

1 ENVIRONMENTAL IMPACT STATEMENT

2 BUREAU OF LAND MANAGEMENT

3 Douglas, Wyoming

4 August 30, 2006

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22 MR. EATHORNE: Thank you. My name is Frank

23 Eathorne, spelled E-A-T-H-O-R-N-E. I'm a Converse County

24 commissioner. Converse County has been a cooperating agency

25 since early in the process, and so I have had input into

1 these documents since after the scoping, I guess I should

2 say.

3 What I would like to do tonight is I have flagged

4 a few areas here that I would like to make comments on. If

5 I go too long or something, stop me. And then maybe I can
6 work in behind somebody else if that's the case. I don't
7 think I'll be all that long.

8 One of my concerns continues to be the -- some of
9 the restrictions on oil and gas development, the idea of the
10 progression. If you look at Alternative A, for instance --
11 I'm on page 2-8 and table 2-1, about halfway down the page.
12 Acres closed to oil and gas and other leasables.
13 Alternative A, which is the current condition, of course, is
14 almost 38,000 acres.

15 If preferred alternative is 226,000 acres in round
16 numbers, that's a considerable increase. Alternative D,
17 which, of course, is the pro-development alternative,
18 actually decreased that amount of closure from the current
19 of about 38,000 to about 25,000. Whereas the preferred
20 alternative will increase that to 227,000 -- 226,000 in that
21 area.

22 So I'm a little concerned about restrictions being
23 put on, not just oil and gas, but in some other areas too.
24 I'll go through those -- a couple of those briefly. I'm
25 just concerned at the trend. In another ten or 15 years

1 this plan will probably be redone, and at that point the
2 opportunity again will be to close some more acres to oil
3 and gas and other things. I just don't like to see the
4 trend. I think this is a pretty large leap from 38,000 to
5 226,000.

6 Some of my other concerns are similar-type closure
7 restrictions of one kind or another having to do with the
8 sage grouse protection areas. For instance, at the top the
9 next page, page 2-9, we talk about breeding and nesting
10 planning area, greater sage grouse, protective buffers, and
11 nesting habitat. Alternative A, the current situation is
12 345,000. Alternative E is 436,000.

13 I'm looking to see now if this is closures or just
14 exactly what that is. The point of it is the increase.
15 Alternative D, which is the pro-development alternative,
16 suggests keeping the numbers the same as they were in
17 Alternative A, in other words, the current condition.

18 Again, it's the increases in the restrictions, and
19 on the next box down under breeding -- Bates Hole and Fish
20 Creek, greater sage grouse, protective buffers, and this is
21 controlled surface use. That is increased from currently

22 2,300 acres to almost 21,000 acres. That's on

23 BLM-administered surface.

24 The next category down is in the same area called

25 timing limitations. It currently is a little under a

1 hundred thousand. That's suppose to increase to almost

2 200,000. So I'm concerned about the effects these

3 additional restrictions will have on oil and gas, leasables,

4 and possibly even agriculture.

5 I'm just not sure how this is all going to work

6 out with agriculture. Somewhere in here -- and I think I'll

7 get to it later, there's a statement that around the leks

8 between 8:00 p.m. and 8:00 a.m. there will be no human

9 activity. That bothers me just a little bit.

10 That means if I need to go out and tend to my

11 livestock or whatever and I want to move them, certain times

12 of the year I cannot do that between 8:00 p.m. and 8:00 a.m.

13 without violating some of these provisions. I think some of

14 these thing,s especially in the wildlife area, are

15 excessive.

16 As I've told Jim, he wouldn't probably hear

17 anything new tonight that he hasn't heard before. I've

18 expressed this pretty much continually throughout the

19 process at every opportunity to comment.

20 Now, page 2-10, again Table 2-1, about halfway

21 down the page we have our Visual Resource Management Class 2

22 and Class 3. Considerable increases from Alternative A,

23 which is the current situation again to Alternative E and

24 much more in all cases -- well, not quite. I see one that's

25 a little bit less than Alternative D. But in most cases an

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1 increase over Alternative D, which again is the development

2 scenario.

3 Then on the next page, 2-11, areas closed to

4 livestock grazing. I'm pleased to see that that number did

5 not change. So grazing will not be affected by having more

6 actual closures. Most of these closures are little pieces

7 of state park, recreation areas, things like that. That's

8 reasonable. I don't have a problem with that number. We've

9 been living with that number, so no problem there.

10 Now I'm on page 2-13. It's a comparative -- Table

11 2-2, comparative summary of proposed special designation by

12 alternative for the Casper planning area. Again, Bates

13 Hole, the sage grouse in Alternative A is zero. In
14 Alternative E the preferred is 375,000. Well, that's total
15 surface. BLM-administered surface, 158,000. But again,
16 from zero up. So I have a concern with the amount and with
17 the trend.

18 Now, on page 2-24, Section 2.4.5, Alternative E to
19 preferred alternative. This is the description of the
20 preferred alternative. In the first paragraph there I just
21 picked out some numbers that go along with basically what
22 I've been saying. Some of those numbers, maybe all of them,
23 come from that table.

24 I'll just quote from the document. "Areas opened
25 to leasing for oil and gas and other solid leasable minerals

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1 with major, moderate, and standard stipulations are
2 respectfully 843,00 acres." I'm going to round some of
3 these off. That's the major restrictions. The moderate
4 restrictions are 2.5 million acres. The standard
5 stipulations are a million acres, a little over.

6 That compares to Alternative A. I've got to read
7 my notes here. The major stipulations are up to 72,000

8 acres from Alternative A. The moderate stipulations are
9 up -- I'm sorry, are down 205,000 acres, and the standard
10 stipulations are down.

11 What that tells me is that it's going to be -- if
12 you have an application for a permit to drill an APD, you're
13 probably going to have more restrictions. And probably
14 mitigation will be involved, which all boils down to more
15 expensive to drill.

16 At the top of page 2-25 -- and again, I'm breaking
17 in the middle of a paragraph that talks about Bates Hole and
18 Fish Creek, Willow Creek area. This is sage grouse. A
19 4-mile buffer is proposed around occupied greater sage
20 grouse leks. That amounts to 191,000 acres of
21 BLM-administered surface. The buffer in Alternative D was
22 proposed to be two miles, half of that. Again, my point is
23 I think it's excessive.

24 I have a question. The last sentence in that
25 first paragraph, the top of page 2-25 reads thusly, "Surface

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1 disturbance is required to avoid (year round) sagebrush
2 stands (of greater than 10 percent canopy cover). I didn't

3 quite understand what that meant.

4 And I was going to suggest alternative language in

5 there at the start of the sentence to say -- and I think

6 this is what it means. I'm just not sure what it means. I

7 need clarification. I would suggest they insert the words

8 "no surface disturbance." I think that's what it says. I

9 just have a question there, so I would like that clarified

10 at some point.

11 Also, in the Alternative D description on the

12 previous page it goes on to say -- goes on to spell out how

13 many acres are actually involved, and I would like that same

14 language to be used at this point in Alternative E. That

15 would be -- I'm trying to find it, sorry.

16 Okay. In Alternative D it talks about the 2-mile

17 buffer restriction amounting to so many thousand acres.

18 That similar statement ought to be on Alternative E here at

19 the top of page 2-25, that the 2-mile buffer -- and this

20 information is in the tables -- the 2-mile buffer would

21 equal 435,981 acres. And 960,342 acres respectively -- and

22 this has to do with BLM administered surface and BLM

23 administered mineral estate.

24 I think those numbers ought to be in

25 Alternative D. Alternative E is not fairly represented and

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1 compared to Alternative D without that same set of numbers

2 being in there is my point.

3 All right. Same page, 2-25, in the middle of the

4 page the sentence starts out -- the paragraph starts out,

5 "Livestock ranging is allowed on a large majority of the

6 planning area, and is managed to describe the

7 Alternative C."

8 Next sentence says, "For SDWs, Alternative E

9 requires a review and recommendation," and goes on. I would

10 suggest you spell out SDW. That may have been done earlier

11 in the paragraphs. I didn't go back and check, just an

12 editorial comment there.

13 All right. The next to last paragraph on

14 page 2-25 has to do with -- under Alternative E, renewable

15 energy and development, and it goes on and talks about the

16 car classes, 6 and 7, and 3, 4, and 5. The next sentence

17 says, "Wind energy development is restricted in habitat

18 fragmentation areas under Alternative C."

19 Again, I was -- when I read that, I read it two or

20 three times. And I thought maybe that means in habitat
21 fragmentation areas as in Alternative C. I just wasn't sure
22 of what that meant.

23 Moving on, a lot of these are just flags so I can
24 find them later on in case I have to answer some questions.
25 I did want -- I know -- hopefully someone from Glenrock will

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1 show up at the Casper meeting. Is that tomorrow night?

2 I would like to make sure those folks from the
3 west side of Converse County are aware of the proposed SMA
4 at Sand Hills, which will -- which is in west-central
5 Converse County and will affect some of those people. If
6 they don't come to the meeting, I guess they can't be --
7 that's their own tough luck.

8 I think that's all I really had out of here. I've
9 got a couple out of -- if that's okay. I have a couple
10 questions out of Volume II, page F-1. This is Appendix F.
11 In the third paragraph, the first sentence reads, "Crucial
12 winter ranges are not off limits to any activity. This is
13 true only when conditions dictate."

14 Now, that wasn't clear to me what that meant. I

15 must be putting the emphasis on the wrong syllable or
16 something. If they're not off limits to any activity, then
17 why do we need to grant exceptions? And that's what the
18 paragraph goes on to do. Obviously, I missed the meaning
19 there somewhere. So either I read it wrong or maybe it's
20 not written as clearly as it could be.

21 On page I-3, Appendix I, I have a concern about
22 paragraph B. It reads, "To protect the sage and
23 sharp-tailed grouse nesting habitat activities for surface
24 use will not be allowed February 1st to July 31st within
25 certain areas and encompassed by the authorization. The

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1 same criteria apply to defined raptor and game bird winter
2 conservation areas from November 15th to April 30th."

3 I don't believe I've seen this exact language
4 before. So my question is: What -- it says activity or
5 surface use will not be allowed. My question is: How is
6 grazing, gathering, or trailing, handling the livestock,
7 whatever -- how is it affected by this statement? If
8 activity means drilling or something like that, that's fine.
9 But I think that needs to be clarified.

10 On down the page, same page, I-3, Paragraph B and C
11 seem to be suggested language for laying out these
12 restrictions, in what areas and so forth. I would
13 suggest that -- it doesn't seem to be -- A and B are
14 actually wildlife mitigation guidelines, and A and B cover
15 that.

16 C and D are, as I said, appear to be suggested
17 language to put these actually into effect. I think those
18 should be split out in some manner because they don't
19 really go along -- C and D don't go along with A and B in my
20 opinion.

21 Bottom of the page -- near the bottom of the page,
22 talks about the seasonal restrictions section identifies
23 three example groups of species and delineates three similar
24 time frame restrictions.

25 The big game species including elk, moose, deer,

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1 antelope, and bighorn sheep all require protection of
2 crucial winter range from November 15th to April 30th. Elk
3 and bighorn sheep require protection from disturbance from
4 May 1st to June 30th when they typically occupy distinct

5 calving and lambing areas.

6 Raptors goes on to say require nesting protection
7 between February 1st and July 31st. The same birds often
8 require protection from disturbance from November 15th
9 through April 30th while they occupy winter conservation
10 areas.

11 I'm not sure what all this means. I would like to
12 have whatever protection they're talking about be defined.
13 If it's going to be laid out as it is in Paragraph C above,
14 then it allows for exceptions, waivers, or modifications
15 provided there in writing, including documented supporting
16 analysis by the authorized officer.

17 This seems to me like you've got to have a license
18 to be out there. My point is: This whole window -- if you
19 take all those windows and put them together, they run then
20 from November 15th through July 31st. That leaves three and
21 a half months at the end of the summer, August, September,
22 October and the first half of November, for what I'll call
23 normal activities.

24 When someone who's out there on the range, that's
25 the only time you don't have to be thinking about not

1 violating I guess some of these prohibitions. They actually
2 call them in the next paragraph prohibition of activity for
3 surface use.

4 Again, I realize some of these things are needed in
5 the oil and gas leases at times and those sort of things.
6 But I am concerned with the effect on other people out
7 there, primarily the livestock operator, how he's supposed
8 to comply with all these things.

9 I think that's all the comments I have right now.
10 The social economic -- I didn't quite get all the way
11 through the social economic section, but I was -- I did
12 thumb through it briefly. And it looks -- I believe at this
13 point it looks pretty good. I guess I don't have any
14 further comments. Thank you.