

January 11, 2008

Michele Easley
Moxa Arch DEIS Project Manager
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, WY 83101

Dear Ms. Easley:

Following are the comments of the Wyoming Department of Agriculture for the Draft Environmental Impact Statement for the Moxa Arch Area Infill Gas Development.

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

While we realize this is an in-fill project, much of which occurs on checkerboard land ownership, we also realize that (1) previous development in this project area has a history of failed reclamation, mitigation, and weed control and (2) the proposed development possesses the potential to gravely damage food and habitat for livestock and wildlife as well as the livelihoods of grazing permittees.

The development and operational activities of energy operators brings with them significant increases in road dust and unpalatable vegetation, restricted access to forage and water, an explosion of invasive and noxious weeds, opened gates, cut fences, restricted livestock movements, and injured and dead livestock resulting from increased numbers and speeds of vehicles and the flood of halogeton throughout the development area. These impacts are far greater than the characterization of minimal impacts from lost AUMS mentioned in sections 4.12.2.3.4 and 4.12.2.3.5 on page 4-87. Moreover, the injurious impacts are acerbated "...because much of the current reclamation is not complying with the standards authorized as part of the 1997 ROD (BLM 1997a)." (DEIS, p. 3-91). These development-producing effects possess the double whammy for grazing permittees of accelerating costs while simultaneously delivering debilitating decreases in revenues. This project possesses the potential to jeopardize the livelihoods of individual ranchers in this area and that potential needs to be references in the Livestock Grazing and Rangeland Health Section in Chapter Four.

For those reasons, successful and speedy reclamation, mitigation, and weed control are imperative. In addition, both the preferred alternative and the Record of Decision (ROD) need to reflect a Performance-based approach that will ensure monitoring will continue throughout the life of this project. Monitoring should be crafted that will determine the success in accomplishing objectives, that will provide direction and information to implement this development, and that will help protect resources in the development area.

The EIS and ROD need to require both energy operator monitoring, and BLM staff spot checks of that monitoring. Furthermore, these documents should require an annual meeting of BLM staff and cooperating agency officials during which operators disclose monitoring results and future plans. We also believe that operators and BLM staff should meet annually with grazing permittees to disclose this same information. These meetings provide an opportunity to learn, talk, and make short- and long-term plans about the past, current, and foreseen impacts of this development. More importantly, these meetings can help identify occurrences of failed reclamation, mitigation, weed control, and other development impacts upon resources and help reverse the past record of failures in this development area. Currently, little mention is made in the DEIS of monitoring to determine the success of Best Management Practices (BMPs) and mitigation efforts to satisfactorily address development impacts.

The EIS and ROD need to ensure resources will be protected. These documents need to describe protection measures and mitigation options, and set impact limits and mitigation thresholds to ensure prompt and timely mitigation.

We suggest the Reclamation Plan in the DEIS be improved by ensuring timely and successful re-vegetation of disturbed areas. This plan should fix standards that are measurable, quantifiable, time-sensitive, and verifiable through monitoring. It is crucial that food and habitat for livestock and wildlife become available as soon as possible. As noted above, individual grazing operations can be gravely affected or jeopardized by this development. Continuing successful reclamation and mitigation must be emphasized throughout the EIS and ROD, particularly given the past poor performance of operators in this area.

Because of this past record of failed reclamation, mitigation, and weed control, and due to the large number of operators involved in this project, we believe the ROD needs to hold each operator accountable for the impacts of their activities and the success of their reclamation, mitigation, and weed control actions. Each of them needs to be held responsible for monitoring, reporting, and complying.

We sincerely appreciate your involvement of state and local cooperators during the development of this DEIS. We encourage you to continue to have them play a dynamic role during the remainder of the EIS process and during the implementation of this development. The implementation process identified in the DEIS should specify annual meetings as a minimum to review previous years' development and monitoring results and future plans, and to determine changes in monitoring, reclamation, and mitigation. The proper time for this review would be when the next year's drilling plan is being

considered. Minimizing the effects of development and emphasizing the successful reclamation and mitigation of those effects needs to continue throughout the life of this project. Reclamation and mitigation must share an importance that is equal with well development. These emphases need to be obvious throughout the EIS and ROD.

We appreciate the opportunity to comment on this DEIS, we encourage your continued attention to our concerns, and we look forward to hearing about and being involved in proposed actions and decisions about this project.

Sincerely,

A handwritten signature in black ink, appearing to read "John Etchepare", with a long horizontal flourish extending to the right.

John Etchepare
Director

JE/dc

cc: Governor's Planning Office
Wyoming Game and Fish Department