in the *Federal Register* on May 2, 2003. Over 250 copies of the draft EIS were made available to the public and interested agencies for a 60-day public comment period. The date by which the comments were to be received was July 23, 1999. The public was invited to provide written comments on the draft EIS. Public meetings were conducted by the BLM on June 5, 2003 at the Rock Springs Field Office in Rock Springs, Wyoming, and on June 4, 2003 at the Rawlins Field Office in Rawlins, Wyoming. The meeting in Rock Springs was attended by 16 persons and the meeting in Rawlins was attended by 31 persons.

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All of the comments received during the public comment period and during the public meeting have been considered in the preparation of the final EIS. Responses to all the comments expressed during the public meeting can be found in FEIS Section 5 entitled *Response to Public Comments on the Draft EIS*

3.4 DRAFT EIS COMMENTS

A total of 181 comment letters were received on the draft EIS. Responses to public comments received on the draft EIS are included in this final EIS. In many cases respondents submitted virtually identical comments. Rather than repeating a response, the reader may be referred to an earlier response. Reference to a previous response in no way reflects upon the value of the comment. The comment letters and responses to the comments are contained in Section 5 entitled *Response Comments* following the reprinted letters. Comments are numbered sequentially within a letter and correspond to the numbered response.

Specific changes in the text of the draft EIS are found in Section 2 of the final EIS. Where a response to a comment indicates "see Errata", Section 2 of the final EIS should be consulted for the specific rewording or clarification of the text.

3.5 COMMON CONCERNS

Respondents shared several common concerns about the proposed drilling project. The concerns were:

- Avoid drilling in environmentally sensitive areas such as wilderness quality lands, roadless lands, and important wildlife habitats.
- Protect all lands within the Adobe Town citizen's proposed WSA.
- Adopt a Conservation Alternative in the FEIS
- Mandate the least environmentally damaging types of drilling.
- The Desolation Flats project exceeds the reasonably foreseeable development scenario from the Great Divide Resource Management Plan.
- Illegal deferral of analysis to subsequent stage of development
- Failure to address the cumulative actions of Oil and Gas Development in the Greater Green River Basin.
- Cultural resource impacts including historic trails, native American involvement, and the extent of existing surveys within the DFPA area,
- Air quality data used in the Draft EIS was outdated for the far field impact analysis.

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Comments were received to the Desolation Flats draft EIS included interested State and Federal agencies, advocacy organizations, the public, and oil and gas advocacy groups and companies. Comments in the form of pre-printed postcards were received from apparent members of the public and raised issues 1 through 4 below. These themes were also raised in comments received from advocacy groups. Comments from such groups were much more detailed than the postcard comments. BLM prepared detailed responses to each commenter's issues and concerns. Comments were carefully reviewed for items to correct or add to the final environmental impact statement.

1. "Avoid drilling in environmentally sensitive areas such as wilderness quality lands, roadless lands, and important wildlife habitats."

It is the BLM's intent to avoid drilling in environmental sensitive areas as much as it can. Withdrawing lands from leasing is outside the scope of the Desolation Flats EIS process, and cannot properly be considered in this forum. The Adobe Town wilderness study (ATWSA) area is outside but adjacent to the Desolation Flats project area (DFPA). Lands believed to be of wilderness quality are located within the DFPA, and are being considered for inclusion with the ATWSA in the Rawlins Resource Management Plan (RMP) as detailed on page 2-42 and 2-43 of the Draft Environmental Impact Statement (DEIS). As detailed on page 2-43 of the DEIS if proposed development activities are found to potentially impair wilderness values within those areas, the application would be denied pending the outcome of the RMP review process.

The BLM does not have a "roadless lands" category in its land management scheme, but as detailed on page 2-9, any roads will be located to minimize disturbance and maximize transportation efficiency.

While all habitats within the DFPA are considered important habitat to one degree or another, habitats occupied by, or potentially occupied by threatened, endangered, or sensitive species (TES) often have occupancy constraints including avoidance where possible and surveys and mitigations to avoid serious impacts.

2. *"Protect all lands within the Adobe Town citizen's proposed WSA*."

As detailed above some lands within the ATWSA have been observed to have wilderness characteristics. Development activities within those areas will be denied until such time as a decision is made under the RMP revision process to include or exclude those lands from the ATWSA. Some lands within the citizen's proposed WSA have been found not to have wilderness quality. Proposed development activities within those areas, if any occur, will be considered and may be approved.

3. "Adopt a Conservation Alternative in the FEIS."

The Desolation Flats EIS contains three alternatives as detailed within the EIS. None of these alternatives are labeled as a "conservation" alternative per se, but each of them assess different levels of development and environmental impacts. Mitigation and monitoring measures to ensure proper protection for the area's special values are found in Chapter 2, at section 2.5.2.11, and in Chapter 4 in sections labeled "Additional Mitigation Measures".

4. Mandate the least environmentally damaging types of drilling.

Chapter 2, page 2-43 to 2-44 Section 2.6 of the DEIS entitled "Alternatives Considered but Eliminated From Detailed Study" has details on why mandating directional drilling is not an alternative considered in detail.

5. The Desolation Flats project exceeds the reasonably foreseeable development scenario from the Great Divide Resource Management Plan.

The Reasonably Foreseeable Development (RFD) scenario, does not represent a planning decision, rather it is an assumption to analyze the effects that discretionary management decisions have on oil and gas activity. The Great Divide RMP and the oil and gas RFD scenario recognizes development on two levels; 1) number of wells permitted and 2) amount of surface disturbance associated with development. 1,440 wells you mention was just one of the assumptions used, along with other data to determine the effects of oil and gas development. The number of wells permitted is one RFD reference point, the number of surface acres disturbed per well represents another. Surpassing one of these points does not necessarily mean additional development cannot occur. One consideration is the extent of disturbance per well has reduced steadily over the planning period resulting in less disturbance impacts than anticipated per well. Should the number of wells and the level of surface disturbance exceed those analyzed in the Great Divide RMP, BLM would re-examine the RMP assumptions and compare them to actual on-the-ground impacts to determine if further oil and gas exploration and development is an appropriate action.

6. Deferral of analysis to subsequent stage of development.

At this time the location of all future well sites and other disturbance cannot be determined with 100% accuracy by any process the proponents or BLM are aware of. "Setting in stone" well locations in the EIS would require predicting well locations with information in hand, and ignoring the fact that each well provides additional information that is utilized to help determine future actions, including the number of wells and well site locations. Currently, generalized areas of interest are being explored through the interim drilling process to further develop our knowledge of the geology and potential of the DFPA. Adaptive management of oil and gas resource development is very much a reality in that new information produces more effective drilling programs with correspondingly reduced effects upon the environment. The number of wells, well locations, timing of drilling, and construction is controlled in part by the location of gas and oil resources as they are found and developed, within the context of BLM's responsibility to ensure surface disturbance is managed in accordance with both the law and sound resource management.

The DFPA is not a project level document, it is a programmatic document. Site-specific impacts will be thoroughly reviewed under the NEPA regulations by tiering site specific environmental analysis to the Desolation Flats Record of Decision (ROD). The regulations for implementing the procedural provisions of the National Environmental Policy Act, issued by the Council on Environmental Quality are found in 40 CFR Parts 1500-1508. 40 CFR 1502.2 States:

> *"Agencies are encouraged to tier their environmental impacts statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the*

entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions. (40 CFR 1508.28)"

The tiered EIS approach used with DFPA is consistent with the CEQ regulations found in 40 CFR. Section 1508.28 states in part:

"Tiering is appropriate when the sequence of statements or analyses is:

(a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.

The BLM NEPA Handbook (H1790-1) states in part, in Chapter III, C.:

1. Purpose and Use of Tiering (40CFR 1508.28) Tiering is used to prepare new, more specific or more narrow environmental documents (e.g., activity plan EA's) without duplicating relevant parts of previously prepared, more general or more narrow environmental documents (e.g. RMP/EIS's)."

The tiered approach used with DFPA is consistent with BLM agency direction including the NEPA Handbook**.**

7. <u>Impacts of cumulative actions of oil and gas development in the Greater Green River Basin.</u>

As detailed in Chapter 5 "Cumulative Impacts Analysis", potential cumulative impacts are assessed at the resource level in the DEIS. Cumulative impacts area (CIA) varies for each resource area assessed. Addressing the cumulative actions of oil and gas development in the entire Greater Green River Basin which encompasses lands in three states is outside the scope of this assessment.

8. <u>Cultural resource impacts including historic trails, native American involvement, and the extent of existing surveys within the DFPA area.</u>

Under the proposed action it is anticipated that 385 oil and gas wells would be drilled (592 for the alternative a), disturbing about 2,029 acres of land (including all related facilities and pipelines) (3,193 acres for alternative a). Standard inventory and recordation procedures conducted in conjunction with actions would protect most cultural resources from significant damage and would increase the database of known cultural properties.

Construction activities resulting from minerals actions that disturb the ground surface and subsurface would have the potential to directly impact cultural resources not identified prior to the activity. Unanticipated subsurface discoveries (cultural resources found during and not prior to ground disturbing activities) would potentially occur from well location, road, and pipeline construction in culturally sensitive areas. Impacts to cultural resources identified in a discovery situation are greater than impacts to resources that were previously identified (and thereby avoided or subjected to mitigation measures) because damage to discovered sites occurs prior to their recordation and evaluation, thereby complicating mitigation procedures. Unanticipated discoveries result in the loss of some or occasionally all of the cultural resource involved. However, mitigation of impacts to discoveries is often accomplished through data recovery excavations that increase our understanding of prehistory.

Areas within ¼ mile of cultural resources eligible to the NRHP under Criteria A, B, or C would be subject to avoidance for all ground disturbing activities. This will ensure the protection of those sites from activities that may compromise the values for which they are eligible.

The visual setting (viewshed) of cultural resources eligible to the NRHP under Criteria A, B, or C would be managed to mitigate adverse visual impacts to a distance of two miles or the visual horizon, for actions which do not exceed 20 feet in height. Development projects that are greater than 20 feet in height would be evaluated on a case-by-case basis to determine the visual impacts greater than two miles. This will ensure the protection of those sites from activities that may compromise the values for which they are eligible.

As many areas surrounding the Cherokee Trail have been leased for mineral exploration at this time, there is no way to legally preclude development within five miles of the Cherokee Trail. Surface disturbances within two miles of the Cherokee Trail are assessed to determine what visual impacts they may have on the trail. In areas where development has already occurred, the viewshed has been previously compromised and there is no reason to preclude surface disturbing activities in these areas. Extensive visibility analyses have determined that the two mile viewshed is a reasonable distance to assess visual impacts to historic trails from oil and gas development activities. Surface disturbing activities located within two miles of the historic trail would have special mitigation requirements before being permitted to ensure the least amount of visual intrusion.

9. *Air quality data used in the Draft EIS was outdated for the far field impact analysis.*

In response to comments received concerning air quality impacts with implementation of the Desolation Flats Natural Gas Field Development Project and other projects, *Buys and Associates* prepared a Revised Air Quality Impact Assessment Technical Support Document (USDI-BLM 2004b), and the BLM revised the air quality sections of the draft EIS. Changes to the air quality sections are provided in Section 2, Addendum and Errata of this FEIS. The revised air quality technical support document is available for review at the Rawlins Field Office iRawlins, Wyoming, or on the BLM website **at www.wy.blm.gov**.