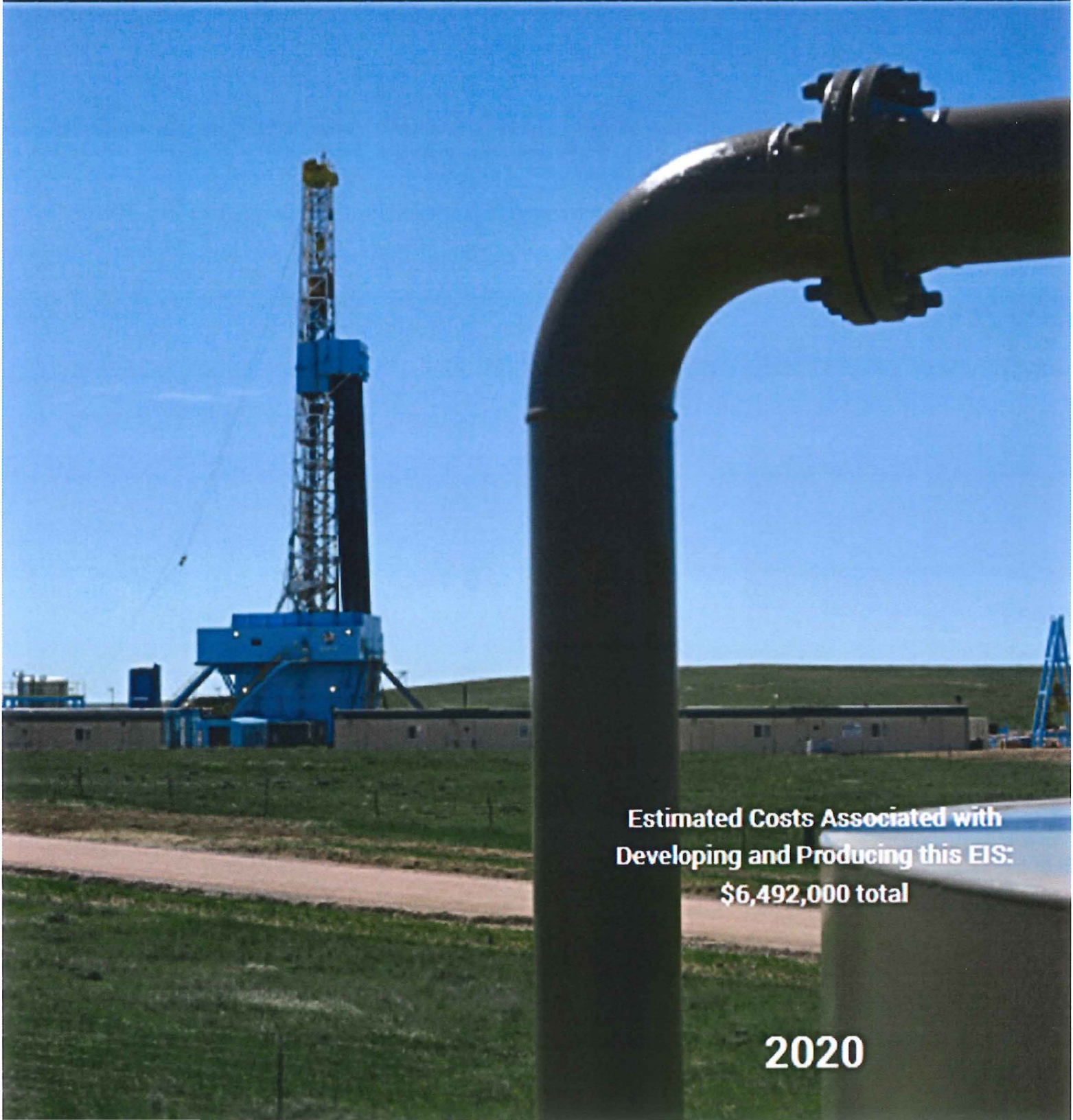




U.S. Department of the Interior
Bureau of Land Management

Converse County Oil & Gas Project

Record of Decision, Casper Field Office



**Estimated Costs Associated with
Developing and Producing this EIS:
\$6,492,000 total**

2020

Table of Contents

1.0 Final Agency Action..... 3

2.0 Summary 4

3.0 The Decision..... 4

3.1 Alt B and Option 6 Details 5

3.2 Applicant Committed Measures and Mitigation..... 7

3.3 Mitigation Measures Not Carried Forward..... 20

4.0 What the Decision Does Not Provide..... 24

5.0 Summary of Alternatives 24

5.1 Overview..... 24

5.2 Environmentally Preferable Alternative..... 27

6.0 Management Considerations and Rationale for Decision..... 27

6.1 Purpose and Need for the Project 27

6.2 Conformance with BLM and USFS Management Plans and Policies 28

7.0 Consultation, Coordination, and Public Involvement..... 28

7.1 Cooperating Agencies 28

7.2 National Historic Preservation Act Section 106 Consultation..... 29

7.3 Tribal Consultation 29

7.4 Endangered Species Act Section 7 Consultation..... 31

7.5 Public Involvement..... 31

8.0 Clarifications and Modifications..... 34

9.0 Reference Material..... 35

9.1 Acronyms and Abbreviations 35

Figures 36

Appendix A - Response to Comments on the Final EIS.....Error! Bookmark not defined.

Appendix B - Biological OpinionError! Bookmark not defined.

Appendix C - Non-Eagle Raptor Timing Limitation Stipulation (TLS)* Relief Process
.....Error! Bookmark not defined.

1.0 Final Agency Action

I hereby approve this decision. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 US Code of Federal Regulations (CFR) §4.410(a)(3) is not subject to appeal to the Office of Hearings and Appeals under Departmental regulations at 43 CFR Part 4.

Approved By:



David L. Bernhardt

Secretary of the Interior

U.S. Department of the Interior

Approval Date:

DEC 23 2020

2.0 Summary

Chesapeake Energy Corporation, Devon Energy, EOG Resources, Inc, Northwoods Energy, and Occidental Petroleum Corporation collectively referred to as the Operator Group (OG), proposed to the U.S. Department of the Interior (DOI) Bureau of Land Management (BLM) Casper Field Office to conduct drilling in order to develop hydrocarbon resources from federal oil and gas leases owned or operated by members of the OG within the Converse County Project Area (CCPA) in Converse County, Wyoming. The consolidated proposal is designated as the Converse County Oil and Gas Project.

The CCPA consists of approximately 1.5 million acres within Converse County, Wyoming (Figure 1). The CCPA is located on surface estate administered by the BLM (88,466 surface acres or 6 percent of the CCPA), the United States Forest Service (USFS) (63,911 surface acres or 4 percent of the CCPA), the State of Wyoming (101,012 surface acres, or 7 percent of the CCPA) and private lands (1,247,477 surface acres, or 83 percent of the CCPA). The BLM administers approximately 964,566 acres of fluid mineral estate (64 percent) within the CCPA. Lands with separate surface and mineral ownership (i.e., split estate lands) comprise approximately 812,189 acres (54 percent) of land within the CCPA.

The OG's proposed drilling project within the CCPA (the Proposed Action) would explore and develop potentially productive subsurface formations underlying the CCPA by drilling up to 5,000 oil and natural gas wells on 1,500 multi-well pads within the CCPA over a period of 10 years. The productive life of each well is estimated to be approximately 30 years. The OG would use directional, vertical, horizontal, and other drilling techniques, and would develop infrastructure to support oil and gas production in the CCPA including: well pads, roads, pipelines, power lines, compressor and electrical substations, and ancillary facilities such as water supply wells and water disposal facilities. The total estimated new surface disturbance for the Proposed Action would be approximately 53,000 acres (3.5 percent of the CCPA), of which approximately 21,000 acres (1.4 percent of the CCPA) could remain for the life of the Project. The BLM expects that most of the proposed drilling locations for federal Applications for Permit to Drill (APDs) within the CCPA would be located off of the federal lease, on non-federal lands, drilled directionally or horizontally to the leased federal minerals (a situation commonly referred to as "fee-fee-fed," and the subject of additional BLM policies and procedures). The Proposed Action specifies year-round development and the OG has requested exceptions to timing limitation restrictions that serve to protect non-eagle raptors.

Though the Council on Environmental Quality issued new National Environmental Policy Act (NEPA) rules (40 CFR § 1500 et seq.) effective September 14, 2020, the rule's effective date generally applies to new projects begun on or after September 14, 2020. See 40 CFR 1506.13. See also 85 FR 43340: "For NEPA reviews in process that agencies began before the final rule's effective date, agencies may choose whether to apply the revised regulations or proceed under the 1978 regulations and their existing agency NEPA procedures. Agencies should clearly indicate to interested and affected parties which procedures it is applying for each proposed action." For the Converse County project, the BLM is using the agency's previous NEPA procedures that were in place at the time the FEIS was prepared and posted for public review.

3.0 The Decision

I have determined that the analysis contained within the Final Environmental Impact Statement (Final EIS) is adequate for the purposes of reaching an informed decision regarding the

Converse County Oil and Gas project. This Record of Decision (ROD) applies only to the BLM-administered lands within the CCPA (federal surface and/or federal minerals).

The decision is hereby made to allow year-round oil and natural gas drilling on leased federal lands within the analyzed development area depicted in Figure 1, as described in the Converse County Oil and Gas Project Final EIS Agency Preferred Alternative (Alternative B and Option 6) and subject to Conditions of Approval (COA) applied to subsequently approved applications for permits to drill (APDs). Further, future exploration and development activities will be subject to the mitigations and/or COAs developed by the BLM at the time an APD or Sundry Notice is submitted, in accordance with Onshore Oil and Gas Order No. 1, part III.E.2.b.1, or subject to appropriate terms and conditions for ROWs located on BLM-administered surface.

The primary components of the Selected Alternative are described in detail in Section 2.4 of the Final EIS and are outlined below. This decision is conceptually depicted in the map included in Figure 1. The Selected Alternative was developed in response to comments received on the Draft EIS and the Supplemental Draft EIS, and it is designed to incorporate actions to reduce surface impacts while still allowing for oil and gas recovery. The Selected Alternative also aims to reduce impacts to specific resources identified during scoping and the Draft EIS comment period.

Under the Selected Alternative, the Operators could drill as many as 5,000 oil and natural gas wells on 1,500 well pads and construct associated infrastructure and ancillary facilities.

The BLM will monitor and enforce, as applicable, the applicant committed measures (ACM) in Section 3.2.1 and mitigation measures in Section 3.2.2 below for all operations located on public lands.

3.1 Alt B and Option 6 Details

See Alternative B, Chapter 4 in the Final EIS for the details associated with the analysis of this alternative.

3.1.1 Decision Specifics

The CCPA is 1.5 million acres with varying surface and mineral ownerships. The decision herein only applies to BLM administered surface (88,466 acres or six percent of the project area) and federal mineral estate (964,566 acres or 64 percent of the project area).

Alternative B will result in the drilling of up to 5,000 wells on 1,500 new well pads at an average rate of 500 wells per year over 10 years. Water supply and disposal wells will be permitted through the requisite State of Wyoming agency(s) and processes. Project construction will include well pads, roads, pipelines, electrical lines, compressor stations, and ancillary facilities as further discussed in the Final EIS, but this decision only affects those proposals and applications for BLM administered surface or federal mineral estate.

Prospective geological target formations for the Project include (but are not limited to) the Frontier, Muddy, Mowry, Niobrara, Parkman, Shannon, Sussex, Teapot, Tekla, and Turner. Other prospective zones may be identified in the future.

The estimated surface disturbance analyzed and approved through this decision is 52,667 acres. Prior to any project-related operations occurring on BLM administered surface or mineral estate, required applications must be submitted to and approved by the BLM after site-specific

environmental review. The Final EIS was programmatic in nature, in that the exact location and design of facilities proposed by the companies was uncertain during the EIS development process. Subsequent documentation of National Environmental Policy Act (NEPA) analysis tiered or referring to this EIS will be required prior to BLM approval. The BLM will decide to approve, modify, or deny permits for the exploration and development of federal oil and gas leases and related ancillary facilities incorporating the analysis in the EIS, subsequent NEPA compliance documents, and this ROD.

The Final EIS also analyzed a land use plan amendment for non-eagle raptor timing stipulation relief (timing relief). Specifics of the land use plan amendment are detailed below in Section 3.1.2 of this decision.

3.1.2 Resource Management Plan Amendment

RECORD OF DECISION and Approved Casper Resource Management Plan, December 2007	APPROVED Resource Management Plan Amendment (Amendment Option 6)
<p>Decision #: 4047; Decisions/Management Actions: Avoid surface disturbance or occupancy within a 0.5-mile buffer of raptor nests, except for the species listed below, for which a 0.25-mile buffer will be required:</p> <p>Red-tailed hawk Swainson's hawk American kestrel Osprey Great horned owl Long-eared owl Northern saw-whet owl Common barn owl Western screech owl</p> <p>The seasonal restriction will be February 1 to July 31, or until young birds have fledged (TLS).</p> <p>The authorized officer, on a case-by-case basis, may grant exceptions to seasonal stipulations.</p>	<p>Decision #: 4047; Decisions/Management Actions: Avoid surface disturbance or occupancy within a 0.5-mile buffer of raptor nests, except for the species listed below, for which a 0.25-mile buffer will be required:</p> <p>Red-tailed hawk Swainson's hawk American kestrel Osprey Great horned owl Long-eared owl Northern saw-whet owl Common barn owl Western screech owl</p> <p>The seasonal restriction will be February 1 to July 31, or until young birds have fledged (TLS).</p> <p>The authorized officer, on a case-by-case basis, may grant exceptions to seasonal stipulations in addition to the timing limitation stipulation reliefs specific to the Converse County Project Area, as outlined below.</p> <p><i>Within the Converse County Project Area (CCPA), as delineated in the Record of Decision (ROD) for the Converse County Oil and Gas Project Environmental Impact Statement (CCEIS), if the operator commits to implement all of the measures contained in Appendix C of the referenced CCEIS ROD, one timing limitation stipulation relief (timing relief) is allowed for a single well pad for one year. Ninety-eight (98) timing reliefs will be allowed in the CCPA through the 10-year development phase beginning on the signed date of the CCEIS ROD. Additional timing reliefs would be considered upon completion of an Adaptive Management Plan, with appropriate level of NEPA compliance, and based on the results of monitoring and additional coordination with the USFWS and WGFD.</i></p>

3.1.3 Non-eagle Raptor Timing Relief Adaptive Management Plan

The process describing how timing limitation stipulation (TLS) relief is obtained is described in Appendix C of this ROD.

This ROD establishes the requirement for the BLM to develop an Adaptive Management Plan (AMP). With this decision, any operator that uses an instance of TLS relief must submit 3 years of monthly monitoring data collected via the Wyoming Game and Fish Department (WGFD) Raptor Working Group Intake Form, beginning with the year the TLS relief was first utilized plus two subsequent years. See Appendix C of this ROD for more information on monitoring requirements.

Upon execution of this ROD, the Casper Field Office will initiate development of the AMP in close coordination with the U.S. Fish and Wildlife Service (USFWS) and WGFD. The BLM will use an event-based methodology that utilizes the information gathered from the first half of the allotted 98 instances of relief (i.e., 49 instances). The BLM will utilize the operator-submitted data, in addition to research or studies specific to non-eagle raptors within the project area, to identify impact-based criteria for future management decisions for granting additional TLS relief for non-eagle raptors (beyond the 98 TLS reliefs approved under this ROD). The BLM will invite the public to participate in the initial meeting for AMP development. Prior to approval, the BLM will provide the draft AMP to the public for comment and review.

The BLM will publish the AMP prior to the exhaustion of 98 instances of TLS relief being granted, and before any further reliefs are allowed by the BLM for wells located on federal lands. After the allotted 98 are expended, future relief to non-eagle raptor TLSs may be considered and approved through site-specific analysis supported by the AMP and appropriate NEPA compliance. Additional TLS relief beyond 98 instances of TLS relief are in addition to the case-by-case exception process as already provided in accordance with Appendix F of the Casper RMP (2007). Additional TLS relief may be granted should the BLM determine that the potential effects of offering more TLS reliefs are within the level of impacts contemplated in Section 4.18.2.2 of the Converse County Final EIS. That determination will be based upon the most recent scientific evidence available, including monitoring data and other research and studies specific to non-eagle raptors within the project area; for example, the WEST Inc. report.

3.2 Applicant Committed Measures and Mitigation

Resource protection measures carried forward consist of ACMs and mitigation measures that were identified during the EIS process. The mitigation measures identified in the Final EIS that have been adopted as part of this decision are listed in Section 3.2.2. These would be applied during tiered, site-specific NEPA analysis of future APD or Sundry Notices, as applicable, for operations located on federal oil and gas leases or proposed rights-of-way on BLM-administered surface.

The ACMs detailed below were included in the OG's proposal and are hereby adopted in this decision. Some of the ACMs are not within the authority of the BLM to regulate or enforce, though they are included here since the operators have committed to following them. Where subject to BLM regulatory authority, the BLM may require modifications to these measures through approval of a federal APD or Sundry Notice, with COAs. The ACMs do not limit the authority of the BLM to impose different (including more stringent) measures for operations proposed on federal oil and gas leases or BLM-administered surface.

3.2.1 Applicant Committed Measures

Table 3-1 below includes the ACMs committed to by the OG. The right-hand side of the table includes those ACMs translated into implementable and enforceable COAs.

Table 3-1: Applicant Committed Measures and Corresponding Conditions of Approval

Applicant Committed Measures	BLM Conditions of Approval
<i>Air Quality</i>	
All appropriate measures shall be taken to control fugitive dust. These measures may include, but are not limited to, the application of water or chemical dust suppressants.	Apply dust abatement on roads, well pads, and other surface disturbances as needed.
Operators have committed to posting speed limits of 25 miles per hour along all access and lease roads and followed by the operators during all activities to reduce airborne fugitive dust.	All access and lease roads will be posted with 25 mph signs, and operators will ensure staff and contractors comply with the speed limit.
Operators have committed to using Tier 2 drill rigs when drilling oil and natural gas wells for the Converse County Project. This does not apply to water rigs, workover rigs, or casing rigs.	Operators shall use Tier 2 or higher drill rigs when drilling oil and natural gas wells for the Converse County Project. This does not apply to water rigs, workover rigs, or casing rigs.
Operators have committed to use Tier 4 diesel generators to power wells.	If the operator needs to use generator(s) to power well production equipment, Tier 4 diesel generators will be used.
To address concerns with particulate matter (PM) and dust impacts, the operators have committed to use dust suppression during construction and project activities near residences and schools.	Apply dust abatement on roads, well pads, and other surface disturbances as needed.
To address concerns with near-field 1-hour NO ₂ impacts, operators have committed to comply with the Wyoming Oil and Gas Conservation Commission 500 feet setback rules for well sites. See BLM-Wyoming IM 2015-054 (“Fluid Minerals Operations - Mitigation and Setbacks from Occupied Structures”)	<i>This will be addressed as a design feature during the APD permitting process.</i>
To address concerns with nitrogen deposition impacts, the operators have committed to use a lower compressor engine NO _x factor of 0.5 g/hp-hr.	Operators shall use compressor engines with a NO _x factor of 0.5 g/hp-hr or lower.
<i>Hazardous Materials, Solid Waste, and Public Health and Safety</i>	
The Operators have committed to place dumpsters at each construction site to collect and store garbage and refuse, and to ensure that all refuse and garbage is transported to a State-approved sanitary landfill for disposal.	Unused equipment and trash shall be removed from the location and disposed of in an approved landfill. Equipment will be maintained to be properly functional throughout the life of the well.
Spill Prevention, Control and Countermeasure (SPCC) and/or spill contingency plans would be implemented and adhered to in a manner such that spills or accidental releases of oil would be remediated. An orientation would be conducted by the Operators to make project personnel aware of the potential impacts that can result from accidental spills, and to ensure they know the appropriate response when a spill occurs, including notification	All undesirable events (fires, accidents, blow-outs, spills, and discharges) as specified in NTL-3A will be reported to the Casper BLM Field Office. Major events will be reported verbally within twenty-four (24) hours and will be followed with a written report within fifteen (15) days. Other than major events will be reported in writing within fifteen (15) days. Any spilled or leaked oil, produced water or treatment chemicals must be immediately cleaned up in accordance with

of the BLM as required under Notice to Lessees-3A.	BLM requirements. This includes proper disposition of soils contaminated as a result of such spills/leaks.
<i>Range Resources</i>	
The operators have committed to install temporary fencing around the outer disturbed perimeter of the well site, or in accordance with committed surface use agreements (on privately-owned surface).	The operator will design, construct, and maintain all secondary containment systems to prevent wildlife and livestock exposure to harmful substances. At a minimum, the operator will install effective wildlife and livestock exclosure systems such as fencing, netting, expanded metal mesh, lids, and grate covers.
<i>Recreation</i>	
Operators have committed to inform employees and contractors regarding land ownership boundaries and any restrictions for on and off-road vehicle activity by employees and contract workers to the immediate area of authorized activity or existing roads and trails.	<i>No corresponding COA.</i>
<i>Socioeconomics</i>	
Following public review of the Supplemental Draft EIS the OG committed to hold annual meetings with Converse County commissioners: Members of the OG committed to meet individually with a delegation of Converse County commissioners every year they are developing in the Project area for up to 10 years after issuance of the ROD for the Project. This meeting will occur between October and December of a given year, which will generally coincide with the finalization of individual operator's budgets for the next calendar year. At this meeting, each operator will describe to the county commissioners its anticipated level of activity, such as the number of drill rigs and/or completions activities that the operator will operate within the Project Area during the upcoming year, and construction of large planned facilities (such as compressor stations, major pipelines, and communication towers). The operator and county commissioners will discuss potential impacts of this anticipated development on roads and other infrastructure. As a condition of this meeting, the county commissioners have indicated they will keep sensitive information (such as rig and completions activities) received from an individual operator confidential and will recognize that information provided about anticipated activities is always subject to change.	<i>No corresponding COA.</i>
<i>Soils</i>	
Operators have committed to designing final roadway alignments that include erosion control measures to stabilize steeper slopes and to prevent loss of soil. These measures could include (as conditions dictate)	<i>This will be addressed as a design feature during the APD permitting process.</i>

<p>hay bales, shallow swales and ditches, rock/rip rap embankments, and culvert outlet protection. Potential soil erosion would be controlled at culvert outlets with appropriate structures. Catch basins, roadway ditches, and culverts would be cleaned and maintained regularly.</p>	<p><i>Note: The 2007 Casper RMP requires No Surface Occupancy for slopes greater than 25 percent, unless individual site plans are submitted to and approved by the Authorized Officer.</i></p>
<p>Operators have committed to identify unstable slopes and local factors that can induce slope instability. Special construction techniques would be used where applicable in areas of steep slopes, erodible soil, and stream channel crossings.</p>	<p><i>This will be addressed as a design feature during the APD permitting process.</i></p>
<p>Where appropriate, operators have committed to consult with private surface owners within the project area and coordinate reclamation efforts to meet committed surface use agreements (on privately-owned surface).</p>	<p><i>This will be addressed during the APD permitting process.</i></p>
<p>The operators have committed to, prior to re-seeding, scarify compacted areas by ripping or chiseling to loosen compacted soils where underlying material would not degrade topsoil.</p>	<p>In compliance with Onshore Oil and Gas Order Number 1, all earthwork, seeding or other activities to reestablish vegetation for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). All pads, pits, pipelines, roads, etc. must be reclaimed to a satisfactorily revegetated, safe, and stable condition, unless an agreement is made with the landowner or Surface Managing Agency to keep the road or pad in place. Native vegetation is required on BLM administered surface.</p> <p>Dry Hole – all disturbed lands associated with this project, including the pipelines, access roads, water management facilities, etc., will be expediently reclaimed and reseeded in accordance with the Surface Use Plan, any pertinent site-specific COAs and CFR 3162.3-4(c).</p>
<p><i>Vegetation</i></p>	
<p>The operators have committed to control State- or county-listed noxious weeds resulting from disturbance associated with the proposed project in accordance with guidelines established by the US Environmental Protection Agency (USEPA), BLM, USFS, or appropriate authorities. Prior to the use of any herbicide on federal surface, the applicator would have a commercial applicators license and a current approved Pesticide Use Proposal for the chemical being applied, submitted to and approved by BLM or USFS. When project activities occur on private surface lands, operators would adhere to committed surface use agreements.</p>	<p>The operator shall be responsible for weed control in disturbed areas as well as areas adjacent to the disturbance. This includes following the terms and conditions on the approved pesticide use proposal. All pesticide applications on BLM administered surface will be conducted by a Certified Pesticide Applicator and will apply pesticides approved by the BLM, per Federal Insecticide, Fungicide and Rodenticide Act and the Wyoming Environmental Pesticide Control Act of 1973.</p>
<p>The operators have committed to reclaim unused areas of surface disturbance (interim reclamation) in the next appropriate seeding season following the completion of initial construction and completion activities, generally within 180 days of the last well</p>	<p>In compliance with Onshore Oil and Gas Order Number 1, all earthwork, seeding or other activities to reestablish vegetation for interim and final reclamation must be completed within 6 months of well completion or well plugging</p>

<p>being completed on the pad. In the fall, seeding would take place after September 15 and prior to ground frost, and in the spring after the frost has left the ground and prior to June 1. Seed mixes would be prescribed either by the surface owner or the BLM (see below). Where appropriate, operators would adhere to committed surface use agreements on private lands.</p>	<p>(weather permitting). All pads, pits, pipelines, roads, etc. must be reclaimed to a satisfactorily revegetated, safe, and stable condition, unless an agreement is made with the landowner or Surface Managing Agency to keep the road or pad in place. Native vegetation is required on BLM administered surface.</p> <p>Dry Hole – all disturbed lands associated with this project, including the pipelines, access roads, water management facilities, etc., will be expediently reclaimed and reseeded in accordance with the Surface Use Plan, any pertinent site-specific COAs and CFR 3162.3-4(c).</p>
<p>The operators have committed to undertaking any required monitoring for reclamation success in coordination with the BLM or USFS. When project activities occur on private surface estate, operators would adhere to committed surface use agreements.</p>	<p>In compliance with Onshore Oil and Gas Order Number 1, all earthwork, seeding or other activities to reestablish vegetation for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). All pads, pits, pipelines, roads, etc. must be reclaimed to a satisfactorily revegetated, safe, and stable condition, unless an agreement is made with the landowner or Surface Managing Agency to keep the road or pad in place. Native vegetation is required on BLM administered surface.</p> <p>Dry Hole – all disturbed lands associated with this project, including the pipelines, access roads, water management facilities, etc., will be expediently reclaimed and reseeded in accordance with the Surface Use Plan, any pertinent site-specific COAs and CFR 3162.3-4(c).</p>
<p>The operators have committed to, on all areas to be reclaimed on federally administered surface estate, use site-specific seed mixtures, composed of native or other appropriate BLM- or USFS-approved species, and to include species promoting soil stability. Livestock palatability and wildlife habitat needs would be given consideration in seed mix formulation. BLM or USFS guidance for native seed use is BLM Manual 1745 (Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants), and EO No. 11987 (Exotic Organisms). Seed mixtures on privately owned surface estate would generally be determined through coordination with the landowner. When project activities occur on private surface estate, operators would adhere to committed surface use agreements.</p>	<p>In compliance with Onshore Oil and Gas Order Number 1, all earthwork, seeding or other activities to reestablish vegetation for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). All pads, pits, pipelines, roads, etc. must be reclaimed to a satisfactorily revegetated, safe, and stable condition, unless an agreement is made with the landowner or Surface Managing Agency to keep the road or pad in place. Native vegetation is required on BLM administered surface.</p> <p>Dry Hole – all disturbed lands associated with this project, including the pipelines, access roads, water management facilities, etc., will be expediently reclaimed and reseeded in accordance with the Surface Use Plan, any pertinent site-specific COAs and CFR 3162.3-4(c).</p>

<p>Operators have committed to interseeding, secondary seeding, or staggered seeding to accomplish revegetation objectives. During rehabilitation of areas in important wildlife habitat, provision would be made for the establishment of native species, if determined to be beneficial for the habitat affected. Follow-up seeding or corrective erosion control measures may be required on areas of surface disturbance which experience reclamation failure. When project activities occur on private surface estate, operators would adhere to committed surface use agreements.</p>	<p>In compliance with Onshore Oil and Gas Order Number 1, all earthwork, seeding or other activities to reestablish vegetation for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). All pads, pits, pipelines, roads, etc. must be reclaimed to a satisfactorily revegetated, safe, and stable condition, unless an agreement is made with the landowner or Surface Managing Agency to keep the road or pad in place. Native vegetation is required on BLM administered surface.</p> <p>Dry Hole – all disturbed lands associated with this project, including the pipelines, access roads, water management facilities, etc., will be expediently reclaimed and reseeded in accordance with the Surface Use Plan, any pertinent site-specific COAs and CFR 3162.3-4(c).</p> <p>The operator shall be responsible for erosion control measures for the entire project. If necessary the operator shall use standard erosion control methods including things like erosion fences, hay bales, straw wattles etc. If these strategies are unsuccessful the situation will be reassessed with the BLM and private surface owners until the erosion is acceptably controlled.</p>
<p>Operators have committed to use mulch that is certified weed free and free from mold or fungi. Mulch may include native hay, small grain straw, wood fiber, live mulch, cotton, jute, synthetic netting, and rock. Straw mulch should contain fibers long enough to facilitate crimping and provide the greatest cover. When project activities occur on private surface estate, operators would adhere to committed surface use agreements.</p>	<p>Any use of mulch must be certified weed free and free from mold or fungi. Mulch may include native hay, small grain straw, wood fiber, live mulch, cotton, jute, synthetic netting, and rock. Straw mulch should contain fibers long enough to facilitate crimping and provide the greatest cover.</p>
<p>Operators have committed to monitor noxious weed occurrence within the project area and implement a noxious weed control program in cooperation with the BLM or USFS, and Converse County. Weed-free certification would be required for grain or straw used for mulching re-vegetated areas. When project activities occur on private surface estate, operators would adhere to committed surface use agreements.</p>	<p>The operator shall be responsible for weed control in disturbed areas as well as areas adjacent to the disturbance. This includes following the terms and conditions on the approved pesticide use proposal. All pesticide applications on BLM administered surface will be conducted by a Certified Pesticide Applicator and will apply pesticides approved by the BLM, per Federal Insecticide, Fungicide and Rodenticide Act and the Wyoming Environmental Pesticide Control Act of 1973.</p>
<p><i>Visual Resources</i></p>	
<p>Operators have committed to design new roads and pipeline corridors, to the extent safe and practicable, that follow contours and use topography as screening. New pipelines would be combined with existing or proposed roads, where safe, practical and</p>	<p><i>This will be addressed as a design feature during the APD permitting process.</i></p>

feasible. Where appropriate, operators would consult with private surface owners to locate facilities to accommodate and meet committed surface use agreements.	
<i>Water Resources</i>	
The operators have committed to site new water wells on privately owned surface estate in coordination with the landowner.	<i>This will be addressed as a design feature during the APD permitting process.</i>
The operators have committed to restore streams, wetlands, and riparian areas disturbed during project construction to as near pre-project conditions as practical, and if impermeable soils contributed to wetland formation, soils would be compacted to reestablish impermeability.	<i>This will be addressed as a design feature during the APD permitting process.</i> <i>Note: The 2007 Casper RMP requires No Surface Occupancy for within 500 feet of surface water and/or riparian areas.</i>
The operators have committed to begin reclamation activities on disturbed wetland areas after completion of project activities. Disturbed channel beds would be reshaped to their approximate original configuration.	<i>This will be addressed as a design feature during the APD permitting process.</i> <i>Note: The 2007 Casper RMP requires No Surface Occupancy for within 500 feet of surface water and/or riparian areas.</i>
<i>Wildlife and Aquatic Biological Resources</i>	
The operators have committed to construct power lines in accordance with the APLIC Suggested Practices for Avian Protection on Power Lines—The State of the Art in 2006 (APLIC 2006) or equivalent based on third-party power providers’ Avian Protection Plans.	To avoid collision and electrocution of raptors and other avifauna, power lines on federal surface will be constructed in accordance with standards outlined in the Avian Protection Plan Guidelines (APLIC and USFWS 2005).
Operators have committed to site and design well locations and associated road and pipeline routes to avoid disturbances to areas of high wildlife value (e.g., raptor nest sites, wetland areas) where safe and practical.	<i>This will be addressed as a design feature during the APD permitting process.</i>
Operators have committed to, if existing information is not current, conduct field evaluations for greater sage-grouse leks and/or nests. Evaluations may be conducted by a qualified biologist ¹ prior to the start of activities in potential greater sage-grouse habitat. These field evaluations for leks and/or nests would be conducted if project activities are planned in potential greater sage-grouse habitat between March 15 and June 30. The Operators would coordinate with agency biologists to ensure that such surveys are conducted using proper survey methods.	<i>No corresponding COA.</i>
The operators have committed to, subject to third-party power providers’ Avian Protection Plans, using raptor perching deterrents on power lines structures within 0.5 mile of active sage-grouse leks to	<i>No corresponding COA.</i>

¹ A Qualified Biologist is defined as a biologist approved by the appropriate BLM authorized officer to conduct inventories, surveys, trapping, and/or monitoring for important terrestrial and aquatic wildlife species, or monitor and evaluate important botanical resources that may potentially occupy the project area as described.

<p>minimize raptors perching in the immediate area of the lek and reduce the potential for increased raptor predation during the sage-grouse breeding season.</p>	
<p><i>Non-eagle raptor TLS relief measures</i></p>	
<p>Pits, ponds, and open-pit containers will be kept free of liquids and routinely inspected.</p>	<p>Pits, ponds, and open-pit containers will be kept free of oil, routinely inspected and netted/screened.</p> <p>The operator will prevent all hazardous, poisonous, flammable, and toxic substances from coming into contact with soil and water. At a minimum, the operator will install and maintain an impervious secondary containment system for any tank or barrel containing hazardous, poisonous, flammable, or toxic substances sufficient to contain the contents of the tank or barrel and any drips, leaks, and anticipated precipitation. The operator will dispose of fluids within the containment system that do not meet applicable state or U. S. Environmental Protection Agency livestock water standards in accordance with state law. The operator must not drain the fluids on the soil or ground.</p>
<p>Earthwork for interim and final reclamation (including drying and/or solidifying pits, and backfilling of pits) must be completed within 6 months of completion of the last well. The pit can be reopened for future drilling of new wells at a later date as needed, upon prior approval by the BLM authorized officer (see BLM-Wyoming IM 2012-007, "Management of Oil and Gas Exploration and Production Pits").</p>	<p>In compliance with Onshore Oil and Gas Order Number 1, all earthwork, seeding or other activities to reestablish vegetation for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). All pads, pits, pipelines, roads, etc. must be reclaimed to a satisfactorily revegetated, safe, and stable condition, unless an agreement is made with the landowner or Surface Managing Agency to keep the road or pad in place. Native vegetation is required on BLM administered surface.</p>
<p>Exhaust stacks greater than 2 inches in diameter on fired vessels (e.g., line heaters and heater-treaters) will be fitted with protective measures.</p> <p>Natural gas dehydrator tubs will be screened to exclude entry of birds.</p> <p>Load lines will be covered to prevent entry of birds.</p>	<p>The operator will construct, modify, equip, and maintain all open-vent exhaust stacks on production equipment to prevent birds and bats from entering, and to discourage perching, roosting, and nesting. Production equipment includes, but may not be limited to: tanks, heater-treaters, separators, dehydrators, flare stacks, in-line units, and compressor mufflers.</p> <p>The operator will design, construct, and maintain all secondary containment systems to prevent wildlife and livestock exposure to harmful substances. At a minimum, the operator will install effective wildlife and livestock enclosure systems such as fencing, netting, expanded metal mesh, lids, and grate covers.</p>

A qualified individual with knowledge of avian identification and a good working knowledge of all federal regulations related to migratory bird species will train all company, contractors and other personnel. Training will include information related to avian issues, specifically regarding nest management protocols that prevent take of migratory birds. Training will provide information to personnel that will allow project components to comply with existing regulations. Training of personnel also will include the procedures to be followed when finding an injured bird or carcass.

A qualified individual² with knowledge of avian identification and a good working knowledge of all federal regulations related to migratory bird species will train all company, contractors and other personnel. Training will include information related to avian issues, specifically regarding nest management protocols that prevent take of migratory birds. Training will provide information to personnel that will allow project components to comply with existing regulations. Training of personnel also will include the procedures to be followed when finding an injured bird or carcass.

Commence oil and gas surface operations and occupancy within the non-eagle raptor nest spatial buffer at least 30 days in advance of the seasonal buffer period documented in the APD COA, and maintain continuous surface operations and occupancy at the pad(s) throughout the seasonal buffer period for the TLS reliefs approved by the BLM. Surface operations and occupancy will not cease during these seasonal buffer period for more than 72 hours. If a break in surface operations and occupancy occurs for more than 72 hours, all further federal oil and gas lease construction, drilling, and non-production/maintenance operations at the pad(s) will cease until cessation of the seasonal buffer period referenced in the APD COA. In the event that a raptor or raptors occupy a nest while operations are occurring, the continuous operations need not cease.

To use an instance of TLS relief, the operator shall commence oil and gas surface operations and occupancy within the non-eagle raptor nest spatial buffer by at least 30 days in advance of the TLS period documented in the APD COA, and maintain continuous surface operations and occupancy (described below) at the pad(s) throughout the TLS period until operations end. Continuous surface operations and occupancy is defined as surface operations and occupancy that does not cease during the TLS period for more than 72 hours at a time. If a break in surface operations and occupancy occurs for more than 72 hours, all further federal oil and gas lease construction, drilling, and non-production/maintenance operations at the pads(s) will cease until the end of the TLS period referenced in the APD COA unless a nest check submitted to the BLM confirms that the nest is not occupied and grants approval to re-initiate operations under the federal APD. In the event that a raptor or raptors occupy a nest while operations are occurring, the continuous operations need not cease.

3.2.2 Mitigation Measures Carried Forward

Cultural Resources, Historic Trails, and Resources of Native American Concern

CR-1: An archaeologist with a current Cultural Resources Use Permit (CRUP) with the BLM's Wyoming State Office will monitor surface disturbing activities during construction in areas that have been determined, through the NHPA/NEPA process, to be

^{2 2} A Qualified Biologist is defined as a biologist approved by the appropriate BLM authorized officer to conduct inventories, surveys, trapping, and/or monitoring for important terrestrial and aquatic wildlife species, or monitor and evaluate important botanical resources that may potentially occupy the project area as described.

likely to contain buried cultural resources. A monitoring and discovery plan may be developed for large or complex undertakings or areas known to contain buried cultural sites.

CR-2: As determined by a BLM cultural resource specialist, cultural resource avoidance areas will be fenced or otherwise marked prior to construction activities. Flagging or other marking will be removed once construction is completed in an area.

CR-4: A tribal monitor will monitor soil-disturbing activities during construction in areas that have been determined, through tribal consultation and the NHPA process, to contain or are likely to contain Tribal Historic Properties of Religious and Cultural Significance and/or tribal cultural properties. A monitoring and discovery plan may be developed for large or complex undertakings or areas known to contain such resources.

Paleontological Resources

PALEO-1: Require an on-the-ground survey prior to approval of surface-disturbing activities within Class 4 and 5 formations (Potential Fossil Yield Classification). Monitor during surface-disturbing activities when appropriate. The BLM may, as deemed necessary, require an on-the-ground survey prior to approval of surface-disturbing activities for some Class 3 formations, as determined during the BLM's evaluation of the site-specific activity.

PALEO-2: The operator will suspend all activities in the vicinity of a discovery of vertebrate paleontological resources until notified to proceed by the BLM AO and will protect the discovery from damage or looting. However, the operator may not be required to suspend all operations if activities can be adjusted to be continued elsewhere or otherwise avoid further impacts to a discovered locality.

PALEO-3: The BLM AO will evaluate such discoveries as soon as possible, but not later than 10 working days after being notified. Appropriate measures to mitigate effects to significant paleontological resources will be determined by the BLM AO after consulting with the operator.

PALEO-4: Within 10 days of discovery of a vertebrate paleontological resource, the operator will be allowed to continue construction at the site by either (1) following the BLM AO's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the paleontological resources, or (2) following the BLM AO's instructions for mitigating impacts to the fossil resource prior to continuing construction. Stabilization will be conducted by a BLM-permitted paleontologist.

Range Resources

RANGE-3: The oil and gas operator will communicate and coordinate construction schedules with livestock operators on BLM-administered surface to allow adequate time and opportunity for livestock operators to make adjustments to pasture rotation, particularly during calving/lambing seasons.

Soils

SOIL-1: Soils on federal surface estate will be analyzed prior to disturbance in coordination with BLM or USFS to determine soil characteristics, vegetation composition and ground cover, proposed seed mixtures and application rates, and the need for potential soil amendments.

SOIL-2: To the maximum extent possible, disturbance to soils with limiting characteristics will be avoided.

SOIL-3: All suitable topsoil, not to exceed 12 inches in depth, will be separated, salvaged, and used when revegetating disturbed areas. Operators should use care not to mix subsoil with topsoil.

SOIL-4: If an unreasonable amount of time will pass between the end of construction and initiation of reclamation, erosion controls will be applied to disturbed areas. As necessary, the responsible operator shall use erosion control methods including but not limited to erosion fences, hay bales, straw wattles, etc. If these strategies are unsuccessful, the

situation will be reassessed with the BLM and private surface owner until the erosion is acceptably controlled.

SOIL-5: During reclamation, areas that have been compacted will be decompact to the full depth of compaction by subsoiling, paraplowing, or parabolic ripping. Where soils are shallow, scarification will be the chosen method. Compaction depth will be determined on a case-by-case basis by the BLM during review of the Surface Use Plan of Operations.

SOIL-6: Fertilizers and/or other amendments will be used as needed to improve revegetation and reclamation success.

Transportation and Access

TRANS-2: Pipelines will be buried at road crossings. The operator will bury all permanent pipelines which intersect county roads to a minimum depth of 5 feet.

TRANS-3: Passing areas will be constructed as directed by the AO.

TRANS-4: Heavy and/or slow-moving equipment will be used only at night or during non-peak driving times. Flaggers and/or flag cars will be used to alert non-Project traffic of upcoming Project equipment.

TRANS-5: Additional permanent and temporary signage will be placed along roadsides to alert motorists of upcoming construction vehicles.

TRANS-6: The operator will install signage in areas of heavy equipment and heavy truck traffic.

Vegetation

VEG-1: Local native seed sources will be considered when deemed practical and feasible to meet reclamation goals.

VEG-2: Prior to surface disturbance on federal lands, the oil and gas operator will arrange for infestations of noxious weeds and invasive plant species to be mapped and included in a weed treatment plan in the APD.

Special Status Plant Species

SSPS-1: Known individuals and populations of Ute ladies'-tresses orchid and areas identified in coordination with the US Fish and Wildlife Service (USFWS) as suitable habitat will be avoided. 2 years of surveys in suitable habitat in late July through mid-August will be required and consultation with USFWS may be necessary.

SSPS-2: The following protective measures will be followed in areas of Ute ladies'-tresses suitable habitat:

- a) Use directional drilling at pipeline crossings of occupied or suitable habitat.
- b) Route roads around known or suitable habitat.
- c) Implement dust abatement within 0.25 mile of occupied or suitable habitat.

SSPS-3: Species requiring surveys will be identified by the BLM and USFS during the APD, ROW, or Sundry Notice review process. For species identified as requiring surveys by the BLM or USFS, site- and species-specific surveys will be conducted. The timing and methodology of the surveys will be determined by the BLM or USFS in consultation with the appropriate agency. Surveys will be conducted in areas identified as suitable habitat. If individuals or populations are identified during surveys, avoidance through design modifications will be developed and implemented in consultation with the appropriate agency. For species that cannot be avoided, species-specific mitigation will be developed in consultation with the appropriate agency.

Visual Resources

VIS-1: Pinyon-juniper and conifer woodlands will be removed only when necessary for construction and operation. If removal is necessary, edges of any clearings will be feathered to mimic the natural characteristic of the landscape.

- VIS-2: BLM environmental colors (Standard Environmental Color Chart CC-001; BLM 2014e) will be used for surface coatings of permanent structures. Color selection will be based on site-specific assessment.
- VIS-3: Topography and vegetation will be utilized to the greatest extent possible to screen views from trails and other Key Observation Points.
- VIS-4: During reclamation, disturbed areas will be reclaimed to near-natural conditions.
- VIS-6: Lighting at facilities will be minimized to the greatest extent permitted by OSHA regulations, and lights will be down-shielded to reduce night glare and light pollution.

Water Resources

- WR-1: Existing stream crossings will be utilized wherever practicable and the use and maintenance of the crossings will be addressed during site-specific review. All stream crossings utilized for Project development or production will be maintained by the applicable operator.
- WR-2: The OG will develop and utilize an Unanticipated Pipeline Release Standard Operating Procedure coupled with a pipeline volume and flow monitoring system for buried pipelines.

Wildlife and Aquatic Biological Resources

Aquatic Biology

- ABR-1: When avoidance of perennial streams with game and special status aquatic species populations will not be feasible and a culvert will be required during construction, flow will be maintained in a portion of the stream to allow unrestricted fish passage during installation of the culvert. Any plan for dewatering the stream at the culvert site must be approved by the appropriate federal and state agencies. Culvert size and type will be selected to facilitate the continued and long-term connectivity and movement of target aquatic species. An alternative crossing method may be required.
- ABR-2: If spawning and reproductive areas for game and special status aquatic species are known to occur at streams proposed for vehicle crossing or culvert construction, instream disturbance will be scheduled to avoid crucial spawning habitat and aquatic species reproduction periods. The exact dates for avoidance will be determined through discussions with WGFD and the appropriate federal land management agency (i.e., BLM, USFS or USFWS). All disturbed areas will be restored to pre-construction conditions prior to the next spawning season.
- ABR-3: Pipeline crossings of blue ribbon (North Platte River) and red ribbon (LaPrele Creek) streams, if required, will be accomplished by boring underneath the stream. Pipeline crossings for other perennial streams proposed for trenching will be considered on a case-by-case basis through discussions with WGFD. If trenching is approved, WGFD will determine if a construction avoidance period will be required for fish spawning. All disturbed areas of the stream channel will be restored to pre-construction conditions.
- ABR-4: Hydrostatic test waters from pipeline construction will not be released to stream channels. Test waters will be discharged onto upland areas using proper erosion and sediment control techniques, and after obtaining all necessary permits or permissions.
- ABR-5: To prevent the spread of aquatic invasive species, surface water will not be moved between HUC-8 watersheds. If vehicles and equipment are moved between HUC8 watersheds, all equipment will be decontaminated, which would occur before arrival at a Project site. Decontamination will consist of either of these actions: Drain all water from equipment and compartments; clean equipment of all mud, plants, debris, and aquatic organisms; and dry equipment for specified time by season (5 days in June through August, 18 days in March through May, and 3 days in December through February when temperatures are at or below freezing). A field monitor will be present to ensure that the cleaning was completed prior to vehicle and equipment moving to other streams and drainages.

Migratory Birds

- MIG-1: When surface-disturbing activities must occur during the avian breeding season (February 1 to July 31), a qualified biologist³ will conduct nest searches no more than 7 days prior to these activities. Occupied nests will be identified and protected in accordance with the applicable BLM, USFS, USFWS, and/or the WGFD guidance and as modified by this ROD.
- MIG-2: Disturbance within portions of the CCPA that are identified by federal or state wildlife management agency biologists as located in forest and woodland habitat areas will be avoided.

Special Status Aquatic Species

- SSAS-1: Where habitat for special status aquatic species cannot be avoided as a surface water source for well development activities, approval will be required from the federal agency responsible for managing the lands and the wildlife agency responsible for managing the special status aquatic species. Agency approval will ensure that water withdrawal methods will avoid or minimize entrainment or impingement effects to early life stages of special status aquatic species.

Special Status Wildlife Species

- SSWS-3: Bird diverters/markers will be installed on all fencing in Priority Habitat Management Area to the extent set forth in applicable fencing agreements with private surface owners within the CCPA.
- SSWS-4: A 0.25-mile no surface use buffer will be evaluated at the time of proposed federal oil and gas lease operations or when a ROW is proposed on BLM-administered surface in any areas identified as occupied special status bat roosts. As described in Section 3.18.3.5 of the Final EIS, suitable roosting habitat found within the CCPA includes rock crevices, buildings, bridges, trees, and mines. Bat surveys will be required on any bridges that are modified.
- SSWS-5: Any areas where herbicides would be used for vegetation treatment will be searched for bat roosts prior to spraying, and a 0.5-mile no-spray buffer will be established around roost sites.
- SSWS-6: Surveys will be conducted for Preble's meadow jumping mouse prior to surface disturbance in suitable habitats based on the USFWS protocol (2004c). If the species is located, additional coordination with the BLM, USFS, and USFWS will be required prior to surface disturbing activities.

Terrestrial

- WLF-1: Wildlife water (excluding freshwater pits) developments will be avoided on BLM-administered lands. If avoidance is not possible, the loss of any permanently impacted wildlife water developments will be offset by installing new developments of equal

³ A Qualified Biologist is defined as a biologist approved by the appropriate BLM authorized officer to conduct inventories, surveys, trapping, and/or monitoring for important terrestrial and aquatic wildlife species, or monitor and evaluate important botanical resources that may potentially occupy the project area as described.

capacity, in coordination with the appropriate state wildlife agency and federal land management agencies.

- WLF-2: In accordance with BLM, USFS, and USFWS BMPs for preventing wildlife mortality as a result of fluid mineral practices, all stacks, trenches, and other open structures (including water tanks) will be covered with wildlife enclosure covers and/or wildlife escape ramps. Any proposed open poles or fence posts will be covered or filled with sand, soil, or gravel to prevent entrapment. "Bird cones" will be installed on open-vent stacks.
- WLF-3: If reserve pits or other open pits for storage of water or other fluids are used, they will be fenced and covered with netting (properly installed, monitored, and maintained).
- WLF-4: New power lines, roads, pipelines, and other structures will be co-located with other existing disturbance (e.g., roads, pipelines, railroads), where possible. Additionally, new power lines will be buried where feasible.
- WLF-5: Noise reduction mufflers will be used on construction equipment, drilling equipment, and other motors/compressor used during drilling and production. Also, temporary walls and distance will be considered to reduce sound levels in important habitats, in accordance with BLM policies.
- WLF-6: New structures, including fences, will be designed and built to reduce hazards to big game and to allow big game seasonal movement throughout the year. This will not include fences designed to specifically exclude wildlife.

3.3 Mitigation Measures Not Carried Forward

This section includes a list of measures not carried forward in this decision and rationale as to why.

Air Quality

- AQ-1: If located on BLM surface estate, gas plants and compressor stations will be located at least 2,000 meters from residences or other occupied dwellings.** This mitigation was not included because the OG has committed to set backs in Section 3.2.1, Applicant Committed Measures; operators will have to follow the State of Wyoming's rule on these types of facilities and the BLM has limited authority for the placement of these types of facilities in the project area since the agency only administers six percent of the surface estate.
- AQ-2: Commenters recommended the use of Tier 4 diesel drill rig engines to reduce NO_x emissions.** This mitigation was not included because the OG has proposed to use Tier 2 engines in Section 3.2.1, Applicant Committed Measures, and the BLM may rely on the State of Wyoming, which is subject to oversight by the EPA, to ensure permitted activities do not exceed or violate any State or Federal air quality standard under the Clean Air Act, including those under the authority of the Wyoming Department of Environmental Quality (WDEQ).
- AQ-3: Commenters recommended the use of Tier 4 diesel engines for all engines used during well completion to reduce NO_x emissions.** This mitigation was not included because the OG has proposed to use Tier 2 engines in Section 3.2.1, Applicant Committed Measures, and the BLM may rely on the State of Wyoming, which is subject to oversight by the EPA, to ensure permitted activities do not exceed or violate any State or Federal air quality standard under the Clean Air Act, including those under the authority of the WDEQ.
- AQ-4: Commenters recommended a lower NO_x limit on compressor engines at the compressor stations to reduce NO_x emissions.** This mitigation was not included because

the OG has committed to a similar measure in Section 3.2.1, Applicant Committed Measures. Further, the WDEQ regulates emissions from stationary sources, like compressor stations. See also page 1-12 of the FEIS (describing the role and authority of the WDEQ to administer and enforce requirements related to air quality, such as under the Clean Air Act).

AQ-5: Commenters recommended the electrification of compressor engines at the compressor stations to reduce NO_x emissions. This mitigation was not included because, while the OG has not committed to electrification of compressors engines, they have committed to reduce NO_x emissions in Section 3.2.1, Applicant Committed Measures. Further, the WDEQ regulates emissions from stationary sources, like compressor stations. See also page 1-12 of the FEIS (describing the role and authority of the WDEQ to administer and enforce requirements related to air quality such as under the Clean Air Act).

AQ-6: Commenters recommended the electrification of drill rig engines to reduce NO_x emissions. This mitigation was proposed to the OG, which has committed to Tier 2 engines in Section 3.2.1, Applicant Committed Measures; however, the OG would not commit to this recommendation. The BLM may rely on the State of Wyoming, which is subject to oversight by the EPA, to ensure permitted activities do not exceed or violate any State or Federal air quality standard under the Clean Air Act.

AQ-7: Commenters recommended the electrification of frac pumping operations during completion operation to reduce NO_x emissions. This mitigation was proposed to the OG but the OG would not commit to this recommendation. The BLM may rely on the State of Wyoming, which is subject to oversight by the EPA, to ensure permitted activities do not exceed or violate any State or Federal air quality standard under the Clean Air Act.

AQ-8: Commenters recommended the use of natural gas-only or bi-fuel drill rig and completion engine to reduce NO_x emissions. This mitigation was not included because the OG has proposed to use engines powered primarily by diesel fuel. The BLM may rely on the State of Wyoming, which is subject to oversight by the EPA, to ensure permitted activities do not exceed or violate any State or Federal air quality standard under the Clean Air Act.

AQ-9: Commenters recommended to reduce the amount of flaring during operation to reduce NO_x emissions. This mitigation was not included because the selected alternative allows for flaring when determined to be in compliance with applicable BLM and State of Wyoming rules and regulations. The BLM may rely on the State of Wyoming, which is subject to oversight by the EPA, to ensure permitted activities do not exceed or violate any State or Federal air quality standard under the Clean Air Act.

AQ-10: Commenters recommended the use of Tier 4 diesel engines during workovers to reduce NO_x emissions. This mitigation was not included; the selected alternative does not limit the type of engine (when otherwise compliant with other federal, state, and local rules), and the BLM may rely on the State of Wyoming, which is subject to oversight by the EPA, to ensure permitted activities do not exceed or violate any State or Federal air quality standard under the Clean Air Act.

AQ-11: For heater treaters, commenters recommended lowering the heater treater temperature and/or installing insulation on the separator to reduce NO_x emissions. This mitigation was not included because the WDEQ regulates emissions and standards for emissions control on these types of facilities, and so the BLM's selected alternative will adequately provide for compliance with applicable air quality laws and regulations. See also page 1-12 of the FEIS (describing the role and authority of the WDEQ to administer and enforce requirements related to air quality, such as under the Clean Air Act).

AQ-12 : Commenters recommended the centralizing production and operation facilities to reduce NO_x emissions. This mitigation was not included because the WDEQ regulates emissions and standards for emissions control on these types of facilities, and so the BLM's selected alternative will adequately provide for compliance with applicable air quality laws and regulations. See also page 1-12 of the FEIS (describing the role and authority of the WDEQ to administer and enforce requirements related to air quality, such as under the Clean Air Act).

AQ-13: Commenters recommended increasing the dust abatement effectiveness during construction activities and/or for all project activities to reduce the amount of particulate matter (PM) emissions. This mitigation was not included because the OG has committed to PM and dust mitigations in Section 3.2.1, Applicant Committed Measures.

AQ-14: Commenters recommended reducing the number of tanker truck trips to reduce the amount of PM emissions. This mitigation was not included because the OG has committed to PM and dust mitigations in Section 3.2.1, Applicant Committed Measures.

AQ-15: Commenters recommended paving or adding low silt content surface material to unpaved roads to reduce the amount of PM emissions. This mitigation was not included because the OG has committed to PM and dust mitigations in Section 3.2.1, Applicant Committed Measures.

Cultural Resources

CR-3: Mandatory training will be provided to all construction personnel and contractors regarding cultural resources and the federal regulations that protect them. This mitigation measure is redundant, as the BLM already requires (through permit authorizations and as a standard lease stipulation) that operators inform all personnel (in the area who are associated with the project) of cultural resources and the laws that protect them, to include that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. Additionally, the BLM currently provides requirements, as a COA to individual APDs, for what to do if historic or archaeological materials are discovered during construction.

Range Resources

RANGE-1: All range improvements in the vicinity of construction activities will be documented prior to initiating construction activities. Any improvements moved or damaged will be returned to their original location or pre-damaged or better condition according to the BLM, USFS, or landowner standards. The majority of the CCPA includes privately-owned surface estate. Therefore, any damages to privately-owned range improvements/facilities would be a matter between the operator and the surface owner through a surface use agreement. If the operator is unable to reach a surface use agreement with the private surface owner, the operator may submit an adequate bond to the BLM that will provide for compensation for potential damages to crops and/or tangible improvements of the surface owner. However, the BLM would not be involved in the assessment of damages or resolving property damage claims by the surface owner.

RANGE-2: All incidents resulting in livestock injury or fatality will be reported to the livestock operator, and the affected livestock operator will be compensated at fair market value, as determined by the USDA using the U.S. Standards for grades of feeder cattle. The majority of the CCPA includes privately-owned surface estate.

Therefore, any incidents resulting in the injury or death of livestock would be a matter between the operator and the surface owner. It is not within the BLM's authority to resolve potential private property damages resulting from the lessee/operator's actions.

RANGE-4: Where deemed necessary, the oil and gas operator will install signage and gates to notify of trespass and secure privately owned lands. The majority of the CCPA includes privately-owned surface estate. The responsibility to install signage and gates to notify of trespass and secure privately owned lands would be a matter between the operator and the surface owner through a surface use agreement.

RANGE-5: Site-specific Reclamation Plans (including seed mix composition and timing of reclamation planting) that are created to minimize impacts on privately owned rangeland within the CCPA will be developed with full coordination and consultation with the landowner. This mitigation measure was not carried forward because it is redundant with current regulation and policy. Onshore Oil and Gas Order No. 1 requires that the BLM ensure the surface owner has the opportunity to review the Surface Use Plan of Operations (including the reclamation plan) prior to APD approval. Further, matters between the operator and private surface owner, to include reclamation on privately owned surface, may be decided upon through a surface use agreement.

Socioeconomics

SOC-1: The OG will meet at least annually with the BLM and representatives of the state and local governments to discuss near-term and mid-term development plans. Additional coordination meetings also will be conducted if situations/conditions arise that will substantially accelerate or retard development in the CCPA. The BLM did not include this mitigation as the OG has committed to meet annually with Converse County as detailed in section 3.2.1, and the BLM cannot compel the OG to conduct meetings with other federal, State, and local government agencies or representatives.

Special Status Wildlife Species

SSWS-1: A vehicle speed limit of 25 mph will be implemented on roads without posted speed limits in areas of occupied sage-grouse habitat. This mitigation is included as an ACM in Section 3.2.1, and therefore not included as additional mitigation in this decision.

SSWS-2: A Raven Management Plan will be developed that outlines active adaptive management strategies for controlling raven predation and nesting within the CCPA, including the post-construction monitoring for ravens and removal of raven nests. The BLM does not manage raven populations. Any plans would have to be developed, in this case, with the WGFD and the USFWS.

Transportation and Access

TRANS-1: Cooperative road management plans will be developed among the operators, Converse County, the state of Wyoming, and other road users that will address maintenance requirements and responsibilities, as well as highlight potential areas of enhanced safety concern. The BLM does not regulate road use on public roads or non-federal lands, and the BLM cannot compel the OG to reach agreements for use of roads on non-federal lands. However, the BLM encourages operators to cooperate with Converse County and the Wyoming Department of Transportation in the development of a road management plan.

Visual Resources

VIS-5: Crossings of trails by linear Project components will be at right angles with structures set as far back from the crossing as possible. Rights-of-way and structures should be appropriately screened. This mitigation measure was not carried forward because the 2007 Casper RMP already requires commensurate or more stringent management for National Historic Trails, to include no surface occupancy along selected portions of NHTs (as mapped by the Casper RMP), controlled surface use up to 3 miles, and the requirement that ROW crossings be located at previously disturbed areas and at right angles.

4.0 What the Decision Does Not Provide

Decisions contained in this document do not apply to non-federal lands; they apply only to operations on BLM-administered federal lands, including federal mineral estate.

This ROD does not authorize site-specific construction, maintenance, or use of new wells, pads, pipelines, roads, transmission lines or other facilities on BLM-administered lands. Operators are required to submit APDs, Sundry Notices, and/or ROW applications for approval of wells, well pads, pipelines, roads, and other ancillary facilities associated with project development. The BLM will require site-specific environmental review and approval of such applications prior to initiation of surface-disturbing activities.

Further, this ROD does not authorize automatic waiver or exception of TLS for Greater Sage-Grouse. Exceptions to timing restrictions for Greater Sage-Grouse would be considered on a case-by-case basis in accordance with the BLM's Approved RMPA for Greater Sage-Grouse.

5.0 Summary of Alternatives

5.1 Overview

Three alternatives were considered in detail in the Final EIS, including the Proposed Action. For a complete description of these alternatives, refer to Section 2.0 in the Final EIS. Table 2.7-1 presents the estimated potential surface disturbance by alternative; Table 2.7-2 presents a comparison of impacts by alternative. Alternatives considered but eliminated from detailed analysis are summarized in Section 5.1.4 below.

The three analyzed alternatives within the Converse County Oil and Gas Project Final EIS include:

Alternative A (No Action);
Alternative B (Proposed Action); and
Alternative C

5.1.1 Alternative A: No Action

Under the No Action alternative, the BLM would deny the Proposed Action for oil and natural gas development on federal lands and federal minerals within the CCPA. The No Action Alternative consists of disturbance from existing development as well as disturbance from new development that is anticipated based on recently approved NEPA projects for proposed development in the CCPA and the recent trend in the number of wells drilled annually in the CCPA.

5.1.2 Alternative B: Proposed Action

Under the Proposed Action, up to 5,000 oil and natural gas wells would be drilled from an estimated 1,500 single and multi-well pads within the CCPA over a period of ten years. The number of wells drilled from each pad would vary from 1 to 16, with an average of 3 wells per pad. After the last well on each pad is plugged and abandoned, the pad would undergo final reclamation. This alternative would include analysis of year-round development in areas where timing limitation restrictions serve to protect several wildlife species. In support of these new wells, the OG would construct additional access roads, pipelines, aboveground electric distribution lines, gas processing facilities, and wastewater disposal wells. Construction and operational surface disturbances for Alternative B from the 1,500 proposed multi-well pads and all associated infrastructure would be 52,667 acres and 23,928 acres, respectively. The total estimated construction and operational surface disturbance from Alternative B would be approximately 3.5 and 1.6 percent of the CCPA, respectively.

In response to comments on the Draft EIS for the Converse County Oil and Gas Project, the BLM developed a Supplemental to the Draft EIS to address comments specific to a Land Use Plan (LUP) amendment for the Casper Resource Management Plan (Casper RMP) regarding TLS for all non-eagle raptor species. The stipulations are described in Decision No. 4047 in the Casper RMP, which require surface disturbance buffer distances and timing restrictions for all raptor species. Nine raptor species are identified in Decision No. 4047 with a buffer requirement of 0.25-mile. Five options to the existing non-eagle raptor TLS (including the no action option, two proposed by the OG, one proposed by the BLM, and one proposed by the U.S. Fish and Wildlife Service) were analyzed in the Supplemental Draft EIS. After receiving comments on the Supplemental Draft EIS, a sixth option was developed for the Final EIS. The six options are summarized below:

- Option 1, the No Land Use Plan Amendment Option, consists of the existing management action for Decision No. 4047.
- Option 2 (Proposed by the OG) – Under this option the TLS would not apply to non-eagle raptor nests within the CCPA.
- Option 3 (Proposed by the OG) – Under this option the TLS would not apply to non-eagle raptor nests within the CCPA, if the applicant applies conservation measures set forth in Appendix G1 of the Final EIS.
- Option 4 (Proposed by the BLM) – Under this option the TLS may be relieved within the CCPA if other management practices or plans agreed upon by the applicant/operator and the BLM alleviate impacts to non-eagle raptors within the buffer distances defined within the existing Decision No. 4047. An example process for approval of a plan is provided in Appendix G2 of the Final EIS.
- Option 5 (Proposed by the USFWS) – The TLS may be relieved within the CCPA if the applicant works with the BLM and USFWS to alleviate impacts to non-eagle raptors within buffers by developing a Migratory Bird Conservation Plan (MBCP). A proposed outline for the MBCP is provided in Appendix G3 of the Final EIS.
- Option 6 (Additional Option proposed by the BLM) – Under this option TLS may be relieved for non-eagle raptors within the CCPA if the applicant applies the conservation measures set forth in Appendix G4 of the Final EIS.

The BLM preferred alternative is Alternative B and LUP Amendment Option 6.

5.1.3 Alternative C

This alternative would reduce the surface disturbance and related impacts based on the assumption that a higher average number of wells would be drilled from each pad. Specifically,

55 percent of the CCPA would be developed on pads with up to 4 wells, 35 percent of the CCPA would be on pads with 5 to 8 wells, and 10 percent of the CCPA would be on pads with 9 to 16 wells. This would provide for drilling the same number of wells (5,000) under the same drilling rate (500 wells per year) as Alternative B. This would reduce the total number of well pads to 938, which subsequently would reduce the miles of access roads, gas gathering pipelines, water pipelines, and overhead electrical lines needed, as well as the acreage encumbered by the well pad. This alternative would continue to require the multiple TLS as outlined in the Casper RMP and USFS Land and Resource Management Plan (LRMP), thus not allowing for year-round development.

5.1.4 Alternatives Eliminated from Detailed Analysis

Many alternatives were considered and eliminated from detailed study in the Final EIS (Section 2.6 of the Final EIS):

- **No Further Development.** This alternative was eliminated from detailed analysis because it would not meet the purpose and need of the project and is inconsistent with the basic policy objectives for the management of the area as approved in the Casper RMP.
- **Bury All Electrical Distribution Lines.** This alternative was eliminated from further detailed analysis because it is not technically or economically feasible to bury all electrical lines in an exploratory project, and many of the powerlines would be installed off-lease on non-federal lands by a third party company not subject to BLM permitting jurisdiction.
- **Use of Electrical Power for Production.** This alternative was eliminated from further detailed analysis because it is not technically feasible to convert all production power to electric production as this is an exploratory project.
- **Balanced Alternative.** This alternative was eliminated from further detailed analysis because it would have substantially similar effects as Alternative C that is analyzed in detail.
- **Flareless Drilling, Completion and Production.** This alternative was eliminated from further detailed analysis because it is not technically feasible, and it is inconsistent with the basic policy objectives for management of the area including the State of Wyoming's rules for flaring and safety.
- **Full Resource Protection Alternative.** This alternative was eliminated from further detailed analysis because it would have substantially similar effects as Alternative C that is analyzed in detail.
- **Greenhouse Gas Reduction Alternative.** This alternative was eliminated from further detailed analysis because it is not technically feasible to conduct full carbon-neutral processes as venting and flaring are conducted for safety reasons and cannot be fully avoided.
- **Limit Number of Wells Annually.** This alternative was eliminated from further detailed analysis because its implementation is remote or speculative due to the complexities of land ownership, the number of operators, operator leaseholds and the exploratory nature of the project. It is also inconsistent with the purpose and need of the project as well as policy objectives for management of the area.
- **Limit Total Number of Wells per Operator.** This alternative was eliminated from further analysis because it would not be consistent with the purpose & need, as a reduction in the total number of wells per operator would not address proposed development under the operators' existing federal oil and gas leases in the CCPA, and the action alternatives already considered reduced effects by limiting the number of well pads in the CCPA.
- **Maximum Development Alternative.** This alternative was eliminated from further detailed analysis because implementation of this alternative would be remote or

speculative as the rate of development would be roughly twice the rate (almost 1,000 wells per year) of the Proposed Action (Alternative B).

- No Surface Disturbance on Federal Surface. This alternative was eliminated from further detailed analysis because it does not address a specific issue or resource concern and would be ineffective because it would apply to only ten percent of CCPA that is federal surface estate.
- Phased/Concentrated Development. This alternative was eliminated from further detailed analysis because it is not technically feasible, its implementation is remote or speculative as this is an exploratory project because it is assumed that the 1,500 well pads will be spaced over 1.5 million acres, and it is inconsistent with the purpose and need for the project as well as the policy objectives for management of the area.
- Surface Disturbance Cap. This alternative was eliminated from further detailed analysis because it is not technically feasible, the proposed alternatives would only impact 3.5 percent of proposed 1.5 million acres of the CCPA and its implementation is remote or speculative with the surface and subsurface ownerships, the varied leaseholds and the number of operators.
- Vertical Development of the CCPA. This alternative was eliminated primarily because advances in technology in the past decade have made the development of shale oil and gas using vertical wells much less efficient, and therefore potentially not economical, relative to horizontal wells.

5.2 Environmentally Preferable Alternative

In accordance with the Council on Environmental Quality (CEQ) regulations (40 CFR 1505.2(b)), one or more environmentally preferable alternatives must be identified in the ROD. An environmentally preferable alternative is an alternative that would cause the least damage to the biological and physical environment and would best protect, preserve, and enhance historic, cultural, and natural resources.

The BLM has determined that Alternative A, the No Action Alternative is the environmentally preferable alternative. Under the No Action Alternative, approximately 33 percent of the wells proposed under the Proposed Action would be drilled, resulting in the fewest impacts.

6.0 Management Considerations and Rationale for Decision

The BLM developed the Converse County Oil and Gas Project EIS to consider the OG's proposed project and to decide whether to deny, approve, or approve with modifications, the proposal. Based on the Final EIS analysis, the I have determined that Alternative B would best avoid or reduce impacts to sensitive resources while still allowing for recovery of oil and natural gas resources, as described in Section 3 of this ROD. This alternative would allow development on valid existing federal oil and gas leases throughout the CCPA and would best meet the purpose and need of the project as described below and in Section 2.4 of the Final EIS. The sections below outline additional considerations that contributed to the approval of the selected alternative.

6.1 Purpose and Need for the Project

The need for a federal (BLM and USFS) action is to respond to this proposal while allowing the OG to exercise its valid lease rights under pertinent laws, rules, and regulations. The Federal Land Policy and Management Act of 1976 (Public Law 94-579, 43 United States Code [USC] 1701 et seq.) recognizes oil and gas development as one of the "principal" uses of public lands.

Federal mineral leasing laws (Mineral Leasing Act of 1920, 30 USC 188 et seq.) and regulations recognize the right of lease holders to develop federal mineral resources to meet continuing national needs and economic demands. The purpose of this EIS is to evaluate potential impacts resulting from implementing future plans and applications related to this proposal; to facilitate the decision-making process to approve, approve with modifications, or disapprove the proposed project or project components based on an evaluation of the expected impacts; and to the extent possible, minimize or avoid environmental impacts.

6.2 Conformance with BLM and USFS Management Plans and Policies

Land use decisions for federal lands and minerals within the CCPA are contained in the following federal documents:

- BLM Casper ROD and Approved RMP (2007)
- BLM Greater Sage-Grouse Land Use Plan Amendment ROD for the Rocky Mountain Region and Approved Resource Management Plan Amendment for the Wyoming Greater Sage-Grouse Sub-region (2015)
- Thunder Basin National Grassland (TBNG) ROD and Approved LRMP (2002)
- USFS Greater Sage-Grouse Land Use Plan Amendment ROD for Northwest Colorado and Wyoming and Land Management Plan Amendment for TBNG (2015)

Management objectives within the Casper RMP ROD include leasing, permitting, and development of oil and natural gas resources on BLM-administered surface and mineral estate within the planning area while minimizing impacts to other resource values and without compromising the long-term health and diversity of public lands. BLM management objectives for mineral resources also include the need to support the domestic need for energy resources. Management objectives within the TBNG LRMP ROD include “providing multiple uses and sustainability in an environmentally acceptable manner” as well as “emphasizing co-operation with individuals, organizations, and other agencies to coordinate planning and project implementation.” As such, the proposed Project conforms with the management decisions contained in the approved land use plans, as amended.

7.0 Consultation, Coordination, and Public Involvement

7.1 Cooperating Agencies

The following cooperating agencies were given opportunities to review internal drafts, attend internal meetings, and provide feedback during the development of the Draft EIS, Supplemental Draft EIS, Final EIS, and this ROD. Cooperating agency feedback helped define the alternatives and refine the impact analysis and impact mitigation.

- USFS Medicine-Bow Routt National Forests and TBNG Douglas Ranger District
- United States Environmental Protection Agency (USEPA)
- United States Fish and Wildlife Service (USFWS)
- National Park Service (NPS)
- State of Wyoming
- Campbell Board of County Commissioners
- Converse Board of County Commissioners
- Converse County Conservation District
- Johnson Board of County Commissioners
- Natrona Board of County Commissioners
- Niobrara Board of County Commissioners
- Platte Board of County Commissioners

- City of Casper
- City of Douglas
- Town of Evansville
- Town of Lost Springs; and
- Town of Rolling Hills.

The cooperating agencies were engaged extensively beginning in 2014 including meetings and monthly email updates. The cooperators were invited to three alternatives development workshops, meetings for the release of the preliminary Draft EIS, the preliminary Supplemental to the Draft EIS and the preliminary Final EIS.

7.2 National Historic Preservation Act Section 106 Consultation

The BLM meets its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) through implementation of a national Programmatic Agreement among the BLM, the Advisory Council on Historic Preservation (ACHP), the National Conference of State Historic Preservation Officers, and a state protocol with the Wyoming State Historic Preservation Office (SHPO).

7.3 Tribal Consultation

Formal government-to-government consultation with potentially affected or interested tribes was initiated on July 28, 2014, when the BLM mailed hard copy letters to the leadership of the following 13 tribes:

- Cheyenne River Sioux Tribe
- Crow Tribe
- Crow Creek Sioux Tribe
- Eastern Shoshone Tribe of the Wind River Reservation
- Fort Peck Assiniboine and Sioux Tribes
- Lower Brule Sioux Tribe
- Northern Arapaho Tribe
- Northern Cheyenne Tribe
- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Sisseton-Wahpeton Oyate Tribe
- Standing Rock Sioux Tribe
- Yankton Sioux Tribe

The BLM distributed these initial hard-copy letters to notify the tribes of the proposed undertaking and development of an EIS. The letter invited the tribes to participate as cooperating agencies in the EIS analysis and to consult on the Project. Following distribution of the hard copy letters, the BLM shared the same information with the cultural resource contacts for each tribe via email. The BLM continued to conduct follow-up phone calls to verify receipt of the July 28 letter. The Cheyenne River Sioux Tribe responded to this letter and expressed interest in government-to-government consultation on the Project.

A second set of hard copy letters was sent to the leadership of the same 13 tribes on February 4, 2016, to invite them to continue the government-to-government consultation under various authorities in order to identify resources and issues that need to be addressed in the EIS. Enclosures included a response form and a set of maps showing the regional location, federal mineral estate and surface ownership, and historic and culturally sensitive areas. Follow-up phone calls and emails occurred into the summer of 2016 to confirm receipt of the letter and

confirm interest in continued consultation on the Project, including interest in future meetings and field visits. Seven of the 13 tribes expressed interest in continued consultation. One of the 13 tribes indicated that they wanted to be kept informed (i.e., continue to send planning information) but was not interested in meetings or field visits at this time.

On August 1, 2016, hard copy letters were sent to the leadership of two additional tribes to invite them to participate in the government-to-government consultation on the Project. The two additional tribes included:

- Cheyenne and Arapahoe Tribes
- Spirit Lake Tribe

This letter was very similar to the February 4 letter sent to the other 13 tribes and included the same enclosures.

On October 7, 2016, emails were sent to the 14 tribes that expressed interest in consultation or have not yet responded. This email offered to set up meetings at locations that would be convenient to each tribe and asked for feedback on dates when they might be available.

On April 19, 2017, a larger coordination meeting addressing multiple projects was held in Buffalo, Wyoming. Representatives from the Cheyenne River Sioux Tribe, Eastern Shoshone Tribe of the Wind River Reservation, North Cheyenne Tribe, Rosebud Sioux Tribe, and Spirit Lake Tribe attended the meeting. A summary of the Project was presented to those tribes that were in attendance.

From July 25 to July 27, 2017, meetings addressing multiple projects were held in Casper, Wyoming. Representatives from the Cheyenne River Sioux Tribe, Chippewa Cree Tribe, Crow Tribe, Eastern Shoshone Tribe of the Wind River Reservation, Northern Arapaho Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Spirit Lake Tribe, and Standing Rock Sioux Tribe attended the meetings. These meetings included a full day of meetings/discussions regarding each of the projects; a full day of field visits that included the Pine Ridge Area; and a half day wrap-up session. Discussions focused on the best method for the BLM to communicate with the tribes in a timely manner during the APD process, the importance of tribes having access to assess project impacts, and adherence to the Section 106 process.

On April 17 and 18, 2018, the BLM and USFWS met with the Oglala Sioux Tribe on the Pine Ridge Reservation in South Dakota. The meeting included ongoing discussion regarding the proposed project and resource concerns in the CCPA.

On July 10 and 11, 2018, a meeting was held in Pierre, South Dakota to continue consultation on the CCEIS. Representatives from the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, and Standing Rock Sioux Tribe attended the meetings. The meeting included continued discussions of the BLM's authority and responsibilities under the NEPA and NHPA, the proposed CCEIS, and coordination with other federal and state agencies.

Any and all specific information provided by tribal members concerning resources of Native American concern in the CCPA or the larger analysis area will remain confidential.

Input from the tribes will be requested throughout the development of this document, the additional project-specific NEPA analysis, and will continue up to and during Project construction to identify resources, impacts, and design avoidance, minimization, and mitigation measures that address impacts, pursuant to NHPA and other relevant historic preservation laws

and regulations, along with the American Indian Religious Freedom Act and EO 13007, “Indian Sacred Sites”.

Issues raised during scoping, to include those submitted by tribes, are summarized in Section 1.6.1 of the Final EIS.

7.4 Endangered Species Act Section 7 Consultation

The preliminary Final EIS’s Biological Assessment (BA) was submitted to the USFWS on June 3, 2019, to initiate formal consultation regarding the impacts associated with the Proposed Action and action alternatives. The BLM subsequently prepared a revised BA to address the comments received by the USFWS. The Revised Final BA was submitted to the USFWS by BLM on November 18, 2019. The USFWS signed a Biological Opinion (BO) on February 4, 2020, which is included as Appendix B of this ROD.

7.5 Public Involvement

7.5.1 Public Scoping

The BLM conducted internal and public scoping per the CEQ public scoping requirements set forth in 40 CFR 1501. The public scoping process was intended to solicit input and identify environmental issues and concerns associated with the proposed project. The process was initiated on May 16, 2014 with the publication of a Notice of Intent in the Federal Register (FR), a news release to local media, and a posting on the BLM Casper Field Office website. On May 23, 2014, the BLM issued a second news release, identifying the venues and dates for the three public scoping meetings. In addition, BLM provided public service announcements to local radio stations, newspapers, and television stations; conducted a news interview with KCWY13; and posted flyers advertising the meetings in key locations around the communities of Casper, Douglas, Glenrock, and Rolling Hills, Wyoming.

Three public scoping meetings were held in June 10-12, 2014 in Douglas, Casper, and Glenrock, Wyoming. Finally, the BLM issued a third news release noting the scoping closure date of June 30, 2014. Written comments received during the public scoping period included a total of 90 written submittals. Of the 90 submittals, two were from federal agencies, three were from the state agencies, one was from a county agency, eight were from non-governmental organizations, 24 were from industry or businesses, and 52 were from private individuals. The issues of concern raised during scoping are summarized in Section 1.6.1 of the Final EIS.

7.5.2 Draft Environmental Impact Statement

A Notice of Availability (NOA) was published in the *Federal Register* on January 26, 2018 announcing the availability of the Converse County Oil and Gas Project Draft EIS for public review and comment. Three open house style public meetings were held in Douglas, Casper, and Glenrock, Wyoming on February 20, 21, and 22, 2018, respectively. The 45-day comment period following the notice in the Federal Register ended on March 12, 2018. The BLM received comments on the Draft EIS from a total of 106 parties. Appendix H of the Final EIS contains a description of the comment analysis and response process as well as each unique substantive comment received, and its associated response.

Comments were received from state, federal and local government entities, non-governmental organizations, businesses and private individuals. In general, substantive comments pertained to the following topics:

- Regulatory authority within the project area and on private surface;
- Proposed surface disturbance of well pads, utilization of recycled water, disposal of produced water, and spill prevention;
- Selection and analysis of alternatives;
- Existing levels of and estimated incremental additions to the greenhouse gas emissions, nitrogen deposition, and ozone concentrations (particularly wintertime ozone) in the Uinta Basin;
- Analysis of impacts to climate change and social cost of carbon;
- Potential impacts on minority populations, low-income populations, or Indian tribes, particularly with regard to air quality and water quality;
- Economic value and jobs derived from the oil and gas industry;
- Impact to resident and communities in terms of traffic, employment, housing, and public services;
- Royalties and economic impact on communities;
- Protection of rangelands and loss of AUMs;
- Surface disturbance to and reclamation potential of sensitive soils;
- Potential impacts to and protection measures for special status plant species;
- Weed control;
- Potential impacts to the viewshed from historic trails;
- Water consumption, valid water rights, and produced water disposal;
- Implementation of a comprehensive water monitoring plan;
- Groundwater, surface water, and wetlands protection;
- Potential impacts to and protection of populations and habitat of special status species and migratory birds;
- Impacts to Greater Sage-Grouse;
- Cumulative impacts on wildlife and secondary impacts associated with livestock grazing; and,
- Extent of other cumulative projects included in analysis.

Substantive comments received during the Draft EIS comment period were used to develop the BLM's Preferred Alternative (Alternative B) and to modify, clarify, and correct the EIS, as appropriate, including changes to the other alternatives.

7.5.3 Supplemental Draft Environmental Impact Statement

In response to comments on the Draft EIS, the BLM developed a Supplemental to the Draft EIS to address comments specific to a Land Use Plan amendment for the Casper RMP regarding TLS for non-eagle raptor nests. The NOA for the Supplemental Draft EIS was published in the Federal Register on April 26, 2019. The BLM mailed postcards notifying the public of the availability of the Supplemental Draft EIS on the BLM website or at the BLM Casper Field Office to 240 interested parties, including the same distribution list used for the Draft EIS, attendees to the public meetings on the Draft EIS, and those who submitted comments on the Draft EIS. A 90-day comment period following the notice in the Federal Register ended on July 25, 2019. The BLM received comments on the Supplemental Draft EIS from a total of 18 parties.

Comments were received from state, federal and local government entities, non-governmental organizations, businesses and private individuals. Appendix I of the Final EIS contains a description of the comment analysis and response process as well as each unique substantive comment received, and its associated analysis. In general, substantive comments pertained to the following topics:

- Verification and citation of data used to develop figures and tables;

- Lack of adequate recognition by the BLM to describe limitations on its authority over mineral development within the Project Area;
- Beneficial environmental effects from year-round drilling;
- Specific details of LUP Amendment Option 5 and the recommendation to remove it entirely;
- Requirements for TLS Relief;
- Air pollution impacts of the non-eagle raptor amendment options;
- Compliance with Clean Air Act, potential violations of the National Ambient Air Quality Standards and adverse impacts to air quality related values;
- Tribal consultation and Section 106 consultation with regard to timing and impacts on private surface;
- Impacts from Options 1 through 5 and citation of scientific literature;
- Cumulative impacts to migratory birds under all alternatives and citation of scientific literature.
- Analysis of impacts of new options of Alternative B on other birds protected by Migratory Bird Act, bald/golden eagles, Greater Sage-Grouse, ungulate species and special status species;
- Application of the 2019 Wyoming Sage-Grouse ARMPA;
- Consideration of MBTA and BGEPA;
- Specific concerns with LUP Amendment Option 4, e.g., eliminating requirement that development activities begin before February 15, protection of raptors, conditions to waive TLS, etc. and the recommendation to remove Option 4 entirely;
- Assumptions related to raptor nest activity and USFWS definition of active nests; and,
- Clarification of the term “nest impact” and the assumptions underlying the impacts for each Option. Concerns with biased negative language regarding nest impacts.

7.5.4 Final Environmental Impact Statement

The NOA was published in the Federal Register on July 31, 2020, announcing the availability of the Final EIS and initiating a 30-day public protest period and 60-day Governor’s consistency review for the Proposed RMPA. During the 30-day protest period, 14 comment/protest letters were received. Letters were received from the following agencies, municipalities, organizations, and individuals:

- | | |
|------------------------------------|--------------------------------------|
| • Environmental Protection Agency | • Western Energy Alliance |
| • Wyoming Game and Fish Department | • Operator Group |
| • Converse County Commissioners | • Great Plains Tribal Water Alliance |
| • Campbell County Commissioners | • Oglala Sioux Tribe |
| • City of Douglas | • W.I. Moore Ranch Co. Inc. |
| • Wyoming Outdoor Council | • James Parsons |
| • Western Watersheds Project | • Jean Publice |

Comments received covered a range of topics, including water supply and usage, Greater Sage-Grouse, air quality, and non-eagle raptors. The BLM considered these comments during preparation of the ROD. While none of the comments required substantial revisions to the BLM’s analysis, conclusions or mitigation measures, some resulted in the need for minor clarifications and are described in Section 8 of this document. Please see Appendix A of this ROD for comments and responses.

7.5.5 Proposed RMP Amendment Protest and Review

Protest Resolution

Pursuant to the BLM’s planning regulations (43 CFR 1610.5-2), the Proposed RMPA/Final EIS was subject to a 30-day protest period that ended on August 31, 2020. The protest period allows

any person who participated in the planning process and has an interest that may be adversely affected by the BLM's planning decisions to protest the proposed decisions.

After the close of the protest period, the 14 letters received were reviewed for valid protest issues pursuant to 43 CFR 1610.5-2. Of these letters, six were determined to be invalid protest submissions, four were dismissed because they contained only comments, and four were determined to contain valid protests. These protest issues were analyzed and responded to as part of the protest resolution process. Protest issues that were considered and ultimately denied include: impact analysis of the RMP Amendment; violation of the Migratory Bird Treaty Act; range of alternatives; alternatives not analyzed in detail; Tribal consultation; development of a programmatic agreement; and Tribal treaty rights. The Secretary of the Interior's decisions on the protests are summarized in the Converse County Oil and Gas Project Proposed RMP Amendment/Final EIS Protest Resolution Report, which is available on the BLM's website. The decision of the Secretary is the final decision of the Department of the Interior.

Governor's Consistency Review

In order to promote consistency with the plans, policies, and programs of the State of Wyoming, as required by 43 CFR 1610.3-2(e), the BLM initiated a 60-day Governor's Consistency review for the Converse County Proposed RMPA/Final EIS in a letter to the governor dated July 31, 2020. The consistency review period concluded on September 28, 2020.

The Governor of Wyoming submitted a letter on September 28, 2020, identifying some concerns in response to the consistency review as well as suggestions for clarification to promote consistency with the State's plans, policies, and programs. Specifically, the Governor raised concerns that the BLM's Proposed RMP Amendment was insufficient in meeting the State's policy to achieve year-round drilling. The Governor's requested clarifications included additional detail on the mechanics of the BLM's TLS relief process and AMP development and implementation, as well as minor changes to achieve consistency with the State of Wyoming's Greater Sage-Grouse Core Area Strategy (EO 2019-3). The Governor submitted a subsequent letter on November 12, 2020, clarifying or modifying some of the initial suggestions that were made. The BLM fully incorporated the Governor's recommendations in this ROD. As a result, the Wyoming Governor's Office responded on November 17, 2020, that the Converse County Oil and Gas Project was determined to be consistent with the plans and policies of the State of Wyoming. Clarifications and modifications made due to the Governor's review are described below in Section 8 of this document. The Governor did not appeal the State Director's consistency review determination.

8.0 Clarifications and Modifications

As a result of internal review, protests, the Governor's Consistency Review and ongoing consultation, the need for minor modifications or clarifications was identified between the Final EIS/Proposed RMPA and the ROD/Approved RMPA. These clarifications and modifications are listed below. Minor grammatical or editorial changes are not included. None of the clarifications or modifications are substantial changes to the Proposed Action, relevant to environmental concerns, that would require the need for supplemental analysis pursuant to 40 CFR 1502.9.

- As a result of the Governor's Consistency Review, clarification is provided here that the Selected Alternative in this ROD does not include the granting of automatic waiver of TLS for Greater Sage-Grouse. Exceptions to timing restrictions for Greater Sage-Grouse

would be considered and allowed on a case-by-case basis as prescribed by the BLM's Approved RMPA for Greater Sage-Grouse.

- As a result of the Governor's Consistency Review, clarification is provided here that, while the BLM's policies may prevent the agency from requiring compensatory mitigation, any operator would need to adhere to the stipulations of their State of Wyoming-issued APD, which would require signoff from the WGFD. If granted, the State of Wyoming's process could require compensatory mitigation for Greater Sage-Grouse.
- In response to public comment and the Governor's Consistency Review, Appendix C of this ROD was developed to further explain the mechanics of the BLM's TLS review process. This includes the adoption of the WGFD's monitoring protocols, which includes a standardized monitoring form and nest condition definitions developed by the Wyoming Statewide Raptor Working Group. In response to public comment and Governor's Consistency Review, language was included in Appendix C of this ROD to clarify that this decision does not remove the existing process for granting exceptions to seasonal stipulations, as provided for by Onshore Oil and Gas Order No. 1 (part XI) and the 2007 Casper RMP.
- Appendix G4 of the Final EIS include a process framework for the non-eagle raptor TLS relief process. As highlighted in public comment, this appendix incorrectly references "exceptions" to TLS. All uses of the word "exception" within this appendix should be replaced with "timing relief".

9.0 Reference Material

9.1 Acronyms and Abbreviations

APD	Application for Permit to Drill
BLM	Bureau of Land Management
BMP	Best Management Practice
CCEIS	Converse County Environmental Impact Statement
CCPA	Converse County Project Area
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COA	Condition of Approval
Draft EIS	Draft Environmental Impact Statement
DOI	Department of the Interior
Final EIS	Final Environmental Impact Statement
LRMP	Land and Resource Management Plan
LUP	Land Use Plan
NEPA	National Environmental Policy Act
NOA	Notice of Availability
OG	Operator Group
RMP	Resource Management Plan
ROD	Record of Decision
Supplemental Draft EIS	Supplemental Draft Environmental Impact Statement
TLS	Timing Limitation Stipulation
USEPA	US Environmental Protection Agency
USFWS	Fish and Wildlife Service

Figures

Figure 1

