

## **Public Comments and BLM Responses on the Revised Draft SEIS State Agencies**

**Comment Number**            **SA-1-1-AQ-1**

**Comment**

I strongly encourage the BLM to adopt the language previously offered by the DEQ-AQD verbatim.

**Response**

Thank you for your comment and it is noted. The BLM will consider this as the BLM pursues its statutory mandate of ensuring multiple use of the public lands while balancing the associated impacts of those uses.

**Comment Number**            **SA-1-2-W-1**

**Comment**

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.

**Response**

The BLM is working towards this goal while ensuring that the ESA, MBTA, and BGEPA are implemented under the fullest extent of the law. The BLM will encourage the development of a migratory bird conservation agreement between the BLM, USFWS, WGFD, and the Operators.

**Comment Number**            **SA-1-3-W-2**

**Comment**

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.

**Response**

The text has been clarified.

**Comment Number SA-1-4-G-1****Comment**

I suggest that the BLM either remove 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."

**Response**

Appendix 4 language has been modified.

**Comment Number SA-1-5-AP-1****Comment**

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.

**Response**

Thank you for your comment. The BLM shares your hopes for an efficient and effective annual planning process.

**Comment Number SA-1-6-G-2****Comment**

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 address the trust and statutory responsibilities of these agencies.

**Response**

The BLM will continue to work with the State of Wyoming as a cooperating agency on the SEIS.

**Comment Number SA-1-6-G-3****Comment**

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.

**Response**

Thank you for your comment.

**Comment Number**                **SA-2-1-W-1**

**Comment**

Unfortunately, not all of the components of Alternative D, as proposed by the Operators and WGFD, are accurately described in the RDSEIS. While our review is continuing at this time, it is apparent from the review so far that raptor seasonal stipulations would not remain subject to exceptions, as they are under the current 2000 ROD. Exceptions have apparently been disallowed, not only under Alternative D but also as originally included in the first DSEIS under Alternatives B and C.

**Response**

Exceptions are allowed for under the existing Pinedale RMP. Therefore, exceptions under the PAPA SEIS would also be allowed.

**Comment Number**                **SA-2-2-W-2**

**Comment**

We strongly recommend that raptor seasonal stipulations (except for bald eagles) continue to be subject to the exception process for the cluster drilling areas so that the rest of the plan can proceed.

**Response**

The BLM will comply with all laws and would continue to allow for exceptions in conformance with the existing Pinedale RMP.

**Comment Number**                **SA-3-1-AQ-1**

**Comment**

The language in Chapter 4, page 4-85 must be modified to reflect the AQD's language previously provided to you.

**Response**

BLM appreciates the assistance of the WDEQ and will continue to work with the WDEQ to ensure that impacts are adequately mitigated.

**Comment Number SA-3-2-AP-1****Comment**

In order to create certainty around the submission of the Operators "10-year rolling forecast or development plan," I recommend that a specific calendar date be associated with this submission. Submission could be tied to the anniversary date of the issuance of the Record of Decision for this project or a specific month of the year. This will provide clear direction concerning when the annual forecasts are to be submitted, and planning sessions held.

**Response**

Thank you for your comment. A calendar date would provide structure to the process of reviewing any and all forecasting, planning or ongoing mitigation plans. However, a calendar date would not change the impacts. Therefore, a date is not included in the SEIS. It is anticipated that a date will be decided shortly after the ROD, and the date may change from year to year as the BLM works through the process until an optimum date is found.

**Comment Number SA-3-3-MF-1****Comment**

In order to be clear about allowable uses for the Mitigation and Monitoring fund proposed in Appendix 11 and included as part of Alternative D, the introductory language for implementation commitment No. 6 should be changed to read: "The mitigation and monitoring fund proposed in Appendix 11 would be used to pay for the following additional activities, to be carried out by WDEQ-AQD."

**Response**

The text has been revised.

**Comment Number SA-3-4-MF-2****Comment**

In order to ensure that the air quality compliance activities proposed for funding under Section 4.9.3.5 are eligible for funding through the mitigation fund and not inadvertently precluded by the language existing in the current version of this Appendix, I suggest that changes be made to two identical paragraphs.

**Response**

Appendix 11 is provided as reference to what was submitted to the BLM by Ultra, Shell, and Questar and is not available for editing. However, clarification has been added to Chapter 4, Alternative D Mitigation.

**Comment Number SA-3-5-MF-3****Comment**

The first sentence in the last paragraph in this Appendix (page 11-6) refers to "any other Decision Record," with regard to commitments this PAPA DSEIS would supersede. However, the italicized phrase appears to not only refer to past Decision Records (which are itemized in this paragraph), but could also be interpreted to refer to any future Decision Records. As this is probably not the intent of this phrase, I would recommend that the phrase "previously approved" be inserted after "other."

**Response**

This change was made.

**Comment Number SA-3-6-AQ-2****Comment**

Please remove this footnote and associated references from this Table and text as appropriate.

**Response**

This change was made.

**Comment Number SA-3-7-MT-1****Comment**

In order to manage and minimize impacts to air resources in the Upper Green River Basin, the AQD requests that the Alternative ultimately chosen contain the requirement for construction of a full-field liquids gathering system along with the mitigation strategies presented under Alternative D (including the requisite funding allowances).

**Response**

Thank you for your comment. The BLM will consider this in issuing a decision.

**Comment Number SA-3-8-MF-4****Comment**

The AQD also recognizes the importance of proper management of the proposed monitoring and mitigation fund described in Appendix 11, and requests that we be given the opportunity to participate in any upcoming discussions and planning regarding management and implementation of the fund.

**Response**

Thank you for your comment. The BLM looks forward to continuing to work cooperatively with the WDEQ.

**Comment Number**            **SA-4-1-SW-1**

**Comment**

First paragraph revise "... Class 1 water under WDEQ Surface Water Standards (WDEQ, 2007)..."

**Response**

Text has been modified.

**Comment Number**            **SA-4-2-SW-2**

**Comment**

First paragraph, last sentence, "The waters of the New Fork River and tributaries are class 2AB, which are waters known to support game fish populations or spawning and nursery areas including their perennial tributaries and where a game fishery and drinking water use is otherwise attainable. These waters are also protected for nongame fisheries, fish consumption, aquatic life other than fish, recreation, wildlife, industry, agriculture, and scenic values" (The statement about class 2AB streams in the current language is incorrect).

**Response**

The requested change has been made.

**Comment Number**            **SA-4-3-SW-3**

**Comment**

Operators would be required to comply with WDEQ/WQD WYPDES regulations.

**Response**

Compliance with laws and regulations is required. This section of the SEIS is discussing the impacts considered in the PAPA DEIS. Therefore inserting the proposed change is inappropriate as the proposed change was not what was considered in the PAPA DEIS.

**Comment Number SA-4-4-SW-4****Comment**

Follow applicable WDEQ/WQD WYPDES Stormwater Permitting requirements.

**Response**

The requested change has been made.

**Comment Number SA-4-5-SW-5****Comment**

The Department of Environmental Quality would like to see the NEPA analysis and resulting EIS address any potential effects to surface water quality that may occur as a result of existing or proposed construction practices in riparian areas. Also, every effort to prevent erosion of any kind should be taken. Any sediment created by the project can enter and affect the water quality of the receiving water.

**Response**

Regarding analysis of potential effects to surface water due to construction in riparian areas, every effort to prevent erosion will be taken. There are limited wetlands within the PAPA. It should also be noted that the majority of the wetlands are located on private lands and minerals. They are managed by the U.S. Army Corps of Engineers if they are connected to a Water of the United States and the WDEQ if they are isolated. The BLM follows all appropriate rules and regulations with regards to wetland management. Further, BLM standard stipulations discourage any disturbance or development in wetlands.

**Comment Number SA-4-6-GW-1****Comment**

In the meantime, we believe the current monitoring plan, while not perfect, should continue to be implemented until a new plan is finalized.

**Response**

Thank you for your comment.

**Comment Number SA-4-7-GW-2****Comment**

Additionally, the WDEQ believes that the responsibility for developing the draft monitoring plan should be with the operators, not the regulatory agencies.

**Response**

The Framework provides a process for management and regulatory agencies to partner in developing all or portions of a monitoring plan as is feasible, including identifying criteria for selecting suitable monitoring wells, constituents of concern, sampling and analysis protocol, reporting requirements, etc., to meet management and regulatory needs. Further, the Framework outlines an approach for responsible state and federal agencies to lead this analysis and planning process, which can proceed in increments, with consultation from stakeholders.

**Comment Number**                      **SA-4-8-GW-3**

**Comment**

The applicable mitigation measures provided in Section 4.13.5 should be implemented as soon as possible.

**Response**

As stated in Table 1.11-1 pages 1-12 and 1-14, management of water quality/quantity, water rights and permitting and administrating water wells are under the authority of the WDEQ and SEO. The BLM will, within the laws, regulations and policies directing its management actions, assist the WDEQ and SEO in developing the necessary water resources protection plan, BMPs, and studies necessary to aid in protecting the quality of waters of the State. Some of these actions will be implemented at a broader project level and others at the individual activity plan level as appropriate to meet specific management needs.

**Comment Number**                      **SA-4-9-GW-4**

**Comment**

How many are a few? The actual number should be provided if possible so that an idea of the potential for impacts can be evaluated.

**Response**

As stated in Section 3.15.14 Groundwater Quality, page 3-83, there are 414 industrial use wells.

**Comment Number**                      **SA-4-10-GW-5**

**Comment**

The report that we discuss in #1 above, is not mentioned in the DEIS. This report, being prepared by GEOMATRIX for the operators, should be discussed in some fashion because it may provide valuable data concerning the aquifer monitoring plan.

**Response**

Information from the Geomatrix Report has been included in the Final SEIS.

**Comment Number SA-4-11-GW-6****Comment**

Is the fact that over 80 wells have impacted the groundwater in the Wasatch enough to require these measures be implemented? We certainly believe that this is the case and that these measures should be required.

**Response**

Additional language has been added to this section. Your input will be considered as the BLM moves forward with making a decision.

**Comment Number SA-5-1-GW-1****Comment**

The cited Statutes granting the State Engineer authority to issue ground water permits, specifically W.S. 41-121 through 147 have not existed for quite some time. These Statutes were re-codified and replaced in the late 1970's with the current Statutes granting this authority to the State Engineer, specifically W.S. 41-3-901 through 41-3-938.

**Response**

Text has been changed.

**Comment Number SA-5-2-GW-2****Comment**

While WDEQ-WQD can recommend that check valves be installed on water supply well wellheads, it is not believed that authority to require the installation of the devices resides with WDQ-WQD. The State Engineer's Office has recently required all water supply wells located within the PAPA that are either to be newly constructed or that exist and will require a new permit at some point in the future, to be equipped with a functional backflow prevention device as a condition of approval of the new water right.

**Response**

Text has been revised.

**Comment Number SA-5-3-SW-1****Comment**

Temporary Discharge Permits are not issued by the Wyoming State Engineer's Office. Rather, these permits are issued by the WDEQ-WQD.

**Response**

Text has been revised.

**Comment Number**                    **SA-6-1-RC-1**

**Comment**

If it is acceptable, what measures are proposed to introduce living/organically active topsoil? We strongly recommend including a time frame to establish reclamation.

**Response**

The timeframe to establish reclamation varies with the alternatives.

**Comment Number**                    **SA-6-2-RC-2**

**Comment**

What is reasonable? The term "where reasonable" is subjective and means absolutely nothing, as there are no definitions, descriptions or side-boards for discussing the "reasonability" of this decision. We strongly recommend changing the sentence to read: "Proponents will utilize interim reclamation to return the landscape to a condition usable by wildlife livestock as soon as possible, and no later than the next growing season. Interim reclamation will increase habitat patch sizes and reduce habitat fragmentation for sagebrush-obligate species."

**Response**

The BLM considers that the issue raised in the comment, regarding interim reclamation, is within the range of alternatives considered in the analysis. Interim reclamation requirements are also provided for in the reclamation plans for Alternatives C and D.

**Comment Number**                    **SA-6-3-RC-3**

**Comment**

We recommend you clarify if this statement refers to 50% of pre-disturbance level, or 50% total or revegetated cover. We suggest you reference NRCS Ecological Site Descriptions for MLRA: 34A-Cool Central Desertic Basins and Plateaus for the % cover on those ecological sites. Additionally, we addressed this exact citation in our March 28, 2007 comments on the PAPA SEIS. We strongly recommend you revise your statements to reflect ecological accuracy, achievability, and soundness.

**Response**

The BLM considers that the issue raised in the comment is within the range of alternatives considered in the analysis. There will be no need to reference the more generic "NRCS Ecological site" as it is intended to consider locations adjacent to the pad.

**Comment Number SA-6-4-RC-4****Comment**

We suggest you reference NRCS Ecological Site Descriptions for MLRA: 34A-Cool Central Desertic Basins and Plateaus for the % cover on those ecological sites.

**Response**

Temporary site stabilization is not to be confused with final reclamation. The goal of temporary site stabilization is outlined in the reclamation plan. There will be no need to reference the more generic "NRCS Ecological site" as it is intended to consider locations adjacent to the pad.

**Comment Number SA-6-5-RC-5****Comment**

This language is adopted from the Jonah ROD requirements. WE recommend you change this requirement as the Jonah Interagency Office (JIO) found the need redundant for both BLM administration and it does not improve the monitoring effort.

**Response**

Thank you for your comment. The BLM will consider this as it issues a decision.

**Comment Number SA-6-6-RC-6****Comment**

This language is adopted from the Jonah ROD requirements. To achieve statistically accuracy, the JIO discovered approximately 5 transects per acre are needed. We recognize this requirement as overkill, and recommend deleting this statement.

**Response**

Thank you for your comment. The BLM will consider this as it issues a decision.

**Comment Number SA-6-7-RC-7****Comment**

We recommend including "pipelines" into the areas where habitat and livestock grazing reclamation shall be initiated.

**Response**

All surface disturbances would certainly include pipeline disturbance. Although it is not mentioned specifically at the end of the sentence, the word etc. should capture the pipeline disturbance.

**Comment number**                    **SA-6-8-RC-8**

**Comment**

The entire anticline is permitted for domestic livestock grazing, and is therefore considered an agricultural area. If livestock grazing is one of the multiple uses on federal land, it should all be considered agricultural area.

**Response**

Currently, BLM terminology considers "agricultural areas" to be areas that are actively farmed to produce a crop. Livestock grazing in a public rangeland setting is not considered by the BLM to be an agricultural crop.

**Comment Number**                    **SA-6-9-RC-9**

**Comment**

We recommend not allowing a site to meet reclamation criteria if cheatgrass is found. Other treatments are available to eliminate cheatgrass from a site.

**Response**

Thank you for your comment. The BLM will consider this in issuing a decision.

**Comment Number**                    **SA-7-1-G-1**

**Comment**

I support conducting year-round development with proper mitigation components to expand access to valuable domestic natural gas in Wyoming's Pinedale Anticline Project Area. The Pinedale operators have offered mitigation commitments that will responsibly balance resource development and the environment. The federal government must allow for the increased access to responsibly develop our nation's natural energy resources in order to reduce our reliance on foreign energy imports.

**Response**

Thank you for your comment. However, the BLM believes the document shows that the preferred alternative does not truly grant increased access, but rather a more managed development plan ensuring oversight and monitoring.

**Comment Number SA-8-1-G-1****Comment**

I support the achievements and the long-term development plan proposed for the Pinedale Anticline. The energy operators have found a way to balance natural gas development while maximizing socioeconomic benefits and conserving Wyoming's beloved wildlife and environment.

**Response**

Thank you for your comment.

**Comment Number SA-9-1-G-1****Comment**

I am a resident of Daniel and an elected representative of the people of Wyoming. I am writing this letter to give my full support for the long-term development plan for year-round access proposed by Ultra, Shell and Questar. My support for this project hinges on the fact that if this proposal is approved it would greatly assist Wyoming communities and citizens.

**Response**

Thank you for your comment.

**Comment Number SA-10-1-G-1****Comment**

I'm writing this letter after receiving many emails from citizens in my district urging the approval of the Questar Shell and Ultra - proposed natural gas development plan for the Pinedale Anticline.

**Response**

Thank you for your comment.

**Comment Number SA-10-2-G-2****Comment**

The BLM should embrace their plan by approving it expeditiously.

**Response**

Thank you for your comment.

**Comment Number SA-11-1-G-1****Comment**

The Natural Resources, Agriculture and Environment Standing Committee in the Utah State Legislature is responsible to oversee Utah's energy policy. We fully support Alternative "D" of the Revised Draft Supplemental Environmental Impact Statement (RDSEIS) for the Pinedale Anticline Project Area (PAPA) located in Sublette County, Wyoming. The predictable year-round access proposed in Alternative "D" by Questar, Shell and Ultra should be embraced as a model for responsible development on BLM lands.

**Response**

Thank you for your comment

**Comment Number SA-11-2-G-2****Comment**

Please accept this recommendation from our committee, whose members have experience and expertise in energy policy.

**Response**

Thank you for your comment

**Comment number SA-12-1-G-1****Comment**

I would ask that you recognize the impact of the disturbance and the loss of a finite resource when making your decisions. To the extent that this plan meets those goals and is a sincere attempt at compromise I ask that it be favorably considered.

**Response**

Thank you for your comment.

**Comment Number SA-13-1-G-1****Comment**

The Pinedale Anticline is now the second-largest natural gas field in the U.S. With natural gas prices at near-record levels, the time for responsible development of this vast source of our most environmentally benign fuel has come. The operators have put forward a plan that is far superior to the status quo. The BLM should embrace their plan by approving it expeditiously.

**Response**

Thank you for your comment.

**Comment Number**            **SA-14-1-G-1**

**Comment**

I strongly support providing year-round access in order to conduct year-round development of valuable domestic natural gas in Wyoming's Pinedale Anticline Project Area with proper mitigation.

**Response**

Thank you for your comment. However, the BLM believes the document shows that the preferred alternative does not truly grant increased access, but rather a more managed development plan ensuring oversight and monitoring.

**Comment Number**            **SA-15-1-G-1**

**Comment**

As a state legislator interested in the proper and progressing development in this state, I am writing you in support of Alternative D as the long-term management plan for year-round access on the Pinedale Anticline.

**Response**

Thank you for your comment. However, the BLM believes the document shows that the preferred alternative does not truly grant increased access, but rather a more managed development plan ensuring oversight and monitoring.

**Comment Number**            **SA-15-2-W-1**

**Comment**

The Wyoming legislature is making a good effort to help with wildlife protection and preservation by creating the Wildlife Trust Fund and continuing to increase its funding with every session. Initiatives generated by the trust fund would blend nicely with the plan formulated in Alternative D.

**Response**

Thank you for your comment.