DRAFT Record of Decision

Oil and Gas Leasing on Portions of the Wyoming Range

USDA Forest Service
Bridger-Teton National Forest
Sublette County, Wyoming

Decision

Upon reviewing the final supplemental environmental impact statement for proposed oil and gas leasing on portions of the Wyoming Range, and after considering public and agency comments, I have decided to select alternative 1, no leasing. This decision supersedes the prior Forest Service decision to authorize the Bureau of Land Management (BLM) to offer oil and gas leases made in 2005. The area affected by the proposal includes National Forest System land on the eastern slope of the Wyoming Range in the Bridger-Teton National Forest within Sublette County, Wyoming (see figure 1). The rationale for my decision is explained starting on page 3.

Background

In 1990, when the Bridger-Teton National Forest Land and Resource Management Plan (forest plan) was adopted, it allowed for certain lands to be administratively available for oil and gas leasing, subject to constraints, in accordance with regulations on leasing analysis and decisions (36 CFR 228.102). In the years following, the Bridger-Teton National Forest staff reviewed the plan's supporting environmental analysis, and subsequently refined some of the constraints on oil and gas leasing activities for specific forest plan management areas. These constraints were analyzed and documented in three environmental assessments and decision notices prepared in 1990, 1991 and 1993. Since then, there have been several different attempts to offer parcels of lands for lease with supplemental environmental analysis, resulting in leases being offered, decisions being appealed, and leases being suspended or cancelled upon request (see the "Leasing and Analysis History of the Project Area" section in chapter 1 of the final supplemental environmental impact statement for a detailed history of events).

In 2005, the Forest Service authorized the BLM to offer leasing of 35 parcels on 44,720 acres with specified stipulations. However, appeals filed with the Interior Board of Land Appeals prompted the Forest Service to reinitiate the environmental analysis based on deficiencies identified by the Board. In 2011, the Forest Service prepared a supplemental environmental impact statement and decision; however, subsequent appeals were filed. The decision was withdrawn to allow further analysis. The Forest Service assembled a new interdisciplinary team and began a new supplemental environmental impact statement to further evaluate only those resources or issues either:

- identified as potentially deficient by the Interior Board of Land Appeals (analysis of air quality and lynx habitat impacts), or
- those identified as having significantly changed conditions or new information including (environmental impacts from the Fontanelle wildfire, updated big game habitat and migration route information, changes in anticipated cumulative effects from other projects, and updated management direction related to federally listed species and Forest Service sensitive species; see page 11 of the 2016 final supplemental environmental impact statement).

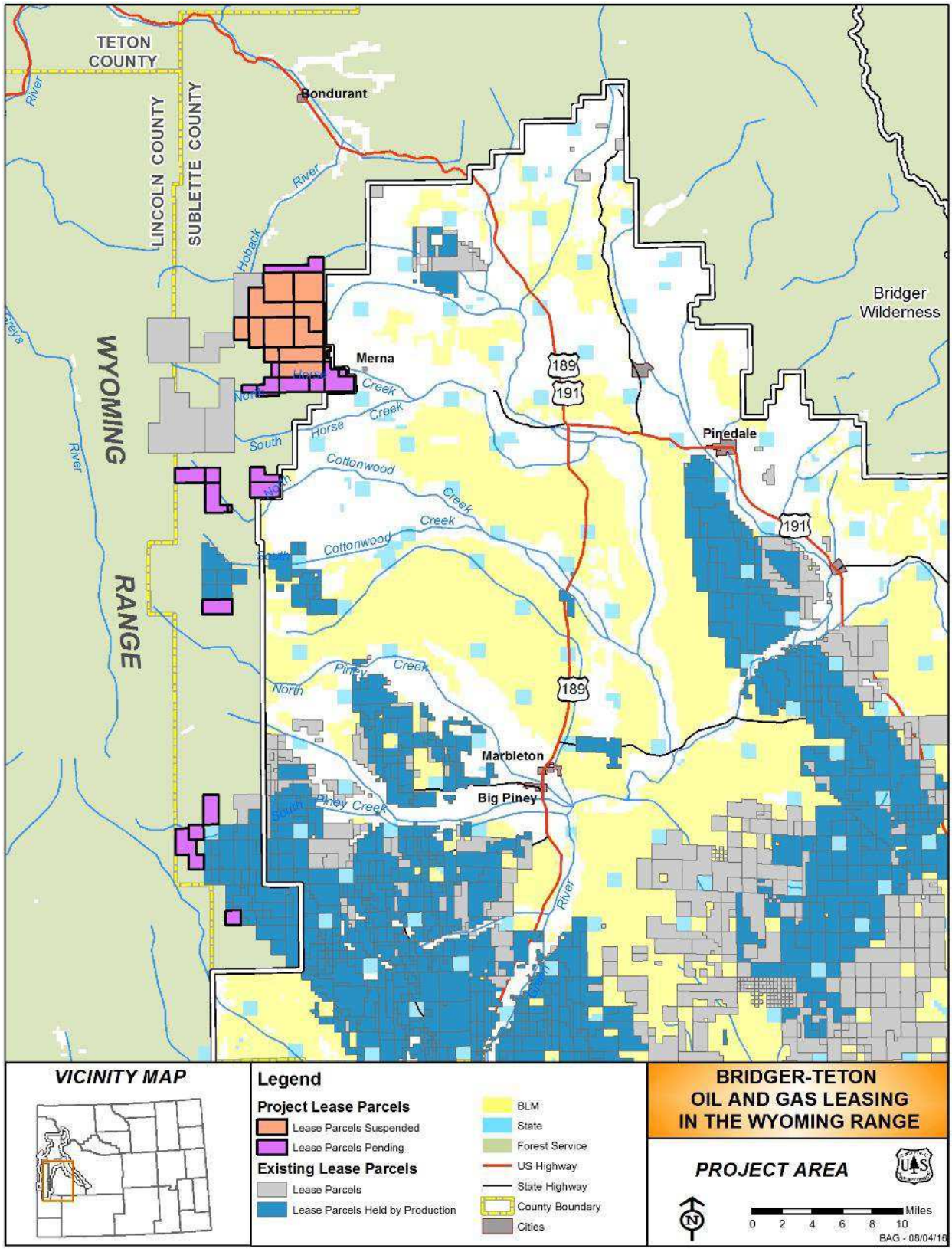

Figure 1. Location of proposed lease parcels under consideration in this project in relation to existing lease parcels

The 2016 environmental analysis involved three cooperating agencies: the BLM; the State of Wyoming, Governor's Office; and Sublette County, Wyoming. In managing the Federal mineral estate underlying National Forest System lands, the BLM is cooperating with the Forest Service to ensure that mutual management goals and objectives for oil and gas exploration and development activities are achieved. The State of Wyoming provided information and expertise for parts of the analysis relating to resources such as wildlife management, clean air, protecting cultural and historical resources, and environmental quality. Sublette County provided the social and economic analysis.

Decision Rationale

My decision is a result of carefully reviewing scientific documentation, studies, expert opinions and public comments. Some of the primary considerations affecting my decision have to do with public sentiment about the project, changes to oil and gas development since the 2005 authorizations, and economic conditions of the local area.

Public Comments

More than 62,000 comments on the draft supplemental environmental impact statement were received. These came from all over the nation, from State and local governments, organizations, and members of the local community. In addition to the national voice represented in comments received during scoping and on the draft supplemental environmental impact statement, comments from the State and local governments of Wyoming, and the local communities near the project area warrant particular attention (see appendix B, public involvement). What the Bridger-Teton heard strongly influences this decision.

People Strongly Value the Natural Amenities of the Wyoming Range

Public comments spoke with a clear voice regarding the collective effect of this project on "sense of place" in the Wyoming Range. Sense of place is a concept described in the "Recreation and Related Resources" section in chapter 3 of the final supplemental environmental impact statement and on page 8 of this document. Those sections describe how the Bridger-Teton National Forest is recognized nationally for its wild lands, recreation opportunities, wildlife, biodiversity and watershed values. It has a variety of outstanding recreation settings. The Bridger-Teton contributes to the Yellowstone region's recreation resource that is shared by other Federal agencies, State and local governments, and the private sector. Approximately 1.3 million acres are designated as wilderness and 1.4 million acres are unroaded backcountry. The large expanse of backcountry such as that found in the Wyoming Range and surrounding areas is one of the most valuable and desirable features for such popular activities as big game hunting, horseback riding, and hiking into remote areas. The backcountry nature of the area contributes strongly to the sense of place in the Wyoming Range.

Comments from the citizens of Wyoming and local communities, even those that make their living directly or indirectly from the energy sector, provided significant rationale and affirmation of the analysis to justify choosing alternative 1. Many stated that the cumulative negative effects on the historical culture, the recreational benefits, the lifestyle that draws people to live here, and the associated economic benefit stemming from these values, outweigh the economic benefit that would result from the oil and gas development associated with this project. A large portion of the local community obtains a portion of their livelihood from areas located within the Wyoming Range through ranching, hunting, wood gathering, and guiding.

Alternative 1 was selected because there is, in a great sense, a strong economic and social value to these opportunities and these experiences. The benefit to society and the local community stemming from these experiences cannot only be measured in dollars and cents but also measured in strengthened family,

human bonds, and rejuvenated workers heading back to the work week. Its value is weighed in educating the next generation to leave the land better than you found it.

Changes to Oil and Gas Development in the Wyoming Range

Oil and gas development has figured prominently in this area for over 100 years, with most development occurring in recent decades. Since the energy boom of the 1970s, advances in drilling technologies have substantially affected the energy sector by making oil and gas resources more economical and available. In addition to some of the first wells drilled in the early to mid-20th century, a total of 63 other wells have been drilled in surrounding management areas.

However, since the last Forest Service authorization of 35 lease parcels in 2005, oil and gas markets have peaked and now declined. Also, in 2009, the Wyoming Range was withdrawn from future mineral leasing activities, via the Omnibus Public Lands Act (a bill also known as the Wyoming Legacy Act, championed by the people of Wyoming). Although this Act was a formal recognition of the importance of the Wyoming Range to be preserved from future oil and gas development, it made provisions for valid existing rights and allowed the 35 parcels to be evaluated for leasing.

Since then, several pending leases have been removed from leasing consideration at the request of the bidders. In addition, ordinary citizens collectively bought leases held by the Plains Exploration & Production Company, which stopped that project. In general, the decline in oil and gas markets, the legislated withdrawal of the Wyoming Range from future oil and gas development, the reduction in leasing interest, and public sentiment tells me authorizing oil and gas leases in the Wyoming Range is not a course of action I should choose.

Economic Considerations

The current economic condition faced by the citizens of Sublette County, particularly the communities surrounding this project, including Big Piney and Mableton is significant and worrisome. The Forest Supervisor visited these communities and has seen the economic hardships caused by the downturn in the energy sector of our economy. Despite these conditions, the overwhelming majority of public comments from both communities immediately affected by this project, as well as communities and individuals most likely to economically benefit from this project, aligned with alternative 1.

The economic benefit lost by the energy sector due to this decision was carefully considered. This was weighed it against the social and economic contribution for the chosen lifestyle of the local communities and those that travel to the area to enjoy it. Alternative 1 speaks to and most closely aligns with these values more so than all other presented alternatives.

Consideration of Environmental Effects

In my review of the supplemental environmental impact statement, the analyses indicate that incremental effects of alternatives 2, 3, and 4 on individual species and resources are likely to result in less than 200 acres of disturbance disbursed through the area. However, the cumulative effect of individual project components could result in noteworthy and negative effects to the sense of place associated with the project area. These effects include increased noise, lights, dust, truck traffic, air pollution and a more industrial rather than natural setting. It also includes indirect effects such as potential impacts to big game migration routes, the chance for solitude, and changed opportunity for winter recreation such as snowmobile use. The cumulative negative effects on the historical culture, the recreational benefits, the lifestyle that draws people to live here, and the associated economic benefit stemming from these values, outweigh the economic benefit that would result from the oil and gas development associated with this project.

The following section summarizes the environmental analysis of the final supplemental environmental impact statement.

The Environmental Analysis

This section provides a summary of the effects of implementing each alternative. Offering Federal lands for leasing does not authorize any surface-disturbing uses, activities or development. Site-specific project level analysis would follow if or when proposals are received on leases that may be issued. All Federal, State and local laws would be followed at that time.

For this analysis, potential environmental effects were determined based on the reasonably foreseeable development scenarios for each of the proposed leasing alternatives (as described in chapters 1 and 2). Until site-specific information is available (that is, exploratory well sites, road locations or details garnered from an application for permit to drill) it is difficult to determine site-specific effects. For the majority of resources analyzed, the effects from the leasing decision would be indirect since no ground-disturbing activities are authorized at the leasing stage. Cumulative effects were considered and are discussed by resource topic. Information is focused on activities and effects where different levels of effects or outputs can be distinguished quantitatively or qualitatively among alternatives.

All alternatives are consistent with the Bridger-Teton forest plan and all applicable laws and regulations. Alternative 1 proposes no leasing to be authorized. Alternatives 2, 3 and 4 propose authorizing 30 leases on 39,490 acres in different ways.

The following sections provide a summary of environmental effects for all resources analyzed in the final supplemental environmental impact statement.

Oil and Gas Resources

Oil and Gas Resources Issue: Not authorizing the BLM to issue leases for the 39,490 acres or applying additional constraints to leases could prevent effective recovery of energy resources in the area.

Summary of Effects: Making lands available for oil and gas leasing and the subsequent leasing of available lands does not involve any direct effects on geology and minerals. Indirect effects from leasing and development to minerals would be the potential amount of oil and gas produced and the potential amount of oil and gas foregone. The amount, type, and acreage of stipulations that would be attached to new leases could affect the potential for oil and gas production. Table 1 shows each alternative's estimated acreage that are unconstrained by no-surface occupancy stipulations. As stated previously, it is assumed for this analysis, that only the no-surface-occupancy stipulations would prevent or limit development.

With respect to the geologic resources, leasing and potential future development are not expected to cause effects to landforms or bedrock exposures because of the small-scale development projected. Leasing and potential future development are not expected to affect development of locatable minerals. This is because the potential of developing locatable minerals is low or unknown in the areas proposed as administratively available for oil and gas leasing.

Alternative 2 would be the most responsive to making lands available for oil and gas leasing, followed by alternatives 3 and 4, respectively. Alternative 1 would not make lands available for oil and gas leasing. Cumulative effects of alternatives 2, 3, and 4 would result in leased lands on the Bridger-Teton National Forest increasing from 9.8 percent to 13 percent (not including the existing suspended leases within the Gros Ventre Wilderness).

Surface disturbance from any new activity would add to existing disturbance on the ground. Alternative 2 could result in the most potential development and thus, the most surface use. Levels of potential development and surface use for the remainder of the alternatives from greatest to lowest respectively would be alternatives 3, and then 4. Similarly, alternative 2 would afford opportunity for the most production of oil and gas, followed by 3 and then 4.

Table 1. Summary of issue indicators and effects to oil and gas resources

Indicator/Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Projected number of acres available that are unconstrained by no-surface-occupancy stipulations.	Not applicable	14,914 acres	7,541 acres	0 acres
Projected number of wells.	0	5 coalbed natural gas 19 conventional	3 coalbed natural gas 10 conventional	Zero wells drilled within the parcel boundaries; less than 10 conventional from off-lease locations.

Social and Economic Conditions

Social and Economic Issue: Potential impacts from post-leasing exploration or development could have cumulative effects on the social and economic well-being of the local communities and quality of life for residents.

Summary of Effects: Alternative 2 would have the greatest potential positive effect on jobs, income, and population, and greatest potential positive effect on recreation access. However, alternative 2 would have the greatest negative effect on primitive recreation experience, natural amenities, and quality of life. Alternative 3 would have less of a positive effect on jobs, income, and population and less positive impact on recreation access than alternative 2, while having less negative impact on recreation experience, natural amenities, and quality of life than alternative 2. Under Alternative 4, with fewer potential wells, the positive effects on jobs, income and population is anticipated to be less than alternative 3, and the potential negative effect on primitive recreation experience, natural amenities, and quality of life would also be less than alternative 3. Alternative 1 would not contribute effects on jobs, income, or population related to oil and gas industry. Alternative 1 would best maintain the current recreation access and primitive recreation experiences related to quality of life valued by residents and recreation visitors.

Table 2. Summary of issue indicators and changes in effects to social and economic conditions

Indicator/Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Employment (Number of jobs)	0	16.3	10.8	Less than alternative 3
Income (Average earnings per job)	0	$95,869 add to the cumulative effect of higher wages in Sublette County	$97,247	Unknown
Government Revenue (Ad Valorem taxes)	0	$3,278,512	$971,258	Less than alternative 3

Indicator/Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Government Revenue (Distributions to county)	0	$300,000	$88,895	Less than alternative 3
Population (Number of residents)	0	0.12% increase cumulative additive effect on population would be minimal	0.08% increase	Less than alternative 3
Housing demand (Percent change in available housing)	0	6.2% decrease in available housing Cumulatively would not measurably increase demand for housing	4.1% decrease in available housing	Less than alternative 3
Crime rate	0	Little to no measurable effect	Little to no measurable effect	Little to no measurable effect
Traffic (Average daily trucks and semis in Daniel)	0	Maximum increase of 18% trucks 4 days per year	Maximum increase of 18% trucks 4 days per year	Less than alternative 3
Social Services (Municipalities' assessments of demands)	0	Maximum increase in demand for services among alternatives, additive effect on increased demand for social services	Less increase in demand for services than alternative 2	Less than alternative 3
Social and Cultural Values	0	Greatest positive effect on jobs, income and population. Greatest positive effect on recreation access. Greatest negative effect on primitive recreation experience, natural amenities, and quality of life. Unknown effect on ranching culture.	Less of a positive effect on jobs, income, and population than alternative 2. Less positive impact on recreation access than alternative 2, less negative impact on recreation experience natural amenities, and quality of life than alternative 2. Unknown impact on ranching culture.	Less than alternative 3 Unknown impact on ranching culture.
Species Habitat	0	10,405 acres of forested and non-forested habitat disturbed	5,324 acres of forested and non-forested acres disturbed	No effects within subject parcels; however, would have impacts in areas adjacent to the subject parcels
Opportunities for recreation	0	Potentially convert some amount of acres of national forest from semi-primitive nonmotorized to the roaded natural recreation opportunity class	1,664 acres of semi-primitive nonmotorized converted to roaded recreation opportunity classes	No effects within subject parcels; however, would have impacts in areas adjacent to the subject parcels

Indicator/Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Forage	0	The potential loss of 30.6 animal unit months under alternative 2 would not result in adverse impacts to vegetation communities on allotment acreage within the project area	The potential loss of 16.6 animal unit months under alternative 3 would not result in adverse impacts to vegetation communities on allotment acreage within the project area.	No effects within subject parcels; however, would have impacts in areas adjacent to the subject parcels
Water flow regulation	0	0.4% increase in disturbance	0.2% increase in disturbance	0% increase in disturbance
Air quality regulation	0	Most potential for impacts to the air quality within the area of analysis	Moderate potential for impacts to the air quality within the area of analysis	Moderate to low potential for impacts to the air quality within the area of analysis
Fresh water	0	Greatest potential for effects to fresh water among alternatives	Less potential for effects to fresh water than alternative 2	Least potential for effects to fresh water among alternatives 2, 3, and 4
Building Materials	0	No measurable effect	No measurable effect	No measurable effect
Fuel	0	No measurable effect	No measurable effect	No measurable effect

Recreation and Related Resources

Recreation and Related Resources Issue: Post-leasing exploration or development activities and disturbance could change the backcountry recreation setting, detracting from the quality of recreation opportunities and experiences in the area.

Although not quantifiable in the same sense as number of acres or miles of road, the idea of "sense of place" has been studied by social and biological scientists, and there is a growing body of scholarly writing about it. A sense of place is specific to the particular area considered. Regardless of changing societal ideas, it embodies a set of generally agreed-to meanings that are assigned to specific landscapes. The generally held meanings can become deeper over time as a place becomes a cultural icon. A sense of place abides in the Wyoming Range. Some of the things that contribute to the character and sense of place are listed below.

- Clean water flows from springs and high snowfields into meandering streams. Diverse willow flats and deep pools characterize some of these streams and they are therefore important fisheries.
- The diversity of elevations and vegetation types attracts those who enjoy seasonal color in the scenery, and contributes to great wildlife habitat, which in turn attracts hunters, and wildlife watchers.
- The sedimentary strata that comprise the range form massive cliffs, with waterfalls and cascades, high ridges, and steep dip slopes. Steep, short canyons drain the west slope of the range; the east slope is more gentle and forested.
- There is a sense of vastness in the surrounding landscape with mountain ranges visible on all horizons.
- There is remoteness from large cities and interstate highways, providing quiet, darkness at night, and ability to see the stars.

- The landscape is mostly natural in appearance, with vast areas of wildland terrain, along with the pastoral setting of ranches and hay fields and communities that are more outposts than towns. Community structures blend with the landscape instead of dominating (this is why, when large and incongruent structures are built on ridge tops, there is often a rash of letters to the editor bemoaning the loss of character).
- There is an abiding sense of history—the log cabins of a distinctive style that still remain, the gravel roads that were once immigrant trails, the trapper cabins and coal mines and cattle drives that still halt highway traffic. People think of this area as a place where the "Old West" lives on.
- There is a sense of abundance from the land, which can provide posts and house logs from the forests, summer range for livestock, or big game for food. A direct connection with the land from which we take livelihood and sustenance as well as pleasure.
- Visitors feel a sense of freedom, with few restrictions on one's activities, made possible by expansive wild lands and a relatively low human population in the area.
- The area has a harsh and challenging climate, feeding a sense of the toughness of the people who live here.
- There are many traditional recreation activities, including big game hunting, fishing, horse packing, hiking and backpacking, car camping, and general touring along the national forest roads and trails; increasing interest in winter sports, especially snowmobiling.

The lease parcels considered in this analysis comprise a small part of the larger backcountry area. However, taken in context of existing leases, which cover much of the east slope of the Wyoming Range, they add to the potential for changing recreation settings and attributes of the land that are valued by the public. Sublette County residents' surveys had a higher degree of concern about oil and gas development than residents of nearby counties, perhaps a reflection of their experience with the energy boom. (Clement and Cheng 2008).

Summary of Effects: Alternative 1 would not add to effects to the backcountry recreation setting, or detract from the quality of recreation opportunities in the area.

Under the action alternatives, the incremental effect (less than 200 acres of disturbance disbursed through the area) of the project being considered in this document is relatively minor when compared to all of the effects of past, present, and reasonably foreseeable activities; however, the additive disturbances could lead to minor, moderate to substantial effects on recreational uses and values. Leasing and development of the parcels considered here would add to increased vehicle access to the area and some potential shift in the recreation opportunity spectrum settings currently available, and it would place more people on the landscape. The reasonably foreseeable activities of other energy developments in the region could result in more people looking to recreate on public land, which has the potential to trigger displacement of those currently enjoying the quiet, low-use experience currently available. Some displacement of recreation due to exploration activities would be temporary in nature, while the overall increase of recreation use can be expected to continue. The project would also add lights, traffic, and dust to a part of the national forest that is currently lightly traveled. Depending on the extent of winter operations, existing snowmobile trails could be affected and recreationists displaced.

The incremental effect of energy development in the analysis area would be minor for special areas, although substantial in some places. The lease parcels considered in this analysis comprise a small part of the larger backcountry area. However, taken in context of existing leases, which cover much of the east slope of the Wyoming Range, they add to the potential for changing recreation settings and attributes of the land that are valued by the public.

Effects on potential wild and scenic rivers would be negligible under any of the alternatives that propose leasing. The sights and sounds of energy activity would be noticeable from the Wyoming Range Trail and other viewpoints in the area. Alternatives 2, 3, and 4 have the potential to add to the total indirect effects on inventoried roadless areas.

Table 3. Summary of issue indicators and effects to recreation and related resources

Indicator/ Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Effects on recreation settings and opportunities (Acres potentially converted to roaded recreation opportunity spectrum classes and/or degree of effect)	No effects	3,040 acres Cumulative Impacts: Substantial effects	1,664 acres Cumulative Impacts: Moderate effects	0 acres Cumulative Impacts: Minor effects
Recreation Experience (Sights and sounds, degree of effect)	No effects	Cumulative Impacts: Substantial effects	Cumulative Impacts: Substantial effects	Cumulative Impacts: Moderate effects
Changes to winter use and trails (Miles of groomed snowmobile trail potentially affected)	No effects	10.89 miles potential effects from leases Cumulative Impacts: 32.5 miles potential effects from road plowing for winter access	10.89 miles potential effects from leases Cumulative Impacts: 32.5 miles potential effects from road plowing for winter access	Cumulative Impacts: 32.5 miles potential effects from road plowing for winter access
Changes to scenery and aesthetic values (Degree of change to naturalness)	No effects	Cumulative Impacts: Substantial change	Cumulative Impacts: Moderate change	Cumulative Impacts: Minor change
Changes to off-forest recreation settings and opportunities (Degree of effect)	No effects	Cumulative Impacts: Minor effects	Cumulative Impacts: Minor effects	Cumulative Impacts: Minor effects
Changes to special areas including wild and scenic river eligible streams (miles), inventoried roadless areas (acres), and national trails (miles)	No effects	Wild and scenic river eligible streams (1/2 mile) Inventoried roadless area (177.5 acres within leases, 45.76 acres potentially affected) National Trails (1 ½ miles)	Wild and scenic river eligible streams (1/2 mile) Inventoried roadless areas (177.5 acres within lease parcels, 0 acres potentially affected) National Trails (1 ½ miles)	Wild and scenic river eligible streams (0 miles) Inventoried roadless areas (177.5 acres within lease parcels, 0 acres potentially affected) National Trails (0 miles)

Scenic Resources

Scenic Resources Issue: Potential impacts from exploration or development activities and disturbance could affect the scenic character of the area, especially special areas such as wild and scenic river eligible streams, inventoried roadless areas, and national trails.

Summary of Effects: Alternative 1 would not impact scenic resources. Alternative 2 has the potential to have the greatest negative impacts to scenic resources. Drill pads and associated equipment installations, road construction and road improvements in the reasonably foreseeable development scenario have the potential to change the natural appearing landscape so that there is less of a sense of remoteness and create pockets of an industrial character. Retention and partial retention requirements of the forest plan

may not be met, depending on the degree of change to the valued scenic character. The eligibility of the Big Falls Creek could be impacted for Wild and Scenic River consideration. The historic landscape character that was part of the purpose for which the Lander Cutoff Trail was designated may be negatively impacted in the reasonably foreseeable development scenario.

Alternative 3 has fewer anticipated impacts to scenic character and quality compared to alternative 2 due to the expanded no surface occupancy. Alternative 4 has the fewest impacts among the leasing alternatives since all proposed lease parcels would be no surface occupancy. Given current drilling technology, many of the parcels may not be accessible and may not be developed.

If leases are authorized and new oil and gas development occurs, cumulative effects of this development with existing lease parcels in the area could occur to scenic resources. Depending on the level of future development, the visual quality of the area would be reduced for individuals seeking a natural appearing landscape.

Table 4. Summary of issue indicators and effects to scenic resources

Indicator/Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Wild and scenic river eligibility: Potential for impacting scenic quality	No potential for impacts	Depending on road location in the reasonably foreseeable development scenario, this alternative could impact scenic quality and negatively affect the eligibility of Big Fall Creek.	This alternative is not likely to impact the eligibility of Big Fall Creek, because of the expanded NSO.	This alternative would not impact the eligibility of Big Fall Creek, because of the expanded NSO.
National Historic Trail: Compatibility of reasonably foreseeable development with the purpose of the designation	No impacts to character that contributed to designation of the trail.	The immediate trail corridor is NSO. However, views from the trail and the potential road improvements and pipelines in this alternative could negatively impact the character that contributed to the designation of this trail.	This alternative is less likely to impact the historic landscape character due to the expanded NSO. There are lease parcels to the west, where drill pads may be located to provide for directional drilling that could negatively impact the historic landscape character.	This alternative is less likely to impact the historic landscape character due to the expanded NSO. There are lease parcels to the west, where drill pads may be located to provide for directional drilling that could negatively impact the historic landscape character.
National Recreation Trail: Compatibility of reasonably foreseeable development with the purpose of the designation	No impacts to purpose of trail designation.	All primary trailheads and 1.5 miles of trail are in NSO. Would only impact middle to background views from trail, would not impact purpose of designation for this alternative.	All primary trailheads and 1.5 miles of trail are in NSO. Would only impact middle to background views from trail, would not impact purpose of designation for this alternative.	All primary trailheads and 1.5 miles of trail are in NSO. This alternative would not likely impact views from the NRT in the foreground or middleground.

Indicator/Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Inventoried roadless areas: Areas in lease parcels/ potential to change scenic quality	No potential change to scenic quality in inventoried roadless areas (IRAs).	The acreages is very small for the IRAs that are included in the lease parcels. In the reasonably foreseeable development scenario it is likely that drill pads and roads could be located to avoid the IRAs.	The acreages is very small for the IRAs that are included in the lease parcels. In the reasonably foreseeable development scenario it is likely that drill pads and roads could be located to avoid the IRAs.	This alternative would not change the scenic quality of IRAs since all parcels are NSO in this alternative.

NSO = No surface occupancy; IRAs = inventoried roadless areas

Terrestrial Wildlife Species

Terrestrial Wildlife Issue: Post-leasing exploration or development activities could result in physical impacts to wildlife habitat or individuals, or behavioral disturbance impacts from increased human presence. Terrestrial wildlife that could be affected includes threatened, endangered, sensitive, and management indicator species' habitats and populations, and large game and trophy game species.

Summary of Effects: Alternative 1 would not add to wildlife habitat impacts.

Habitat Loss or Alteration: Alternative 2 has the greatest potential for loss or alteration of habitat in total, followed by alternative 3. The most prevalent cover types in the project area are lodgepole pine mix and subalpine fir/spruce mix. The next most prevalent is mountain big sagebrush. This suggests that these habitats have a greater chance of being impacted by development. For alternative 4, development would occur based on directional drilling from existing leases or lands of other ownerships. Therefore, the habitat that could be affected under alternative 4 may already be impacted in various ways from the existing development, depending on where pads and roads are proposed for future development. Cumulatively, potential future oil and gas development is also anticipated to result in a reduction of wildlife habitat effectiveness. The type and magnitude of human disturbance impacts on wildlife varies depending on many factors, including the type of activity; predictability, frequency, and magnitude; time of day or season of year; and location of the disturbance.

Indirect Habitat Loss and Alteration: The greater the number of development wells and associated new roads, the greater the potential for ongoing introduction and spread of noxious weeds. Alternative 2 poses the greatest potential for indirect loss or alteration of habitat, followed by alternatives 3, then 4.

Disturbance: All of the leasing alternatives present some level of potential for disturbance. These effects would result from well pad development, road construction, road reconstruction, and pipeline construction and maintenance of facilities. Behavioral avoidance responses by wildlife can extend the influence of each well pad, road, and facility beyond just the physical footprint of habitat removal or alteration. The effects of human disturbance on wildlife have revealed there are critical periods for many bird and mammal species when disturbance can result in more serious impacts, specifically during periods of critical wildlife use such as reproduction seasons and winter months when species survival is most difficult due to increased avoidance movements and physiological stress reactions during a time period when reduced food availability and increased energy demands from cold temperatures and deep snowpack can greatly influence winter survival. Alternative 2 poses the greatest potential for disturbance, followed by alternatives 3, then 4.

Road-related Effects: The potential effect of roads varies between alternatives and species and is described specifically under direct, indirect, and cumulative effects. These effects are addressed in detail as they apply to each species. Alternative 2 poses the greatest potential for road-related effects disturbance, followed by alternatives 3, then 4.

Linkages and Migration Routes: The migration route indicator is specific mostly to elk and mule deer and the linkage indicator is specific to lynx and therefore discussed in those sections. Alternative 2 poses the greatest potential impact to linkages and migration routes, followed by alternatives 3, then 4.

Table 5. Summary of determinations for threatened, endangered and sensitive* terrestrial wildlife

Species	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Canada lynx (threatened)	No effect	May affect, not likely to adversely affect*	May affect, not likely to adversely affect*	May affect, not likely to adversely affect*
Canada lynx critical habitat	No effect	May affect, not likely to adversely affect*	May affect, not likely to adversely affect*	May affect, not likely to adversely affect*
Grizzly bear (threatened)	No effect	May affect, not likely to adversely affect*	May affect, not likely to adversely affect*	May affect, not likely to adversely affect*
Gray wolf (threatened - 10j experimental population)	No effect	Not likely to jeopardize continued existence or adversely modify proposed critical habitat*	Not likely to jeopardize continued existence or adversely modify proposed critical habitat*	Not likely to jeopardize continued existence or adversely modify proposed critical habitat*
Sensitive Species: Sage-grouse, northern goshawk, great gray owl, boreal owl, three-toed woodpecker, bighorn sheep, wolverine, bald eagle, peregrine falcon	No impact	May impact individuals, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species	May impact individuals, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species	May impact individuals, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species

*Conclusions are based on the assumption that all stipulations identified for each alternative would be included in leases and implemented during oil and gas development. A biological assessment will be prepared to address the potential effects of the selected action identified in the record of decision; if a leasing alternative is selected, the biological assessment will be submitted to the U.S. Fish and Wildlife Service for concurrence.

Table 6. Summary of issue indicators and effects to sensitive and management indicator terrestrial wildlife

Indicator/ Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Habitat loss or alteration (acres)	0	107 acres short term 47 acres long term	58 acres short term 26 acres long term	45 acres short term 20 acres long term
Indirect habitat loss and alteration	None	High	Moderate	Low
General disturbance potential	None	High	Moderate to Low	Low
Road-construction or reconstruction (miles)	None	9.6 miles	5.2 miles	4 miles
Migration Routes (potential for impacts)	None	High	Low	Extremely Low
Linkages (potential for impacts)	None	Low	Low	Extremely low
Forest/ nonforest habitat, all wildlife species (lease parcel acres without NSO)	0	10,405	5,324	0

Indicator/ Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Big game key habitat components: parturition and seasonal ranges minus crucial winter ranges (lease parcel acres without NSO intersecting ranges)	0	17,294	7,570	0
Big game key habitat components: crucial winter ranges (lease parcel acres without NSO intersecting ranges)	0	2,222	0	0
Bald eagle preferred breeding/ nesting-foraging habitat (lease parcel acres without NSO)	0	0	0	0
Greater sage-grouse seasonal habitats (lease parcel acres outside NSO areas intersecting seasonal habitats	0	6,268	2,374	0
Goshawk breeding/ fledgling habitat (lease parcel acres outside NSO areas intersecting nest area and PFA)	0	2,737	686	0
Big game seasonal migration routes/ stopover habitat integrity (lease parcel acres outside NSO areas intersecting routes)	0	15,538	6,721	0
Wolverine dispersal corridor integrity (lease parcel acres outside NSO areas intersecting dispersal corridor)	0	468	269	0
Elk habitat effectiveness (percent based on distances from open motorized routes)	No effect	Not quantifiable*	Not quantifiable*	Not applicable
Elk habitat security (acres not in NSO areas)	0	1,385	851	0
Physical harm/ mortality (lease parcel acres outside NSO areas; change in vulnerability, survival)	0	17,296	7,573	0
Species preferred habitat avoidance/ displacement (lease parcel acres outside NSO areas)	0	17,296	7,573	0

* Because habitat effectiveness was calculated at the unit and subunit levels and the placement of the roads is not certain, the percentages are not quantifiable; qualitatively alternative 2 would have more impact from roads than alternative 3.

NSO= no surface occupancy; PFA = post-fledging family area.

Surface Water Resources and Aquatic Species

Surface Water Resources and Aquatic Species Issue: Post-leasing exploration or development activities could result in increased sedimentation, chemical contaminants, and dewatering that could adversely impact surface water quality, stream channels, and habitat for fish and other special status aquatic species.

Summary of Effects (Surface Water): Due to the small acreage of disturbance proposed for this proposed project under each of the leasing alternatives (including disturbance from roads), none of the alternatives, if implemented with the proposed stipulations, mitigation measures and suggested best management practices, would impact the overall good water quality and functioning watersheds and

riparian and wetland resources that currently exist within project area watersheds. Alternative 1 would not add to surface water impacts. Alternative 2 has the highest potential for resource effects, albeit minor and localized, followed by alternatives 3 and 4, respectively.

When adding the effects of other projects and ongoing activities to effects predicted for the Wyoming Oil and Gas Project, cumulative effects to surface water resources would likely remain as they currently are. The class 1 watersheds would continue to function properly while impacts to class 2 watersheds, mainly from past sheep grazing and the Fontenelle fire, would not be further impacted by alternatives 2, 3, or 4.

Table 7. Summary of issue indicators and effects to surface water resources

Indicator/ Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Sediment Potential (percent increase in 6th-field watershed disturbance from the project)	All watersheds would have 0% increase in disturbance	No watershed has a disturbance increase of over 0.4%	No watershed has a disturbance increase of over 0.2%	All watersheds would have 0% increase in disturbance in the lease parcels
Sediment Potential (potential increase in road density by 6th-field watershed from the project)	All watersheds would have no increase in road density	All watersheds would have no more than 0.2 mile per square mile of road density increase	All watersheds would have no more than 0.1 mile per square mile of road density increase	All watersheds would have no increase in road density in the lease parcels
Disturbance Potential (potential acres disturbed by 6th-field watershed)	All watersheds would have no increase in potential impacts to riparian areas and wetlands	Five watersheds could see riparian disturbance between 113 acres up to 363 acres	All watersheds would have no increase in potential impacts to riparian areas and wetlands	All watersheds would have no increase in potential impacts to riparian areas and wetlands

Summary of Effects (Aquatic Species): Aquatic species and their habitats could be impacted by activities associated with exploration and drilling on lands made available for leasing in this project area. Negative effects to Intermountain Region sensitive species Colorado River cutthroat trout, boreal toad, and Columbia spotted frog could occur under each of the leasing alternatives. The primary concerns for the aquatic environment would be surface disturbance and activities near aquatic habitats, including streams, wetlands, and ponds. Such proximity would dramatically increase the risk to these habitats from chemical contamination, sedimentation to streams, and vehicular disturbance and mortality. Potential activities would follow best management practices, standard operating procedures, and any stipulations associated with the lease parcel. Stipulations and mitigation measures would reduce impacts to aquatic habitats and species. For example, the Forest Service and BLM have the authority to move proposed operations up to 200 meters in order to mitigate the effects to aquatic resources, but moving disturbance locations would be weighed against the effects to other resources and is not a guaranteed safe-guard for aquatic resources. Alternative 3 specifically provides for a 500 foot buffer from streams, wetlands and other aquatic features and a 1,640 buffer from sensitive amphibian breeding sites.

Alternatives 2, 3 and 4 are anticipated to result in water depletion that may affect Colorado River Endangered fish. Endangered Species Act consultation with the U.S. Fish and Wildlife Service would be required for individual projects that include new water depletions greater than 0.1 acre-foot per year. Alternative 1 would not add to impacts to aquatic species. Overall, alternative 2 has the highest potential for resource effects, followed by alternative 3, then 4.

Past, ongoing, or reasonably foreseeable activities or events would have a cumulative effect on aquatic species and habitats when combined with the effects described for alternatives 2, 3 and 4. Alternative 2

would have greater effects than alternatives 3 and 4. Negative effects (such as chemical contamination, sedimentation to streams, and vehicular disturbance and mortality) to Intermountain Region sensitive species Colorado River cutthroat trout, boreal toad, and Columbia spotted frog and habitat would be expected with development, but mitigation measures would reduce these impacts.

Table 8. Summary of issue indicators and effects to aquatic species

Indicator/ Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Road-related effects to fish habitat (number of road-stream crossings)	No effects	1 to 5% increase	1 to 5% increase	Less than alternative 3
Road-related effects to fish habitat (watershed road density)	No effects	Up to 4% increase	No more than 2% increase	Less than alternative 3
Road-related effects to amphibian populations (disturbance within 500 meters of known sensitive amphibian breeding site)	No effects	Potential for disturbance	No potential for disturbance	Potential for disturbance
Water depletion effects to Colorado River endangered fish (acre-feet)	0 acre-feet	65 acre-feet	35 acre-feet	Less than 35 acre-feet
Chemical contamination effects to aquatic ecosystems (relative risk)	No effects	Greatest risk due to largest number of wells assuming number of wells is commensurate to amount of risk.	Less than alternative 2	Less than alternative 3

Table 9. Summary determinations for sensitive and management indicator aquatic species

Common Name	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Colorado River cutthroat trout, rainbow trout, Columbia spotted frog, boreal toad, and boreal chorus frog	No impact	May adversely impact individuals[1]	May adversely impact individuals	May adversely impact individuals

1. Full determination is “may adversely impact individuals, but not likely to result in a loss of viability in the planning area, nor cause a trend to Federal listing or a loss of species viability rangewide.”

Groundwater Resources

Groundwater Resources Issue: Post-leasing exploration or development could adversely affect groundwater resources, especially those in the recharge area through removal of groundwater from aquifers reducing availability to local water users, increased sedimentation, and contamination of groundwater.

Summary of Effects: Construction of the drill pad, access road, and temporary pipeline could affect shallow groundwater flow and quantity in several ways. Clearing, grading, excavating, and soil stockpiling activities could temporarily alter overland flow and groundwater recharge patterns. Use of heavy construction equipment could cause compaction of near surface soils, reducing the ability of the soil to absorb water and resulting in increased surface runoff and potential for ponding. Excavation could

cause temporary or short-term fluctuations in the elevation of the water table. Depletion of the Wasatch Formation aquifer could decrease local contribution to flow in streams or springs down-gradient of the lease area. Groundwater quality could be impacted by accidental spills during the construction phase or leaky well seals allowing cross-aquifer contamination.

Potential risk to groundwater resources would be greatest under alternative 2, followed by alternatives 3 and 4, respectively. Use of a combination of water sources in multiple locations would reduce the impact to any specific aquifer unit to a level that would have no noticeable impact on other water users or water rights holders. Implementation of best management practices and Operators Spill Prevention Countermeasure and Control procedures and requirements for construction, material containment, and reclamation would reduce potential impacts. Due to the low level of projected development and requirements for construction, material containment and reclamation, no significant impacts are anticipated to groundwater resources including water quality and quantity under alternatives 2, 3 or 4.

Botanical Resources

Botanical Resources Issue: Post-leasing surface disturbance from roads, and well pad and pipeline construction related to oil and gas exploration or development activities could result in adverse impacts to rare plants, such as soil displacement or compaction, habitat alteration (material spills) and increased competition from invasive plants.

Summary of Effects: Botanical resources could be impacted from road construction and reconstruction, well pad construction, and drilling related activities. Noxious weeds are present in the project area and their spread through project activities could negatively affect rare plant habitat. The determination for all Forest Service sensitive and management indicator botanical species for alternative 1 is no impact; and due to potential ground disturbance under alternatives 2, 3 and 4 the determination is may adversely impact individuals, but not likely to result in a loss of viability in the planning area, nor cause a trend to Federal listing or a loss of species viability rangewide. Alternative 2 has the greatest amount of potential disturbance, and has the greatest chance to spread noxious weeds, followed by alternatives 3 then 4. However, the total potential disturbed area is small and best management practices and mitigation measures will be undertaken during project-specific planning to reduce the chance of weed spread. Few to no cumulative effects are expected from other projects and fires that have occurred as known management indicator and sensitive plant populations occur in no surface occupancy areas.

Table 10 Summary determinations for sensitive and management indicator botanical species

Common Name	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Wyoming tansymustard Boreal draba Rockcress draba Narrowleaf goldenweed Woolly fleabane Payson's bladderpod Naked-stemmed parrya Creeping twinpod Greenland primrose Weber's saw-wort Soft aster	No impact	May adversely impact individuals, but not likely to result in a loss of viability in the planning area, nor cause a trend to Federal listing or a loss of species viability rangewide	May adversely impact individuals, but not likely to result in a loss of viability in the planning area, nor cause a trend to Federal listing or a loss of species viability rangewide	May adversely impact individuals, but not likely to result in a loss of viability in the planning area, nor cause a trend to Federal listing or a loss of species viability rangewide

Air Quality

Air Quality Issue: The drilling and production of wells subsequent to leasing could impact air quality and air quality-related values, with emphasis on cumulative effects because of extensive development in the Pinedale area and previously monitored exceedances of National Ambient Air Quality Standards for ozone in Sublette County.

Summary of Effects: Alternative 1 would not add to impacts to air quality. Alternatives 2, 3 and 4 would have small localized effects, predominantly related to particulate matter and dust. It is not likely that emissions from this project alone, under any alternative, would cause exceedances of National Ambient Air Quality Standards or have a noticeable impact on air quality related values (including noticeable visibility) in nearby sensitive Class I and Class II wilderness areas and national parks. Due to proximity and prevailing winds, the most likely sensitive areas to be affected by development of this alternative would be the Bridger and Gros Ventre wilderness areas. When combined with other emissions in the basin, dust, emissions, and particulates from alternatives 2, 3 and 4 would likely contribute to ongoing visibility issues in the Bridger, Fitzpatrick, Popo Agie, Washakie, Teton, North Absoraka and Gros Ventre wilderness areas as well as Grand Teton National Park and the Wind River Roadless area. Emissions of volatile organic compounds and nitrogen oxides from this project may contribute to ozone formation in the basin.

Table 11. Summary of issue indicators and effects to air quality

Indicator/Measure	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Projected emissions relative to National Ambient Air Quality Standards	Most protective	Most potential for impacts	Moderate potential for impacts	Low to moderate potential for impacts
Relative values of project emissions of precursors to ozone formation (nitrogen oxides and volatile organic compounds)	Most protective	Most potential for impacts	Moderate potential for impacts	Low to moderate potential for impacts
Decreases in visibility more than 1 deciview	Most protective	Most potential for impacts	Moderate potential for impacts	Low to moderate potential for impacts

Cultural Resources

Cultural Resources Issue: Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties.

Summary of Effects: A review of existing data shows that 3,663 acres of the analysis area have been previously surveyed with 28 sites being documented, resulting in an overall site density for the analysis area of one site for every 131 acres of inventory. Based on this site density, there is the potential for 301 sites to be present within the entire analysis area. To meet the requirements for compliance with section 106 of the National Historic Preservation Act, all areas proposed for future surface-disturbing activities would be surveyed for cultural resources, and those resources would be evaluated for the National Register. The preferred treatment for historic properties is avoidance. If avoidance is imprudent or unfeasible, the Forest Service would consult with the Wyoming State Historic Preservation Office and other consulting parties to develop mitigation measures in accordance with 36 CFR 800.

Alternative 1 would have no impacts on cultural resources. Alternatives 2, 3 and 4 would apply a no-surface-occupancy stipulation to lease parcel WYW173280 for the protection of the Lander Cutoff of the California National Historic Trail. A "Protect Cultural Resource Notice" would be applied to 11 additional lease parcels, thus avoiding direct effects.

The Environmentally Preferred Alternative

Alternative 1 is the environmentally preferred alternative.

Public Involvement during the Environmental Analysis Process

Scoping and public involvement for issues related to this supplemental environmental analysis began in 2008 (73 FR 6453) for a supplemental environmental impact statement that was released with a record of decision in January 2011. In May 2011, the record of decision was withdrawn to allow for further evaluation of several key issues and consideration of new information. On March 21, 2014, a corrected notice of intent was published in the Federal Register (79 FR 15723) to announce the intent to prepare a supplemental environmental impact statement for this project. Extensive public involvement efforts were conducted with the 2008 scoping period. In addition, public involvement associated with forest plan revision efforts identified public issues and concerns relevant to this project. Because extensive public comments covering the range of relevant issues for the analysis were received in the 2008 scoping period and in the comment period on the 2010 draft supplemental environmental impact statement, an additional scoping period was not conducted.

The issues raised from public involvement efforts include the following:

1. Not authorizing the BLM to issue leases for the 39,490 acres or applying additional constraints to leases could prevent effective recovery of energy resources in the area.
2. Potential impacts from post-leasing exploration and/or development could have cumulative effects on the social and economic well-being of the local communities and quality of life for residents.
3. Post-leasing exploration or development activities and disturbance could change the backcountry recreation setting, detracting from the quality of recreation opportunities in the area.
4. Post-leasing exploration or development activities could result in physical impacts to wildlife habitat or individuals, or behavioral disturbance impacts from increased human presence. Terrestrial wildlife that could be affected includes threatened, endangered, sensitive, and management indicator species' habitats and populations, and large game and trophy game species.
5. Post-leasing exploration or development activities could result in increased sedimentation, chemical contaminants, and dewatering that could adversely impact surface water quality, stream channels, and habitat for fish and other special status aquatic species.
6. Post-leasing exploration or development could adversely affect groundwater resources, especially those in the recharge area through removal of groundwater from aquifers reducing availability to local water users, increased sedimentation, and contamination of groundwater.
7. Post-leasing surface disturbance from roads, and well pad and pipeline construction related to oil and gas exploration or development activities could result in adverse impacts to rare plants, such as soil displacement or compaction, habitat alteration (material spills) and increased competition from invasive plants.
8. The drilling and production of wells subsequent to leasing could impact air quality and air quality-related values, with emphasis on cumulative effects because of extensive development in

the Pinedale area and previously monitored exceedances of National Ambient Air Quality Standards for ozone in Sublette County.

On April 8, 2016, the legal notice announcing the draft supplemental environmental impact statement was available for comment was published in the Casper Star Tribune. Comments received on the draft supplemental environmental impact statement were reviewed and a summary of the comments and responses are included in appendix B of volume 2 in the current final supplemental environmental impact statement.

Public Comments

Throughout the process of arriving at this decision I considered public comments. Comments from early public scoping efforts, meetings, and the comments on the draft supplemental environmental impact statement confirmed to the Forest Service that the Wyoming Range is strongly valued locally, regionally and nationally for the existing character including wildlife, fish, recreation, air quality, and sense of place. Numerous letters from State officials and the public expressed concerns about leasing given the very sensitive nature of these lands, concerns about potential impacts to recreation, water quality, air quality, and wildlife, especially in light of the extensive development occurring on nearby BLM lands; and expressed the view that leasing here is not appropriate given the overriding public interest. I have heard the citizen concerns about setting some kind of limits and "when is enough enough?" for oil and gas exploration and development. We received 62,631 responses during the review and comment period for the 2016 draft supplemental environmental impact statement. These, along with the results of the environmental analysis have led me to conclude that leasing of the approximately 39,490 acres should not be authorized at this time.

Other Alternatives Considered

In addition to the selected alternative, I considered three other alternatives analyzed in detail, which are discussed below. A more detailed comparison of these alternatives can be found in the final supplemental environmental impact statement starting on page 25.

- **Alternative 2 – Authorize Leasing in Accordance with Forest Plan Leasing Availability Decision (the proposed action):** In alternative 2, leasing is proposed to be authorized for the 30 lease parcels under analysis. Stipulations would be applied to the subject leases to ensure compliance with management direction provided in the Bridger-Teton National Forest plan, as amended. Approximately 22,194 acres would be subject to no-surface-occupancy stipulations. Outside of the no-surface-occupancy areas, controlled-surface-use and timing-limitation stipulations would be applied to approximately 14,914 acres. Therefore, surface disturbing activities could occur over approximately 17,296 acres within the project lease parcels.
- **Alternative 3 – Authorize Leasing in Accordance with Forest Plan Leasing Availability Decision, with Enhanced Resource Protection:** In alternative 3, leasing is proposed to be authorized for the same 30 lease parcels and stipulations as alternative 2, but this alternative contains additional stipulations that respond to the issues in chapter 1 to provide enhanced resource protection for resources including but not limited to big game habitat, migratory birds, greater sage-grouse, and aquatic habitats. Watershed resources would also be more protected by including stipulations that incorporate the Wyoming Game and Fish Department's "Recommendations for Development of Oil and Gas Resources within Important Wildlife Habitats" (Wyoming Game and Fish Department 2010). Approximately 31,917 acres would be subject to no-surface-occupancy stipulations. Outside of the no-surface-occupancy areas, controlled-surface-use and timing-limitation stipulations would be applied to approximately 7,541 acres. Therefore, surface disturbing activities could occur over approximately 7,573 acres within the project lease parcels.

- **Alternative 4 – Authorize Leasing in Accordance with Forest Plan Leasing Availability Decision with No Surface Occupancy:** In alternative 4, leasing would be authorized for the same 30 lease parcels as alternatives 2 and 3, but all parcels would be subject to no-surface-occupancy stipulations for drilling activities. Activities on National Forest System lands would be subject to the management direction provided in the forest plan as amended. This alternative was developed to avoid as many impacts as possible while still allowing oil and gas development. Under this alternative, no surface disturbance would occur on the subject lands. Drilling to develop the leased parcels may occur from a leased parcel on adjacent National Forest System lands or lands of other ownership within approximately 1 mile of the parcels under analysis. Findings Required by Other Laws and Regulations

In addition to the alternatives considered in detail, a number of alternatives were considered, but dismissed from detailed consideration since they would not meet the Bridger-Teton forest plan, as amended, were duplicative of the alternatives considered in detail, or were not feasible due to the Omnibus Public Lands Management Act of 2009 (see chapter 2, "Alternatives Considered but Eliminated From Detailed Study").

Numerous laws, regulations and agency directives require that my decision be consistent with their provisions. My decision is consistent with all laws, regulations and agency policy relevant to this decision. The following discussion is intended to provide information on the regulations that apply to areas raised as issues or comments by the public or other agencies.

Findings under the Wyoming Range Legacy Act

Section 3202 of the Omnibus Public Land Management Act of 2009 withdrew the Wyoming Range from disposition under laws relating to mineral and geothermal leasing. It recognized valid existing rights and in Section 3202(e) stated that nothing prohibits the Secretary (Department of Interior) from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). This language allows the agencies broad discretion to administer leasing.

Findings under Forest Service Regulation 36 CFR 228.102(e)

Leasable public domain minerals are leased under the authority of the Mineral Leasing Act of 1920 as amended. In 1987, Congress passed the Federal Onshore Oil and Gas Leasing Reform Act (Leasing Reform Act). Consequently, the Forest Service developed new regulations in March of 1990 (36 CFR Parts 228 Subpart E and 261) to be consistent with the Leasing Reform Act and to provide guidance for oil and gas leasing and surface-use management on National Forest System lands.

The forest plan for the Bridger-Teton National Forest identified the subject lands as available for oil and gas leasing, subject to enumerated restrictions on surface use. At the time when specific lands are being considered for leasing, I am required per 36 CFR 228.102(e) to:

(1) verify that oil and gas leasing of the specific lands has been adequately addressed in an environmental analysis document, and is consistent with the forest plan;

(2) ensure that conditions for surface occupancy are properly included as lease stipulations; and

(3) determine that operations and development could be allowed somewhere on each proposed lease.

As discussed above, oil and gas leasing of these lands was not adequately addressed in prior environmental analysis documents, but this situation has been corrected with preparation of the current

FSEIS. In light of the potential impacts disclosed in the FSEIS and discussed above, I do not believe it is appropriate to allow surface use for oil and gas development within the areas of these parcels and leases at this time. Although the impacts of alternative 4 (leasing with no surface occupancy) would reduce impacts to the specific acres in question, many of those impacts would simply be shifted to adjacent acres. These adjacent acres have limited development and share much of the same recreational, social, economic and environmental values described in the FSEIS and discussed in the Decision Rationale section of this Record of Decision.

The National Forest Management Act of 1976

The National Forest Management Act requires projects to comply with Land and Resource Management Plans. This decision is consistent with the Land and Resource Management Plan for the Bridger-Teton National Forest (referred to as the "forest plan"). The 1990 forest plan provides management direction in the form of goals and objectives, desired future conditions, management emphasis, and resource prescriptions, standards, and guidelines. While this direction shows that the majority of the subject lease parcel area's desired future conditions emphasize "commodity resource development," forest plans do not mandate that particular activities must occur if they are allowed. Forestwide standards and guidelines also apply to the subject lease parcels. These standards and guidelines provide resource protections that may limit operations for producing commodities. In arriving at my decision I carefully considered alternative 2 which applied only forest plan stipulations and direction; and also alternatives 3 and 4 which applied additional stipulations in response to new information and circumstances which raised concerns about potential environmental effects that were not analyzed in the forest plan final environmental impact statement. The Wyoming Range Legacy Act has significantly constrained future leasing options for these parcels. In light of these restrictions, amendment of the forest plan would be somewhat superfluous at this time.

Endangered Species Act (ESA)

The U.S. Fish and Wildlife Service reviewed the draft supplemental environmental impact statement and has been engaged with the Forest Service in informal consultation as the environmental analysis was prepared. Because the selected alternative does not authorize leasing, there would be no effects to listed species.

Executive Order 13186 of January 10, 2001

My decision is in compliance with this Executive Order for the Conservation of Migratory Birds. Because the selected alternative does not authorize leasing, there would be no effects to migratory birds.

Clean Water Act

My decision is consistent with the Clean Water Act. Because the selected alternative does not authorize leasing, there would be no effects to water quality.

Executive Order 11990 of May 1977

This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. My decision is in compliance with Executive Order 11990. Because the selected alternative does not authorize leasing, there will be no effects to wetlands.

Executive Order 11988 of May 1977

This order required the Forest Service to provide leadership and take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risk of flood loss, (2) minimize impacts of floods on human safety, health and welfare, and (3) restore and preserve natural and beneficial values served by floodplains. My decision is in compliance with EO 11988. Because the selected alternative does not authorize leasing, there will be no effects to floodplains.

Environmental Justice and Civil Rights

Executive Order 12898, issued in 1994 ordered Federal agencies to identify and address any adverse human health and environmental effects of agency programs that disproportionately impact minority and low-income populations. This project would not disproportionately impact any human populations. The Civil Rights Act of 1964 provides for nondiscrimination in voting, public accommodations, public facilities, public education, federally assisted programs, and equal employment opportunity. Title VI of the Act, Nondiscrimination in Federally Assisted Programs, as amended (42 US.C. 2000d through 2000-d6) prohibits discrimination based on race, color or national origin.

American Antiquities Act of 1906 and National Historic Preservation Act of 1966

The Forest Service has made the determination that because the selected alternative does not authorize leasing, no historic properties will be affected [36CFR 800].

Energy Policy Act of 2005

Development of reliable domestic sources of energy is encouraged under this law. Given the relative size of this leasing authorization compared with potential exploration and development of energy resources associated with existing leases on National Forest and the ongoing and reasonably foreseeable activities discussed in the final supplemental environmental impact statement, I find my decision is consistent with Public Law 109-58.

Implementation

This decision may be implemented immediately. Pursuant to 36 CFR 218.13(b), approval of projects and activities by the Secretary of Agriculture or Under Secretary, Natural Resources and Environment, constitute the final administrative determination of the U.S. Department of Agriculture and are not subject to the objection procedures outlined in 36 CFR 218.

Contact Person

For additional information concerning this decision, contact Nora Rasure, Regional Forester, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401.

ROBERT BONNIE [DATE]
Under Secretary Of Agriculture for Natural Resources and Environment

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