

CHAPTER 9a

Public Involvement

In response to the proposal to operate on the Table Top Lease under a Surface Use Plan of Operation that was based on the analysis disclosed in the 1994 Table Top EIS, the Forest Service determined it was necessary to supplement the FEIS. On May 5, 2004 a “Notice of Intent,” to do a Supplemental Environmental Impact Statement was published in the Federal Register.

An informational letter was sent to the public on June 23, 2004 that described the history of the project and informed forest users of the authority and the schedule for the review of this project. This letter was mailed to individuals, agencies and companies involved in the original 1994 EIS and people who expressed an interest in this project or the management of the Evanston Ranger District.

On September 21, 2004 the Draft Supplement Environmental Impact Statement (DSEIS) was mailed to the public for review. Some recipients received a hardcopy of the draft as well as a Compact Disk, which contained electronic copies of the 1994 Table Top EIS, Record of Decision, and the 2004 Draft Supplement to the FEIS. The electronic address for the Forest Service web site was also included for those who wished to review these documents on line. Others on the mailing list received a letter containing general information and the electronic address for the Forest Service website. The mailing list was the same as that used to send the June 23, 2004 letter with the exception of the addresses of the letters that were returned by the Postal Service. These addresses were no longer valid. The mailing list was updated with federal agencies that wish to receive environmental impact statements.

The “Notice of Availability” for the DSEIS was published on October 8, 2004. This notice listed the project and stated the ending date (November 22, 2004) for submitting comments on the well proposal.

A legal notice was published in the Salt Lake Tribune on, October 21, 2004 that served as a Notice of Opportunity to comment on the DSEIS. The Forest Service received ten letters on the SDEIS. Two were from individuals, three from organizations, and five from government agencies.

The ten letters received on the DSEIS along with the Forest Service responses are included in this chapter.



High Uintas Preservation Council

P.O. Box 72 ~ Hyrum, UT 84319
(435) 245-6747

16 November 2004

Steve Ryberg
District Ranger
Evanston/Mt. View District Ranger
Wasatch-Cache National Forest
Evanston, WY

Dear Steve:

We are in receipt of the Table Top Exploratory Oil Well Draft Supplemental Environmental Impact Statement (DSEIS). Of course, we have a couple of brief comments and observations. Again, we appreciate the response to our earlier query as to the scope of this DSEIS.

You noted this DSEIS is being prepared under the guidance of the Forest Service Handbook (1909.15.10 sec 18.1): "If new information or changed circumstances relating to the environmental impacts of a proposed action comes to the attention of the responsible official after a decision has been made and prior to the completion of the approved project or program, the responsible official must review the information carefully to determine its importance." In theory, as you noted, this allows the forest to either make a new decision if warranted or sustain the old decision.

While we do appreciate the process and that you are considering additional information with a new decision possible, we all know that is *superficial and disingenuous*. The history is clear, the applicant was unwilling to go forward until an oil and gas leasing decision was made in the revised forest plan assuming the few remaining unleased lands in the drilling vicinity would be offered for lease. While the Wasatch-Cache had the clear opportunity to not offer the lands for leasing and recognize other resource values (roadlessness, potential wilderness, wildlife, backcountry recreation, etc.) in the revised forest plan and in spite of numerous public comments, the Wasatch chose to offer those lands for lease. Ironically, this issue within the revised forest plan was appealed by our organization and others and while that appeal has still not been formally remedied, the agency decided to ignore the appeal issues and offer the lands for lease. As you have noted the company requested the Wasatch-Cache National Forest to proceed with whatever NEPA documents were necessary, in this case the DSEIS, upon the revised forest plan's leasing decision.

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Forest Service Response

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It is intellectually dishonest to suggest the Wasatch-Cache has not aided, supported and cemented the decision to continue the Table Top leasing and drilling proposal given the specific history and decisions made by the forest to ease both the leasing and drilling proposal and to assure the action takes place. Thus we have a hard time believing the sincerity and honesty of the Forest Service in the context of this DSEIS.

The revised forest plan was prepared not to objectively look and analyze resource values on the Main Fork, but to assure the decade-old and stalled drilling proposal continue when it became *convenient for the drilling proponents*. So much for public interest and professional forest planning.

The DSEIS minimizes impacts to roadless areas by suggesting roadlessness surrounds the drilling site and access road and does not directly impact roadlessness (except for small acreage at the alternative drilling site), yet only tangentially notes that this is because the action has already bisected a continuous roadless unit. The DSEIS continues with the depleted logic that the impacts to the roadless landscape are minimal because the drilling site and road impact only a small percentage of the roadless acres. Yet the value of roadlessness is not, as noted in the revised forest plan, and common knowledge throughout the roadlessness issue/discussion, simply a function of acres, but of the continuousness, the size, the scope of those acres. In this case a large roadless landscape has been bisected and will now host a major industrial development whose impacts reverberate throughout the roadless landscape.

This is particularly true in the context of cumulative effects upon roadless values, largely ignored in the DSEIS. The discussion of temporal aspects of this impact to roadless lands is ignored. The life of the road and drill site is seen as a point in time but, in fact, courses through a lengthy time frame. Even if the drilling produces nothing and the site and road are decommissioned and reclaimed the Forest Service in the future will further devalue the roadless context of the area by noting *while it may technically be roadless, its naturalness, integrity, etc. will be reduced by the past impacts upon the roadless landscape*.

The DSEIS continues to insist that cumulative impacts simply be listed and numbered (contrary to numerous recent court rulings) and not actually analyzed as to their impacts to the appropriate area over both a spatial and temporal context. The concern and context must and should be the actual impacts of this action along with existing and reasonably foreseeable future actions and their mounting impacts upon a plethora of resources over not just the moment of analysis but the life of the project and the other projects which cumulate impacts across the active time frame of each project. As noted above the road may be reclaimed but that doesn't mean the impacts associated with the road end upon reclamation. Reclamation itself swells over a lengthy time frame

The analysis has been clarified with respect to impacts on roadless values. The disclosure recognizes direct effects because of the proximity of the proposal to the High Uintas Roadless area. Please refer to Page 4-24a in the FSEIS.

The effects on the roadless landscape have been modified to reflect the linear nature of the road into the Main Fork drainage. Please refer to Page 4-29a.

Past actions that have modified roadless lands are discussed in more detail in the cumulative effects section on page 4-29a. The temporal nature of this project's effects is disclosed on page 4-28 of the FEIS.

The cumulative effects analyzed in the Supplemental to the Final Environmental Impact Statement were developed considering specific projects and considered the specific and appropriate environmental effects of those projects. The activities in Appendix L are the actions that may contribute to cumulative effects. Each resource specialist considered those pertinent to the cumulative effects area for their resource as disclosed in Chapter 4 of the Supplement.

Forest Service Response

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before the scar and sense of the road is sufficiently diminished. This is but one example.

Of course, beaver are a forest MIS and we noticed the DSEIS indicates there are no beaver presently in "this portion of the Main Fork" (that portion is not clearly identified). The DSEIS notes beaver did reside in the drainage which likely provided habitat for dispersing animals and that "some potholes above the pad site indicated beaver activity" but "seemed" old. This is a hodge-podge statement and seems more akin to the proverbial "protecting your backside" rather than analyzing beaver population numbers, population trends and trying to understand why beaver are not in the Main Fork any longer. Or are they? The DSEIS suggests there is beaver activity "above the pad." What is meant by *old activity*? There hasn't been legal trapping west of the Mirror Lake Highway for decades and my decades of hiking along the Main Fork suggests there is ample habitat and vegetation succession is not much of an issue.

Beaver are an MIS and they are as native to the Main Fork as the sun is to the sky. If they are not there it would appear to be a problem with the habitat and that is precisely what MIS are supposed to signal. Rather than recognizing that concern—the purpose of MIS—the DSEIS takes a random swing in every possible direction hoping to hide the issue, diminish it and ignore it in the name of leasing and oil drilling. The DSEIS has it all wrong.

Is it possible beaver have migrated away from the Main Fork since the road was "constructed?" Or because of increased human use in the drainage associated with illegal ATV traffic? These are the kinds of issues that also need evaluation.

The concern with MIS and threatened and endangered species are broad-based and only highlighted by the discussion with beaver. Again, for most of the MIS there is no actual or direct, ordered and methodical evaluation of numbers, or trends or discussion of the reasons for population trends and number of those species. By now it would seem apparent based on numerous recent court cases brought here in Utah and throughout the West that the Forest Service can't rely on simply on a medley of guess work to determine the status of wildlife species.

The DSEIS further slights wildlife issues by simply stating, without a shred of evidence or analysis, that wildlife—lynx, beaver and others, for example—may be displaced by this project, but not to worry, they will simply find their way to other habitat. This ignores a plethora of barriers, both behavioral (Fox, 2003) and physical, which prevent the even flow of wildlife from a displaced habitat to supposedly adjacent or nearby

Fox, Douglas. Behavior and Conservation: More than Meets the Eye. Conservation In Practice. Summer 2003.

The information on Management Indicator Species and Threatened and Endangered species has been updated in Chapters 3 and 4 of the Final Supplement to the Environmental Impact Statement.

The Forest has begun to assess population trends from existing data and data collected since the Revised Forest Plan was completed in March 2003. Species background, monitoring protocol, trend analysis techniques and assumptions, and summaries of data can be found in the Wasatch-Cache National Forest Management Indicator Species Report (USFS, 2005).

A Biological Assessment prepared by the Forest Service addresses how this project meets the intent of the Lynx Conservation Assessment and Strategy (LCAS) can be found in the project record. The U.S. Fish and Wildlife Service concurred with our analysis and determination of "may affect, but not likely to adversely affect" in the Biological Assessment.

Pages 4-15 and 4-16 of the Final Environmental Impact Statement and the 1993 Biological Assessment / Evaluation discuss the effect of displacement on a variety of wildlife species including lynx. In addition, Mowat et al reports that Staples, presented data on lynx responses to close encounters with humans and found that lynx are generally tolerant of humans (Ruggiero 1999).

Forest Service Response

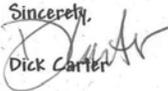
available habitats. The fact that we say there is available adjacent or nearby habitat is in no way connected to the reality of available habitat.

We understand the leases in question which prompted this proposal were sold in November 2003 as you indicated. What NEPA document authorized this lease sale? We were obviously unaware of this document and would at least like to know when it was prepared by BLM and what public and Forest Service response was provided.

Also, would you please send us copies of the unpublished reports cited in the DSEIS: Condrat and Flood, 2004; Cowley 2003, Jauregui, 2004, Padgett, 2004 and a copy of the Flinders, et al. 2004 report on forest carnivores for the Forest Service, F&WS and UDWR.

Thanks much.

Sincerely,


Dick Carter

The land on which the exploratory well will be located has been leased since the 1970s. The decision to lease the near by acreage was made in the Revised Forest Plan (WCNF, 2003). The Mineral Leasing Act gives the Forest Service authority to offer lands for lease.

Forest Service Response



PETROLEUM ASSOCIATION OF WYOMING

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November 15, 2004

Mr. Steve Ryberg
Evanston Ranger District
Wasatch-Cache National Forest
1565 Highway 150, Suite A
P.O. Box 1880
Evanston, Wyoming 82931

Re: Draft Supplement to the Final Environmental Impact Statement (FEIS) for the Exploratory Oil Well Chevron Table Top Prospect

Dear Mr. Ryberg:

The Petroleum Association of Wyoming (PAW) would like to thank the Forest Service for the opportunity to comment on the referenced document. PAW is Wyoming's largest and oldest oil and gas organization, the members of which account for over ninety percent of the natural gas and over eighty percent of the crude oil produced in the State. This project will directly affect members of PAW.

PAW recognizes that the social and economic opportunities generated from the approval of the proposed well will allow exploratory drilling to occur in an environmentally sensitive manner and will benefit the residents of Wyoming and Utah by directly creating new jobs and producing additional revenues. Socio-economics are an important component to this cumulative analysis and were appropriately incorporated into the EIS.

In a time of uncertainty and with the projection of natural gas production being unable to meet demand during certain times of the year, Wyoming has the opportunity to provide much needed natural resources to markets throughout the nation and this proposal has the potential to assist in that effort. This proposal is consistent with President Bush's National Energy Policy.

In conclusion, PAW supports the proposed action and believes that the applicant and agencies have adequately addressed concerns during the appropriate level of NEPA analysis. The Final Supplemental EIS and Record of Decision should be issued without delay.

Sincerely,

Dru Bower
Vice President

Cc: Steve Degenfelder
Bob Life

Thank you for reviewing the Draft Supplemental EIS and for your comments.

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DISTRICT OFFICE
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Forest Service Response



Prima Oil & Gas Company

November 18, 2004

VIA FEDEX AND FACSIMILE TRANSMISSION (307) 789-8639

Mr. Stephen M. Ryberg, District Ranger
U.S. Forest Service
Evanston Ranger District
1565 Highway 150, Suite A
Evanston, WY 82931

Re: Draft SEIS on Table Top Exploratory Well

Dear Mr. Ryberg:

Prima Oil & Gas Company ("Prima") has reviewed the draft Supplemental Environmental Impact Statement ("SEIS") on the Table Top Unit Exploratory Well which you have prepared and submitted these comments on the draft. As a general matter, we commend the Forest Service for preparing a concise document which incorporates the recommendations of the CEQ regulations that agencies use tiering and incorporation by reference in order to reduce the length of documents and focus on the important issues. In addition, Prima would like to make the following more specific comments on the draft.

ROADLESS AREA

The SEIS notes at page 4-25a that the proposed access road and drillsite location ("Wellsite A") are outside of the High Uintas Inventoried Roadless Area. However, the alternative wellsite location ("Wellsite B") lies just inside the Inventoried Roadless Area boundary. As we understand it, unless and until new regulations are adopted for the management of inventoried roadless areas as proposed on July 16, 2004, such areas must be managed pursuant to Section 1925 of the Forest Service Manual. The manual provides that inventoried roadless areas shall be managed to preserve the roadless characteristics until a forest-scale roads analysis "*is completed and incorporated into a forest plan.*" The draft SEIS states at page 3-27d, that the Forest Service has completed roads analysis of the Forest's higher standard roads and the Travel Plan for the Mountain View/Evanston Ranger Districts, but we cannot determine if those analyses constitute the "*forest-scale roads analysis*" referenced in the manual provision on inventoried roadless area management. We recommend that the final SEIS clarify the status of the required forest-scale roads analysis. If such a roads analysis has not been completed and incorporated in the forest plan, then we recommend that the final SEIS explain that the Regional Forester would have to approve the construction of that piece of the road and the drillsite location located within the boundaries of the inventoried roadless area pursuant to Manual Section 1925.04b.

The forest scale roads analysis was completed as part of the Revised Forest Plan. The Forest Service Manual Provision inferred to in the comment is not pertinent to this project because the road and well site are not in the Inventoried Roadless Area.

Prima Oil & Gas Company is a member of the Petro-Canada group of companies
1099 18th Street • Suite 400 • Denver, Colorado 80202
Office: 303.297.2300 • Fax: 303.297.7708 • www.primaenergy.com

Forest Service Response

MANAGEMENT INDICATOR SPECIES

The draft SEIS thoroughly discusses the management indicator species identified in the revised plan and the impacts which the proposed well and access road might have on such management indicator species. In addition, the forest plan monitoring report for the first year of the plan (March 2003 to March 2004) describes the monitoring work the Forest Service has done on the northern goshawk, the beaver, the snowshoe hare and cutthroat trout. Thus, although the proposed Table Top Well should be analyzed based upon the "best available science" as provided in the interpretive rule published on September 29, 2004, it is clear that the Forest Service has conducted sufficient surveys and monitoring so as to satisfy even the now superseded requirements of the rule that population trends for management indicator species be determined.

SPECIFIC COMMENTS

- Page 2-15a. The original EIS notes that the applicant proposes to drill a water well on the well pad to provide a water source but that if such a well is unsuccessful, the applicant would apply for permission to withdraw water from the Main Fork or the Stillwater streams. Pages 2-15a and 2-21a of the draft SEIS note that Forest Plan Standard № 5 requires that "minimum in stream flows be established prior to approving a permit or license for activities such as mining, hydropower development, snow making or water transmission facilities." It appears that this standard would only be triggered in the event that it was necessary for Prima to obtain a water supply by withdrawing water from the Main Fork and/or the Stillwater rather than by obtaining it from a water well on the drill pad. We would appreciate it if you could clarify this in the final SEIS.
- Page 3-18f. The draft SEIS states that there are six sensitive species that have habitat present within the project area that "may be affected." However, it is difficult to discern from the following discussions how such species might in fact be affected.
- Page 3-18g. At the top of this page, the draft states that there are historic records of fisher occurrences on the forest which would indicate the presence of a wolverine. It states that the tracks were found within a four mile radius of the proposed project area. It would be helpful if the final SEIS disclosed the age of those historic records so as to provide perspective on the possibility of wolverine within a four mile radius of the project area.
- Page 3-18g. The discussion of the northern Goshawk states that the "main road" accessing the project area runs through a nesting area for the Goshawk. Please clarify whether this means the Mirror Lake Road, the Stillwater Road, the Peninsula Road or the Main Fork Road. In addition, the Goshawk discussion states that in 2004 surveys indicated that a new active nest was discovered. Please clarify whether the active nest is located on areas proposed to be disturbed by the road building and/or well pad location.

Forest Standard #5 the standard which states," Prior to issuance of a permit or a license for activities such as mining, hydropower development, snowmaking, or water transmission facilities, instream flow determinations will be required..." Standard #5 would not apply unless a determination was made to utilize water from the Main Fork, Stillwater Fork or any other stream or river on the National Forest

The wildlife section in Chapter 4 describes the affects to species including displacement, loss and/or change in habitat. The Flammulated owl will be dropped under this analysis because of the "no impact" determination.

This information will be added to the Final Supplement to the Environmental Impact Statement.

The nest occurs adjacent to Peninsula Road behind the locked gate. (Road Number 306)

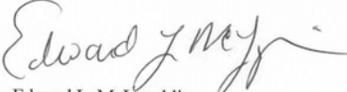
Forest Service Response

U.S. Forest Service
Draft SEIS on Table Top Exploratory Well
November 18, 2004

Page 3 of 3

- Page 3-18h. The discussion of the Great Gray Owl states that there has been one reported sighting of a Great Gray Owl on the forest. Please clarify whether this sighting was within the Evanston Ranger District or near the project area and when the sighting occurred.
- Page 3-48a. The culture resources discussion refers to a Memorandum of Agreement between the State Historic Preservation Office and the Forest Service which was entered into in 1994 when this project was first approved. We recommend that the Memorandum of Agreement be made an appendix to the final SEIS.
- Page 4-19a. The Forest Service has reached a “*may affect but not likely to adversely affect*” conclusion with respect to the impacts of the proposed well on Canada lynx. We assume that the Forest Service has obtained or will obtain from the U.S. Fish and Wildlife Service a written concurrence in that determination. We recommend that that written concurrence be made a part of the final SEIS.
- Page 4-41. The draft SEIS states that approximately the top 20 feet of the drilling rig may be visible to southbound travelers on the Mirror Lake Highway. However, we agree that the short-term (six months or less) presence of the drilling rig makes this potential deviation from the Scenic Integrity Objective acceptable, particularly given the Forest Plan’s recognition of the obligation to honor valid existing rights, such as Prima’s oil and gas lease.

Thank you for your consideration of these comments.

Sincerely,
PRIMA OIL & GAS COMPANY

Edward L. McLaughlin
Vice President

ELM/CK/kv

The unconfirmed sighting of a Great Gray Owl was documented 8/31/94 on the eastern portion of the District outside of the project area

The MOA with the Advisory Council on Historic Preservation and the Utah State Historical Preservation Office is located in Appendix F, Agency Correspondence, of the FEIS. We believe it is appropriate to include the new concurrence from SHPO that affirms the MOA. It has been added as Appendix N

The USFWS concurred with our analysis and determination of “*may affect, but not likely to adversely affect*” (concurrence letter dated December 15, 2004).

Forest Service Response

Virginia Talbot
5926 Lupine Way
Salt Lake City, Utah 84121
October 17, 2004

Steve Ryberg, Evanston Ranger District
1565 Highway 150, Suite A
Evanston, Wyoming, 82931

RE: Table Top Oil Well

TO WHOM IT MAY CONCERN:

After browsing and reading much of the website containing the FEIS for the Table Top exploratory Oil Well, I still have concerns. The main one is noise pollution from helicopters. I found no reference to this item. I am particularly concerned because, as a Christmas Meadows Cabin owner, helicopter noise was a serious problem (especially before 8:00 a.m.) the last time oil exploration was in progress in the area. Even though the Forest Service had restrictions in place, the helicopters still traveled in restricted air space. What restrictions and/or penalties have or will be implemented to retain the solitude of the Meadows area by not allowing helicopters directly overhead? Truck and other vehicular traffic will be far enough away from recreation users that it should not be a problem.

I am also concerned about water quality. You addressed the Christmas Meadows cabin owners' well, and I agree that it most likely will not be affected. However, if there should be a problem, does the Forest Service's lease agreement with Prima Exploration and Double Eagle include restoration of water quality and amount? Since no stream inflow determinations have been made on our well, how would one know if the flow were affected? Should a stream inflow determination be made?

I appreciate being included in your mailing of information about the project. Thanks for your help in keeping the meadows a pristine recreation area while attempting to keep multiple use as a goal.

Sincerely,



Virginia Talbot

Helicopters will not be used on this project.

The project includes many design requirements to protect water quality (See Chapter 2 and Appendices D and E of the FEIS). Effects to water quality are found on pages 4-7 through 4-10 of the FEIS. The Christmas Meadows summer homes now have another water source. Water samples on these new springs were taken in 2004 by Double Eagle and a flow rate was determined. Appendix K of the FEIS requires water monitoring before construction, during construction and post project. The requirements in Appendix K will also be applied to the new springs.

Forest Service Response

Printed at 02:11:28 PM on 11/12/2004

Stephen Ryberg

Larry L Johnson/R4/USDAFS
10/20/2004 04:48 PM

To: Stephen M Ryberg/R4/USDAFS@FSNOTES, Roger
Kesterson/R4/USDAFS@FSNOTES
cc:
bcc:
Subject: Fw: Draft Supplement to the FEIS for Exploratory Oil Well
Chevron Table Top Prospect

Larry L. Johnson
Environmental Planner
Evanston/Mtn View R.D.s
e-mail address: lljohnson01@fs.fed.us

----- Forwarded by Larry L Johnson/R4/USDAFS on 10/20/2004 04:48 PM -----



Jim & Linda Thompson
<lthompson28@msn.co
m>
10/12/2004 08:48 PM

To: <comments-intermtn-wasatch-cache-evanston-mtnview@fs.fed.us>
cc:
Subject: Draft Supplement to the FEIS for Exploratory Oil Well Chevron
Table Top Prospect

Dear Mr. Ryberg,

Of course I would be lying if I thought this project was appropriate. But since it seems to be all but already approved, and it seems to be some sort of coveted area for exploratory drilling, and is worth building a road to, I guess I should be glad that at least the drilling companies involved aren't yet interested in the "alternate drilling site" which is deeper into the roadless area. As you know, the Main Fork of the Bear River used to be quite a nice, secluded piece of land with only a "two-track" dilapidated jeep trail heading into it, but ending a considerable distance north of the extant High Uintas Wilderness boundary, and to the best of my knowledge, not too far into the roadless area. I hiked into the Main Fork several years ago and I was most impressed with its beauty and "pristineness". But that was before 1995, and I haven't been back since a partial completion of the "access road for drilling" was constructed. I can only imagine the impacts now, but to tell you the truth, I'm not interested in ever returning because even though "roadless" area surrounds the new road, and even is "cherry-stemmed" for the newly proposed 2.8 mile extension, I know the area can never be the same--especially after drill rigs, large trucks, halogen lights, and numerous other pieces of heavy machinery move in and "do their thing", causing a major intrusion, and not without permanent impacts. The best I can hope for is that no gas or oil is found, and that the road will be closed and reclaimed. Can you tell me what is the likelihood of that ever happening? But what happens if oil is found? More roads? More wells? Why do these companies want this area anyway? Aren't there more promising sites further north in "already impacted/roaded &/or logged" areas? With this in mind, I urge you to set into motion some very strict monitoring of the activities, and if no oil is found, require full reclamation. Thank you for your attention. Sincerely, James W. Thompson, 3801 Viking Road, Salt Lake City, Utah, 84109, home ph: (801) 272-3683

Reclamation will be done in accordance with the FEIS as described on page 2-9 and appendices B, C, E.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

NOV 23 2004

Ref: 8EPR-N

RE: Comments on Table Top Exploratory Oil Well -
Draft Supplemental Environmental Impact
Statement CEQ#040466

Steve Ryberg
Evanston Ranger District
1565 Highway 150, Suite A
P.O. Box 1880
Evanston, Wyoming 82931

Dear Mr. Ryberg:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, et. seq., and Section 309 of the Clean Air Act, the Region 8 Office of the Environmental Protection Agency (EPA) has reviewed the referenced Draft Supplemental Environmental Impact Statement (DSEIS) for the Table Top Exploratory Oil Well.

DSEIS Alternatives – Background Information

- No Action Alternative – No well site or road would be constructed.
- Well Site A (proposed alternative) - This proposed well site would be located in T1N R10E SW ¼ SW ¼ of Section 16. Construction would disturb approximately 3.43 acres. The well pad will include a reserve pit, which would be lined with an artificial polyethylene liner. Either a water well or a pipeline from the Main Fork will provide water for construction and drilling activities.
- Well Site B – This alternative well site would be located on T1N R10E NW1/4 NE ¼ Section 21. Access to this site would be the same as access to well site A except that it would require an additional 1.6 miles of road construction. This well site is located in a wetland that could require extensive mitigation.

General Comments:

The DSEIS is difficult to understand due to conflicting statements and figures between the FEIS and the DSEIS. Ideally, the DSEIS would be a stand-alone document without unnecessary

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Forest Service Response

information, which is no longer applicable. For example, Figure 3-7 shows well site A and a portion of the access road inside a roadless area. Map S-6 in the appendix of the DSEIS shows the access road and well site A to be outside the roadless area. We recommend that a section of the DSEIS list the major differences between the FEIS and DSEIS with an explanation of why the changes have been implemented.

Energy sources for pumping water from the well or transporting water in a pipeline are not addressed. In addition, if this well produces oil, what energy sources would be required? As an example, a dehydration unit and water separator may be required at the well site.

Specific Comments:

- Chapter 2, pg. 22c – Issue 3: “Lynx conservation strategy and goshawk conservation strategy will be incorporated into all management activities.” Please clarify what these strategies are in the appropriate section of Chapter 4. Table S-1 on page 3-18a lists the Canada Lynx as a threatened species. However, on pg. 4-19, the steps to mitigate impacts to the lynx are unclear except for the statement that “lynx may be dispersed ... to higher elevations”. Is there any active mitigation that can help to protect the lynx?
- Chapter 4, pg. 1 – fifth paragraph – “Some of the mitigation measures are beyond the authority of the Forest Service or the BLM and would be implemented voluntarily by Chevron.” Some types of mitigation are under the authority of the State. Therefore, if the Forest Service desires a specific type of mitigation, then this mitigation can be suggested in the ROD with a statement as to which State agency has jurisdiction.
- Chapter 4, pg. 19 – “General mitigation that relates to concerns of wildlife includes: fencing of the reserve pit to deter wildlife, particularly deer from entering the pit”. How will materials in the reserve pit be disposed after well drilling and completion activities?
- Chapter 4, pg. 22 – “A slight deterioration in regional air quality could result from the flaring of natural gas that may be produced along with oil.” Suggest that flaring not be allowed in early morning hours when an atmospheric inversion could trap the air contaminates resulting in an undesirable condition, particularly for the community 1.5 miles NE of the drill site.

Based on the procedures EPA uses to evaluate the potential effects of proposed actions and the adequacy of the information in the DSEIS, the proposed action identified by the DSEIS for the Table Top Exploratory Oil Well will be listed in the [Federal Register](#) in the category EC-2. The EC-2 rating means that, although this document very thoroughly discusses environmental impacts and mitigation measures, there are environmental concerns that potential impacts to groundwater and wildlife may occur. The DSEIS should include additional analysis regarding the specific issues discussed in this letter. We have enclosed a summary of EPA’s rating criteria and definitions.

Transporting water in a pipeline is addressed on page 2-15 of the FEIS. Water would be pumped through the pipeline using a diesel driven 3-cycle engine. Water from a well drilled on the location should flow naturally however, if pumping is necessary a pump would be installed that uses the electricity generated by the drilling rig engines. If the well produces oil, there will likely be some associated natural gas produced. A portion of this gas would be used to operate the well site equipment such as a separator and or dehydration unit

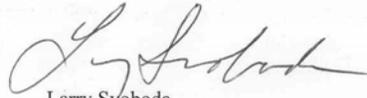
This project follows the standards and guidelines established in the Lynx Conservation Assessment and Strategy (LCAS) and the Forest Plan. Standard and guidelines are intended to conserve the lynx, and to reduce or eliminate adverse effects from the spectrum of management activities on federal lands. A Biological Assessment prepared by the Forest Service addresses how this project meets the intent of the LCAS can be found in the project record. The U.S. Fish and Wildlife Service concurred with our analysis and determination of “may affect, but not likely to adversely affect” in the Biological Assessment.

Materials in the reserve pit will be disposed as described on pages 2-8 and 2-9 of the FEIS and in accordance with Onshore Order #7.

Flaring the well is under the jurisdiction of the State of Utah and the BLM. A discussion on flaring is found on pages 4-21 and 4-22 of FEIS. Air quality is a concern and has been discussed in the FEIS on pages 3-21, 4-22, 4-23, 9-6. Impacts on air quality are short term and will be in the fall or winter when this area would have limited use by homeowners and as stated on page 3-21 of the FEIS,” The high elevation (about 9600 feet) is above most potentially pollutant sources and inversion problems.

Thank you for your willingness to consider our comments at this stage of the process, and we hope that they will be useful. If you have any questions or would like to discuss our comments, please feel free to contact Robert Edgar at 303-312-6669 or me at 303-312-6004.

Sincerely,



Larry Syoboda
Director, NEPA Program

Enclosure

**U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



United States Department of the Interior



OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 56, Room 1003
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

November 18, 2004

ER 04/743

Mr. Thomas L. Tidwell
Forest Supervisor
Wasatch-Cache National Forest
8226 Federal Building
125 South State Street
Salt Lake City, UT 84138

Dear Mr. Tidwell:

The Department of the Interior has reviewed the Draft Supplemental Environmental Impact Statement for the Table Top Exploratory Well, Wasatch-Cache National Forest, Summit County, Utah, and offers the following comments.

Fish and Wildlife Resources

The U.S. Fish and Wildlife Service (USFWS) has been coordinating with the U.S. Forest Service (USFS) on the development of the subject draft EIS. The USFS should be commended on their efforts to avoid and minimize potential fish and wildlife related impacts that may result from the Table Top Exploratory Well and to implement protection and conservation measures necessary to address potential unavoidable impacts.

Through these coordination efforts, the USFS has agreed to provide specific measures addressing potential migratory bird effects including lighting restrictions consistent with the minimum amount of pilot warning and obstruction avoidance required by the Federal Aviation Administration (FAA) (i.e., only white or red strobe lights used at night with the minimum number, intensity and flashes per minute allowable by the FAA) and down-shielded station lighting. In addition, the USFS has agreed to cooperate with the USFWS in developing a short-term project area monitoring plan predicated on the presence of the drilling rig/tower and confined spatially and temporally to drilling operations. It is our expectation that these measures will be included in the final EIS and Record of Decision.

Mr. Thomas Tidwell, Forest Supervisor

Based on our cooperative development of this draft EIS, we have no additional comments. If you have any questions, please contact Diana Whittington of the USFWS West Valley City Field Office at (801) 975-3330, extension 128.

Sincerely,

Robert F. Stewart
Regional Environmental Officer

cc: Steve Ryberg, District Ranger
Roger Kesterson

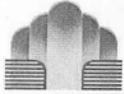
Forest Service Response

Thank you for your comments and reviewing the Draft Supplemental EIS.

Specific measures addressing lighting in relation to migratory birds and aviation safety are discussed in the FEIS on page 2-8.

The Forest Service is working with the U.S. Fish and Wildlife Service on a proposal to track avian mortality.

Forest Service Response

 Julie Hubbard /R4/USDAFS
11/16/2004 03:00 PM

To Roger Kesterson/R4/USDAFS@FSNOTES
cc
bcc
Subject Fw: No comments for ER 04-743

For the project file
----- Forwarded by Julie Hubbard/R4/USDAFS on 11/16/2004 02:57 PM -----

 Kenneth F
Coleman/R4/USDAFS
11/16/2004 10:26 AM

To Julie Hubbard/R4/USDAFS@FSNOTES, Tom
Tidwell/R4/USDAFS@FSNOTES
cc
Subject Fw: No comments for ER 04-743

Here's a foreward from USGS.

 Kenneth F. Coleman
Conservation Education and OHV
education/information
Wasatch-Cache National Forest
kfc Coleman@fs.fed.us
801-236-3401

----- Forwarded by Kenneth F Coleman/R4/USDAFS on 11/16/2004 10:24 AM -----

 "Brenda J Johnson "
<bjjohnso@usgs.gov>
11/16/2004 08:49 AM

To kfc Coleman@fs.fed.us
cc
Subject No comments for ER 04-743

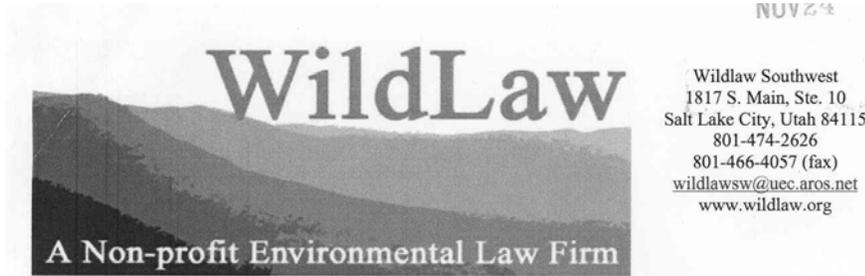
The USGS has reviewed the Draft Supplemental Environmental Impact Statement (EIS) for the Table Top Exploratory Oil Well, Wasatch-Cache National Forest, Summit County, Utah and has no comments.

Thanks

Brenda Johnson
Office of Environmental Affairs Program
U.S. Geological Survey
423 National Center
Reston, VA 20192
Tele (703) 648-6832
Fax (703) 648-4530

Thank you for reviewing the Draft Supplemental EIS.

Forest Service Response



November 22, 2004

Steven Ryberg, Evanston Ranger District
1565 Highway 150, Suite A
P.O. Box 1880
Evanston, WY 82931

RE: Table Top Exploratory Oil Well

Dear Ranger Ryberg:

These comments are submitted on behalf of Utah Environmental Congress in response to the Table Top draft supplemental environmental impact statement. Please review these comments carefully as we have suggestions to improve the overall analysis of the project. There are several concrete suggestions that we believe should be implemented before the final version of the SEIS is released. Please keep us on the mailing list as this project moves through the NEPA process.

Lynx

Canadian lynx, listed as threatened under the Endangered Species Act have habitat within the Wasatch-Cache National Forest. The proposed tabletop project occurs within lynx analysis unit #35. SEIS, p. 3-18a. UEC is concerned that this proposed project will have adverse impacts on lynx and their habitat in this relatively undeveloped section of the Wasatch-Cache. The project area is located proximate to the High Uintas Wilderness area, and is including in UEC's proposed wilderness bill. Oil and gas development is known to adversely impact Lynx and their habitat. The Lynx Conservation Assessment Strategy acknowledges that oil/gas development roads have the potential to disrupt lynx foraging patterns. LCAS, p. 28. Road development will increase competition between lynx and coyotes as compacted roads increase access in lynx habitat. Id.

Within the SEIS the Wasatch-Cache concluded that timber harvest has become a source of foraging habitat in place of fire. SEIS, p.3-18c. Additionally, because of past fires the W-C concludes that there may not be adequate tree canopy closure to provide adequate habitat for Snowshoe hare. Id. at 3-18d. The effects of timber harvest on lynx viability

The information for lynx has been updated and is presented in the Final Supplement to the Environmental Impact Statement (FSEIS).

Forest Service Response

are not clearly understood, but it is known that red squirrels prefer mature forest habitat. LCAS, p. 18. Additionally it is known that timber harvesting is not an ecological substitute for fire since it cannot exactly mimic its natural processes. Id. "Mature and late successional forests may provide more stable habitat for a longer period" (Buskirk et al. 2000).

UEC reminds the Wasatch-Cache that the Endangered Species Act requires agencies to insure that their actions are not likely to jeopardize the continued existence" of a threatened or endangered species or "result in the destruction or adverse modification of habitat of such species . . .".¹ Additionally, the ESA directs Federal agencies to "utilize their authorities in furtherance of . . . conservation of endangered species and threatened species"² (emphasis added). Congress certainly did not intend agencies to degrade the species or its habitat, or even to maintain the status quo. Congress defines "conserve" as "the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary."³ The ESA allows for agency action that improves the status of federally listed species.

The W-C has not shown how this project will either not affect lynx viability or what specific mitigation measures will be implemented to eliminate harm to lynx or their habitat. It is also unclear whether the W-C has consulted with the U.S. Fish and Wildlife Services under the Endangered Species Act. If consultation with FWS has not occurred then we would ask the Wasatch-Cache to do so before the final version of the SEIS is released. Past timber sales, fires, and the currently proposed project will not further conservation efforts of the lynx, and so the W-C needs to formulate convincing reasoning how they intend to comply with the above provisions of the Endangered Species Act and other lynx standards and guidelines.

As it is the Wasatch Cache is not in compliance with the Endangered Species Act based on predicted impacts to lynx. The Wasatch Cache has a duty to improve the management and habitat situation for lynx, but instead are doing just the opposite. Vital lodgepole pine habitat will deteriorate, and the LCAS standard for denning habitat will be exceeded. SEIS, p. 4-19a. The project will also eliminate an already limited supply of potential prey for lynx, and will increase the amount of compacted snow.

The National Forest is bound by the document *Lynx Conservation Assessment and Strategy* (LCAS) and the Wasatch Cache Land and Resource Management Plan (2003). These documents direct the W-C that "in Lynx Analysis Units with current habitat at 30% or more in unsuitable condition, allow no vegetation management activities that would result in a further increase of unsuitable conditions." LRMP, p. 4-39. It is unclear whether the W-C is meeting this standard based on the acreage of suitable habitat that is cited in the SEIS. Within the applicable lynx analysis unit there is 62,390 acres and 47,289 is labeled 'suitable'. Logic would dictate that the remaining 15,101 acres would

¹ 16 U.S.C.A. § 1536(a)(2)

² 16 U.S.C.A. § 1536(a)(1)

³ 16 U.S.C.A. § 1532(3)

This project follows the standards and guidelines established in the Lynx Conservation Assessment and Strategy (LCAS) and the Forest Plan. Standard and guidelines are intended to conserve the lynx, and to reduce or eliminate adverse effects from the spectrum of management activities on federal lands. A Biological Assessment prepared by the Forest Service addresses how this project meets the intent of the LCAS can be found in the project record. The U.S. Fish and Wildlife Service concurred with our analysis and determination of "may affect, but not likely to adversely affect" in the Biological Assessment.

The lynx analysis has been updated to clarify how standards and guidelines are being met.

Forest Service Response

be 'unsuitable'. This means that 24% of the lynx analysis unit is 'unsuitable' and the W-C does not state how the proposed project would affect the unsuitability acreage within this LAU. That is to say that the 30% unsuitability standard could be exceeded as a result of this project, and reasonably foreseeable projects.

The Wasatch Cache needs to reevaluate current management practices in light of deteriorating lynx habitat. The W-C has failed to show how they intend to comply with the LCAS and the ESA's mandate to assist in the recovery and conservation of species listed under the ESA. Past activities, the proposed Tabletop project, and future vegetative treatments have and will compromise the already fragile state of lynx habitat in this area.

Snowshoe hare

The Wasatch-Cache relies on Bunnell's Uinta Mountain study of Snowshoe hares as well as Wolfe's study in the Bear River Range. SEIS, p. 3-18i. The Wolfe study is of limited to no value since its data was derived from the mid-1970s, almost 30 years ago. The W-C all but concedes that there is inadequate data for Snowshoe hares since the need of future data collection was cited as a requirement to better assess populations. Id. Snowshoe hare data from the Bunnell study exists throughout the Uinta Mountains, but it is unclear whether it exists within this project area. If such data is lacking please collect it before the final SEIS is released. The Forest Service must collect population trend data for MIS at the project level. See *Colorado Wild v. United States Forest Serv.*, 299 F. Supp. 2d 1184, 1188 (D. Colo. 2004). It does not appear that actual population data was collected for snowshoe hares in the project area since the W-C conducted a singular walk-through of the project area. SEIS, p. 4-19e.

Beaver

The SEIS indicates that monitoring for MIS beaver has begun throughout the forest. What is unclear is how this 'data' has been collected. The National Forest Management Act, and caselaw interpreting this law have required collection of actual quantitative population trend data. Additionally the use of habitat trend analysis has been specifically prohibited by several federal courts. Reliance on habitat trend data without any other hard population trend data is prohibited. *Utah Env'tl. Cong. v. Bosworth*, 372 F. 3d 1219, 1227 (10th Cir. 2004); *Forest Guardians v. United States Forest Serv.*, 180 F. Supp. 2d 1273, 1281 (D.N.M. 2001). It appears that the W-C has been relying on habitat trend analysis for beaver since the collection method for beaver was based per mile of stream through estimation per mile of stream. SEIS, p. 3-18k. Before the final SEIS is released the W-C should collect actual population data for beaver instead of reliance on population estimates where beaver habitat exists. Use of beaver harvest reports or aerial photos is even less useful for predicting habitat trends and cannot be relied on.

Fisheries

The Wasatch-Cache indicated that population trend data was collected for fish within the Stillwater Fork and Main Fork, and was compiled into a technical report. SEIS, p.3-20a.

When LAU's were designated to comply with the Lynx Conservation Assessment Strategy suitable and non-suitable habitat was identified. Non-habitat should not be confused with unsuitable habitat. Non-habitat was defined by certain vegetation types and landscape features. The remaining habitat was considered suitable and broken into secondary and primary habitat. LAU 35 currently has 12.9% unsuitable habitat. There would be an additional .017% change in habitat from suitable to unsuitable within LAU 35 from the proposed project. This information has been added to Chapter 4 of the FSEIS.

Standards and Guidelines to conserve and reduce adverse effects for lynx are listed on page 2-21b of the FSEIS. A Biological Assessment was sent to the USFWS addressing affects to lynx from the proposed project. The USFWS concurred with our analysis and determination of "may affect, but not likely to adversely affect" (concurrence letter dated December 15, 2004).

The Forest has begun to assess population trends from existing data and data collected since the Revised Forest Plan was completed in March 2003. Species background, monitoring protocol, trend analysis techniques and assumptions and summaries of data can be found in the Wasatch-Cache National Forest Management Indicator Species Report (USFS, 2005). Updated information for snowshoe hare has been added to Chapter 3.

The Peninsula Transect, which represents a mature aspen/conifer vegetation type, was established within the project area. The information collected can be found in the Forest MIS survey data.

Monitoring is conducted to identify active beaver colonies within randomly located sections (1 square mile) across the forest. Updated information for beaver has been added to Chapter 3.

Forest Service Response

Data was collected in 1994, 2001, and 2003. For MIS Cutthroat trout no population trend is indicated as mandated by NFMA. Please indicate whether the trend for MIS cutthroat trout is upward or downward in the final version of the SEIS. Also pursuant to NEPA and NFMA please indicate how management activities have impacted MIS cutthroat trout and other aquatic wildlife. The draft SEIS stated that tie hacking, timber harvest, recreation, and oil/gas exploration have occurred in this area. These activities have likely deteriorated cutthroat trout habitat.

The discussion for cutthroat trout has been updated in Chapters 3 and 4 of the FSEIS. Collected data for the area show the population of cutthroat is stable.

Please indicate how these activities have cumulatively impacted fisheries, and how these activities have affected population trends. Any reasonably foreseeable actions should be analyzed as well in terms of its expected impacts on aquatic and other resources. There has been vaguely worded indications that past management activities have affected Bonneville cutthroat trout population trends. There has been no analysis as to how the currently proposed gas exploration will impact cutthroat trout populations and other fish populations. The development and use of the proposed road will likely impact water quality and fish habitat, but this impact was not discussed. Please integrate this analysis into the final version of the SEIS.

Oil and Gas exploration activities, which to this point have included road construction, do not appear to have impacted the cutthroat trout in this area. New activities, which include the construction of additional roads and drilling a test well should have no, to limited impacts on aquatic resources. See chapter 4 for the affects analysis and potential impacts to aquatic species.

Northern Goshawk

The Wasatch Cache predicts that the proposed project “may impact individuals, but is not likely to cause a trend towards federal listing”. The W-C assumes that 1994 mitigation measures will be sufficient to protect Goshawk individuals and habitat. Pursuant to the Utah Northern Goshawk Project the W-C must identify 2 alternate nest areas and 3 replacement nests when an active nest is found. W-C Forest Plan Amendment, p. CC-90. There is reported to be an active nest in the area, but the W-C was unable to find any alternate nest sites. SEIS, p. 4-19d.

Alternate and replacement next areas have been identified to comply with implementation guidance for the northern goshawk found in Appendix X of the Revised Wasatch-Cache Forest Plan.

Furthermore the W-C has not assured the public that management activities will not occur during the active nesting period, in violation of the Goshawk management plan. Goshawk Standard 9. This season is typically between March 1st and September 30th. Id. Please reevaluate the project plan to ensure compliance with the Goshawk Plan. As it is proposed mitigation measures do not appear sufficiently detailed to ensure protection of Goshawks, and it appears that the W-C is not in compliance with the Goshawk plan. Lastly, Biological Evaluations are usually prepared for projects which may impact sensitive species such as Northern goshawks. UEC has not received a copy of a biological evaluation; if such a document has not been prepared please do so before the project is approved.

The guidance for goshawk management on the Wasatch-Cache National Forest is the Revised Forest Plan. Page X-2 Appendix X of the Revised Forest Plan states “During active nesting periods in active nest areas (approximately 30 acres) restrict management activities and permitted uses if the activity or use is likely to result in nest abandonment. Scheduling road construction activities in the post-fledgling after September 1 and the mitigation measures listed on page 4-19 of the FEIS will limit activity in the nest area and make abandonment of the nest unlikely.

Bridge Construction

The SEIS cites the use of best management practices and forestwide standard 2 to assert that sediment contribution to area aquatic resources would be controlled. All that the forest plan states is that runoff controls will be applied. W-C LRMP S2. The U.S. Supreme Court has held that a detailed discussion of possible mitigation measures is needed in order to comply with the requirements of NEPA. Robertson v. Methow Valley

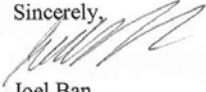
The project as it is designed, including the mitigation measures, is in compliance with the guidance for goshawk management in the Revised Forest Plan. The goshawk section in Chapter 4 has been updated to clarify this discussion.

Forest Service Response

Citizens Council, 490 U.S. 332, 352 (1989). In this case the mere intention to use best management practices or to apply run off controls does not meet the requirements of NEPA. The public is given no confidence that water quality will be protected because these BMPs are not even vaguely described. NEPA mandates detailed descriptions of mitigation, but in this case the W-C failed to even briefly describe mitigation measures. Please provide more detail of mitigation measures in the final SEIS.

We thank you for the opportunity to comment on the SEIS and look forward to seeing the final version of the SEIS.

Sincerely,



Joel Ban
WildLaw

BMP's and runoff controls are discussed throughout Chapter 2 of the FEIS and Appendices C and D. A water quality monitoring plan is in Appendix K. Because the project was initiated in 1995 we have on the ground evidence of the effectiveness of the BMPs. The disclosure on page 4-14a of the FSEIS provides this evaluation.

Forest Service Response

WYOMING
GAME AND FISH DEPARTMENT

Dave Freudenthal, Governor Terry Cleveland, Director

"Conserving Wildlife - Serving People"

November 4, 2004

WER 6576
Wasatch-Cache National Forest
Draft Supplement to the Final Environmental
Impact Statement
Exploratory Oil Well Chevron Table Top Prospect

Steve Ryberg
District Ranger
Evanston Ranger District
1565 Highway 150, Suite A
P.O. Box 1880
Evanston, WY 82931

Dear Mr. Ryberg:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Supplement to the Final Environmental Impact Statement for the Exploratory Oil Well Chevron Table Top Prospect. We have no terrestrial wildlife or aquatic concerns pertaining to this project.

Thank you for the opportunity to comment.

Sincerely,



BILL WICHERS
DEPUTY DIRECTOR

BW:RH:as
cc: Mary Flanderka-Governor's Planning Office
USFWS

RECEIVED AT
EVANSTON
DISTRICT OFFICE
NOV05

Thank you for reviewing the Draft Supplemental EIS.