



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Ref: 8EPR-N

Holly Elliott, Project Manager
Bighorn Basin RMP Revision Project
BLM Worland Field Office
P.O. Box 119
101 South 23rd Street
Worland, Wyoming 82401

RE: Bighorn Basin Proposed Resource Management Plan & Final Environmental Impact Statement, CEQ #20150150

Dear Ms. Elliott:

The U.S. Environmental Protection Agency Region 8 has reviewed the Bureau of Land Management (BLM) May 2015 Bighorn Basin Final Environmental Impact Statement (EIS) and Proposed Resource Management Plan (PRMP). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

Background

The Final EIS analyzes the potential impacts of the BLM's proposed land management decisions in the Bighorn Basin in northwestern Wyoming. The Bighorn Basin planning area covers a total of 5.6 million acres in Big Horn, Park, Washakie and Hot Springs Counties, of which 3.2 million acres are BLM-administered surface lands and 4.2 million acres are federal mineral estate administered by the Cody Field Office and Worland Field Office. The Bighorn Basin RMP will revise existing RMPs for both the Cody and Worland Field Offices.

The PRMP selects Alternative D from the Final EIS as the proposed plan. Alternative D generally increases conservation of physical, biological, and heritage and visual resources compared to current management and emphasizes moderate constraints on resource uses.

We appreciate that many of our September 7, 2011 comments on the Draft EIS have been addressed. As a Cooperating Agency, the EPA provided specific input, including detailed recommendations on ways to ensure adequate air resource and water resource impact analyses and mitigation to address significant impacts. Our remaining comments are all within the scope of concerns expressed in our Draft EIS comment letter and focus on only the most significant of those concerns as they pertain to the NEPA analysis and protection of air resources and water resources.

Air Resources

A thorough analysis of air quality is essential for the Final EIS/PRMP because of the proximity of the planning area to multiple federal Class I areas and sensitive Class II areas, including areas located either within or directly adjacent to the Bighorn Basin. As we expressed in our Draft EIS comments, the EPA believes that the “level of concern” that would warrant modeling under Management Action 1006 has already been reached, based on the number of existing and planned oil and gas wells in the Bighorn Basin and the lack of a cumulative air quality impact analysis for the wells. Further, the EPA believes that completing air quality modeling for the planning area will maximize the ability of the BLM to identify, evaluate and implement important land management decisions and protect air quality, including identifying what, if any, mitigation measures may need to be broadly implemented in the planning area.

In response to these concerns, the EPA appreciates the addition of the Bighorn Basin Air Resource Management Plan in Appendix J of the Final EIS. As part of this plan, the BLM will conduct a characterization of air quality conditions in Class I areas in the vicinity of the planning area, in partnership with other federal and state agency stakeholders. This characterization will include a compilation of existing air quality data as well as a regional modeling analysis to characterize air quality in the Class I areas. Based upon the findings of the Class I characterization, the BLM will ensure implementation of reasonable mitigation, control measures and design features. The Air Resource Management Plan also includes measures to minimize air pollutant emissions in the interim period until the characterization has been completed.

Greenhouse Gas (GHG) Emissions and Climate Change

We appreciate the discussion of climate change and the inclusion of GHG emissions inventories for each alternative. We believe the Council on Environmental Quality (CEQ) December 2014 Revised Draft Guidance for Federal Agencies’ Consideration of GHG Emissions and Climate Change offers a reasonable approach for conducting analyses of GHGs and climate change impacts. We note that the Bighorn Basin PRMP/Final EIS qualitatively concludes, based on the “cumulative aggregation of all worldwide GHG emissions,” that actions in the planning area would likely have no measureable impact on global climate change. We believe the comparison of planning area emissions to global emissions does not provide meaningful information for a planning level analysis. We recommend that the NEPA analyses provide a frame of reference, such as an applicable Federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals.

While the Final EIS notes that “the lack of scientific tools (models with sufficient spatial and temporal resolution) to forecast climate change even at regional scales limits the ability to quantify current and future impacts of climate change in the planning area,” we recommend agencies follow the approach recommended in the CEQ guidance of using the projected GHG emissions as a proxy for assessing a proposed action’s potential climate change impacts. This allows an agency to present the environmental impacts in clear terms and with sufficient information to make a reasoned choice between the no-action and alternatives and mitigation.

Lastly, we appreciate the BLM’s inclusion of sample reduction strategies for reduction of GHGs in Appendix J of the Final EIS. We recommend that the BLM’s Record of Decision identify and commit to

implementation of reasonable mitigation measures at the project level to specifically reduce GHG emissions (which could include a discussion of co-benefits of actions to reduce other pollutants). Such measures could include consideration of renewable energy resources to address energy needs for facilities.

Water Resources

Water Resource Characterization: We appreciate the additional information provided in the Final EIS to characterize water resources in the planning area. Identification of groundwater, surface water, and drinking water resources, including their existing conditions, is important for development of appropriate protective measures at both the planning and project development level.

Stipulations to Protect Water Resources: The EPA appreciates the additional management actions that have been added to Alternative D to protect sensitive water resources, including drinking water resources. Specifically, management actions 1041 and 1042 contain important protections for public water supplies and sensitive aquifer systems. We had expected to see these management actions reflected as lease stipulations, however no corresponding stipulations appear in Appendix G. We recommend that the final RMP contain stipulations, lease notices, or other assurances that consistent implementation of these important resource protection measures will occur on future development in the planning area.

We understand based on communication with the BLM during review of the Final EIS that management action 1041 will not be applied as a lease stipulation, but instead will be implemented on a case-by-case basis during site-specific project approval. Management action 1041 includes multiple components, some of which are clearly most appropriately applied at the project level (e.g., requirements related to proposed surface discharge). However, the requirement to “avoid or mitigate BLM-authorized activities and infrastructure... that could result in the contamination of sensitive water resources...” could reasonably be applied at the leasing stage. Therefore, we recommend that BLM consider applying this requirement to new leases as a Controlled Surface Use (CSU) requirement, or at a minimum as a Lease Notice. We additionally support application of the management action at the project level and recommend that the final RMP contain a clear indication that this management action will be considered as a condition of approval for any future project proposals, including those on existing leases. Finally, because of the risks associated with the types of pits and ponds cited in this management action, we strongly urge the BLM to revise this management action to emphasize avoidance of these activities in sensitive water resource areas. Pits and ponds present a risk of leaks or spills which may impact surface and/or groundwater resources, as well as potential air quality and wildlife impacts. We recommend that pits and ponds be avoided whenever possible, with mitigation applied only to those activities that are unavoidable.

We also understand from the BLM that management action 1042 will be implemented as a CSU stipulation, although the stipulation was inadvertently left out of the Final EIS. The BLM provided for EPA review a proposed CSU stipulation that would require an operator to prepare a site-specific plan demonstrating to the authorized officer how they would meet certain performance standards for reserve pits, drill pad sites, and drilling programs. Approval of the plan would be required prior to initiating

surface disturbance in the identified locations near public water supply wells and intakes. The EPA is concerned that, because oil and gas infrastructure would be allowed in close proximity to sensitive drinking water resources, the proposed CSU stipulation does not adequately achieve the intent of the management action to “avoid activities that could negatively affect water resources” within these sensitive areas. Even with careful design, risks to water resources from spills and uncontrolled releases exists. For this reason, the EPA continues to support the use of No Surface Occupancy buffers as a more effective and reliable way to protect sensitive water resource areas. Such buffers reduce the likelihood or magnitude of impacts from spills and uncontrolled releases from drilling infrastructure by providing an opportunity for spill attenuation or intervention to contain and remediate releases before they can reach sensitive water resources. They also reduce potential for inundation of infrastructure during flood events, and reduce the likelihood of costly impacts to drinking water treatment systems. If the BLM chooses to continue with use of CSU to implement management action 1042, we recommend that pits and ponds not be permitted in sensitive areas that provide public drinking water supply and that other infrastructure be set back a minimum of 500 feet to reduce the potential for accidental leaks or spills to impact drinking water supplies.

Water Resource Monitoring: The EPA appreciates the additional information provided regarding the State of Wyoming’s groundwater monitoring requirements for oil and gas wells. We also support the BLM’s proposal under Alternative D to “require water monitoring plans for new activities resulting in surface discharges of water.” In conjunction with the existing and proposed monitoring requirements, we continue to recommend that all BLM-authorized oil and gas multi-well projects in the planning area be required to conduct groundwater and surface water monitoring prior to, during and after development to provide baseline data and detect impacts to both surface water and groundwater resources.

Closing

We appreciate the opportunity to review the Final EIS. If further explanation of our comments is desired, please contact either me at 303-312-6704, or Molly Vaughan of my staff at 907-271-1215 or vaughan.molly@epa.gov.

Sincerely,



Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation