

PUBLIC SCOPING NOTICE

**PREPARATION OF A
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

OIL AND GAS LEASING

**BIG PINEY RANGER DISTRICT
BRIDGER-TETON NATIONAL FOREST**

INTRODUCTION

Public involvement is an important part of National Environmental Policy Act (NEPA) analyses for the U.S. Forest Service (Forest Service) and the Bureau of Land Management (BLM). We ask for your input to determine the issues and the scope of this environmental analysis.

Please take the time to read the following information and let us know your concerns about the proposed action and the decision to be made. We appreciate your contribution of time and effort, and believe the information you share with us will lead to a better decision.

The Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA) requires the Forest Service to evaluate National Forest System (NFS) lands that are legally open to leasing for potential oil and gas leasing and development, in accordance with NEPA. Leasing on NFS lands is done under the authority of the Mineral Leasing Act of 1920 (MLA), as amended, and implementing regulations at 36 CFR 228, subpart E, and 43 CFR 3100. The MLA provides that all public lands are open to oil and gas leasing unless they have been closed by a specific land order. The Forest Service is required to notify the Bureau of Land Management (BLM) of lands that the agency has evaluated for oil and gas leasing and determined to be suitable for leasing [36 CFR 228.102(d)]. In addition, the Forest Service may identify specific stipulations to be included with the lease.

In December 2005 and April 2006 the BLM, after receiving oil and gas lease parcels and appropriate lease stipulations from the Forest Service, sold and issued 12 leases, totaling 20,963 acres of NFS lands. In June and August of 2006 the BLM sold but did not issue an additional 23 leases, totaling 23,757 acres of NFS lands. Following protest and subsequent review by the BLM State Director, an appeal to the Interior Board of Land Appeals (IBLA) was filed for the December 2005 and April 2006 lease sales. This appeal held that BLM had relied on an inadequate or stale NEPA analysis to reach a decision on leasing. The BLM, in conformance with applicable laws governing oil and gas leasing on NFS lands as well as a Memorandum of Understanding between the Forest Service and BLM, relied upon existing Forest Service NEPA analyses to inform the agency's decision to lease the lands in question. The appeal to IBLA resulted in a stay being placed on the issuance of the June and August 2006 leases and a suspension of the leases sold and issued in December 2005 and April 2006. The matter was remanded back to BLM for resolution by the Forest Service and BLM, as per BLM's request.



As a result of this remand, the Forest Service and BLM must update the NEPA analysis relied upon to make the decision to lease the 44,720 acres in question. The Forest Service will be the lead agency. The BLM and the State of Wyoming are cooperating agencies. This supplemental analysis will address the issues indentified by the IBLA as inadequately or inappropriately addressed in the previous NEPA analysis, as well as additional issues identified through the scoping process.

PURPOSE AND NEED FOR ACTION

The purpose and need for this action is to determine whether and to what extent analysis of new issues and information might alter the oil and gas leasing decision as it relates to the 44,720 acres submitted to BLM for leasing by the Forest Service. This action is needed to address the appropriateness of the previous leasing decisions, decide the final disposition of the suspended leases and respond to the IBLA remand requiring the incorporation of the new issues and information in the decision before lifting the suspensions applied to the lease parcels and issuing the oil and gas leases.

PROPOSED ACTION

The proposed federal action is to lift the current suspension on the leases issued in December 2005 and April 2006 and issue leases for those parcels that were sold in the June and August 2006 lease sales but not issued as leases. This action requires the analysis of new issues and information not available to the deciding official at the time the leasing decision was made.

POSSIBLE ALTERNATIVES

The alternatives to be considered may include continuation of the current leasing decision contained in the Forest Plan, the no action alternative, and potentially others identified in scoping. The no action alternative would involve not issuing the leases that have been sold but not issued, and cancelling the leases that were sold. Additional alternatives may be identified once scoping is completed.

NATURE OF DECISION TO BE MADE

The Forest Service decision will determine whether and how the current Forest Plan oil and gas leasing decision, as it relates to the 44,720 acres, should be changed based on new information and analysis. If a new decision is determined not to be needed following preparation of the Supplemental Environmental Impact Statement (SEIS), that determination is not subject to appeal in accordance with 36 CFR 215.12. The decision will be documented in the Record of Decision for the Bridger-Teton National Forest Oil and Gas Leasing SEIS. Following the Forest Service decision, the BLM will decide whether the SEIS is adequate, whether to lift the suspension on the existing leases, and whether to issue leases for the other parcels.



PUBLIC INVOLVEMENT

Scoping for a supplemental statement is not required [40 CFR 1502.9(c)(4)], but due to the length of time since scoping associated with the current leasing decision was conducted, the agencies are soliciting comments specific to new issues or information that was not considered. Letters will be sent to the Forest mailing list of known interested parties. Public meetings held in 2006 in association with Forest Plan revision efforts generated issues relative to oil and gas leasing. Comments received during those meetings will be considered in this supplemental analysis.

The Forest Service is seeking information, comments, and assistance from individuals, organizations, and federal, state and local agencies that may be interested in or affected by the proposed action. A Notice of Intent to prepare a SEIS appeared Monday February 4, 2008 in the *Federal Register* (73 FR pages 6453–6454). A revised notice was provided by the Forest Service because the public scoping period has been extended. The scoping process will assist the agencies in identifying specific issues to be addressed related to the purpose and need and the scope of the decision. Ongoing information related to the proposed action and related analysis will be posted on the BTNF web site at <http://www.fs.fed.us/r4/btnf>. Please mail comments to the address listed below under Comments.

PRELIMINARY ISSUES

Preliminary Issues associated with the proposed action include:

- 1) The drilling and production of wells subsequent to leasing could impact air quality and air quality related values, with emphasis on cumulative effects due to extensive development in the Pinedale area.
- 2) The federally listed Canada lynx, or its habitat, could be impacted by subsequent exploration and development activities.
- 3) Impacts to water quality due to subsequent surface disturbing activities could adversely affect the Colorado River cutthroat trout.
- 4) The development of a transportation system to support field development could adversely affect mule deer migration routes in the area as well as fragment habitat.

RESPONSIBLE OFFICIAL

The Forest Service responsible official for determining whether and to what extent the analysis of new issues and information would alter the oil and gas leasing decision contained in the BTNF Forest Plan (36 CFR 228.102(d)) is Carol “Kniffy” Hamilton, Forest Supervisor, Bridger-Teton National Forest, 340 N. Cache (P.O. Box 1888), Jackson, Wyoming 83001. The BLM official responsible for the final decision (43 CFR 3101.7) relative to the issuance or disposition of the leases and lease parcels is Robert A. Bennett, State Director, BLM - Wyoming State Office, 5353 Yellowstone (P.O. Box 1828), Cheyenne, Wyoming 82009.



PUBLIC MEETINGS

At this time the Forest Service does not anticipate holding any public meetings during scoping. If there is a change in plans, the time and place for any public meetings will be published in the local papers and posted on the Forest website at <http://www.fs.fed.us/r4/btnf>.

COMMENTS

Your comments on issues that you feel should be evaluated as part of this supplemental analysis are essential to the environmental analysis process. While comments will be accepted at any point during the analysis process until a decision is made, to be most useful, your comments must be received on or before April 28, 2008.

A Draft SEIS (DSEIS) will be prepared for comment and is expected to be available in November 2008. The comment period for the DSEIS will be for a period of 45 days from the date the Environmental Protection Agency publishes the Notice of Availability in the *Federal Register*. The estimated completion date for the Final SEIS (FSEIS) is April 2009.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft environmental impact statement (DEIS) or a DSEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when the agency can meaningfully consider them and respond to them in the final environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.



Send written comments to:

Stephen Haydon, Forest Minerals Staff
Bridger-Teton National Forest
340 N. Cache
(P.O. Box 1888)
Jackson, Wyoming
83001-1888

Electronic comments may be sent to comments-intermtn-bridger-teton@fs.fed.us with the subject line “Leasing SEIS”.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record for this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR Part 215. Additionally, pursuant to 7 CFR 1.27(d), any person that may request the agency to withhold a submission by requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency’s decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within (15) days.

As it becomes available, additional information related to this analysis also will be posted on the Forest website at <http://www.fs.fed.us/r4/btnf>. For more information, please contact Stephen Haydon at the Forest Service office in Jackson, at 307-739-5535.

“The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact USDA’s TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.”

