

stipulation that precludes development of CBNG until the planned Buffalo RMP revision, scheduled to begin in FY 2008, is completed. Upon revision of the Buffalo RMP, lessees subject to this restriction may seek modification or waiver pursuant to the terms of the revised RMP following a 30-day public review period.

5. Maintain existing land use allocations and leasing decisions, but close to leasing areas within the six proposed ACECs.

6. Adopt a moratorium on lease sales until completion of the Buffalo RMP revision.

7. Close the BFO to oil and gas leasing.

Planning Criteria: Criteria proposed will include:

- Balancing the level of land use restrictions or other management practices needed at the leasing stage to protect resources, while keeping the public lands and resources available for public use under FLPMA principles of multiple use and sustained yield.
- The potential for the occurrence and development of mineral resources, including conventional oil and gas and coalbed natural gas production.
- Consistency with the land use plans, programs, and policies of other Federal agencies, State and local governments, and Native American tribes.
- Compliance with all Federal laws including the Clean Air Act, Clean Water Act, National Historic Preservation Act, and the Endangered Species Act.
- Balancing the requirements of FLPMA and the Mineral Leasing Act.
- Because this effort focuses on planning-level use restrictions such as stipulations that are applied at the lease issuance stage, the re-examination of site-specific development stage conditions of approval for CBNG development and production is beyond the scope of this EA. Those site-specific mitigation issues were examined in detail in the PRB EIS which resulted in the 2003 BFO plan amendment.
- Those ACECs proposed for designation in the PRB EIS will not be designated through this analysis. Only the measures necessary to protect their eligibility will be considered. Designation will be deferred until the planned Buffalo RMP revision. BLM projects that this revision will commence in FY 2008.

Dated: November 30, 2004.

Alan L. Kesterke,

Associate State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-070-05-1310-EJ]

Notice of Intent To Prepare an Environmental Assessment Concerning Oil and Gas Leasing in the Buffalo Field Office, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Assessment that would evaluate the leasing for oil and gas of 421 identified parcels in the Buffalo Resource Area leased since February 2000.

SUMMARY: The Bureau of Land Management (BLM) is commencing preparation of an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA). The purpose of the analysis is to examine particular environmental effects of the oil and gas lease issuance decisions made since February 2000. This EA responds to rulings of the Interior Board of Land Appeals (IBLA) and the Tenth Circuit Court of Appeals (the Court), which held that certain effects of coal bed natural gas (CBNG) development were not analyzed, or contemplated, in the 1985 Bureau of Land Management (BLM) Buffalo Resource Management Plan (RMP) Final Environmental Impact Statement (EIS). See *Pennaco Energy v. DOI*, 377 F.3d 1147 (10th Cir., filed August 10, 2004).

DATES: The public is invited to comment on this proposed action, the scope of the EA, and alternatives to be considered. The BLM can best use comments and resource information that are submitted within 30 days of publication of this notice in the **Federal Register**. BLM does not plan to hold scoping meetings at this time.

ADDRESSES: Please send written comments or questions to the BLM Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82834. Written comments, or resource information, may also be hand-delivered to the BLM Buffalo Field Office. Written comments must have the Environmental Assessment number 070-05-064 written on the front page of the comments. Comments or questions may also be sent electronically to

BFORet_WYMail@blm.gov. The scoping notice and other information regarding this project are posted on the Wyoming BLM Web site at <http://www.wy.blm.gov/nepa/bfo/>. Members of the public may examine documents pertinent to this proposal by visiting the Buffalo Field Office during business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except holidays.

Your response is important and will be considered in the environmental analysis process. If you respond, we will keep you informed of the availability of environmental documents that address impacts that occur from this proposal. Please note that comments and information submitted regarding this project, including names, e-mail addresses, and street addresses of the respondents, will be available for public review and disclosure at the above address. Individual respondents may request confidentiality. If you wish to withhold your name, e-mail address, or street address from public view or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by the law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Paul Beels, Project Manager, BLM, Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82401. Mr. Beels may also be reached by telephone at (307) 684-1168.

SUPPLEMENTARY INFORMATION: This action has been prompted by a recent ruling of the IBLA and the Court concerning the adequacy of the 1985 Buffalo RMP EIS and developmental NEPA documents, such as the Wyodak EIS, to support certain oil and gas leasing decisions. In August 2004, the Court reversed a Federal District court and affirmed the decision of the IBLA that concluded that BLM had insufficient NEPA analysis to make a decision in February 2000 to issue three leases for oil and gas in an area where CBNG was likely to be produced. The Court reinstated IBLA's remand of the issuance of these three leases to BLM for "additional appropriate action."

In the course of its opinion, the Court stated that the NEPA analysis upon which the BLM relied in issuing three leases "did not consider pre-leasing options, such as not issuing leases at all." Accordingly, the BLM will evaluate whether to affirm, modify, or cancel the

leases, which include the right to develop CBNG. Recognizing that the leases have been issued, the alternatives to be considered in the EA will analyze whether to modify the leasing decisions in light of the remedial issue analysis (*i.e.*, after consideration of the appropriate environmental issues foreseeable at the time the leases were offered for sale.)

The rationale of the Court ruling requires that BLM consider those environmental issues found to have been inadequately considered in the 1985 Buffalo RMP EIS. This EA may, however, examine a broader array of environmental issues associated with CBNG leasing decisions that were reasonably foreseeable prior to the issuance of these leases. An array of environmental issues was subject to in-depth re-examination in the Powder River Basin Oil and Gas Project (PRB) EIS and RMP Amendment Record of Decision (ROD) that was signed April 30, 2003. The ROD amended the 1985 Buffalo RMP to raise the anticipated level of use of the resource area for oil and gas and to develop appropriate resource use restrictions to mitigate impacts to other resources.

In the PRB EIS, the BLM carefully analyzed the cumulative effects on air, water, and other resources of the potential development of 51,000 CBNG wells. The BLM determined that with the leasing stipulations in the 1985 Buffalo RMP and new mitigation measures approved in the PRB EIS, the 51,000 wells would not result in any social, environmental, or economic effects that would preclude accomplishment of one or more of the 1985 Buffalo RMP objectives as long as appropriate conditions of use are required. This EA may substantially incorporate by reference impact analyses from the PRB EIS.

BLM is including in the scope of the EA the three leases that were the subject of the Court and IBLA's decisions, as well as 418 additional oil and gas leases that have been issued since February 2000 within the Buffalo Field Office administrative area. BLM will take a "hard look" at the environmental consequence of each alternative and has not foreclosed, simply because of the difficulty of implementation, choosing to implement any of the alternatives under review.

In addition to this EA, BLM is preparing an EA to consider continued implementation of the leasing decisions in the Buffalo RMP in future years.

Potential Alternatives: For the purposes of analysis, the BLM has developed the following reasonable range of comprehensive alternatives,

and will analyze particular environmental issues that were foreseeable at the time the leases were offered for sale:

1. No Action Alternative: Affirm the issuance of 421 leases on the terms prescribed in the 1985 RMP, as amended.

2. Modify leases to add stipulations to address issues such as water disposal, use of diesel engines, slopes, erosive soils, and proposed Areas of Critical Environmental Concern (ACEC).

3. Modify leases to subject them to less restrictive stipulations consistent with the 1985 RMP, as amended.

4. Modify leases to preclude development of CBNG. We believe that this is what the Court meant by "not issuing the leases at all," since the Court found no problems with the adequacy of existing NEPA analyses to support leasing for conventional oil and gas.

Dated: November 30, 2004.

Alan L. Kesterke,

Associate State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-600-05-1610-DF]

Notice of Public Meetings, Southwest Colorado Resource Advisory Council Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Southwest Colorado Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Southwest Colorado RAC meetings will be held January 21, 2005; March 4, 2005; May 6, 2005; and July 22, 2005.

ADDRESSES: The Southwest Colorado RAC meetings will be held January 21, 2005, at the Bill Heddles Recreation Center, located at 530 Gunnison River Dr., Delta, CO; March 4, 2005, at the Holiday Inn Express, located at 1391 S. Townsend Ave., in Montrose, CO; May 6, 2005, at the Gunnison County Fairgrounds, Multipurpose Building, 275 S. Spruce St., in Gunnison, CO; and July 22, 2004, at the Avon Hotel, 144 E. 10 St., in Silverton, CO.

The Southwest Colorado RAC meetings will begin at 8 a.m. and

adjourn at approximately 3 p.m. Public comment periods regarding matters on the agenda will be at 2 p.m.

FOR FURTHER INFORMATION CONTACT: Barbara Sharrow, BLM Uncompahgre field office manager, 2505 S. Townsend Ave., Montrose, CO; telephone 970-240-5300; or Melodie Lloyd, Public Affairs Specialist, 2815 H Rd., Grand Junction, CO, telephone 970-244-3097.

SUPPLEMENTARY INFORMATION: The Southwest Colorado RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues in Colorado.

Topics of discussion for all Southwest Colorado RAC meetings may include the BLM National Sage Grouse Conservation Strategy, committee reports, recreation, fire management, land use planning, invasive species management, energy and minerals management, travel management, wilderness, land exchange proposals, cultural resource management, and other issues as appropriate.

These meetings are open to the public. The public may present written comments to the RACs. Each formal RAC meeting will also have time, as identified above, allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Dated: December 8, 2004.

Barbara Sharrow,

Uncompahgre Field Office Manager, Designated Federal Official for the Southwest Colorado RAC.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Potential for Oil Shale Development, Extension of Public Comment Period

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of extension of comment period.

SUMMARY: The BLM published a **Federal Register** on November 22, 2004 seeking public input on the terms to be included in leases of small tracts for oil shale research and development within the Piceance Creek Basin, northwestern Colorado; the Uinta Basin, southeastern Utah; and the Green River and Washakie Basins, western Wyoming. BLM received a request to extend the