

Pinedale Anticline Working Group

FINAL

Meeting Minutes

10 am, Friday, October 1, 2010

BLM Pinedale Field Office

Action Items

Specifics in fencing guidelines for pads and pits

Field officer report on web

Update status of antelope and mule deer herds at next meeting

In Attendance

PAWG Members

Cathy Purves (Chair/Environmental), Bart Myers (Sublette County), Nylla Kunard (Town of Pinedale), Scott Smith (State of Wyoming), Paul Hagenstein (Livestock Operators), Kevin Williams (Industry), Jackson Schwabacher (Adjacent Landowner via phone).

PAWG Task Group Members

Clint Gilchrist (Cultural/Historical), Tony Gosar (Water Resources).

BLM

Shane DeForest, Brian Davis, Dan Stroud (PAPO), Theresa Gulbrandson, Shelley Gregory, Josh Hemenway, Mark Thonoff, Jake Vialpando, Windy Kelly (PAPO).

Public

Bill Winney, Perry Walker, Stephanie Kessler (TWS), Aimee Davison (Shell), Cally McKee (Ultra), Linda Baker (UGRVC), MaryLynn Worl (CURED), Susan Kramer (CURED), Pete Guernsey (QEP), Don Maruska.

Press

Derek Farr (Sublette Examiner), Dawn Ballou (Pinedale Online), Kaitlyn McAvoy (Pinedale Roundup)

The meeting was called to order at 10 a.m.

Approval of Previous Minutes

Bart Myers motions to approve. Nylla Kunard seconds. All in favor. Motion passed.

Task Group Update

Don Maruska discusses targeting PAWG meetings to key topics that are core to its mission. Meetings have been expanded to delve more deeply into topics and to give a chance to discuss in depth. Meetings are set on a quarterly schedule to attract key topics and what is the flow of issues through the Pinedale anticline project area-what happens at different times of the year. PAWG will be looking for next meetings topic such as water issues, geometric report or any other issues but try to focus on items and get into greater depth. Fieldtrips allow people to get more info and background.

PAPO is unique and plays a critical role; increasing availability and accessibility of info. PAPO created to address special needs, concerns and issues of this area and of the agencies involved. Website will show all the PAPO progress.

Members of the public have expressed concern about the process of requesting and issuing monitoring & mitigation contracts. New policy available online about how this is done.

Public concerned about not having a consistent FM in the past, having permanent FM will be an asset.

It is important to be explicit in how BLM is responding to advice from the PAWG so that the loop between advice given and BLM analysis and response and what occurs is evident. Getting agenda out and website caught up; providing interim updates; proposing that as topics come up, identify the issues, actions, discussions, advice offered by BLM, post this all on website as well as report on PAWG meetings and what actions were taken, what was accomplished or not, etc.

COOP review was a big issue and wildlife folks asked if there was a third party peer review monitoring process. What were the peer review recommendations? Much of this will be covered at the Oct. 27 Wildlife Annual Planning Meeting.

Field Officer Report

- Recommendation to approve the new quarter mile note surface occupancy buffer accepted.
- Action item for a wildlife exceptions map to be posted on the website is in progress.
- Monthly updates were initiated by Brian in July. As a result of transition, there has been a lapse; however, he is committed to continuing that notification process.
- Projects initiated this past year:
 - Three central gathering facilities, one for Ultra, two for SWEPI, are up and running.
 - Close to approving a liquids line for Ultra. Should be operational by November.
 - Delineation drilling period will close in November. Some extensions granted to address specific circumstances and were made in consideration of wildlife resources and stipulations.
- New Fork Crossing/Lander Trail Conservation Easement project funded by Ultra, Shell and Rocky Mountain Power. Acquisition completed and land donation made to Sublette Co. Historical Society.
- 126 wells on Anticline since May meeting.
- Charter signed on August 3rd.
- July 2 Federal Registered notice solicited applications for two PAWG positions. No applicants. Charter created 10th position on board. Six other positions coming up in January. Total of nine will be open for nominations in next Federal Register notice.

The DOI is seeking “new blood,” preferring not to renew current members but notes there is a lack of interest. It is not up to the PFO who is appointed but the Secretary of the Interior. Key to success of PAWG is having all 10 slots filled.

Public Comment

- Try local Archaeological Chapter, Teton County Science School.
- Bill Winney: Timing and possibly being without board members in Feb/March because of the ponderous nature of bureaucracies. If bureaucracy is serious about changes, a board must be in place - if right person is in place that can make things happen, a board can be in place by February.
- Perry Walker: The challenges in getting the public involved in PAWG. He feels jaded and skeptical that PAWG will go any further, is hopeful that the new administration will turn things around and anyone present that may have some pull, get their voice into Washington.
- Linda Baker: Concerned that FM will have many issues including PAWG, resources allocated to PAWG will be insufficient. ...Additional person to help FM manage all of the members of the PAWG and members of the task group. Feels PAWG needs additional resources, personnel & education.

Field Tour

A slide was shown of a Shell pad that was reclaimed and seeded last fall. Also incorporated on the pad was wildlife friendly fencing; it is smooth and 18" above ground. Aimee Davidson commented on monitoring of a reclamation site over the several years to show trends. Reclamation dates are submitted annually to the BLM as required and is going to be available on the PAPO website.

Shelley Gregory introduced Theresa Gulbrandson, PAPO mitigation team biologist. A slide was shown with a fenced pad using non-wildlife friendly fencing. Cally McKee interjected that location shown on slide is an existing location not under reclamation, fence is to keep animals out so that they do not get into the pits. Picture is Riverside 1/8, 1/9 pad on list for reclamation, when it does get reclaimed, most likely discussion will cover conversion to wildlife friendly fencing.

Theresa Gulbrandson commented on Raptor Platforms. Shell and Ultra in coordination with BLM put up five raptor platforms to encourage hawks to come into nest. Each location is looking at historic nesting records, nesting habitat & prairie dog towns. Platforms were erected in September with nesting material to encourage raptors to come in. All platforms chosen on the flanks, intentionally away from development and a mile apart because of the territorial nature of the hawks. There are two nests on the eastern side and three on the west. The mitigation proposal for artificial nests came forward to lure raptors away from development and provide habitat that would not have future impacts from development. It is not sure if mitigation would work but PAPO monitoring to see if it works.

Perry Walker requested an aerial view of the PAPA and the destruction gradually creeping across to give a contextual interpretation in that overall picture and provide expanded impact rather than isolated small areas. Stephanie Kessler comments that the whole Anticline is broken down into five management areas, concentrated phased development to mitigate and find potential wildlife impacts. Stephanie asks if BLM has plotted new well pad locations, drilling activity for the public to see progress by year. Brian Davis responds that GIS overlays are being put into a format to show every phase of development; a format for easy accessibility to the BLM staff and public including development components. Mark Thonoff says BLM has all layers described but have not been provided to public. BLM has layers that show movements of rigs and where the wildlife is. New data is continually coming in. Layers are being developed to follow the plan requested: wildlife monitor, development impacts, reclamation impacts and it is a work in progress. Cathy Purves comments about mapping information & data information request. Much has happened on landscape level yet limited information available to public and PAWG. How do PAWG and public want to see this mapping information addressed? Brian comments that GIS & USGS is working together on GIS spatial layers linked with data that comes in from wildlife monitoring to be included in those layers. Mapping of all disturbances and mapping of all reclamation is done by reclamation specialists. This information should be in a format where one could click on a map and all information will be available. Well layering is updated continually. Don requests that Field Manager explore for next PAWG meeting in November or whatever time frame and that GIS mapping capabilities to be presented. Also, present an analysis of current monitoring data for all resources that are being monitored in a summarized format and an interpretation of information.

Bart Myers motions to forward this specific mapping information request to BLM. Kevin Williams seconds. All in favor.

Theresa Gulbrandson discussed tour to New Fork River corridor and habitat it provides for raptors, moose and songbirds. New Fork East Boat Ramp is a current undeveloped JIO project in the PAPA. Project will improve boat ramp, parking area & improve access road.

Wildlife

Cally McKee comments on lack of communication in fencing issues. As an operator, they do address any issues that are brought to their attention. Mark Thonoff explains two different styles of fencing. Some companies prefer to only fence pit area. Some companies choose to fence whole pad for numerous reasons. From wildlife standpoint, whole pad could increase fragmentation. Range perspective, it is preferred to keep cattle off pad and out of harm's way. Difference in philosophy in what is being protected. Kevin Williams gives examples of QEP acreage atop mesa, center of critical habitat for mule deer in wintertime. They elect not to fence off perimeter of pads, but fence off pits to keep wildlife and animals out. Reason, fencing a pad atop, tendency for deer to get caught in fence. QEP uses perimeter fence to act as pit fence; perimeter fence would have to be used to keep wildlife out, not necessarily wildlife friendly. Fences are not permanent. Perry Walker adds that there are many opinions but not enough metrics; qualified observers should document mortality, migration effects and impacts.

Kevin Williams motions to recommend that BLM and appropriate agencies handle the fencing issue and reply to PAWG in November meeting. Nylla Kunard seconds. All in favor.

Wildlife Contracting

Richard Reynders (via phone) talks about PAPO Wildlife Mitigation Monitoring Contracting Process and State and Federal Procurement Contract Requirements. If funds are granted to groups other than landowner or non-profit entity, they are responsible for contracting on their own. If funds are granted to state or federal agencies, there are State and Federal Procurement Contract Requirements. Once project and funding is decided, State Procurement process begins. Vendors scored to meet costs, requirements of programs, special skills or equipment to complete project. All requirements are weighted. If vendor does not score right or if there is no compromise on the elected vendor, then second on list will be awarded. Lowest bidder does not always get the bid rather who meets most specific requirements of the project. Brian clarifies there were some concerns about contracting process not being competitive and impartial. This process is unbiased. State process is faster than Federal process because of length of bid solicitation time. Reynders discusses that the board approved project scope and expected outcome to hurry along the bidding process. Public involvement opportunities are available. Aimee Davison comments that monitoring contract process should define project monitoring required. Linda Baker asks if results from current monitoring are taken into consideration in project recommendations. In addition to monitoring and mitigation projects and identifying areas of concern, we also examine current monitoring aside from mitigation projects. Monitoring required by ROD to consider areas of concern. Reynders interjects that if original grant needs additional monitoring or expansion of timeframe, amendments are made to contract to add time or a percentage of dollars. Don comments that this describes process for issuing of contracts, not PAPO monitoring and mitigation program.

Avian Management Plan

Jake Vialpando discusses draft Avian Management plan. Deadline is February 2011. An internal draft is prepared, John Ruhs and Brian have reviewed. Feedback expected on plan from Fish & Wildlife Service. First appendices will include tools for protection, conservation and deterrence for avian species. Also annual avian monitoring surveys. John Ruhs and Shane DeForest will meet with Fish & Wildlife Service before information will be available to public.

Sommers-Grindstone Easement

Dan Stroud makes powerpoint presentation (*available online*).

Task Groups

Don updates on outreach on task groups. Two waves of outreach to 96 individuals yielded a relatively thin response with cultural and historical subcommittee having most responses; 11 replies, 5 of those in cultural. Steve Belinda from Theodore Roosevelt Conservation Partnership had given a list of 27 people that PAWG could partner with. Seven of those individuals were already involved. Don and Shelley and Brian spoke with many. Some had interest, some were burned out, some gave ideas on identifying issues clearly and how they would be addressed. Stephanie Kessler concerned there have been some broad generalizations about deficiencies of the task groups that are inaccurate.

Is there a focus on the PAWG as a core avenue for public engagement? PAWG has to be strong; can't have subcommittees work off of something that isn't strong itself. Focus on nominations of qualified persons important. All other avenues for the BLM to get info to people and gather ideas, are important. A discussion followed about the PAWG's lack of authority and the resultant lack of public interest. It was stressed that the BLM can still benefit from advice but that results must be demonstrated.

A discussion ensued about members of the public doing independent research. Nylla likes the idea that these people were willing to come to the PAWG and give their ideas. Don encourages people to do their own independent work, but it has to work with the regulatory management agencies. People who do work on their own initiative but didn't work within the protocols of the agency, didn't produce results in a form the agencies could use. Cathy: People do a tremendous amount of work, and then are shut down so suddenly because of agency protocol. Is there a way that flexibility among agencies could be solicited more? There's a very well educated and retired public that has expertise.

Public Comment

- Bill Winney: Measure of the success of the working group is what the BLM does with it. They have to recommend things that the BLM can work with and have a sense of what is achievable.
- Linda Baker: The complexities of managing, monitoring, mitigating PAPA development cannot be done by small groups of people. For the public to have their questions answered, the task group format, where there is given and take, informal, questions asked and answered, is more appropriate for public involvement. Complex, serious issues ongoing - one big group does not have the time to consider all of these things. BLM says it wants more public involvement, but also says it doesn't need task groups. Never received the alleged questionnaire that went out, never asked for feedback, never asked her opinion on how to go forward. This brings into question whether or not the BLM actually asked people in this community about what they thought of the PAWG and where it should go. Shelley responded that the questionnaires were sent twice to current task group participants and that many former task group and PAWG members were contacted by phone; she did not receive a questionnaire because she was not currently on a task group. Don comments that they were also trying to reach out to people who were not currently involved; Linda had been present at most of the PAWG meetings.
- Perry Walker: Set the tone – predecessor set pretty bad tone. I'll cut you slack in that pressures from State BLM are horrendous and biased, WO devastating. You have a real opportunity to make a difference. I studied CFRs regarding air quality monitoring and extended EPA directives, EPA certified ozone monitor. Constructed a monitoring site at my house and monitored ozone for 1-1/2 years. John Corra told me that he will never accept my data because it isn't in compliance with the protocols. BLM, DEQ, FS, Park Service, units and subunits within those agencies all have a little piece of the pies which are environmental concerns. Traditionally, these agencies have NOT cooperated,

although they claim it publicly. Today's proceedings are cautiously positive. Habitat protection is essential. You've pulled together a lot of data, formatted it, but how are you going to translate this data into action – what will the action be, which ones will be successful, how to expand to cover entire region, what timeline to expand, who responsible for implementing, overseeing, and what revenue stream is available, and how long available to fund progress of that reclamation?

- ? : Issues on the Anticline too complex to drop the task groups. Might be too late. BLM's challenge – how to rebuild trust and respect after pushing away the task groups.
- Scott Smith: Wants to hear what SCCD has gathered for the year. Surface water (groundwater provided in the spring). Update on groundwater, quick overview?
- Linda Baker: What is the significance of the increasing totally dissolved solids in the wells, increasing water levels on some wells, what happened to the 50 or so water wells that showed hydrocarbon effects that are no longer being monitored (no results), significance of fluorides. BLM hydrologist, DEQ, and SCCD all have some sort of answer to her questions, but didn't get the sense that there is an expert in hydrology that knew the answer to her everything. Who is the expert?

PAWG Roundtable

Nylla: Do we need to get info on ozone? Ozone monitoring plans, especially for winter season. Where are the monitoring districts and stations? Brian responds that it is on the DEQ website.

Bart: Would like an update on the status of the Geomatrix report.

Cathy: BLM's responsibility to get reports, etc. on the website – reports from a year ago are not on the website. People are asking for these.

Paul: Anything about water available - should have in a concise form for the next meeting so we don't have to listen for hours to the same thing.

Cathy: We need to understand air quality and water data in a summary laymen's format. These two letters underscore that. (*Public comment letters provided at meeting; available online.*) Can we get someone from the oil and gas commission to talk about the new fracking rules? Brian Davis responded that the EPA website is a good source for information and that fracking was a national issue being handled by the EPA.

Paul Hagenstein moves to adjourn. Nylla seconds. All in favor. Meeting adjourned at 4:30.