

## Pinedale Anticline Working Group

**APPROVED**

Meeting Minutes

1:00 PM • Thursday • March 26, 2009

Rendezvous Conference Room  
Pinedale Field Office  
1625 West Pine  
Pinedale, Wyoming

### **In Attendance**

#### **PAWG Members**

In person: Scott Smith (State of Wyoming), Nylla Kunard (Town of Pinedale), Paul Hagenstein (Livestock Operators), Bart Myers (Sublette County), Kevin Williams (Questar). Via phone: Cathy Purves (Chair/Environmental). Absent: Jackson Schwabacher (Landowner), Chris Corlis (Public). With six members present, the PAWG has a quorum.

#### **PAWG Task Group Members**

Therese Hartman (WGFD, Wildlife), Jocelyn Moore (Water Resources), Clint Gilchrist (BLM, Cultural), Sam Drucker (BLM, Cultural), Dave Crowley (BLM, Cultural), Bill Wadsworth (BLM, Transportation), DeeJ Brown (BLM, Reclamation), Carmel Kail (Socioeconomic), Mark Thiesse (DEQ), Rob Schweitzer (BLM, Cultural), Cara Farr (BLM, Reclamation), SnoAnn Engler (SCCD, Water Resources), Lauren McKeever (BLM, Air Quality).

#### **BLM**

Chuck Otto (PFO Field Manager), Shelley Gregory (BLM, DFO), Dave Crowley (BLM), Jim Lucas (JIO/PAPO).

#### **Public**

Michael Coburn (Sublette Community Partnership), Mary Lynn Worl (CURED), Kelly Bott (DEQ), Mary Hogarty (Pinedale)

#### **Press**

Stephen Crane (Roundup), Derek Farr (Sublette Examiner)

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### **Meeting Minutes**

#### **Distributed Documents**

Agenda

February 19 Meeting Minutes

Balanced Representation

Wildlife Recommendations

Proposed Adaptive Management Process

Drilling Forecasts

Guidelines for PAWG and Task Groups

#### **Task Group Handouts**

Wildlife Recommendations – Updated

Cultural/Historic Recommendations

Socioeconomic Recommendations

Water Resources Recommendations

#### **Approval of the minutes**

After corrections to statements attributed to the wrong person in the Water Resources discussion and clarification to the water well testing statement, **Paul Hagenstein motioned to accept the minutes of the February 19, 2009 PAWG meeting. Nylla Kunard seconded. The motion passed unanimously.**

### **Public Comment**

The meeting was opened for public comment; there were no comments.

## Balanced Representation

Shelley Gregory: Cathy asked me to address balanced representation for the PAWG and task groups, so I went through the CFRs and the GSA's final rule and pulled out some relevant text. *Reviewed balanced representation handout*. Cathy Purves: What we are hearing is that the FACA part of the PAWG does not apply to the task groups but the individual field manager has a certain amount of discretion in how these task groups are being run. Shelley Gregory: The charter lays out the general structure, but under FACA, you're correct, if the task group is not advising the BLM directly, it is really up to the task group how they function under the PAWG. Dave Crowley: It allows the task groups to be a little bit more flexible in how they operate, and the PAWG members have more leeway to sculpt the task groups. For example, Jocelyn, what you did with the water research task group back in November, there was some question about "Does this work?" or "Can we do this under FACA?" When the PAWG wanted recommendations from the water resource task group but there wasn't time to call a task group meeting, Jocelyn solicited input from all the members and presented that input to the PAWG regardless of consensus. At this point, there doesn't necessarily have to be consensus in the task group as long as all opinions are being represented equally and the chair doesn't omit one opinion because they don't like it. If the task group can't meet in time to present recommendations to the PAWG, in theory, there's nothing against having the chair collect suggestions from task group members, presenting that under the idea that it's not consensus as long as everyone is aware of that and the PAWG is willing to hear those recommendations, then it is perfectly legal to do that. Shelley Gregory: And this will probably come later in the discussion, task items, for written procedures.

## Groundrules

Jocelyn Moore: On the second premise that the chairmanship will rotate among group members in intervals determined by the group - nobody in our task group wants to be chair and I drew the short straw. So, if you think everyone will willingly rotate the chairmanship I think that's.... Cathy Purves: That's either within the PAWG or in the task group so it happens in either where there's a reluctance to be the chair. Jocelyn Moore: What do you think Mark, do you want to be the chair? Mark Thiesse: The state agency should have more of an advisory role rather than a leadership role, so I have always ducked out of it or deferred out of it because I think that it is important for the public to take a lead role in these task groups and in the PAWG itself, in my opinion anyhow. No, I don't want the chairmanship. Jocelyn Moore: Is this saying you *may* rotate or *can* rotate, *will*, does that imply it *shall*, I mean is this saying that you *must* rotate it, as opposed to *can* rotate it? Cathy Purves: It says that the chairmanship will rotate at an interval to be determined by the group. Jocelyn Moore: Where did these ground rules come from? Shelley Gregory: Actually, these were in the PAWG files, but there's no provenance for them, I'm just presenting it as a reference document. Jocelyn Moore: Were they developed by the BLM or were they developed by the first PAWG and then subsequent task groups? Shelley Gregory: I'm not sure, they were in the files, so I pulled them. I wasn't sure if anyone on the PAWG would remember having these presented before or if they would have any input on them. This is just a launching document, we can change it - it's not set in stone. Cathy Purves: Paul, do you have any reference for where these came from? Paul Hagenstein: It's the first time I've seen them. Carmel Kail: Whose idea was it that we need this, and if so what was the issue that brought this to the floor, why do we need this, what are we trying to solve? Shelley Gregory: In the previous PAWG meeting there was some question on how the task groups would function, some of them did not have a working document that dictated how they functioned - so to give them a framework, frame of reference. Carmel Kail: Did some of the task groups feel like they needed this? Some of them have worked for years. Shelley Gregory: Some of them worked but some of them have not. Some task groups have liaisons and chairs that are totally new so rather than working in a vacuum... Cathy Purves: I think that this would be good for each task group to have a reference and this was developed long ago when the PAWG first started up when there were a lot of people and I think that there was a general necessity for establishing some kind of framework; otherwise, nobody would have a sense of cohesiveness about how things were coming about to the PAWG. So I think that they are rather important as guidance at some level. Nylla Kunard: I think we had the guidelines made up when we first were in the PAWG. I came in when it very first started and I know that the task groups wanted to know some of the things that they were supposed to do. I don't think that you can have groups without having some kind of direction. We need it. Scott Smith: I was just reading them. I don't have a problem with these. I think that they can serve as useful guide for each of the groups. Cathy Purves: What if, for our next PAWG meeting, make sure that all the task group chairs and all the task group members have a copy of this, see if they have any suggestions for updating it. These are labeled *ground rules* maybe we can say *guidelines*, because that's less strict and see what comes from that. Is that plausible? Chuck Otto: Changing *ground rules* to *guide lines* is a really good idea. That

way you provide some structure but you're not limiting yourself to necessarily meeting every last one of these items. Jocelyn had a really good point that the chairmanship may rotate. I don't see why it would be a problem. Except for the PAWG itself, I think that it's important at the PAWG level that the chair does rotate, but for task groups, I don't have a problem with that. Each individual task group is going to have their own personality and structure. Dave Crowley: We're looking for consistency, not necessarily between task groups but at least within the task group so that it functions similarly, as we go through time, despite change in membership and leadership, and that sort of thing, and also that we do stay within FACA, still realizing within the task groups there is that legal room to operate differently. Cathy Purves: So, Shelley can we make sure that all of the task group chairs and members, get a copy of this and note that task groups are being asked by the PAWG to review this. Then we can put it down in ink and date it, with maybe an introduction, so we know where and why this came about, and then put in our PAWG history book. Jocelyn Moore: Personally, I am very appreciative of this, it's a great idea. Cathy Purves: I do have one thing that I want to comment about not having an agency person as the chair of any of the chair of the task groups. It gets to be a problem when you have so many technical task groups, such as water or air, where they focus on the task group, so you almost need to have some kind of representation as a chair by a state agency but that's just my observation. Paul Hagenstein: I have been approached about no one chairing a task group from mineral industry or government. Dave Crowley: I definitely agree that BLM can't chair task groups, but stakeholders or interested parties would have to be either, state of Wyoming, oil and gas, local land owners, stockowners, environmental groups, or local government. I don't think that we can discount state or local government or oil and gas from being a chair either because environmental groups could theoretically be a chair. Cathy Purves: Sometimes we don't have anyone but agency people on these task groups, or oil and gas. Paul Hagenstein: Then it's time we get some local people involved... Dave Crowley: You are right, we need to try to have equal representation, but I think that as long as the federal government is not chair, it has to be somebody from one of the interested parties and if theoretically we have equal representation, it will be somebody from one of those groups. Paul Hagenstein: Well, somebody was concerned about it or they wouldn't have pushed my button on it. Cathy Purves: How about the air quality? Carmel Kail: Yeah, it seems to me that you guys had a discussion last time about air quality and Perry Walker pitched in but one thing that I took home, was that the only people remaining on it actively were agency people who didn't really feel that there was a need to meet. Lauren McKeever: Kelly, do you have an idea of why Air Quality stopped meeting? Kelly Bott: I'm not sure about that and I know Paige inherited the chairmanship of that task group. I think she was really the only person that everyone was willing to agree upon on being a chair. I'm not sure why they haven't called any meetings other than the fate of the task group was waiting for the ROD to be signed. Dave Crowley: What it boils down to, is that if task groups don't have equal representation, like air quality, we need to try to move towards that, and the next meeting with air quality will be to see who shows up, what the purpose of the group is going to be and how we can achieve that balance if we don't have it at the next meeting. From that, within these guidelines for the PAWG and the task groups, if we can strive towards that, I guess in the past it hasn't been as equal as it should be, but I think with new direction that's sort of where we are going, and we will just have to see what happens with the upcoming air quality meeting and with the membership for transportation and socioeconomic. With the selection of the chairmanship, if we have willing people, through a vote of equal representation of the members, I just don't think that we can discount state government, local government, oil and gas, or environmental groups from being the chair. Cathy Purves: I think it's vital that the air quality task group gets reactivated. Dave Crowley: It's a good point that DEQ is doing all of the technical gathering of air quality information, and maybe the task group will have to go to a more of a public awareness/ presentation, but that's to be seen at the upcoming air quality meeting. That will be the first air quality meeting in three to four years. Carmel Kail: I have one thing. It says that each group will use consensus to reach decisions. The PAWG must reach consensus before recommendations are made to the BLM. I think that it says in the charter that the PAWG can report to BLM that consensus could not be reached. When this was discussed before for task groups years ago, the idea was to try to get consensus, if we were pretty close, like all but one or two members, and people felt strongly, rather than to table it, we could decide as a group whether to go forward if it was the majority, but then to present two opinions and then let the PAWG duke it out; just as the PAWG can pass it on to BLM. So I don't know exactly what this should say, but the PAWG can forward recommendations to the BLM with notification that they have not reached a consensus. Jocelyn Moore: I think that this issue arises because the water resources task group had difficulty reaching consensus and wanted to forward their recommendations on, but they couldn't. Dave Crowley: So if we change it to say, "Each group will use consensus decision making to reach decisions, if consensus is not possible it must be..." Jocelyn Moore: In our original task group meeting in October of 2004, there was a

BLM state officer there and he said that if you can't reach consensus, then you can forward the recommendation ahead, but with that minority recorded. Dave Crowley: That seems appropriate since we don't want to end up in stalemate. Shelley Gregory: This takes us back to an item under the written operational procedures with scheduling because there was an issue of, if the task group can't meet in time to, say review an EA, where the 30 day comment period is closing and make the recommendations to the PAWG and the PAWG is not meeting until after the 30 day review window closes, what can they do? I think the solution was that the task group members could forward their recommendations to the chair who could then present them to the PAWG and the PAWG could then decide whether to meet in order to make a recommendation to the BLM, if they needed to. But right now, all the task groups are kind of in catch up mode, and so I think some reviews may be lost in the time line. Bart Myers: Is the same charter applicable to the PAWG and the task groups? Shelley Gregory: When it was first written, it was, since then, the GSA has come out with a final ruling saying that the task groups don't have to necessarily follow the letter of the law. Our goal is to keep it as balanced as possible and keep the groups operating in the same way. Bart Myers: I'm looking at the section that Carmel referred to that said that all PAWG recommendations will be made through consensus and the PAWG will notify the BLM if consensus can't be reached. Dave Crowley: That's exactly right – here's our recommendation, this is not consensus, here is the defending view. That happened two meetings ago where we were talking about characterizing the aquifers and Robin said that they couldn't agree with the recommendation and we noted that in the meeting but the recommendations were forwarded to the BLM regardless. Cathy Purves: So where do we go from here? Shelley Gregory: We could get off the guidelines and back to the agenda - if no one has anything else on the guidelines – and I'll make sure that all the task group chairs and members have a copy and a chance for input.

## Task Group Updates

### Wildlife

Therese Hartman: I went through the PAWG recommendations and updated the status. On continue to monitor and collect data - we're doing that. Within the ROD, it requires monitoring of specific species and we're doing that, we've got sage grouse out, raptor should be out soon, we've got pigmies, prairie dogs and pronghorn. So those are being done. From that data we could put together a similar report to the one that ERG did, and we will continue to make that recommendation, I think that it would be useful to compile all of those monitoring reports into one. On identify the core habitat use - that is being conducted by Game and Fish and there is also a sage grouse winter use, part of that sage grouse monitoring that we're doing, so we will continue to collect that data. The lek perimeters have been defined for 2008 and I'm assuming that those will continue to be done. Habitat inventory - there is an effort ongoing and that should be done by 2010. That lek perimeters study is done for 2008, and we will update those as necessary. There is a habitat inventory project going on right now and scheduled to be done in 2010. I'm not sure which areas will be done. Kevin Williams: The Mesa for sure. Therese Hartman: That's what we are thinking, but I can't say that for sure. The alternate lek buffers - moving it to a .6 mile MSO and 4 miles to the nesting habitat; that's been proposed but we're waiting for a higher up BLM decision. Don't have an answer for that one. The modeling for the source and sink habitat: that has not been initiated. One of our recommendations was to have a model study to determine source and sink habitat and that's possibly something that could be brought forward as a research component but nothing has come of that yet since there hasn't been a researcher step forward. The next recommendation, should there be source or sink habitats identified through this study, then there would be some type of protection for the source habitats, obviously we have enough studies for that initiated. Then the habitat improvements, of course, would follow a study, so those three are all tied together. Then the winter grouse areas, talking about winter habitat and the importance of that, there is a UW study that's looking at ecological site description tied in with grouse habitat use, that could be tied in with that, and then also the monitoring that we just initiated that goes along with the matrix, that includes the habitat use component, so we will be gathering that information. To define the winter concentration areas – we have prepared the polygon showing those areas with data in those areas that exists right now and then we will need to redefine those areas as we get more data. Protection for those areas has been taken into consideration during planning, but there is no official protection, no seasonal strips that have been initiated. For the habitat improvement we used bones, document the guidelines. There have not been any habitat improvements per se. I'm sure they will be utilized when we get to that point. The directional drilling is being used in the core areas extensively. All the Anticline stuff is directional, so that is being done. The winter disturbance, limiting public access - we have had this extensive sign project in the winter closure areas and at this point there have been people going out and just providing warnings to people who are in violation.

Next year Shane will enforce. I think that it has been successful in getting the word out. The minimize road numbers and length of new roads, road analysis, removing and reclaiming unnecessary roads - that has all been part of the RMP and be covered by the travel management plan. Restricted uses on roads - I don't know if Shane is getting after that. Dave Crowley: Tied into signage for the winter range, the first year, there will be warnings, publishing in the Federal Register, official maps, etc., that will probably increase. Therese Hartman: LGS, minimize truck traffic – that's in progress. Migration routes – prioritizing and considering during planning. Development is being applied where practicable, it's working well in DA-1. It's harder in checkerboard areas but it's being used where it can be. Continue support for long-term pronghorn study – study will be over in 2010 but we are monitoring per the matrix. Utilize pronghorn study to identify migration routes – study has identified routes and preferred habitat and that is also taken into consideration during planning. Cathy Purves: There is the proposed migration corridor – how far into the PAPA is that route? Chuck Otto: We haven't designated a pronghorn migration route but most of the route has been protected through the Trapper's Point ACEC, the Wilson Bridge/Upper Green River Migration Management Area...that whole area in the Upper Green isn't available for gas leasing. We basically have the corridor covered but not through a formal designation. As it extends south, it's a much broader corridor and not as narrow and restrictive through the forest and down to Trapper's Point. Therese Hartman: Support the university study of the avian population – that refers to songbirds. We are working on an RFQ and looking at the Rocky Mountain Bird Observatory study. The avian protection plan – that's still a moving target. We're working towards that but in the meantime, the BLM is looking at exceptions on a case-by-case basis. For the most part, wildlife recommendations are being implemented.

#### **Air Quality**

Lauren McKeever: We won't have a lot of specifics until we have our first meeting in April. There's been a lot of interest and we'll let the group decide how to move forward.

#### **Cultural**

Clint Gilchrist: We went over the status of the group and where we were headed and got stuck on mitigation related to the Lander Trail. Today I'd like to go over this mitigation recommendation and see if you might be willing to act on it. *Reviewed cultural mitigation handout.* We would like to encourage the BLM and industry to consider trying to preserve private property along the Lander Trail, specifically river crossings, most importantly the New Fork River Crossing and Sand Springs, those are the two private sections on both sides of the Anticline. And Buckskin Crossing because it's so historically significant. Kevin Williams: So we're forwarding all these recommendations? As far as the cost of purchasing all the private ground, I think we should discuss who or how that funding is available. Clint Gilchrist: As part of the mitigation, the operators would purchase the ground or an easement and donate it to a land trust or historical society but we're far from those details. Kevin Williams: Could the PAPO purchase land? Dave Crowley: Not purchase so much as a conservation easement. Kevin Williams: I would concur with the recommendation along the lines that it's not coming from individual operators but is presented to the PAPO for specific funding. Clint Gilchrist: We're recommending that purchase of land or easements to preserve the trail on these private grounds is something that be looked at as an option. As part of the mitigation, the operators will pay something. I don't know the scope but all we're saying is that these private pieces would be something to work towards. Not only do you have to have a willing operator but a willing land owner. Kevin Williams: In the ROD, it states that you will preserve and protect the integrity of the Lander Trail and the viewshed so this is your group's recommendation on how to meet that part of the ROD. Clint Gilchrist: We're trying to encourage working towards that. Cathy Purves: Is there a way to reword the recommendation to make it clearer? Dave Crowley: PAWG encourages the BLM and operators, with the support of willing landowners, to consider permanent preservation of important segments of the Lander Trail on private ground as mitigation for visual impacts to the setting of the Lander Trail due to development of the Pinedale Anticline. **Paul Hagenstein motioned to forward the recommendation as modified to the BLM. Scott Smith seconded. The motion passed unanimously.**

#### **Socioeconomic**

Carmel Kail: *Reviewed socioeconomic handouts.* This recommendation is similar to one forwarded by the PAWG to the BLM in 2005. The data was requested and the totals were done the first year but never again. It was turned over to the county to follow-up on but not the BLM so that's why we're changing the recommendation this time. The task group recognizes that the operators aren't required by the ROD to provide this information but this was also the case in 2006 and operator response was still good so this may not be a problem. We also recognize that rig forecasts have been requested recently by the JIO, PFO, and ERG; therefore, this new request may be annoying but the information is different than the recent forecast requests and we'd really like to have all operators in the county for the socioeconomic

projections. In sum, the task group request is so that projections can be formulated and analyzed by our task group and other parties, and so that the reporting format and process becomes institutionalized/sustained by the BLM. Michael Coburn: The idea is that there's a mechanism to get that information every year. County commissioners, government officials change so the idea is that we consistently collect this data and not have it be affected by the whims of politics or changing of personnel. Bart Myers: We had this discussion in depth at the task group meeting yesterday. This is a different function from what the county has done or what ERG is doing. This is looked at more as a function of this group and the BLM to put out the request, collect the data, and then make it available. From the county perspective, this would be most helpful. Carmel Kail: It was recommended last time around that it be picked up by the county socioeconomic analyst. Maybe it was a poor idea to have the county do it so we're running at it a different way now. The socioeconomic task group never had a county representative and Bart came to our meeting and I think that will be a form of communication that didn't exist before. Kevin Williams: Is there any way the BLM can extract this information from the plans that were submitted at the Annual Planning Meeting? Chuck Otto: That would definitely be one item. Obviously, the APM only discussed the Anticline so that's limited based on the scope. Keep in mind that we're in a rapidly changing economic situation right now so things are changing out there fast. **Paul Hagenstein motioned to forward the recommendations to the BLM. Nylla Kunard seconded. The motion passed unanimously.**

### **Transportation**

Bill Wadsworth: We had our first meeting in three years on Tuesday. We have nine members; the one representative we're missing is ranching. Bob Maxam has volunteered to chair this group but was unable to attend Tuesday's or today's meeting. The task group is looking at roads, pipelines, powerlines...basically all the big transportation things going in or out of the Anticline. And that's as far as we got at the meeting. Cathy Purves: Is the powerline project something the group will comment on? Bill Wadsworth: That's why we're meeting on April 28 – so we can get together to make comments on that particular environmental assessment. There's a 30 day comment period which probably begins April 13. Cathy Purves: So that will be enough time for you to make recommendations to the PAWG? Bill Wadsworth: My understanding is that the next PAWG meeting is May 28 so the comment period for that EA will be closed before the task group can report to the PAWG. Cathy Purves: Once again, this happens. How can we remedy this? This happens with other task groups. I feel that the PAWG should be a participant. What about having an earlier meeting? Chuck Otto: We can find out what the Federal Register deadline might be.

### **Water Resources**

Jocelyn Moore: The task group has two main functions – looking at surface water and ground water. The SCCD had made changes to the monitoring process and we spend six hours going through it line-by-line. There were not any significant changes to the intent, process, or parameters. The consensus was that the SCCD will continue their monitoring this year as they have done in the past with minor additions and revisions. We don't have a new adopted sampling analysis plan for you to review yet. We would ask that the PAWG recommend to the BLM that the SCCD continue their monitoring this year as they have in the past. Mark Thiesse: We've been working with the BLM and EPA on these plans of study – part of those plans are a sampling and analysis plan for new and existing wells as part of the aquifer characterization project. It made sense to the DEQ that the SCCD sampling plan and the new geomatrix sampling plan be coordinated and made as similar or exactly the same as much as possible. There are two endpoints: the SCCD is doing a well sampling plan and the geomatrix study is for an aquifer characterization plan so there's a little difference. The DEQ believes both those plans should be as similar as possible so we're comparing apples to apples down the road. It should be a matter of the district, operators, and geomatrix folks getting together and making sure the sampling analysis plans are alike. Unfortunately, this came up after the task group meeting but this should at least be looked into. It's really the operators who are responsible for performing this sampling and proposing how. Cathy Purves: It's really the operator's responsibility to sample? Mark Thiesse: Yes. They signed the ROD and it's a requirement that they sample and analyze these wells. The SCCD is acting as the consultant for the operators; they're working on behalf of the operators and the operators are really in charge of this sampling project as part of their ROD requirement. I don't know if the task group or even the PAWG believes this is necessary but this has come up. Cathy Purves: My concern is that the district and geomatrix have very defined sets of data they're collecting and they're not overlapping. Mark Thiesse: I don't think it's clear how it's going to work in the future for sampling the wells. We're not sure how, if at all, the aquifer characterization effort will alter the monitoring plan. We assume it's going to but we don't know how. The whole purpose is to ensure the aquifer is not being impacted. Jocelyn Moore: At this point, the task group hasn't discussed it so we can't make a recommendation to the PAWG but it's important the PAWG realize

that the DEQ had some reservations. Also, I wanted to follow up on the LEL letter. When the SCCD goes out to do monitoring, they take along gas sniffers and there were several wells that had not been tested. Thirteen wells had the LEL alarm sound: two of them did exceed, two had non-detects, four haven't been sampled yet, one was re-sampled and did not have a detect, and four have been plugged. In the last two years, eleven total wells have been plugged. These are wells with detects that have been plugged. Before, the PAWG was going to recommend to the BLM that monitoring wells go in near the plugged wells. That's not an official recommendation, I'm just informing the PAWG there are four more. Mark Thiesse: The state engineer's office is trying to enforce the terms of the ROD for water wells especially on the Mesa but through the entire Anticline. The rules in the ROD discuss water supply wells pulling water from zones for stockwells or houses – they wanted some vertical separation for industry and other water wells. These wells are only permitted for 3 – 5 years and then the operators have to reapply to renew. The state engineer's office then reviews the construction details for compliance with the ROD, the operators are instructed to plug the wells. That's the main reason these wells were plugged – they weren't constructed properly to meet the ROD requirements. They had nothing to do with the state engineer's regulations or requirements – this is purely based on the ROD. If someone wants to plug a water well, and they apply to plug the well, the state engineer's office has no reason to deny. Dave Crowley: Maybe there's a lack of communication...if we want those wells with detects to remain open, maybe we can inform the state engineer that we would want them to stay open. Mark Thiesse: All the operators would have to do is change the use of the well from a water supply well to a monitoring well and the state engineer wouldn't have a problem. It's up to the operators to reclassify those wells in order to continue to use them as data points. Kevin Williams: From the operator's viewpoint, if you're not using the well or can't use it, it's a liability because it's still our well. Dave Crowley: The previous recommendation was to install new monitoring wells to replace wells closed by the state engineer's office so that data points are not lost. Everyone was in favor except for Robin Smith who said that data gaps were everywhere and closed well data points could never be replaced, it would simply create a new data point. There was no point in drilling new wells to find leaks and contamination, rather we should just continue to test existing wells for contamination. Jocelyn Moore: Another point was that the SCCD was looking for another surface water monitoring point. The one in that area was really close to the FS boundary and so they found another site close to the New Fork Social Club which they are naming New Fork 80. There was a consensus to recommend to the PAWG to ask the BLM to allow this new data point to be added to the surface water. Also, there have been some questions about seeing the plans of study as they're being developed instead of waiting until they're approved and finalized. I would like to ask if there's a problem with sharing the plans of study with the task group? Chuck Otto: I don't think there would be, I would have to check on that. Jocelyn Moore: There's a new degassing procedure for the operators. Could we get a copy of that? Mark Thiesse: I believe that's in one of the plans of study; Merry might have. Jocelyn Moore: So those were the three things from our task group to recommend to the PAWG to recommend to the BLM to move forward with the sampling analysis plan with minor wordsmithing, the groundwater monitoring protocol with minor wordsmithing, and the new surface monitoring site NF 80. *Jocelyn Moore left the meeting to put the task group recommendations into a written format. Later, the PAWG reviewed the recommendations again.* Dave Crowley: Again, number four has already been accepted by the PAWG and forwarded to the BLM. Scott Smith: I had one point of clarification...Mark is fine with your sampling analysis plan? Jocelyn Moore: One through three were from the task group and Mark was not involved in that meeting so that's why he made the apples to apples comment...that he wished Geomatrix would take off-the-shelf monitoring protocols, give them to the SCCD, and they would do it that way. Chuck Otto: We want monitoring this year. It would be a huge mistake if we let a season go by without going in there. There are definite positives in keeping with the five year study. Hopefully, Geomatrix will improve on the overall process. I don't have a problem with monitoring efforts out there even if they're using different methods – it's just more data we can use. Jocelyn Moore: SCCD isn't adverse to suggestions and they're looking forward to what else is coming out. Cathy Purves: I agree. It became clear that what Geomatrix is proposing is sound and stable and something will come out of that along with new recommendations and from there we can take that step. Scott Smith: That clears it up for me. **Bart Myers motioned to forward recommendations one through three to the BLM. Paul Hagenstein seconded. The motion passed unanimously.**

## **Reclamation**

Deej Brown: At our last meeting, we discussed the monitoring plan per the ROD. The consensus was to possibly have two monitoring plans for reclamation, one for the pipelines and one for general industry. Cathy Purves: It seems like that would be necessary based on pipeline issues. Deej Brown: Primarily, with pipelines, there's a small corridor, they're required to monitor on a quarter-mile basis rather than acreage-basis. Frequently, looping is being done so it's being

dug up at the end. There are multiple owners along the right-of-way so there are issues of who monitors what, who is responsible for which disturbance, reclamation, etc. In a nutshell, those are the dynamics with pipelines. Scott Smith: In the ROD, it didn't specify anything for a monitoring plan. Deej Brown: A monitoring plan for reclamation. It doesn't specify anything more than just a reclamation plan. In the Jonah, they're trying to run that off the same type of monitoring procedures but we're running into problems. Can the PAWG recommend that we do an individual monitoring plan for pipelines and then an individual monitoring plan by lease by operator? Cathy Purves: What happens with monitoring while you're developing these separate plans? Deej Brown: Both plans are due by the 12<sup>th</sup> of September this year and go into effect next year per the ROD. Kevin Williams: It makes sense. Many of the corridors have several pipeline companies, one goes through, reclaims, another comes through, tears it all up. Two plans would be beneficial. **Kevin Williams motioned to forward the recommendation to the BLM. Scott Smith seconded. The motion passed unanimously.**

## Public Comment

The meeting was opened for public comment; there were no comments.

## Anticline Project Office

Jim Lucas: At the last PAWG meeting, I gave a brief summary of the status. Since then, the governor has appointed Joel Bousman to the Pinedale Anticline Mitigation and Management Board, which has five members. The Board is designed to oversee the \$36 million mitigation fund of which \$9 million has been put in the bank to date. Now we have a full board and next week, April 3, is the first official board meeting. It will be an organizational kick-off meeting for PAPO. One discussion point will be the USGS database that is almost done for the JIO and ask for approval to expand it to the Anticline. Cathy Purves: We had talked about PAWG representation on the board. Jim Lucas: We can place that on the PAPO agenda and bring that information back to the PAWG. Chuck Otto: The PAWG can certainly recommend PAWG representation on the board but since it's a ROD item, I'm not sure how much discretion there might be to provide other representation. It certainly can't hurt to bring it up at the next meeting. We do have an executive board for the PAPO and they can certainly discuss that. Cathy Purves: I'm just curious why PAWG representation isn't on this board. Jim Lucas: The MOU establishes that the PAPO will make recommendations on mitigation to the PAWG for consideration. So there is a connection there. Cathy Purves: I understand that connection but I don't understand why a PAWG member isn't on the board when it could be helpful in a discussion of recommendations. Jim Lucas: I don't know that the PAWG wants to go as far as being at every PAPO meeting. I don't know if that's necessary. But it's up to the board to decide. There is a connection, a relationship already defined. Chuck Otto: When the final EIS was being put together, the PAWG was in an interim state and it sort of got left out during that particular time period. JIO is a pretty successful model and we didn't have a functional PAWG to bring in. Paul Hagenstein: Do they make a recommendation to the PAWG and we forward it to the BLM? Dave Crowley: Can PAWG make recommendations to the PAPO? Cathy Purves: Should the PAWG pass a recommendation on whether it should be a participant on the board? Dave Crowley: I don't see that as being very effective. The BLM is meant to be separate from the PAPO. BLM is the final signatory but it's the signatory for the majority which is DEQ, Game and Fish, Dept. of Ag, county commissioners, and BLM. It would be more effective for mitigation that a recommendation come directly from the PAWG to the PAPO. It's sort of circuitous to come from the PAPO to the PAWG to the BLM and then go back to the PAPO. Scott Smith: Is there a mechanism to coordinate directly with Jim and the PAPO representatives at the field office level? Chuck Otto: The Pinedale Anticline Board is responsible for approving projects, they approve the money. As far as meeting ROD requirements, that's a BLM function – and through the PAPO, we're meeting monitoring and mitigation requirements in the ROD. Anyone can identify a project and the board approves and funds the project. Jim's job is to make sure the project meets ROD requirements. Dave Crowley: On that note, if the PAWG has a project that you would like to see funded through the PAPO, you could certainly recommend it. And the PAPO should let the PAWG know of any approved projects. Chuck Otto: There has got to be a procedure for PAPO proposed projects and PAWG input. There is some confusion because the ROD established two boards. Cathy Purves: That's the problem. JIO didn't have a PAWG but PAPO has a PAWG. For clarification, we may have to use the adaptive management process. If the PAWG decides to actively pursue a role on the board, is that something we need to talk about? Bart Myers: We have input and, maybe not individual representation, but representation as a group - as in this group can propose projects and Jim would be at each PAWG meeting to report what projects are upcoming and we could comment. Maybe we don't need individual representation. Paul Hagenstein:

I don't think we need anyone on the board as long as we can make comments. Chuck Otto: I'm definitely supportive of that. Jim can attend every PAWG meeting and report on what's going on and upcoming. Right now, the board is proposing quarterly meetings which means the PAWG will be meeting in-between so there can be a process to make the PAWG aware of projects before the PAPO approves them and allow for recommendations. Cathy Purves: Can we put the PAWG's role in the PAPO into writing? Chuck Otto: We need to formalize them somehow. Jim will work with the board to bring something back to the next meeting. The ROD is vague and we need to bring some clarity to it.

## **Adaptive Management**

Chuck Otto: At the last PAWG meeting, I passed out a process for adaptive management. I also passed it out at the Annual Planning Meeting and got comments from industry and conservation groups. I took those and refined the process. The overall process stayed the same with minor word changes except point one. *Reads point one*. The intent is to provide some sort of process for proposals to be formally presented annually or at quarterly meetings. As I envision the process working, we would receive a proposal, consult with other agencies, and if it didn't have merit, I would issue a letter to the proposer and the PAWG that the BLM did not see any merit and would not move forward on it. If it had merit, it would move on to the PAWG. Cathy Purves: How does the AM process kick in for things on the ground? Chuck Otto: That's why we're doing intensive monitoring in the field; if things change, it provides an impetus for AM. As we get monitoring reports back, they'll be released to the public and whoever sees a change that they want to propose for AM based on that, they can. If parameters aren't met, we make corrections to make sure they are met. Nylla Kunard motioned to approve the AM process. Bart Myers seconded. The motion passed unanimously.

## **Annual Planning Meeting**

Tim Zebulski: Anticline operators and the BLM met last month and tried to project what amount of drilling they anticipate for the coming year and 2010. They also estimated on a potentially more inaccurate scale what they anticipate to be the drilling activity for 2011 through 2018/19. The table summarizes the drilling year which is November 15 through November 14. *Reviews table*. We're averaging about 31 rigs in continuous use over the next 9 years, dependent on market fluctuations, energy demand, alternative energy development, economic conditions, etc.

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## **Liquids Gathering System**

Shelley Gregory: SWEPI (Shell) and Ultra have broken it down into 4 different segments: North - Mesa area south to the New Fork River; Central - New Fork River to Highway 351; War Bonnet - Highway 351 to Falcon compressor; South - Falcon Compressor to Highway 191. For SWEPI/Shell: North In-Part - currently working on EA, etc. Should be able to offer grants by May 1. Central -has been authorized, except for main corridor pipelines and waiting on some additional information on the location of filtered water taps and containment system at the taps; War Bonnet - completed; South is still in the works. For Ultra: North - waiting on alignment sheets and one final cultural report. Will be able to offer rights-of-way when the additional information is submitted, internal clearance and EA are completed. Central - 2010. War Bonnet - waiting on cultural report and alignment sheets. Will be able to offer rights-of-way once additional information is submitted, internal clearances and EA are completed. South - 2010. Chuck Otto: At the last meeting, we thought we might have a problem with the location of Shell's central gathering facility. Their proposed site had wildlife conflicts and it was proposed to move. We have made the decision to move the site to avoid wildlife conflicts. However, we are still requiring Shell to maintain the schedule for most of the Anticline.

## **Other Topics**

### **Invitation to Secretary Salazar**

Cathy Purves: The idea is to invite Secretary Salazar to come and see the Anticline and meet the PAWG. Do the PAWG members see the value in inviting our new Secretary of Interior out and see why this area is important? Nylla Kunard: All he can say is no. Dave Crowley: If we can combine the visit with the PAWG annual tour, does anyone have a date that would work? The tour does have to be put in the Federal Register. Chuck also found out that meeting notice requirements are exempt from the longer requirement so we could get a meeting put in quickly. If we are trying to get the secretary out, it's best to work with his schedule and try to schedule the annual tour based on that. Cathy Purves: Well, if that's where we're going, I can work with Shelley on this.

## Requesting Update on Air Quality

Shelley Gregory: This came up in the last meeting - to ask other agencies to update the PAWG on what they're doing. I talked with Paige Smith about this and she thought it was important to consider the scope of the request – what we were going to be asking for exactly, the scope of the request, what studies were already in progress, and the kinds of information that were already available through other venues so that we didn't ask these already in-demand groups to do more work on what was already out there. This isn't something specific...just asking the PAWG if they wanted to pursue the idea. Scott Smith: It's good for this body to get frequent updates from air quality since the task group hasn't been very active over the last several years. Kelly Bott: Are you just looking for input from the AQD? Cathy Purves: I would think from other stakeholders as well. Just keeping it to a level that we could understand. Because it's so hard to get anything from the Air Quality task group, maybe we should just get EPA, DEQ, and others to provide updates periodically. Scott Smith: It seems like there's a lot of information out there and if you don't attend one of the local public meetings, this would be an opportunity to get up to speed. Nylla Kunard: Do we need to take time to discuss the types of updates we want? A lot of information or information on certain things? Kelly Bott: Maybe it would help if I discussed the types of information we might be able to present? We've got several studies going on in the area, the university does, too. We're involved in ROD implementation and oversight and mitigation. We've got non-attainment going on... I couldn't talk about these things today but if they're the kinds of things you're interested in, we could pull something together. Scott Smith: That would be very beneficial.

## DEQ Response to Ozone Advisory

Cathy Bott: We have emergency contingency plans that industry implements during ozone advisories. We received plans or issued exceptions to about 98% of producing operations out there. Those plans mainly address short-term but also some long-term measures. There are voluntary measures...drill emission control upgrades, transportation emissions... Once the ozone advisory is issued, we send out a notification to everyone on our list, and they activate their plans, including postponement of maintenance, deferring liquids hauling, minimizing vehicle idling and speed. Plans don't require shut-in operations or stopping drilling. It's not voluntary since it's a ROD requirement for Anticline operators but county wide we're also getting a lot of cooperation from industry. I'm not sure when our data will be available...maybe June or July. We do have summer data from 2008 but don't expect any problems in the summertime.

## Vice-Chair

Dave Crowley: The issue of vice-chair arose with the possibility of Cathy not making this meeting. Does anybody have any nominations or is willing to volunteer? Scott Smith: I'll volunteer. **Nylla Kunard motioned to nominate Scott Smith as vice-chair. Paul Hagenstein seconded. The motion passed unanimously.**

## Nominations

Shelley Gregory: We've received two inquiries but no official nomination. As soon as I speak with Gary Rees, I will send him information and, hopefully, get an official nomination submission.

## Public Comment

The meeting was opened for public comment; there were no comments.

## Adjournment

**Paul Hagenstein motioned to adjourn. Nylla Kunard seconded. The motion passed unanimously.** Meeting was adjourned at 5:50 pm.

The next meeting will be May 7, 1:00 pm, in the Pinedale Field Office.

## Action Items

- Chuck Otto: Make plans of study/new degassing procedure available before they are finalized
- Jim Lucas: Write up PAWG role in PAPO, report at next meeting
- Shelley Gregory: Send guidelines draft to task groups for review
- Cathy Purves: Have Air Quality Task Group discuss air quality updates
- Cathy Purves/Shelley Gregory: Invitation for Secretary Salazar