

## Pinedale Anticline Working Group

**APPROVED**

Meeting Minutes

1:00 PM • Thursday • February 19, 2009

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

### In Attendance

#### PAWG Members

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

#### PAWG Task Group Members

Therese Hartman (WGF, Wildlife), Paige Smith (DEQ-AQD, Air), Jocelyn Moore (Water Resources), Dave Vlcek (BLM, Cultural), Bill Wadsworth (BLM, Transportation), Merry Gamper (BLM, Water), Adrienne Peterson (Sublette County Weed and Pest, Reclamation), Carmel Kail (Socioeconomic), DeeJ Brown (BLM, Reclamation), Lisa Solberg (BLM, Wildlife), Darrell Walker (SCCD), Mark Thiesse (DEQ).

#### BLM

Chuck Otto (Pinedale Field Manager), Dave Crowley (BLM PAWG DFO), Shelley Gregory (P&EC), Bill Lanning (AFM), Jim Lucas (JIO), Lorraine Keith (Public Affairs).

#### Public

Reagan Bebat (Sen. Mike Enzi), Pat Aullman (Rep. Cynthia Lummis), Tom Gossart, Perry Walker.

#### Press

Derek Farr (Sublette Examiner)

### Meeting Minutes

Copies of previous PAWG meeting minutes were distributed by email and also available at the meeting.

Packet of documents distributed to PAWG members:

- Federal Advisory Committee Act as Amended
- PAWG Charter
- BLM Federal Advisory Committee Act Guide
- GSA Federal Advisory Committee Act (FACA) Brochure
- Public Access to Records Memo
- Sample of FACA Bylaws
- Consensus Decision Making
- LEL Letter

Dave Crowley: Reviewed ground rules for PAWG meetings. Introduced PAWG members. Announced that Callie Domek had resigned. Also introduced Shelley Gregory, new DFO.

Cathy Purves: Can we get a bullet list of action items in future meeting minutes? Dave Crowley has incorporated all July – October PAWG recommendations into a list. Dave Crowley requested a bulleted list from Jocelyn Moore.

**Paul Hagenstein motioned to accept the minutes of the October 23, 2008 PAWG meeting. Nylla Kunard seconded. The motion passed unanimously.** The minutes will be posted to the PAWG website. Cathy Purves thanked Dave Crowley for the thorough minutes.

Dave Crowley: We have all membership information for PAWG on website. Please look and let me know if there are any corrections. Just to review the goals of PAWG: this group was chartered under FACA in 2004 as a result of the 2000 EIS. Going through the FACA Act is fairly simple – it doesn't get specific about how the group runs – that's spelled out in the charter. Basically, the charter has to be in place, membership has to be fairly balanced, meetings must be open to public, notices must be placed in the Federal Register and media outlets, (Kevin Williams arrived), all documents are made available for public inspection in the office and on the website, minutes shall be kept and certified, the DFO shall attend each meeting, and the PAWG will maintain financial records and provide support for travel expenses. In July 2008 the re-charter officially designated this group as PAWG and PAWG TG. The PAWG goal is to develop recommendations to the BLM on matters pertinent to oil & gas development in the PAPA. It names the field manager as the DFO who is responsible for the PAWG. I'm doing it now and Shelley will be taking over soon. We are required to attend, call, and adjourn meetings, approve agendas, maintain records on membership and costs ensure efficient ops, maintain records for the public, maintain the FACA database, ensure compliance with FACA statutes, and notify members of meetings...the DFO is not a PAWG member but works with the PAWG. *Reviewed consensus handout.* Reviewed roles and responsibilities of liaisons/chairs: Chairs are in charge of meetings and in charge of TGs; BLM liaisons inform the public of meetings, ensure that FACA laws are followed, maintain documents, and can help with minutes. Reminded BLM liaisons to check meetings posted online. Roger Alexander at the Wyoming State Office handles posting anything online. Paper copies to DFO for maintaining in office. Let Dave Crowley or Shelley Gregory know when any meetings are scheduled. Cathy Purves: Can PAWG members be informed of TG meetings? Dave Crowley: The TGs exist for the PAWG and at the pleasure of the PAWG. It would be great if PAWG members attended TG meetings. Jocelyn Moore: I've never heard that we had to send stuff to Roger. And the BLM has a new 5mb protocol. Isn't it the job of the DFO to send information to Roger? BLM liaisons gather documents/minutes for TGs and make sure DFO has them (for office and to send to Roger). Merry Gamper: I set up ftp that can be used for larger files. Jocelyn Moore: Do we have BLM reps for every TG? Dave Crowley: We do. Lauren McKeever will become liaison for air quality. We don't have transportation chair. I would stress that the most important thing is to maintain records and be sure everything is accounted for...everything that's decided on.

## **Task Group Updates**

### **Cultural**

Dave Vlcek: We have a really great TG. We have a lot of fun. We have five members. Chairperson is Clint Gilchrist. Fern and Fred Linton represent the Oregon and California Trails Association, Julia Summers, ranching, and Tex Williams, Questar. On the BLM hand, we take the listening role seriously. Clint and the group went through the whole EIS for the Anticline and came up with recommendations for the mitigation and monitoring. We were assigned trail responsibilities but not visual resource responsibilities. Clint and the group went through program with fine tooth comb and recommended to PAWG: cultural program understaffed...now we have a staff of four or five, Lander trail monitoring

and impacts, viewshed monitoring system (streaming video), geomorphology and soil studies, database analysis (inventories, money spent, how to use information on thousands of sites), public awareness, programmatic agreement for the PAPA for operators, government, Indian Trust, OCTA, New Alliance for Historic Wyoming (similar to Jonah PA). The new state protocol deemed that a PA was unnecessary but it was considered. A lot more education about cultural resources laws, monitoring sites, legal artifact collecting. Encourage universities to become involved through open digs. TG has been very dynamic, somewhat critical but also very complimentary. Wonderful meetings, excellent job. We're here just to be instructed. Very productive, amazed at depth of analysis. Looking forward to continued involvement at discretion of PAWG.

### **Reclamation**

Deej Brown: We've gone through a lot of liaisons in the past year. We have a meeting scheduled for March 5 at 1:00. There's a Reclamation Symposium on March 11 for Anticline and Jonah operators. On March 9, a range permit meeting for Jonah and Anticline, what's working and not. Going from there to adaptive management.

### **Transportation**

Bill Wadsworth: We don't have a chairperson. Last report to PAWG was in 2006 – got signing on roads, nomenclatures as far as roads. If PAWG continues to see need for this TG, I ask that we get clear directions. Do we confine TG to the Mesa or take it down the highway? What is the PAWG looking for? Cathy Purves: What exactly does the TG involve? Roads, right of ways? Bill Wadsworth: TG never arrived at what they should be looking at and how the PAPA should look. Pipelines, powerlines, whole gamut of transportation? We've struggled with what exactly we were supposed to look at. Cathy Purves: Chuck, do you have a clear definition for the TG? Any recommendations? Strictly roads, pipelines, right of ways? There's never been a clear definition so it's been a challenge for the group. Chuck Otto: We are engaging in a transportation management process for the entire PFO. The Anticline is one of the areas in which we need to do transportation planning...I would see that role rolling into the overall transportation plan process. If there's a transportation group for the Anticline, it would definitely help in the process. But I'm not sure where the Anticline will come up in that schedule. Cathy Purves: But to have the transportation TG involved in some way. Do you have membership? Bill Wadsworth: We have membership but haven't had a meeting. Cathy Purves: I feel it's vital. Scott Smith: Agree. Even from working with the wildlife TG, there have been several years now of vehicle data collected...trips...throughout the Anticline. There's a large amount of data that's already been collected that we could cooperatively use as far as looking at wintertime use and volume. I can see an immediate need. Nylla Kunard: We have a lot of discretion on roads and water because we haven't decided whose TG it falls under. We need something done on that. Bart Myers: What about identifying most impacted roads? Not only just the Anticline but disposal activities. County road and bridge would certainly have an interest. Carmel Kail: It would be great to include pipelines. Dave Crowley: This is snowballing...going from transportation to produced water to pipelines. Cathy Purves: Maybe we need a ROW TG? Paul Hagenstein: What is a pipeline? Isn't it transportation? Why do we need another name? Cathy Purves: Well then the powerlines...what's the status of that? Nylla Kunard: What they need is a definition. Dave Crowley: Based on the charter, it's up to the PAWG to decide why the TG exists and define what their job is. Jocelyn Moore: There's also a component of looking at road usage, sediment, runoff. Studying information compiled would be of great interest to the Geomatrix project as well. Dave Crowley: Any suggestions for how to proceed? Paul Hagenstein: TG did have good discussions. Cognizant if whether it worked or didn't. Frustration, like other TGs, played a factor. We have a better situation now than we had with the last two people...with this gentleman in charge. At least they listen to us now anyway. And we had a quorum at the last meeting. Nylla Kunard: We should encourage transportation folks to get together and decide whether to pursue. The PAWG can recommend, but if the TG gets together, they can come up with suggestions. Cathy Purves: Bill, contact TG members and talk about resurgence. Invite TG to next meeting, discuss issues TG is facing, and how TG can witness how active PAWG is. Paul Hagenstein: Let's do something before the next meeting so PAWG can gauge effectiveness. Who's interested, who showed up? See what they come up with and report at next meeting so we're a month ahead. Cathy Purves: Next meeting is in March. Paul

Hagenstein: We want a report at the next meeting - something before so we can stop treading water. Dave Crowley: So, invite TGs to next PAWG meeting and have TG recommend from their meetings on how/if to move forward. *Chris Corlis joined meeting at 2:00 pm. Dave Crowley brought him up to date.*

### **Socioeconomic**

Carmel Kail: Situation similar to transportation. We also last met approximately April 2006. We have a liaison but no membership...dwindled, people left town, anyone left sort of burned out. Should group continue? What would be the use of it? We'd be starting from scratch. Michael Coburn: I monitor socioeconomic impacts to Sublette County from oil and gas development. What are the benefits of this group? In a general sense, the more input the better from a scholastic standpoint. Looking at different angles and seeing potential problems I might not see myself. Public involvement is important as far as potential problems. A lot of problems go unnoticed so it's important that there's a TG to listen to concerns from the public. Bart Myers: I see a need for the TG. The more information, the better. This TG serves a different function than even the consultant hired by the commissioners. TG is important. Cathy Purves: Carmel, what exactly has the TG has been assigned to handle...original goal/objective? Carmel Kail: We didn't have a specific mission. All over the board. At that time, it was very difficult to get information so we spent a bunch of time throwing stuff together: our biggest single accomplishment. As a result, a state representative pushed us into a grant which the commissioners co-sponsored and came up with the job that Mr. Coburn now has. Talked about having something like a mitigation coordinator – take ideas, get them to happen, pull together resources. Chuck Otto: More information would be pertinent to recommendations. At this point in the PAPA, the SEIS has been completed and its socioeconomic study. Forum for this and other resources and issues is lacking. The PAWG serves for the public to have some input. BLM doesn't have a lot of authority to force socioeconomic change but can forward information on to other entities and the TG will help PAWG with making recommendations. Socioeconomic concerns used to be an afterthought but now we do take these concerns into account mostly through the planning realm, RMPs or EIS, but we're still continuing to make decisions on the Anticline in development and production and there's no reason socioeconomic can't be a part of that mix. Again, BLM has little power on certain issues but it can forward recommendations. Merry Gamper: For the ROD, one of the purposes of the 10 year forecast was socioeconomic. Bart Myers: How do we get the TG going again? Dave Crowley: State office has a socioeconomic specialist. Maybe assign a local person? Put an ad in the paper? Carmel Kail: We've put an ad in the paper before for TGs but not a lot of response. Tom Gossart: With the mortgage crisis, stock market crash, low gas prices, reduction in rigs...how many wells were drilled on the Anticline and Jonah? Merry Gamper: A few hundred each, we approved 700 permits. A large majority were spud but we're not sure how many have been completed. Carmel Kail: I think it was about 400. You can go to completions on the oil and gas website. Tom Gossart: On the TG, we're seeing interagency problems. For example, in water, the state engineer has the right or the obligation to permit water wells, the oil and gas commission has the application for permit to drill wells, the ROD says water should be protected down to 3500 feet, plus drilling on 5 acre spacing. Initially, we didn't but there's a move now to collect subsurface data. We have impacts to quality near the New Fork River with dense spacing and geologic subsurface conditions. Plus DEQ has oversight on quality of water. Now we have three agencies involved in subsurface, potable, water. Then Indians got involved regarding frac fluids. Does the state have the primacy of that subsurface water? Why isn't there more oversight in well drilling for subsurface potable water and air quality? Why can't we have raw data in regards to both published in the paper? Other than these meetings, the public only learns of this by word of mouth. Dave Crowley: Why don't we move on and discuss water quality later on the agenda and we can answer your questions then. Carmel Kail: So do we do an ad? Does anyone have anyone to recommend? Cathy Purves: Can we have your resurrected group come to the March meeting as well?

### **Air Quality**

Paige Smith: We haven't met since October 2007. The TG put out a report in 2005. We had hoped to put together a report for the next year 2006/2007 but I can't stop what I'm doing to put together a report and neither can anyone else. DEQ does have a report from the winter 2008 study which is on our webpage, and we are currently in the process of

doing another study in 2009. As far as the TG, everyone is so busy that we can't meet. Cathy Purves: Sounds like air quality TG is made up of professionals that don't have time but are also working on this in their professional capacities. Don't we have anyone just from Pinedale? Paige Smith: I couldn't tell you the formal list – I just have the sign-up sheet from the last meeting - but locally, it's Terry Svalberg. Cathy Purves: Given the issues with air quality, especially now that there's CURED, I would think there would be some interest in getting this air quality group reinvested. Paige Smith: Look at it differently because of the ROD – there wasn't anything comparable when the PAWG was first established. There might be some wisdom in looking at requirements because air quality is heavily invested in that, as well as the BLM and, to some extent, the EPA. There are going to be meetings to go over those things so maybe that could serve as part of the vehicle for getting air quality information out. I'm not sure what the TG would do on top of what we're already doing but I'm open to suggestions. Chuck Otto: Agree. It would be a good way to get information out. It's one of the key issues that we're going to be dealing with as the Anticline develops – it's not going to go away. At the same time, we do have some fairly stringent milestones in the ROD to deal with air quality. There're a lot of folks working on air quality and moving forward and making sure those things are taken care of but I'd like to see some role for the information to be disseminated to the public and available to the PAWG. If we meet all the milestones and the schedule, we'll be ok, but that's basically a best-guess scenario – in certain instances we'll be ahead, in others, behind. Input from the PAWG would be much appreciated if we can get it and whether that's through the TG or the PAWG members themselves, I'm not sure how best to recommend that process work. Perry Walker: I was on the air quality TG from 2004 to 2006. The fundamental weakness I saw in the TG then and that still exists is a vehicle for this mass of information that has been accumulated on air quality impacts and translating them into meaningful lay terminology and getting it out to the public on a vehicle that the public has ready access to and can understand. That was one of the major failings of the TG in my view. More important issue in regards to a need for the TG now is the ROD conditions for approval – I have full confidence that a number of conditions will not be met. More, I've seen no reliable matrix for evaluating whether those deadlines or goals have been met, why they have not been met, or if they've been met how to quantify to what degree. There are problems with the makeup of the TG in that the membership is a lot of vested interested, primarily government and operators. They have an agenda – and that agenda has been to demonstrate success in meeting air quality commitments like the EIS and the ROD. There needs to be balanced membership to ascertain whether we're getting the full truth from those members. Furthermore, TG members need to keep in mind, as you achieve success in your different endeavors, that your success may create problems for other TGs. We were achieving what appeared to be success but some of those solutions were leading to problems with wildlife. I cautioned PAWG in 2005 on this: be careful about how you come up with solutions that may impact another TG and cause problems for them. It can still happen and is still happening. We were hamstrung by consensus. We argued for years what it was. The modus operandi was the hammer to impose censorship rather than the tool to achieve agreement. Lastly, adaptive management...we tried to invoke AM arguments a number of times and were slapped down because we were told by previous directors of this office there were no specific criteria defined nor conditions described to invoke AM. You all need to pay attention to this topic. Define conditions under which it needs to be invoked and how it shall be invoked. In those years, I went through three directors of this office. My jungle drums – and they're fairly extensive in this region – tell me that the current BLM director is far more open and determined to do the right thing. That's excellent. My three years on this TG burned me out because all we did was butt our heads against bureaucracy and a pre-determined political agenda that never let us achieve what we were able to achieve had we been given the latitude that we need to have and that latitude needs to be reestablished now on air quality and the complexity about the ozone and nox and credit trading of voc and nox. This has got to be critically analyzed. There are a lot of technical issues that need to be explored and that'll require more than the usual membership from the usual sources. Cathy Purves: I'd like to reiterate Perry's comment about the make-up of the TG. We have to make it more available for public participation. I'm not sure how to go about that since it's an intimidating TG because of the subject matter itself. Dave Crowley: In that situation, maybe we take nominations and take one member from each type of PAWG member category. Cathy

Purves: On the TG, is there one rep from each category? Paige Smith: I don't know what the official make-up of the TG is. Nylla Kunard: We definitely need to see who's on it and their qualifications before the next meeting. Cathy Purves: We need something since nothing's been done since 2007. Nylla Kunard: Do you still have a complete group or no group? Paige Smith: I'm not sure how to answer. The only person who was at the meeting in October who has asked if I was participating this week was from Shell. Clara Kessler had been the chair but it's not on her radar any longer. Everyone is so consumed with dealing with the permutations of air issues that this is not high on people's radar because we're living it every day. I'm not sure what would be the expectation of this TG. To record information and discuss ways to deal with it? I honestly don't understand what was intended by this TG. Dave Crowley: Perry raises a good point that the TG can translate information just as the socioeconomic TG would do and that's a good start. Paige Smith: With the air quality division, this is part of our job to work on the ROD commitments and we're working on it right now. Part of the translation is done through the DEQ annual public meetings and on our webpage, so there are some things being done but not under the auspices of the TG. I'm not sure how the two will mesh. I'm not sure I can commit to taking on anything else other than what I've just described. Cathy Purves: Perry mentioned that other people on the TG could bring this all together. Paige Smith: That's the key. You've got a lot of technical people on the TG that are already overwhelmed with the particular work they're getting done for their agency so I don't think you can ask them to do anything more. Is there a way to get people who don't do that for their job? But it's very technical. Cathy Purves: Because the air quality TG is composed of more government entities and because of the issues with air quality, we've had the local population put together their own air quality group, CURED, and that's probably a direct result of not seeing anything come out of the PAWG TG. If there was any way they might interact, that might help. Paul Hagenstein: Air quality is more important than anyone's job. Cathy Purves: Air quality issues are certainly affecting this county; whether it's socioeconomic, health, business, everything... Perry Walker: It seems that the fundamental charter of the air quality TG is monitoring compliance with the conditions of the ROD. It would seem that the primary mission of the TG should be monitoring and reporting of same. They can do that effectively because they have a DEQ member who is primarily tasked with oversight of compliance with those conditions. Another partner is the Forest Service and Terry Svalberg. Terry was on that TG continuously. But this addresses the concern that everyone is overwhelmed - that is the nature of federal employees who are on these TGs. They are few and far between with huge amounts of workloads and this TG was just an additional duty. This needs to be bourn in mind. Some latitude must be built into the operation of the TG that would make their participation possible. I know Terry would be pleased to continue to be a part of this effort but I also know his workload is very difficult. If one looks at compliance with the ROD as being the driver, you are in position already to execute that part of the charter. You can add the task of translating all the information that flows into the TG into bottom line statements to the media as to what the operators are doing to reduce impacts, what DEQ says those measures are accomplishing, what Forest Service feels are impacts still in existence but not abating, and what BLM is doing to persuade operators to do the right thing to reduce impacts. All this can be put together to report to the PAWG and the public. Chuck Otto: The information conduit is critical. There needs to be some form as agencies gather information for it to become available to the public. The PAWG can serve that function and provide public/community input and support into interpreting that information. We depend on volunteers so if people don't have the time, we can't force them to be a member. From the BLM standpoint, we have a BLM liaison who supports the TG and PAWG with air quality information. I'm not sure if we're looking for an end result to be able to make recommendations or decisions - if we can ever get to that point with air quality - because there're so many things in the mix and it has such a technical aspect. If nothing else, we need some form for dissemination of information to public and back to the agencies. If we can get volunteers to work on it, I can pledge BLM support. Cathy Purves: What does the PAWG want to do? Paige Smith: Going back to the 2005 report...folks thought it was a good idea to continue with the report idea. But the problem was getting the report written. Can we task some entity other than DEQ or Forest Service to try to fill in and revise it with the data that is available? DEQ data is available for those years, and probably Forest Service. Just saying "yes" isn't going to cut it. Cathy Purves: Unless we use Chuck's suggestion and get the information into a format

for the BLM and use BLM's help to put that into a report. Paige Smith: If that TG weren't committed to putting the report together and just the data, then we'd probably get some mileage. Dave Crowley: What about a contractor? Paige Smith: That's a good option. They'd just follow the boilerplate and revise information. We had talked about that but the PAWG didn't have money for contracting. Chuck Otto: There's still no money for that. Cathy Purves: What about the Anticline funding? Chuck Otto: We can always propose that. Dave Crowley: What is the job then of the air quality TG? To propose projects that can be implemented through the Anticline office? Chris Corlis: Air quality is a topic all over the state. The air quality activities get published statewide and everyone reads and monitors it closely. We should have a select group representing all bodies that are well informed on the topics and if we can get project funds for someone to do it as a full-time activity during this project time would be the most effective because volunteers can't spend full-time on it and it's an intense issue...a lead contact officer dealing with all aspects with a technical background would be the best bet. Perry Walker: On my years on the TG, it was hard to travel. And government reps were there on a paycheck. Volunteers were there on nothing. It got to be untenable. It's a fundamental issue that needs to be addressed. With regards to report writing, the reports were huge and they required Terry Svalberg traveling to Cheyenne to scrub the report with Tara Kessler several times but it always boiled down to them doing the final writing because the report was so complex and technical that only they had the depth of knowledge to do it. A contractor is a nice alternative. Paul Hagenstein: How pertinent is the 2005 information compared to 2008? Perry Walker: 2005 became de facto baseline because it took that long to get the state to start monitoring. It was three years too late. What was measured in 2005 is not representative of what has gone on since that time. I'm also concerned that the data may not be as helpful because it can't delineate the sources – Anticline and Jonah – from what's coming from the outside. We have yet to position ourselves with instrumentation, logic, and methodology to sort out who's responsible for how much and when. And that's always going to be a hiding place for operators. Paul Hagenstein: Until you know the source, you can't address it. One of the problems...the minerals companies came up with three million dollars and it took the state 2.5 years to match and by the time they matched, air quality monitors went from \$250k to \$500k. We can lay a lot of blame on legislature for lack of forwardness on air quality. Chris Corlis: One of the conditions for approval in Jonah for air quality specifically states that federal and state agencies and operators will fund measures to approve, monitor, and measure air quality – operators have a low profile on this effort especially given the problems with the ozone alone for the last two years. Cathy Purves: Is there a stipulation in the PAPA ROD that states the same thing as Jonah for air quality? Chuck Otto: That's the purpose of the mitigation fund but much broader. Bart Myers: I'd just like to add a little to air quality – the district is trying to do a lot of the modeling and risk assessments, which are just about set up and ready to go, some are running now. The county is spending a lot of money; it's very expensive. With that health risk assessment study, we have four boundary sites trying to find out what's coming into the county. There's a lot of information on air quality. County has the money but we could never get DEQ to do anything and the hard part is getting this information out to the public. Chuck Otto: Let's move on - we could spend all day talking about it. At this point, do the same as the other TGs and issue a notice asking for volunteers. We could make it a standing agenda item on the PAWG to have updates from the agencies and what they're doing. The TG is important because there's cultural bias and maybe it could be removed. At least getting the information to the PAWG would be a start.

## **Water**

Jocelyn Moore: Our last meeting was in September 2008. We don't have set meetings per se, but if something particular occurs, it triggers a meeting. One of these triggers is when SCCD data is received. The LEL letter and produced water will be addressed later so as far as what's coming up now, the NEPA process requires that we look at adaptive management. If we find certain things, how do we change/adapt/find out what's working or not? If there's a change in the monitoring process, that's also a trigger. SCCD sent out an e-mail proposing changes to the ground water monitoring protocol. I sent that on to the TG but I haven't called a meeting because I wanted to bring it up to the PAWG. In the ROD, it states that there will be a group composed of operators, BLM, DEQ, and EPA who will revise and develop a new monitoring plan. I've been attending those meetings and my concern is that I don't know if the BLM is going to

continue with the monitoring that the SCCD is doing or if that is going to cease and this new monitoring protocol is going to come in. If there is going to be a stop to existing monitoring, I don't think we need to call a TG meeting to look at the monitoring if it's not going to continue. A lot of these TGs – a lot of the participants are government reps or people with technical knowledge. That's pretty much half of our TG. I haven't sent out any documents or plans of study since I don't know if they're public documents. Mark Thiesse: The current monitoring program will continue until something new, if there are any changes, is implemented. Merry Gamper: Until the final document is completed. The interim was required and has been completed. The plan of study is being reviewed and commented on. Once the study results are obtained, it's all synthesized...within six months, we are required to complete the final. The final will identify whether the current monitoring program will need to be modified and how – there are no changes until we get all this data collected, synthesized, and get the reports. Jocelyn Moore: When you say no changes, what the SCCD has seen and what the TG needs to discuss, the BLM says we shouldn't discuss it. Merry Gamper: All the data that SCCD is currently collecting is still required for the annual review of the SAP that we're currently using. Mark Thiesse: The changes that the SCCD proposed mostly clarify what to do if they get a detection. Do they sample? Do they have to notify everyone every time there's a detection in the same well or do they need to do it once per well? I don't see why we couldn't entertain those changes if the main PAWG body agrees with us and the BLM concurs that we can't change the current process before the oxford characterization study is completed. Mark Thiesse: First thing – the TG needs to meet and talk about changes that the SCCD would like to see in the current sampling plan, and then have TG come to consensus and take it to the PAWG. Merry Gamper: For the PAWG's clarification, all these TG are required to put together a working document for how they operate and this would be good since there have been so many revolving members. I have a copy of water resources but it's required to go through the PAWG. Cathy Purves: When you're talking about changes in the current monitoring plan, you're not talking about the new interim monitoring plan? Merry Gamper: No, actually the sampling and analysis plan is the types of samples, how they're collected, and what methods are used... I believe the updates are specific to the LEL in response to the letter. Jocelyn Moore: So they're going to continue the monitoring until the new plan is reviewed, then our TG gets together... Darrell Walker: How soon are you going to do this? We've got a letter that states how oil companies will be billed but they don't want to do this anymore. We've always sent the bill to Ultra...but that was all set up through the TG. It seems like the operators are confused on this. Merry Gamper: Isn't there a contract between the operator and SCCD? Darrell Walker: It's a contract between us specifies to the TG and determines the SAP plan as approved. Nothing's been released as far as what's been specified in the old RMP. Nothing's come out of the new RMP yet. And six months is just about over and I don't know how quick that will even happen. Merry Gamper: The schedule for the interim to even begin looking at the final document is a year out. It'll take at least a year to gather all that data. Jocelyn Moore: I'm going to get the TG together and review these ASAP so that you'll have some direction. Darrell Walker: The SCCD has also asked to be involved in that monitoring program. Chuck Otto: We'll make sure that happens. Cathy Purves: Regarding the interim plan, we talked about it being sent to PAWG members for review. It was a short turn-around time and we didn't get anything. That's why we appointed Jocelyn to participate. How can we ensure that we're kept in the loop? Merry Gamper: It's posted on our webpage. The plans of study are still being drafted. Jocelyn Moore: Cathy's asking about being involved as it progresses as opposed to receiving notice of the final product. Merry Gamper: The interim has three components: characterize the groundwater system, augment existing monitoring program, and identify mitigation for all potential sources of contamination. Once all those are completed, technical reports will be published, conceptual models will be revised, if not become numerical models, all that will be integrated with vulnerability studies and the results of the low-level hydrocarbon source effort. This will end up in a report that will contain recommendations for changes to the monitoring program. Then that group will ask additional regulatory agencies to come into play to take those recommendations and draft a final report which will lay out what the future monitoring program will look like, implementation, etc. This was a huge task, we had three months to turn it around and it was done on time. It's a good document, signed by all three agencies – BLM, DEQ, EPA. Individual plans of study are now being finalized, that's all the

technical, how we're going to collect this data, which wells are going to be used, what wells may have to potentially be drilled, what those parameters are for the data, which samples we collect, how they're analyzed... Mark Thiesse: This effort came about because of concerns about the current plan not being effective in monitoring the aquifer; it was more of a well monitoring program than an aquifer monitoring program. DEQ had concerns about that and send a letter out 2 or 3 years ago... Merry Gamper: We don't have any information on how these units interact. In the original ROD, we were only supposed to monitor stockwells. Somehow, in the first couple of meetings, it got turned into monitoring every single well. 250 wells just don't make sense. In the ROD, it specifically says stockwells. If you look in the charter for the TGs, in the old ROD, these TGs are laid out, and says exactly what they're supposed to do – so originally it said stockwells and then it became all wells, good or bad, this is how we've attacked these issues, this is what we're doing about it... *This comment was corrected at the March 26, 2009 PAWG meeting to clarify that all wells should be monitored.* Cathy Purves: Back to where the PAWG can come in and make recommendations. What would be the best way for us to participate and comment? Chuck Otto: A lot of times, we have a schedule. With the interim plan, they had 90 days so that didn't leave a lot of room for PAWG input. We're now in a mode where we can assess what the interim has said, and when the characterization study is completed, we can make that available so that the PAWG has ability to review and provide input. Merry Gamper: I would say that when we get the chance to pull reports, the information will be available on the web and that would be a proper place. Again, when final recommendations come out, we can talk about the final plan. Cathy Purves: Because the PAWG members don't necessarily always check the web, we're not always in the loop when these things come out and then the timeframe goes by and we haven't commented. Can we make sure that when these reports are sent out for comment, the PAWG members can also receive? Paul Hagenstein: How do you delineate an aquifer if you don't test wells? Merry Gamper: We are testing wells but you have to know where they're completed. Mark Thiesse: There's no requirement to do that. Some drillers know what they're doing and some don't. There are new water well driller licensing requirements this year so that will change. Merry Gamper: The network of wells that we're going to get out of this will be very well documented and monitored; it will become its own network of water wells that we can monitor.

### **Wildlife**

Therese Hartman: The wildlife TG is functioning and happy. Three public, two industry, myself, two liaisons. We're holding off until after the APM and will try to evaluate what comes out of that. Then you'll be hearing from us. But we're fine. Cathy Purves: Question about fisheries information... Therese Hartman: We're trying to get information from Hilda – there are issues that need to be looked at and we'll have recommendations from the matrix...

### **LEL Update**

Cathy Purves: We had a letter that just went out. How's it working? Merry Gamper: The wells have been sampled. We've received information from the operators in accordance with that letter. DEQ and BLM have received information from Yates early this week and did have minor detections of benzene. The results from Ultra have not come back because they wanted to go back and investigate. The final well is on state land so we have no authority. Cathy Purves: What happens when you find detections? Merry Gamper: It's documented. If it's below state standards – that's part of the reason it's in the interim plan. It's to identify these sources and have more stringent practices to deal with them. What we're seeing is methane but we don't know if these are formation gasses. Logically, you would expect if you have an LEL, you would have a contaminated water well but in one instance, this wasn't the case so it requires more investigation. Cathy Purves: When you have thousands of wells and low detections, is there a cumulative effect that you've looked at? Merry Gamper: Hard to say if it's a well issue or an aquifer issue. Mark Thiesse: During the risk assessment process there's room for a cumulative effects analysis; in this case we all think either it's naturally occurring, it's something done during the drilling process, or it's something operational. We're not sure at these low levels what the source is. As Merry said, it's a well issue more than an aquifer issue. It's individually scattered wells all over the place. I don't think it will ever be a cumulative issue. Paul Hagenstein: You mentioned the well with problems on state

land and you couldn't do anything about it. Are there any interagency agreements to make sure this will isn't causing problems for other wells? Mark Thiesse: As far as DEQ goes, unless the well has contamination over a certain concentration, they are not in violation of the water quality standards. The sheer number of these things is really what triggered our interest and concern in the Anticline and Jonah. Really, statutorily, there isn't anything we can do about the wells if they are below state standards. Paul Hagenstein: Why don't they meet the same standards as on BLM land? It sounds like we have a double standard. We need everyone to play by the same rules whether the well is on federal or state land. Cathy Purves: Will this be a problem in the future? Is this something that DEQ will do? Mark Thiesse: We're testing all wells regardless of location on state, BLM, or private if they are owned by an operator. It's part of the PAPA ROD requirement for samples with permission from private land owners. The hitch is when you have to do certain other things to make a well safe to sample it. I don't know why the operator isn't doing this voluntarily because the operators are required to sample all the wells per the ROD but that's on BLM ground. If it's on state or private, and there's an LEL reading, I can make the assumption that the well is contaminated and they have to prove to me that it's not. Dave Crowley showed where to find the interim plan on the BLM website. Cathy Purves: Another question from our minutes last time: we were going to have a produced water questionnaire for the operators. Dave Crowley: Yes. The main question: do we know where all the produced water is going? Other issues like the types of disposal methods make it difficult to track. Merry Gamper: We'll get a report on that at the APM next week. They're going to provide annual reports as far as tracking recycling and disposal. They do account for every drop. Dave Crowley: Maybe we wait and see what information is provided at the APM and then go from there. Tom Gossart: Do you track fresh water taken from wells for drilling? Is it used for drilling or recycled? Kevin Williams: Questar uses fresh water from a well and we measure the amount of water we pull out of the aquifer. Tom Gossart: Is that reported to the DEQ? Kevin Williams: I think it is on an annual basis and we are also supplying the information at the APM. On the drilling permit, you state what you expect to get from the well, etc. I can pull up how much we've used.

### **Anticline Project Office**

Jim Lucas: As you know, the ROD established the Anticline project office. The MOA was signed on December 8, 2008 by all the chartered members and formalized the PAPO, very similar to the JIO with an extra agency. BLM, WY Dept of Ag, WY Game and Fish, DEQ, Sublette County Commission. Purpose of PAPO is to obtain, collect, store and distribute monitoring information to support the adaptive management process and to analyze and provide oversight of on-site and off-site mitigation projects. It also established the \$36 million Pinedale Anticline Monitoring and Mitigation Fund. The escrow agreement was signed December 17, 2008 by charter members and industry establishing the Wildlife Heritage Foundation of Wyoming as the escrow agent. The MOA also established the Pinedale Anticline Mitigation Management Board which will provide stewardship of the fund. The MOA established the agency managers committee composed of all participating agencies and a single member of all industry proponents who will meet to review progress and provide senior management guidance to the APO. Chuck has sent a letter to the governor requesting the appointment of a Sublette County Commissioner to the board. A letter to all charter member agency heads asking for their appointments will be sent soon. We're also working on a PAPO office organizational paper. Cathy Purves: Why are the charter members all government agencies? Why wouldn't a rep from the PAWG be on the board? Chuck Otto: No one thought of it. Structure was based on JIO which was a successful model. Cathy Purves: Just something for future consideration. There's been a lot of interest. Chuck Otto: That might be one of the things we consider as we move along through the AM process. It might be something the PAWG would want to recommend.

### **Adaptive Management**

Chuck Otto: As long as we're talking about this, one of the decisions in the SEIS was using the AM process to look at monitoring results, overall oil and gas development management on the Anticline...look at things that aren't working and make them better. I do have an AM proposal formalizing the AM process. *Reads steps 1-5 in adaptive management*

*handout*. This isn't intended to change decisions in the SEIS but to clarify them or change monitoring methods. We do have some ambiguous and poorly written sections of the ROD that we're working on right now but they're not ready for the PAWG. We have to let industry review since that's something we said we'd do. We may be bringing them up next week at the APM, we'd send to PAWG immediately after that. Any ideas, thoughts? Cathy Purves: Regarding item three, can we place a 60 day time period following submittal to the PAWG? Dave Crowley: Can these proposals be sent out to PAWG between meetings in order to discuss at next meeting? Cathy Purves: It depends on everyone's desire to interact and discuss or to just adopt after reviewing on their own. Chuck Otto: Change wording to two consecutive PAWG meetings? Dave Crowley: It would be beneficial to provide information for consideration ASAP particularly if we want TG input. Chuck Otto: ROD calls for one planning meeting per year. Operators have brought up that quarterly meetings might make things easier. They will be working meetings so that we don't get too much information once a year that we can't process well. This year, it's a three day meeting: first day is public to get updates, discuss issues; second and third are operator working meetings which are closed to the public because of proprietary information, etc.

### Liquids Gathering System

Chuck Otto: ROD did have clear timeframe for completion of the LGS. Shell and Ultra are upcoming. Questar is continuing to work on it. We're working with Shell and Ultra to help in the planning. We will have part of the LGS online from at least one of the companies this fall. One of the central gathering facility sites is being reconsidered and it has thrown Shell slightly behind schedule but we're trying to minimize that. Cathy Purves: Does this put them into crucial winter range? Chuck Otto: No, the conflicts involve raptors. The site was chosen to avoid wildlife conflict and is also in a VRM class III zone in DA 2. Overall, they're working hard and meet the overall deadline with a star next to Shell - but Shell's not to blame for that. Keep in mind, the three major proponents working on the Anticline are required to go to LGS but smaller operators are not if they can demonstrate equivalent reduction in air quality emissions within one year. Now they need to be innovative and come up with ideas but that may eventually lead to them doing the LGS, also.

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### Ozone

Dave Crowley: We had our first ozone advisory a couple of weeks ago but did not end up with an alert. That could have been because of the weather or the operators' ozone contingency plans. For all intents and purposes, we had a successful implementation of the contingency plans...no ozone formation. It would be tricky to tie it back as an actual result of the plans but the plans did kick in. Paul Hagenstein: Were we satisfied with the response to the ozone advisory? Chuck Otto: DEQ would have feedback. Merry Gamper: They were still gathering data and would see what was available and what they could present in terms of their impressions on the response. The quality of the contingency plans varied widely on how thorough they were...some were pretty thick and some were a couple of pages. One of the requirements is that they have to go back and fix them. That's one of the working topics. Cathy Purves: The contingencies plans were developed and approved by DEQ? Chuck Otto: The operators developed them, the DEQ approved. Cathy Purves: Does the BLM have any say so? Chuck Otto: We made it a requirement in the Anticline. DEQ asked all the companies operating in Sublette County to provide plans but on a voluntary basis. EnCana came up with one of the best – in my mind, it set the standard. I agree with Merry, they had a wide range of quality. Cathy Purves: I guess the point is, if some of these companies ramp up or revise their plans, it would be up to DEQ? Chuck Otto: Yes. We're trying to stay in lockstep with DEQ so we'd work with DEQ on deficiencies but it's up to them to make the final call since it's their jurisdiction. Dave Crowley: This is where air quality TG may come in, in that the public response to the advisory ranged from "okay, it's an advisory, I'm going to take necessary steps" to "everything's breaking loose and we have the worst air quality in the nation." An educational plan would go a long way to understand that an advisory is just that, an advisory, and to take appropriate steps.

## Recommendations

Dave Crowley: I've put all the recommendations that the PAWG forwarded to the BLM into a spreadsheet. I want to make sure they're correct – if there are any remarks, if they've already been done, if they're ongoing...a lot of the wildlife recommendations were covered by the ROD so maybe we just need to note that. The water resources recommendation asked to prohibit hydrocarbon-based grease... Merry Gamper: A lot of things are in there that I'm not sure the TG necessarily voted on. Dave Crowley: The report was that the TG couldn't achieve consensus so the report was put out there for the PAWG to consider. Merry Gamper: But they haven't been put up for a vote so there's no consensus so there's no BLM authority to implement. Dave Crowley: That's what I'm looking for...what the BLM stance is. If the PAWG reviewed it, they could take recommendations from TGs and other sources and consider and forward them. So BLM doesn't have authority to implement. Next item, ask BLM to increase awareness and monitoring of storm water management issues and requirements for industrial development. Merry Gamper: Those are standard inspection items...we exceeded our inspection targets last year by 700%. Eight NRSs did 800 inspections plus 50% of all new construction as required. Plus there are also site specific erosion controls that are approved in a majority of locations. There's a lot of erosion monitoring occurring. Dave Crowley: Next, install new monitoring wells. Merry Gamper: They're not monitoring wells, they're study wells designed for a specific purpose, such as characterization, hydrocarbon detection, etc., and may be converted into a monitoring well. Potentially, newly drilled wells. This recommendation is being covered or could be determined to be covered. Dave Crowley: Next, a user friendly guide to water resources in Sublette County including explaining water and well testing scenarios in layman's terms. Merry Gamper: First I've heard of it so I can't report. Where does that come from? Dave Crowley: A PAWG recommendation from the October 23<sup>rd</sup> meeting. What we're really trying to do is take SCCD well testing data and put it in a format that folks understand. Merry Gamper: The problem with the database and the reason the BLM doesn't have a statistical package...it's not powerful enough to handle statistical water data. We're going to design the database is so it fits into the USGS web server so that things can be plotted on the map, charts can be made, and we can manipulate that data. Dave Crowley: Next, allow PAWG members to attend interim plan meetings. Merry Gamper: Mark Thiesse is co-chair. Dave Crowley: Next, BLM hydrologist will prepare water testing overview to be presented in layman's terms to the PAWG with results of water wells on Anticline that have hydrocarbon detection. Merry Gamper: If the TG is finding the summary report inadequate, they need to present that. Chuck Otto: We would ask a hydrologist to present that but we don't have one in Pinedale, there's one in Rock Springs. And he doesn't have the time and would look at it from a much more technical aspect than perhaps you want. I would still like to come up with a basic analysis... Jocelyn Moore: This has come up repeatedly with the water resources TG because the TG wants to talk to citizens...it's not looking for an excel spreadsheet with technical data, it's more along the lines of "is your water safe?" Chuck Otto: I'll work on getting something summarizing those findings.

## Anticline

### 230kV PacifiCorp Paradise Powerline

Dave Crowley: The EA is submitted to us for review. This is the above ground 230kV transmission power line that runs from the Jonah Field up through the Anticline, across the river to the north side where the compressor stations are and provides power to those stations and liquid gathering facilities. The main alternative is the one that runs along Highway 191 or further into the field, then there's a small alternative across the Mesa where it angles down to the south or go straight west and that mostly for Lander Trail visual resource issues, then there's a small possible change along Highway 351 east of Big Piney. But nothing's been selected or finalized yet. Right now it's mostly for industrial customers along the Anticline but will connect to the Pinedale loop and provide redundancy for the line coming from Big Piney so that power's more reliable, with few brownouts and blackouts. They want to have at least a part of it in by this fall. We need to provide a review back to the consultant at the end of March. Chuck Otto: Long term, the companies are planning to

electrify a lot of their facilities on the Anticline so a lot of the natural gas motors and pumps that are contributing to air quality emissions will go away, so that will be a big benefit.

### **Lander Road PA**

Dave Crowley: This is a programmatic agreement with Shell and Ultra to allow development along the Lander corridor. It's being amended now...in process...another meeting in March. We're making headway and hope to have it done by end of spring, beginning of summer. It recognizes the new development scenario on the Anticline, realizing there will be new additional disturbance but requiring additional mitigation. There's still a quarter-mile no surface occupancy on each side of the trail, though they can drill directionally and probably will. Development is limited by the ROD to one pad per operator per quarter section so that's four pads per section. Difficult part is developing mitigation that recognizes the fullest extent of possible development and putting a dollar figure on that.

### **Other Projects**

#### **Normally Pressured Lance (NPL)**

Chuck Otto: Rock Springs has the lead on this EA. They were hoping to have something by the end of March. It's south of Jonah but the corridor has moved a bit and is actually more in the PFO. It will have 85 wells.

#### **EOG Platform**

Chuck Otto: That's a 604 well proposal from EOG located southeast of LaBarge on the east side of the Green River in the RSFO, crosses the Green River, past LaBarge then Big Piney. We've gone to the other operators and told them we were doing the EIS so that they could tell us about any upcoming development. Chevron, Vantage, and Questar/Wexpro have given us information so we're up to 720 wells that we're analyzing in the EIS. Lauren McKeever is the lead planner. The Notice of Intent should be published in the next six weeks. For the most part, there're wells in this area already.

#### **Cimarex**

Chuck Otto: This is a four-well field in the Riley Ridge area. There's a helium production component so they will have a sour gas plant and a helium gas plant. The sour gas plant sits on state land so we're looking at that just from a cumulative effects standpoint. The pipelines, power lines, roads, etc. that serve the field will be analyzed in the EA. We have an ID Team and we're putting together alternatives now. A draft will probably be out this fall.

#### **RMP/Landscape Planning Initiative**

Chuck Otto: With the completion of the RMP, everyone with a grazing permit needs to meet standards for range health and they need to be assessed through a NEPA process. Another component is that within five years of the signing of the RMP, we need to have transportation plans in place which details which roads are open, closed, or limited. We actually designated areas in the RMP but those are general and don't address specific roads. In order to effectively process those two actions, we're going to a landscape planning process. We've subdivided the PFO into 12 units that we're calling landscape plans. The first will be in the Boulder allotment area. They will go through public meetings and get permittees, agencies, JIO, PAPO, etc. involved. Eventually, all PFO lands will be documented in a landscape plan.

### **Other Topics**

Dave Crowley: PAWG members need to provide SSNs and bank account numbers (for direct deposit) to be reimbursed for travel. A Federal Register notice calling for nominations to replace Callie Domek in the public-at-large position has been approved and should appear soon.

### **Public Comment**

Jocelyn Moore: Does the BLM require that consultants be peer reviewed? Chuck Otto: We haven't looked for peer review. For the Anticline sage grouse, we are asking for that and we'll probably do it more often to be defensible.

## Adjournment

**Paul Hagenstein motioned to adjourn. Chris Corlis seconded. The motion passed unanimously.** Meeting was adjourned at 5:24 pm.

The next meeting will be March 26, 1:00 pm, in the Pinedale Field Office.

## Action Items

- Invite Transportation, Socioeconomic, and Air Quality TGs to next PAWG meeting and have TGs recommend how/if to move forward.
- Air Quality TG: Educational plan for ozone advisories.
- Water TG: Check water resource disposal data provided at Annual Planning Meeting.
- Water TG: Layman's summary of water quality.
- Water TG: Request less technical water resources summary from hydrologist.
- Wildlife TG: Fisheries information regarding Matrix.
- Wildlife TG: Review of recommendations.
- Written operational procedures from task groups.
- Issue a notice asking for volunteers.
- Ensure notification when documents are available for review.
- Provide SSNs and bank account numbers to DFO.