

DAVE FREUDENTHAL
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

February 11, 1008

Caleb Hiner
Bureau of Land Management
1625 Pine Street
P.O. Box 768
Pinedale, WY 82941

Dear Mr. Hiner:

Thank you for the opportunity to comment on the Revised Draft Supplemental Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project (RDSEIS). Having reviewed the document and consulted with the Wyoming Game and Fish Department (WGFD), the Wyoming Department of Environmental Quality, Air Quality Division (DEQ-AQD) and other state agencies, I am convinced that the interests of the state are best served with the adoption of Alternative D.

Over the course of the past several weeks, I have received telephone calls and correspondence from constituents on all sides of the question of whether the year-round access contemplated in the RDSEIS is favorable to the 2000 Pinedale Anticline Project Area Record of Decision (PAPA ROD). Our challenge is to extract a very valuable resource in as efficient and environmentally sensitive manner as possible. To this end, I have no doubt that the most advantageous course forward would entail the robust mitigation contemplated in the RDSEIS, including cleaner drill rig engines, a liquids gathering system, clustered development, a wildlife and air quality mitigation fund and sequential development – all while maintaining the seasonal stipulations set forth in the PAPA ROD and finding some way to hold drill rigs in and around Sublette County to negate adverse socioeconomic impacts. That choice is not before us and likely never will be, given the backdrop of the existing PAPA ROD. And while I share the concerns of some related to the waiver of seasonal stipulations, on the level, I see the RDSEIS and its calculated mitigation strategy and carefully designed safeguards in the primary form of the Wildlife Monitoring and Mitigation Matrix as being quite preferable to the PAPA ROD.

My view of the RDSEIS does not come with a perspective that the document does not need some correction and modification. As such, I offer the following, specific comments on the RDSEIS:

Air Quality

AG-1
SA-1-1

The state of Wyoming, in the structure of the DEQ-AQD, closely guards its primacy over air quality. DEQ-AQD has repeatedly submitted very specific comments related to not only the analysis of air quality impacts, but also specific mitigation efforts needed to address those impacts. I strongly encourage the BLM to adopt the language previously offered by the DEQ-AQD verbatim. Further, while the state welcomes the Environmental Protection Agency (EPA) to provide advice related to the many efforts being undertaken to protect the state's air quality –the state will not relinquish any of its decision-making authority over air to any agency or group. Any language which purports to shift any of DEQ-AQD's primacy and authority over air quality, including the requirement that "the Operators, BLM, EPA and WDEQ-AQD would jointly agree to a mitigation plan..." (Chapter 4, page 4-85) must be amended to reflect the state's singular authority.

Wildlife

W-1
SA-1-2

In the past several months, much attention has been focused on raptors and bald and golden eagles. These species are subject to special protection under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Consequently, in roosting, nesting and foraging areas, certain protections have been adopted, which negate the basic notion of "year-round access." Ultimately, it seems that the collective intent of the operators, BLM and state to supply year-round access can, for the most part, be preserved – to the benefit of the other species and resource values provided by the Pinedale Anticline. That intent should be specifically set forth in the Final Supplemental Environmental Impact Statement (FSEIS) and Record of Decision (ROD). Further, the BLM, operators, state and US Fish and Wildlife Service should work together to develop a document similar to the Draft Migratory Bird Conservation Agreement being crafted for the Jonah Field to avoid, minimize and mitigate impacts to these species.

W-2
SA-1-3

Beyond raptors and eagles, I would draw your specific attention to Chapter 4, page 4-161 and its discussion of the Wildlife Monitoring and Mitigation Matrix. That Matrix was derived with the counsel of this office, WGFD, BLM and the operators. The language in Chapter 4, page 4-161 insinuates that the mitigations contained in the Matrix might not be applied in "strict sequence." I would submit that for the Matrix to work properly, the "strict sequence" that we all agreed to is absolutely essential. I ask that the language be modified to reflect the previously agreed upon process and mechanisms related to the Matrix.

Appendix 4

G-1
SA-1-4

Appendix 4 sets forth an interesting and diverse set of "standard practices and restrictions for the PAPA." In my view, the practices and restrictions depart in significant ways from the "standard" practices of the BLM – housed for instance in the "Gold Book" and other BLM guidance documents. I suggest that the BLM either remove

G-1 SA-1-4
Appendix 4 completely or delete the Appendix and address the many different topics and issues contemplated in the Appendix, after modification, in the issue specific parts of the body of the RDSEIS. As the document currently stands, Appendix 4 is confusing and does not relate many of the actual historical and existing “standard practices and restrictions for the PAPA.”

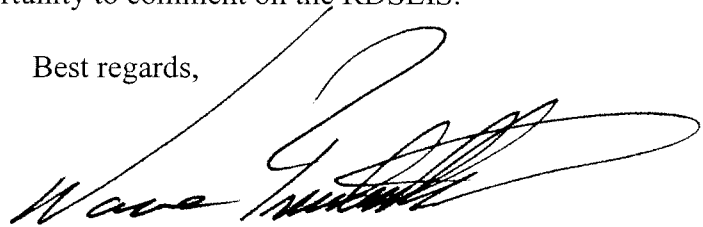
Annual Planning Meeting and Mitigation and Monitoring Fund

AP-1 SA-1-5
The nature and operation of the Annual Planning Meeting and Mitigation and Monitoring Fund will no doubt be the subject of significant discussion as we endeavor to craft the FSEIS and ROD. In discussions with the BLM Wyoming State Office, my office has had the opportunity to specifically relate my concerns about the Mitigation and Monitoring Fund and its administration. I am encouraged by those conversations and look forward to the finalization of the Escrow Agreements and other related documents. In terms of the Annual Planning Meeting, it would be my hope that the process be efficient and address the full range of issues to safely, sensitively and efficiently effectuate the intent set forth in the FSEIS and ROD.

G-3 G-2 SA-1-6
As noted, the state has provided numerous comments on previous drafts of the RDSEIS and looks forward to actively participating in the development of the FSEIS and ROD. Because of the complexity of the issues before the BLM, I would ask that you carefully consult with my office, the WGFD and DEQ-AQD going forward to ensure that the final language of the FSEIS and ROD adequately addresses the trust and statutory responsibilities of these agencies. Further, given the highly technical nature of the drilling and production planning, I would hope that the operators could be called on to supply feasibility and other practical advice in our collective consideration of FSEIS and ROD language.

Thank you once again for the opportunity to comment on the RDSEIS.

Best regards,



Dave Freudenthal
Governor

DF:pjb

c: Senator Mike Enzi
Senator John Barrasso
Representative Barbara Cubin
Bob Bennett, Director, BLM