

Appendix E

Comments by Submittal

The following pages contain all scoping letters received by the BLM. Appendices, attachments and ancillary material provided with comment letters is not included, but can be viewed by contacting the BLM Casper FO.

June 10, 2014

Mike Robinson
Bureau of Land Management
Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

RE: Converse County Oil and Gas Project

Dear Mr. Robinson,

It is without hesitation that I express my support for the Converse County Oil and Gas project and the year-round development associated with it.

5000 wells represent an incredible potential boost to our regional economy, with very little associated risk. Oil and gas companies have been operating in this area for more than 60 years now, and have a great relationship with their neighbors and fellow residents. These companies have also been working with the BLM and local governments for many, many years, and have forged a relationship there that has been productive and beneficial. I see no reason for that not to continue.

I also support the call for a BLM RMP amendment that has some flexibility built-in. As you well know, the actual total number of wells that will ultimately be drilled, as well as the annual drill rate, are dependent on many factors, including geology, observed production rates, technological advances, engineering challenges, market conditions, and other factors, many of which are outside of the control of the Operating Group. It therefore makes sense to devise a management plan that takes these factors into account, and is flexible enough to accommodate unforeseen circumstances.

It also makes sense to allow for programmatic year-round activity, rather than imposing timing limitations which will force the rigging down and moving of drilling and completion equipment at certain times of the year. These forced rig moves will pose unnecessary environmental impacts, as the equipment would otherwise stay put. In contrast, year-round activity maximizes the benefits of directional drilling, chief of which is the ability to drill multiple wells from a single location. Having to move the rigs in and out of that location negates this benefit to a great extent.

Year-round operations also have great economic benefits. By maintaining activity all year long, it is far easier to retain experienced employees and sub-contractors who otherwise would be forced to leave the area in search of

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work during the imposed shut-down. Having a steady, reliable, and experienced workforce available reduces costs and time on location and helps ensure that the job is done right, in a safe, responsible manner. Furthermore, a stable labor supply means a local labor supply – workers that move here to be employed on the project will be more inclined to put down roots in the local community if they know there is steady, full time work for them. Periodic activity, like that that occurs under a timing limitation scenario, encourages a more transitory workforce who come here for their jobs and go back to their homes in other states when they are off.

There is no question that oil and gas jobs, like the one that will be created by this project, are high-quality ones which possess a multiplier effect on the overall local economy through their higher wages. We also know that these jobs do not come at the expense of the environment. The industry has a strong record, here and around the nation, of environmental stewardship and has tailored its practices around making sure the local soil, air, water, and other resources are not damaged. The industry strives to meet all regulatory standards and self imposes other ones – evidenced by such items as the detailed reclamation plans that are included in the Plan of Development.

I hope that your agency will weigh these comments carefully and structure the EIS in a way that takes them into consideration.

Yours truly,



*Ellis R. Adams
Regional Transportation Manager
Pilot Travel Centers*

*Home Address
1010 Arrowhead Circle
Rock Springs, WY 82901*

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06-16-2014

**Bureau of Land Management Casper Field Office
Converse County Oil and Gas Project
Project Manager: Mike Robinson
2987 Prospector Drive
Casper, WY 82604**

Dear Mr. Robinson,

Thank you for listening to me feedback about the oil and gas project slated for Converse County. The BLM's proposed action of 5,000 wells on 1,500 pads over the next decade is a great plan that will help out our economy immensely. My comments in this letter are meant to support the BLM in the direction they are heading and make a few suggested improvements to what is an already good plan.

The reasons I support this project are because of the new jobs that will come as a result. We have had gas development in this state for several years now, and you only need to look around to the southwest corner of Wyoming (Jonah Field) to see the benefits of a substantial energy development play. The local hardware store thriving, the new trucks bought and serviced locally, the new schools and police/fire stations, etc., etc. The jobs and economic development from this big of a project are what we need in our county to create a sustainable and robust local economy.

To see the Converse County project reach its full potential—which we all want to see—the BLM needs to allow for year-round drilling. Otherwise, the operators included in this project will have to send rigs elsewhere during the times when they are not allowed to drill. This moving around of rigs will inevitably cause disruption in the workforce, the tax base, and the environment as the disturbance of the well pads will take longer and require multiple setups of the same rig that could be done in one fell swoop if the BLM would allow it. With a waiver of some kind, the BLM could solve this and improve the way in which this project operates. We would all benefit from this approach and I would ask the BLM to strongly consider approving this approach. Thanks for taking the time to hear my thoughts on this issue.

Regards,

RONNIE Ades
Ronnie D. Ades
2111 S. Fairdale Ave
Casper, WY 82601

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Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Monday, May 19, 2014 1:22 PM
To: Gregory, Dan; Giere, Molly; Dunne, Chris
Subject: Fwd: BLM to Initiate Environmental Impact Statement for Converse County Oil and Gas Project
Attachments: AHW comments on EA.doc

For the AR and for your Arch to be familiar with the upcoming comments.

MR

----- Forwarded message -----

From: Carino, Jude <jcarino@blm.gov>
Date: Mon, May 19, 2014 at 12:05 PM
Subject: Fwd: BLM to Initiate Environmental Impact Statement for Converse County Oil and Gas Project
To: Michael Robinson <m75robin@blm.gov>
Cc: Dora Ridenour <dridenou@blm.gov>

Mike:

For your files....

It appears that Dave Vlcek will represent AHW on this EIS. The Alliance previously commented on the 3 Converse County EA's and will also be an "Interested Party" for NHPA issues...

FYI--- I have worked with Dave for many years and have the highest respect for his insight/comments/trails experience. He has worked on many big projects and knows the process well. Finally, he has a breadth of experience that will be a nice addition when we work out our agreement documents for Section 106.

Jude

----- Forwarded message -----

From: Lesley Wischmann, AHW <lesleywisch@wyoming.com>
Date: Mon, May 19, 2014 at 11:56 AM
Subject: Re: BLM to Initiate Environmental Impact Statement for Converse County Oil and Gas Project
To: dave vlcek <davev69@live.com.mx>, Jude Carino <jcarino@blm.gov>

Yes, thanks Jude!!! Dave, if you want to represent AHW on this, that would be fine with me. I won't fight to be able to comment on an EIS. :) Julia and I haven't really discussed any formal methodology for splitting up projects so, at least for now, we can just decide them between ourselves. I am going to try to put together a spreadsheet of current projects so we can begin to know who's handling what and track the projects a little better. In the meantime, attached you'll find my scoping comments on the earlier Converse Co. project notice.

Lesley Wischmann, Founding Board Member
Alliance for Historic Wyoming
712 S. 2nd St.
Laramie, WY 82070

lesleywisch@wyoming.com

307.742.5449

HistoricWyoming.org

On 5/18/14, 10:51 PM, dave vlcek wrote:

Thanks, Jude! I'd look forward to representing AHW in the process, if Leslie thinks its OK.

Missed you at WAS last weekend! Lotsa fun and Stanford's talk was spectacular! Afterwords we wen to LaBarge Bluffs.

Date: Fri, 16 May 2014 13:08:14 -0600

Subject: Fwd: BLM to Initiate Environmental Impact Statement for Converse County Oil and Gas Project

From: jcarino@blm.gov

To: davev69@live.com.mx

FYI and heads up....

The initial public announcement. We (Dora and I) were unsuccessful in adding the language for initiating Section 106 of NHPA into this press release but it will be a part of the upcoming public meetings. Thought I would send this along to you so you can forward to the necessary people. AHW will be a part of the 106 process. FYI... Historic Trails have been identified as a resource issue (ie. Bozeman and Childs Route as the main concern at this point of the planning process).

AHW commented on the earlier 3 smaller Converse County EA's so we will insure they are a part of the process....

Hope all is well

Jude

----- Forwarded message -----

From: **Elser, Lesley** <laelser@blm.gov>

Date: Fri, May 16, 2014 at 9:54 AM

Subject: BLM to Initiate Environmental Impact Statement for Converse County Oil and Gas Project

To: conniet@crookcounty.wy.gov, Dan Frosch <dan.frosch@gmail.com>, david.mayberry@trib.com, editors@trib.com, Hannah Parent <hannahparent@gmail.com>, Heather Corson <hcorson@k2tv.com>, jeff@torringtontelegram.com, jennifer@buffalobulletin.com, jerry@buffalobulletin.com, Josh Wolfson <josh.wolfson@trib.com>, jrogstad@wyomingnews.com, lcooper@k2tv.com, mgruver@ap.org, news@wyomingnews.com, Platte County Record Times <pceditor@pcrecordtimes.com>, Penelope Kern <pkern@newsdata.com>, Shannon Anderson <sanderson@powderriverbasin.org>, Casper Star Tribune <state@casperstartribune.net>, Torrington Telegram <acummins@torringtontelegram.com>, Aaron Voos <atvoos@fs.fed.us>, Aubrey Valdez <Aubrey@nhtcf.org>, Barbara Dobos <bdobos@bresnan.net>, Becky Freeman <niocc@qwestoffice.net>, Benjamin Storrow <Benjamin.Storrow@trib.com>, Bighorn Mountain Radio <info@bighornmountainradio.com>, Billings Gazette <citynews@billingsgazette.com>, Bob Beck <btwo@uwyo.edu>, Buffalo Bulletin

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Contact: Lesley Elser, 307-261-7603

BLM to Initiate Environmental Impact Statement for Converse County Oil and Gas Project

The Bureau of Land Management (BLM) Casper Field Office (CFO) and the U.S. Forest Service (USFS) Douglas Ranger District (DRD) are seeking public comment on a proposed oil and natural gas development project in Converse County, Wyoming. The BLM published a notice of intent to prepare an environmental impact statement (EIS) in the *Federal Register* on May 16, 2014, which opens a 45-day public scoping period.

The BLM is the lead agency to prepare the EIS. The USFS is participating as a cooperating agency. Amendments to the BLM Casper Resource Management Plan and the USFS Thunder Basin National Grasslands Land and Resource Management Plan may be necessary. Impacts are expected to exceed analysis thresholds set within the current planning documents.

Anadarko Petroleum Company, Chesapeake Energy Corporation, RKI Exploration and Production, Samson Resources, and SM Energy propose to drill approximately 5,000 oil and natural gas wells in Converse County in an area encompassing approximately 1.5 million acres over a 10-year period. The proposed project area is located on approximately 88,000 surface acres (six percent of the project area) and 965,000 subsurface mineral acres (64 percent of the project area) which are public lands administered by the BLM CFO. The USFS DRD manages approximately 64,000 acres of surface (four percent of the project area). The remainder of the project area consists of State of Wyoming (seven percent) and private surface (83 percent) and mineral ownership (36 percent or 537,000 acres).

The project would be developed using directional, vertical, horizontal and other drilling techniques, as well as oil and gas production infrastructure including: well pads, roads, pipelines, power lines, compressor and electrical substations, and ancillary facilities such as water supply wells and water disposal facilities. The project proponents have requested full-season exceptions (year-round drilling) to multiple timing limitation restrictions which serve to protect several wildlife species in the area.

Project information and documents will be posted on the website at: http://www.blm.gov/wy/st/en/info/NEPA/documents/cfo/Converse_County_Oil_and_Gas.html.

To provide an opportunity to review the proposal and project information, the BLM will host public meetings in Casper, Douglas and Glenrock, Wyoming. Meeting dates, times and locations will be announced at least 15 calendar days prior to any scheduled meeting through the press and on the BLM project website.

Public input is valuable early in the process and will enable the BLM to develop a well-informed EIS. Comments should be received by June 30, 2014. Written comments may be emailed to: blm_wy_casper_wymail@blm.gov or mailed to: Bureau of Land Management, Casper Field Office, and Attn: Mike Robinson, Planning and Environmental Coordinator, 2987 Prospector Drive, Casper, WY 82604. For more information, contact Mike Robinson at 307-261-7520.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield. In Fiscal Year 2013, the BLM generated \$4.7 billion in receipts from public lands.

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Jude Carino
Cultural Resource Specialist

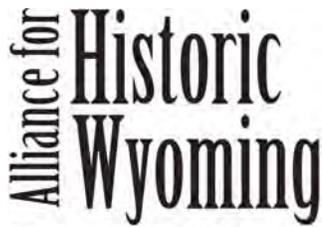
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Jude Carino
Cultural Resource Specialist

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Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
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Office: (307)261-7520
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Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]



protecting Wyoming's historic places

*Barbara Dobos (Casper, WY) • Lesley Wischmann (Laramie, WY) • Mary Humstone (Fort Collins, CO) • Tom Rea (Casper, WY)
Misty Stoll (Laramie, WY) • Trish Ullery-Whitaker (Kaycee, WY) • Edre Maier (Sheridan, WY) • Kurt Dubbe (Jackson, WY)
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Lesley Wischmann
Alliance for Historic Wyoming
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12 October 2012

Assistant Field Manager Minerals and Lands
BLM Casper Field Office
2987 Prospector Drive
Casper, WY 82609

Thank you for this opportunity to comment on the Converse County EAs, specifically for the Spearhead Ranch and Highland Loop Road. Please consider these the formal comments of the Alliance for Historic Wyoming (AHW), a statewide nonprofit organization dedicated to preserving our historic and cultural resources. We work with citizens around the state and across the country who are concerned about ensuring Wyoming's irreplaceable historic resources exist for future generations.

As this project goes forward, we ask that AHW be considered an interested party for all consultations under Section 106 of the National Historic Preservation Act (NHPA) as amended, and implementing regulations 36 CFR 800.2(c)(5) and 800.3(f)(3). You may use the above listed address, phone number and email address to contact us as part of the Section 106 consultations. As you know, NHPA's Section 106 process recognizes that "the views of the public are essential to informed Federal decision making ..." Therefore, agencies are required to "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, [and] the likely interest of the public in the effects on historic properties..." 36 CFR § 800.2(d)(1) Likewise, the Historic Sites Act of 1935 states that: "It is a national policy to preserve for public use historic sites, buildings, and objects of national significance for their inspiration and benefit of the people of the United States." Each of these acts reiterate the high value our nation places on its historic and prehistoric resources.

We are specifically concerned about the rather limited analysis you seem to have done on the nature and extent of the historic and cultural resources in the areas to be affected by your proposed undertakings. It appears as though you have simply identified the historic trail

P.O. Box 51201, Casper, WY 82605 E-mail: ExecutiveDirector@HistoricWyoming.org

The Alliance for Historic Wyoming is a 501(c)(3) nonprofit organization

Executive Director: Hilery Lindmier Board of Directors: Chamois Anderson ⊕ Barbara Dobos ⊕ Robin Erickson ⊕ Mary Humstone ⊕ Edre Maier ⊕ Dave Vlcek ⊕ Trish Ullery-Whitaker ⊕ Lesley Wischmann

resources to be affected but have provided little in-depth consideration to that analysis. We remain deeply concerned that the BLM generally pays too little attention to the nature of these historic resources. In determining areas of potential effects, the BLM draws artificial boundaries across these historic trails, boundaries that fit the necessary strictures of the project under consideration but which have absolutely no relationship to reality when it comes to the nature of the historic trails. These trails are a historic resource of national significance precisely because they were the route that many emigrants, merchants and military personnel followed in their push to extend the boundaries of the United States. The simple act of putting artificial boundaries around these trails for the convenience of examining specific projects results in its own degradation of the essential contiguous nature of these linear resources. We encourage you to take a larger view of these national historic trails and to recognize that whenever a segment of the trail routes is degraded in any way, the entire length of the trail resource has suffered a blow. The analogy we like to use is that of a ten-foot rope. When you cut that rope into ten one-foot segments and lay them side-by-side, you can still claim to have a ten-foot rope but it will never again function in the same way. The same is true of the National Historic Trails and we believe that the continued, incremental degradation of these resources has and continues to result in a much greater loss to the public than the BLM has yet acknowledged.

Another concern that we have with all of these projects affecting the historic trail systems is that the effect of these projects on the historic landscapes is not being adequately addressed. Frankly, the more we deal with these issues, the more we have begun to question whether Section 106 of NHPA is adequate to address the actual impacts on the resources that the general public so prizes. As we know, Section 106 and NHPA is only capable of addressing adverse effects to properties that are eligible for listing on the National Register of Historic Places. But what is happening in many parts of our state is that the cultural foundation of our "cowboy state" is being eaten up by energy extraction. Open vistas can never be found eligible for the NRHP but nearly every Wyoming citizen would tell you that these are fundamental to their sense of Wyoming. We believe these unconsidered impacts to our state's heritage resources can and will have serious socio-economic impacts down the road. Our state's economy is heavily dependent on tourism, which ranks second only to energy production. If we sacrifice the qualities that draw in tourists - our cowboy culture, our open spaces, our unobstructed views, our clean air, our ability to transport visitors back to another era - we risk losing this vital sector of our economy. Since none of these important cultural attributes are eligible for the NRHP, we strongly encourage you to consider whether your automatic deferral to the Section 106 process to handle any and all concerns related to historic and cultural resources sufficiently addresses the impacts you are required to analyze under the NEPA process.

As I am sure you know, Congress declared in NHPA that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; [and] the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans." 16 U.S.C. 470(b)(2) and (b)(4) Moreover, NHPA states that: "It shall be the policy of the Federal Government...to foster

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conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations; [and] encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment." 16 U.S.C. 470-1 (1) and (5) These findings place a high burden on our country's land management agencies to ensure that all possible steps are taken to ensure the protection of our historic and cultural resources for future generations. This includes the possibility that there may be undefined historic landscapes, eligible for the NRHP, within the designated project areas. It has been our experience that the BLM has been woefully inadequate when it comes to evaluating the potential for rural historic landscape designations, especially along the National Historic Trails. Within the EAs in question, we found no evidence that you have even considered the possibility of potential historic landscapes within the designated project areas. We believe this is a major oversight on your part and would like to see you hire qualified landscape analysts to resurvey the area to see whether or not there might be historic landscapes that need to be considered for additional protection.

In addition, AHW believes that no NEPA analysis can be complete or adequate if it doesn't thoroughly examine the impacts that the proposed project, especially if it is a "dirty energy" project, would have on recreational opportunities, including the ability and desire to wander and discover the nation's historic roots, the ability to promote heritage tourism and the potential socio-economic loss if such opportunities are sacrificed. We find no such analysis in these EAs.

We would also remind you that, under NHPA, your first obligation in regards to historic resources is avoidance of these resources and, only when that is not possible, the minimization of impacts. Mitigation as a solution is only acceptable once these other two options have proven impossible.

We would also encourage you to ensure that extensive and effective outreach be made to the affected tribes as early as possible so that they might have the opportunity to do extensive on-the-ground surveys to identify landscape-wide cultural sites of importance to them. As you may be aware, it is often the case that the prehistoric and cultural features identified by SHPOs do not come close to being as inclusive as the sites identified by THPOs and tribal elders. Tribes often have not had the opportunity to do extensive ground surveys for decades or longer. Only through this kind of examination can they adequately contribute to the process of protecting their sacred sites in accordance with Executive Order 13007. We would also remind you that EO 13007 defines a "sacred site" as "any specific, discrete, narrowly delineated location" that is "identified by an Indian tribe, or **Indian individual determined to be an appropriately authoritative representative of an Indian religion....**" (emphasis added) This secondary requirement of seeking identification by authoritative Indian **individuals** places a heavy responsibility on federal agencies to cast a wide net among the affected tribes to ensure that all potential sacred sites are identified. While we understand and appreciate that this level of consultation can be time-consuming and complicated, we believe that the need to protect these irreplaceable resources makes this process more than worthwhile.

Recently, we have also become increasingly concerned about the need for improved in-house training for heavy equipment field operators. In the last few years, we have witnessed several instances where field operators have failed to recognize existing remnants of the historic emigrant trails and, as a result, sections of those irreplaceable historic trails have been lost forever. While better marking of these trails can improve this situation, we believe that it is especially important that the field operators understand their obligations under both NHPA and the Archaeological Resources Protection Act (ARPA). NHPA requires that: "Each Federal agency that is responsible for the protection of historic resources, including archaeological resources...shall ensure" [16 U.S.C. 470h-4(a)] that "All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary...and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning." [16 U.S.C. 470h-4(a)(1)]

ARPA, likewise, gives strong guidance on these issues, noting: "Archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage, and these resources are increasingly endangered because of their commercial attractiveness." [16 U.S.C. 470aa] According to 16 U.S.C. 470ee(a), no person may alter or deface any archaeological resource located on public or Indian lands unless pursuant to a legally issued permit, with the exception of arrowheads located on the surface. Any person who knowingly violates this law faces penalties defined in 16 U.S.C. 470ee(d). Together, these provisions from NHPA and ARPA make it clear that contractors working on any federal undertaking that may encounter cultural resources needs to receive in-depth training regarding the significance of those resources and the contractor's responsibilities under the law. Unfortunately, we found nothing about this in your discussion of mitigation or best management practices. We hope you will consider adding such requirements to your further NEPA analysis. If, at any time, you feel that AHW could be of assistance in explaining the importance of these resources to the contractors and equipment operators, please feel free to contact us.

Finally, we want to emphasize the importance of developing a comprehensive monitoring and cultural resource discovery plan for these projects. A wide variety of these plans are in existence, some better than others. However, it is vital that a comprehensive plan be available for review by the public and that it be thoroughly vetted by those who have requested interested party status under Section 106. We believe it should also be prominently attached to future NEPA documents. Only with an accepted and well understood comprehensive monitoring and cultural resource discovery plan can you ensure that any unexpected discoveries encountered during the course of this project are handled properly. This is especially true whenever you are working around archaeological sites tied to Native Americans or the old emigrant trails because of the strong potential for uncovering human remains in these areas. This is necessary not only to ensure proper compliance with NAGPRA but also because Wyoming currently lacks a comprehensive state statute regarding the discovery of human remains.

Thank you for your consideration of these comments. Should you have any questions about our concerns, please feel free to contact us. AHW looks forward to working with you as these

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projects proceed.

Sincerely,

Lesley Wischmann
Founding Director, AHW

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12 June 2014

Mike Robinson
Project Manager
Casper Field Office
Bureau of Land Management
2987 Prospector Drive
Casper, WY 82604

Dear Project Manager Robinson,

Please accept this letter as my comment and feedback for the Converse County Project Area purpose and need statement, as well as the proposed action.

First of all, the BLM deserves credit for reaching the point that they have to support the drilling of 5,000 wells in the coming decade. The 500 well per year estimated rate of development is a solid and realistic goal, with one important change. The operators drilling these wells will need the authority, granted by the BLM, to waive certain timing requirements that will limit year round development. With such a waiver from the BLM, the operators will have the ability to accomplish the goal of 500 wells per year.

It is important to note that new technology and current best practices support this year round development. Before the practice of multiple wells from a single pad, it is understandable why the BLM would have used tools like a disturbance cap. But now that an operator is going to drill many wells from a single pad, they have already built in a far more effective disturbance cap. Therefore, the more efficient and thus environmentally friendly approach is not redeploy rigs on the same site multiple times, but rather allow for year round activity until all the wells are drilled on the pad. Said another way, I support disturbing a site once and getting all the benefit from the drilling all at once instead of the on-again, off-again drilling approach that might result from arbitrary timing limitations. I think this is better for the environment and the operators.

The companies named in the operator group have been working with us for decades in this state and we have a good relationship. With the one suggested edit of year round drilling, I'm confident that this project will be a great success story for all involved. Thank you for listening to my feedback.

With Regards,

Matthew P. Collins 6-19-14

*3110 Sutherland Dr
Gallatin, WY 82718*

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office



Protecting Wyoming's Historic Places

*Barbara Dobos (Casper, WY) • Lesley Wischmann (Laramie, WY) • Mary Hamstone (Fort Collins, CO) • Edie Males (Sheridan, WY)
Trish Lillyer-Whitaker (Kaycee, WY) • Dave Vlesk (Pinedale, WY) • Brie Blasi (Green River, WY) • Julia Stubble (Lander, WY)
Tom Tishhammer (Bellvue, CO) • Andrea Graham (Laramie, WY)*

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Lesley Wischmann, Founding Board Member
207 E Grand Ave.
Laramie, WY 82070
307-742-5449
lesleywisch@wyoming.com
25 June 2014

Bureau of Land Management, Casper Field Office
Attn: Mike Robinson, Planning and Environmental Coordinator
2987 Prospector Drive
Casper, WY 82604

Dear Mr. Robinson:

Thank you for this opportunity to comment on the Converse County Oil and Gas Development Project. Please consider these the formal comments of the Alliance for Historic Wyoming (AHW), a statewide nonprofit organization dedicated to preserving our historic and cultural resources. We work with citizens around the state and across the country who are concerned about ensuring Wyoming's irreplaceable historic resources exist for future generations.

As this project goes forward, we ask that AHW be considered an interested party for all consultations under Section 106 of the National Historic Preservation Act (NHPA) as amended, and implementing regulations 36 CFR 800.2(c)(5) and 800.3(f)(3). You may use the above listed address, phone number and email address to contact us as part of the Section 106 consultations. As you know, NHPA's Section 106 process recognizes that "the views of the public are essential to informed Federal decision making ..." Therefore, agencies are required to "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, [and] the likely interest of the public in the effects on historic properties...." 36 CFR § 800.2(d)(1) Likewise, the Historic Sites Act of 1935 states that: "It is a national policy to preserve for public use historic sites, buildings, and objects of national significance for their inspiration and benefit of the people of the United States." Each of these acts reiterate the high value our nation places on its historic and prehistoric resources.

The scoping materials for this project indicate that the major cultural resources that may be affected by this project include the common corridor of the Oregon-California-Mormon-Pony Express National Historic Trails as well as the Bozeman Trail corridor. In addition, of course, we continue to be extremely concerned about the impacts, and especially the cumulative impacts, of development on the cultural landscapes in our state.

As far as the historic trails are concerned, we remain deeply concerned that the BLM pays too little attention to the actual nature of these historic resources. In determining areas of potential effects, the BLM too often draws artificial boundaries across these historic trails, boundaries that fit the necessary strictures of the project under consideration but which have absolutely no relationship to reality when it comes to the nature of the historic trails. These trails are a historic resource of national significance precisely because they were the route that many emigrants, merchants and military personnel followed in their push to extend the boundaries of the United States. The simple act of putting artificial boundaries around these trails for the convenience of examining specific projects results in its own degradation of the essential contiguous nature of these linear resources. We encourage you to take a larger view of these national historic trails and to recognize that whenever a segment of these historic trail routes is degraded in any way, the entire length of

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the trail resource suffers. The analogy we like to use is that of a ten-foot rope. When you cut that rope into ten one-foot segments and lay them side-by-side, you can still claim to have a ten-foot rope but it will never again function in the same way. The same is true of the National Historic Trails and we believe that the continued, incremental degradation of these resources has and continues to result in a much greater loss to the public than the BLM has yet acknowledged.

Another concern that we have with projects affecting the historic trail systems is that the impact of these projects on the surrounding historic and cultural landscapes is not being adequately addressed. Frankly, the more we deal with these issues, the more we have come to question the ability of Section 106 of NHPA to adequately address the actual impacts on the resources that the general public so prizes. As we know, Section 106 and NHPA is only capable of addressing adverse effects to properties that are eligible for listing on the National Register of Historic Places. But what is happening in many parts of our state is that the cultural foundation of our "cowboy state" is being eaten up by energy extraction. Open vistas can never be found eligible for the NRHP but nearly every Wyoming citizen would tell you that these are fundamental to their sense of Wyoming. We believe these unconsidered impacts to our state's heritage resources can and will have serious socio-economic impacts down the road. Our state's economy is heavily dependent on tourism, which ranks second only to energy production. If we sacrifice the qualities that draw in tourists – our cowboy culture, our open spaces, our unobstructed views, our clean air, our ability to transport visitors back to another era – we risk losing this vital sector of our economy. None of these important cultural attributes are eligible for the NRHP and yet they are an essential element of the "human environment" that the BLM is mandated by NEPA to consider in their analyses. (40 CFR 1508.14) Therefore, we strongly encourage you to consider whether your automatic deferral to the Section 106 process to handle any and all concerns related to historic and cultural resources sufficiently addresses the impacts you are required to analyze under the NEPA process.

In addition, we ask you to be cognizant of the fact that, in NHPA, Congress declared that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; [and] the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans." 16 U.S.C. 470(b)(2) and (b)(4) NHPA further states that: "It shall be the policy of the Federal Government...to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations; [and] encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment." 16 U.S.C. 470-1 (1) and (5) These findings place a high burden on our country's land management agencies to ensure that all possible steps are taken to ensure the protection of our historic and cultural resources for future generations.

AHW believes that no NEPA analysis can be complete or adequate if it doesn't thoroughly examine the impacts that a proposed project, especially a "dirty energy" project, will have on recreational opportunities, including the ability and desire to wander and discover our nation's historic roots, heritage tourism, the potential socio-economic loss if such opportunities are sacrificed and the impact on communities who have lost the viewsheds and feel that have defined their "human environment" for generations. This includes the possibility of undefined and unexamined historic and cultural landscapes, including those that may be eligible for the NRHP as well as those that are not eligible under NRHP but are still entitled to protections under NEPA as part of the "human environment," within the designated project area. It has been our experience that the BLM generally has conducted woefully inadequate analyses in regards to evaluating potential landscapes, including Rural Historic Landscapes and Traditional Cultural Properties that may not be tied to

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⊕ Lesley Wischmann

indigenous populations but which are integral to the communities affected. This important analysis has recently been brought to the forefront with the designation of the Green River Drift as a non-native TCP. Without a careful and thorough analysis of potential landscapes at the beginning of a project, problems will inevitably occur down the road.

We would also remind you that, under NHPA, your first obligation in regards to historic resources is avoidance of these resources and, only when that is not possible, minimization and then, finally, mitigation. Too often, siting decisions are made based on the choices of the project proponents with BLM simply assuming that whatever impacts occur from that siting decision can later be mitigated. But this is not what the law requires of you. Especially with the benefit of directional drilling, the actual siting of a well pad can be adjusted to ensure that historic properties are avoided upfront, diminishing the need for mitigation on the back end.

We would also encourage you to ensure that extensive and effective outreach be made to any potentially affected tribes as early as possible so that they might have the opportunity to do the necessary on-the-ground surveys to identify landscape-wide cultural sites of importance. As you may be aware, the prehistoric and cultural features identified by SHPOs often are not nearly as broad and inclusive as those identified by THPOs and tribal elders. Tribes often have not had the opportunity to do extensive ground surveys for decades or longer. Only through this kind of on-the-ground examination can they adequately contribute to the process of protecting their sacred sites in accordance with Executive Order 13007. EO 13007 defines a "sacred site" as "any specific, discrete, narrowly delineated location" that is "identified by an Indian tribe, or **Indian individual determined to be an appropriately authoritative representative of an Indian religion....**" (emphasis added) This secondary requirement of seeking identification by authoritative Indian **individuals** places a heavy responsibility on federal agencies to cast a wide net among the affected tribes to ensure that all potential sacred sites are identified. While we understand and appreciate that this level of consultation can be time-consuming and complicated, we believe that the need to protect these irreplaceable resources makes this process more than worthwhile.

We have been encourage by recent efforts on the part of the BLM to ensure that heavy equipment operators working on these projects receive cultural resource awareness and sensitivity training. We strongly encourage you to ensure that operators on this project are sufficiently trained in these important aspects of working around cultural and historic resources. We believe it is especially important that field operators understand their obligations under both NHPA and the Archaeological Resources Protection Act (ARPA). NHPA requires that: "Each Federal agency that is responsible for the protection of historic resources, including archaeological resources...shall ensure" 16 U.S.C. 470h-4(a) that "All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary...and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning." 16 U.S.C. 470h-4(a)(1)

ARPA, likewise, gives strong guidance on these issues, noting: "Archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage, and these resources are increasingly endangered because of their commercial attractiveness." 16 U.S.C. 470aa According to 16 U.S.C. 470ee(a), no person may alter or deface any archaeological resource located on public or Indian lands unless pursuant to a legally issued permit, with the exception of arrowheads located on the surface. Any person who knowingly violates this law faces penalties defined in 16 U.S.C. 470ee(d). Together, these provisions from NHPA and ARPA make it clear that contractors working on any federal undertaking that may encounter cultural resources need to receive in-depth training regarding the significance of those resources and the contractor's own responsibilities under these laws. If, at any time, you feel that AHW

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could be of assistance in explaining the importance of these resources to the contractors and equipment operators, please feel free to contact us.

Finally, we want to emphasize the importance of developing a comprehensive monitoring and cultural resource discovery plan for this project. A wide variety of these plans are in existence, some better than others. However, it is vital that a comprehensive plan be available for review by the public and that it be thoroughly vetted by those who have requested interested party status under Section 106. We believe it should also be prominently attached to all future NEPA documents for this project. Only with an accepted and well understood comprehensive monitoring and cultural resource discovery plan can you ensure that any unexpected discoveries encountered during the course of this project are handled properly. This is especially true whenever you are working around archaeological sites tied to Native Americans or the old emigrant trails because of the strong potential for uncovering human remains in these areas. This also ensures proper compliance with NAGPRA, which is especially important in Wyoming which, unfortunately, continues to lack a comprehensive state statute regarding the discovery of human remains.

Thank you for your consideration of these comments. Should you have any questions about our concerns, please feel free to contact us. AHW looks forward to working with you as this project proceeds.

Sincerely,



Lesley Wischmann, Founding Board Member
Alliance for Historic Wyoming

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Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:26 AM
To: Dunne, Chris
Subject: Fwd: Anadarko Scoping Comment Letter - Converse County Oil and Gas Project
Categories: Red Category

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 7:59 AM
Subject: Fwd: Anadarko Scoping Comment Letter - Converse County Oil and Gas Project
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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From: Ellis, Dennis <Dennis.Ellis@anadarko.com>
Date: Thu, Jun 26, 2014 at 1:39 PM
Subject: Anadarko Scoping Comment Letter - Converse County Oil and Gas Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

June 26, 2014

VIA EMAIL

BLM Comment – Converse County Oil and Gas Project

Attn: Mr. Joe Meyer

Bureau of Land Management

2987 Prospector Drive

Casper, WY 82604-2968

RE: Converse Oil and Gas Project Scoping Comment Letter

Field Office Manager Meyer,

Anadarko Petroleum Corporation (“Anadarko”) appreciates the opportunity to submit these scoping comments on the Bureau of Land Management’s (“BLM’s”) Scoping Comment period for the Converse County Oil and Gas Project. Anadarko respectfully requests the comments in this letter be considered by the BLM and utilized during preparation of the Environmental Impact Statement (EIS).

Anadarko is among the world’s largest independent oil and natural gas exploration and production companies. With nearly 25,000 wells operated in the U.S., Anadarko holds fee ownership of mineral rights under nearly eight million net leasehold acres, with significant holdings located within the State of Wyoming which will be directly impacted by the outcome of this important EIS. Anadarko is especially interested in and affected by additional restrictions, stipulations, or prescriptive management actions promulgated through various ongoing agency actions that may affect Anadarko’s ability to develop current and future mineral and lease interests in a responsible manner.

This very important project consists of drilling up to 5,000 new oil and gas wells on 1,500 well pads over a 10-year period among about a half dozen operators. As you know, the main operators seeking this study are Anadarko, Chesapeake, Samson, RKI, SM and EOG, among others. The BLM is preparing a robust, multi-year environmental impact statement to analyze the impacts associated with the project, and plan how the project would happen in a responsible manner. We believe this project holds much promise for Wyoming in the latter part of this decade in terms of positive economic impacts, such housing growth, small business growth, restaurant visits, hotel stays, and most importantly revenue generation for the State of Wyoming, local governments and the federal government to the tune of the hundreds of millions of dollars over its life, should current economic and commodity climates advance as anticipated. The Converse County Oil and Gas Project will benefit all Wyoming businesses and job growth, helping fund important elements of the K-12 and higher educational systems, transportation needs, community infrastructure, social service programs and key environmental and wildlife agencies.

This scoping process is intended to define the alternatives BLM considers in the NEPA process, and we believe the following areas should be included in the BLM Scoping process:

- BLM should continue to allow development to occur during the interim period to reduce stress on local governments, schools and social service programs with a predictable development schedule.

- Reasonable access to well pads must be allowed for drilling and completion activities on a year-round basis. This ensures continuity and efficiency of operations, which will reduce amount of impacts on the ecosystem and sage grouse, as well as reduce the societal impacts on the nearby communities in terms of basic infrastructure like housing and restaurants, school pupil counts, and steady revenues to fund basic government operations.
- The BLM should allow the project forward because of the positive impact it will have on Converse, Campbell and Natrona county economies, as well as the hundreds of millions of dollars of revenue it will generate for the local, state and federal governments to ensure continuity of government services, schools and infrastructure needs.
- During the life of this project, it is expected to create thousands of new, high paying jobs, as well as develop a much needed domestic oil resource to reduce dependency on foreign oil.

Anadarko looks forward to working with the BLM, and other cooperating agencies and interested stakeholders, to develop an EIS that will meet the needs of Wyoming, the BLM and stakeholders. Thank you for your consideration of these comments.

Best Regards,

/s/

Dennis E. Ellis

Government Relations Advisor

Anadarko Petroleum Corporation

1807 Capitol Ave., Suite 105

Cheyenne, WY 82001

[Click here for Anadarko's Electronic Mail Disclaimer](#)

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Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [[http://en.wikipedia.org/wiki/Target fixation](http://en.wikipedia.org/wiki/Target_fixation)]

June 15, 2014

Project Manager Mike Robinson
Converse County Oil and Gas Project EIS
Casper Field Office, BLM
2987 Prospector Drive
Casper, Wyoming 82604

Dear PM Robinson:

The BLM states that they are currently accepting comments on the Converse County Project Area proposed action of drilling some 5,000 estimated wells over the coming ten years. This letter is my feedback on the proposal.

I understand that the proposed action will allow for approximately 500 new wells per year, assuming good economic conditions, and that the operators will be drilling year round so long as the BLM approves a waiver of the discretionary timing limitations currently in place. First and foremost, I want to voice my support for this proposed action, including my support for a waiver allowing year round development of the resource. This only makes sense given current industry practices and environmental concerns.

On a practical level, the development of these wells will have a critically important role for our state and our local communities. Whether we're talking water, sewer, and sanitary special districts, or local Government needs like public safety, these operators in the Converse County Project Area will infuse much needed tax dollars into our communities and revitalize these resources and infrastructure. Our schools, hospitals, police and fire stations--they will enjoy the improvements that come as a result of this development long after the rigs finish drilling. It will be a lasting benefit.

On a more micro level, the money generated by this activity will be enjoyed directly by the families who will benefit from high paying jobs associated with this development. This may be the single most important aspect to the proposed action by the BLM. By approving this project with a year-round development waiver, the BLM is approving a vastly improved standard of living for hundreds/thousands of families in our region. The positive impacts are not just for those working directly in the industry. It is the cafés, the car dealerships, the fencing companies, and all of the local businesses who will benefit from new activity in this region. It's hard to underestimate how important this development could be for our state and region.

Thank you for allowing my voice to be heard and for supporting our communities through the approval of the proposed action and the waiver for year round development.

Sincerely,

Ed Bartow 6-19-14
372 Ogden Ln
Gallatin, WY 82714

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:38 AM
To: Dunne, Chris
Subject: Fwd: Converse County oil & gas project

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:02 AM
Subject: Fwd: Converse County oil & gas project
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: <deltiger2000@aol.com>
Date: Sun, Jun 29, 2014 at 7:43 PM
Subject: Converse County oil & gas project
To: blm_wy_casper_wymail@blm.gov

HI

I attended two of the meeting concerning the project for Converse County.

Some of my concerns are:

1. Roads and the amount of traffic this size of growth will have on the use of them;
2. The lack housing;
3. The impact on the schools with this many families moving to the are to work;
4. The impact on the infrastructure such as water, sewer, gas, power and other services;
5. the higher crime rate just because with more people you will have more crime;
6. fly by night companies that do not follow the rules and pay or file the paperwork to do so for Worker Comp and Unemployment;
7. lack of oversight for well inspections;
8. possible lack or limited communication between county, state and federal;
9. unregulated growth with limited information being provided to mineral and land owners.

Some ways I see to solve some of these issues

1. have the companies pay a fee that would go to providing repairs and upgrades to the roads traveled;
2. work with the state and federal agencies to help provide low interest loans for building of trailer parks and apartments that would have a long term use if population was to go down;
3. make sure the school districts have access to information to anticipate this growth;
4. work with the state, counties, cities and maybe have some of the royalties go to off setting this costs;
5. insist in drug free work places, have companies police their employees more, work with the county for a new judicial center with larger jail;
6. create a requirement that all companies that hire subs must have a certificate from the state that proves they have applied to work in Wyoming and know what the employment laws are;
7. I know you are hiring more inspectors but it is vital that all the wells be inspected and hopefully more than once;
8. create a group that has Representatives from BLM, Wyoming Oil and Gas, County Commissioners, and others agencies so that data can be shared. This will enable BLM to inform others when a company is not compliant and would be a great place for people who have questions or issues to contact them and have problems addressed;
9. have oil and gas companies let mineral and land owners know what is going on anytime something is happening within 5 miles of their property. Having information is very powerful and having it provided without having to hunt someone down is better.

I know there are concerns with flaring and spills and dumping and water but much of that is addressed by other people. I am concerned about all of that and I really do hope it is addressed.

Thank you for your time and you may contact me at any time at 307-358-3660

Liz Batton
Douglas WY

We are all born ignorant, but one much work hard to remain stupid. & The only thing more expensive than education is ignorance. - Benjamin Franklin

Winston Churchill. "Government will always do the right thing, but only after it has exhausted all other possibilities."

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 11, 2014

Converse County Oil and Gas Project EIS
BLM Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Drive
Casper, Wyoming 82604
307-261-7520

Dear Mr. Robinson and CFO Staff,

I am writing to urge the BLM to support and approve the Converse County Oil and Gas Project.

I agree with and support the Purpose and Need Statement in the Plan of Development, which states in part that the "BLM's oil and gas leasing program encourages development of domestic oil and gas reserves, consistent with the BLM's multiple-use mandate." It further goes on to state, accurately, that the energy resources produced from this project "are needed to meet national domestic energy demand."

The 5,000 oil and gas wells that are planned for under this proposal will go a long way towards helping meet that need. As an agency of the federal government, it is part of the BLM's duty to see that nationally and strategically important natural resources are responsibly developed. The multitude of environmental protections built into this proposal all but guarantee that the development of these resources in Converse County will be done safely and with an eye to environmental protection. Considering all of the safeguards in place, from extensive pre-construction planning and studies, to proper well construction and testing, to safe drilling and fracturing practices, to ultimate reclamation, it would be irresponsible not to allow this development to go forward.

One of the key environmental safeguards is the directional drilling that allows multiple wells to be drilled from a single pad, thereby limiting the amount of surface disturbance and number of rig moves. This advantage is only realized in full if drilling is permitted to go on all throughout the year, without periods of suspension. If there are bans on drilling and other activity at certain times of the year, it will become necessary to rig down and move the equipment off location – only to move it back on again in a few weeks or months. This is not only a ridiculous waste of time and money, but exposes the roads and surrounding habitat and surface to more disturbance than it would if the rigs had simply been allowed to remain in place and do their work. This also naturally delays the amount of time that must pass until reclamation work can start.

For this reason, I not only support the project, but request that a waiver on timing limitations be lifted for it. Doing so will ensure that we garner the maximum economic benefits, with the best possible environmental protections.

Thank you for your consideration of my comments,

Rusty Baxter Rusty Baxter

*1060 meadow lane
Douglas WY
82633*

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

June 16, 2014

Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Dr
Casper, Wyoming 82604
RE: Converse County Oil and Gas Project EIS Public Comment

Dear Mike Robinson:

This letter is intended to document my support for the BLM's proposed action as it relates to the Converse County oil and gas project EIS process. The BLM deserves credit for carefully reviewing all the relevant factors and coming up with a sound proposed action to allow for a team of operators to drill some 5,000 wells in the coming ten years. At its core, this proposed action should be lauded for this simple fact alone.

Any and all feedback on this EIS should start by recognizing the need to view this project through a balanced view of economic development needs and environmental protection needs. The BLM, with its Purpose and Need Statement, along with the Proposed Action, have done precisely that. Here's how.

Clearly, 500 wells per year for a decade will have untold economic benefits for the families and communities of this region. Direct benefits of tax base increases for critical infrastructure and public services, and the stability of reliable employment for hundreds of families—including health benefits—is simply too obvious of a benefit not to keep this fact front and center when considering the Converse County project. Kudos to the BLM for doing precisely that.

The other side of this coin, however, is the environmental protections needed to accompany a massive region-wide project like this, spanning multiple operators and hundreds of well sites. The BLM should consider granting a waiver to the operators, allowing them to drill year round and avoid the additional traffic and disturbance that will come with the status quo of seasonal black-outs for drilling. It doesn't take a wildlife biologist to realize that once a well site is under development, the faster the wells can be completed and with the fewest interruptions possible will result in a less intensive disruption for wildlife. Additionally, the BLM should incorporate the Governor's Executive Order on sage grouse as a part of the final record of decision. Finally, the BLM should rely on the WOGCC to maintain consistent and appropriate environmental controls on the development project.

Thank you for allowing my comments to be included in the BLM's final considerations before issuing the final record of decision on the Converse County oil and gas project.

Regards,

Mark Berg

192 Hwy 59

Douglas WY 82633

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Bureau of Land Management
WHPD / Casper Field Office

June 16th, 2014

Converse County Oil and Gas Project EIS
BLM Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604

ATTN: Mike Robinson, Project Manager

Dear Mr. Robinson:

I believe that the Converse County Oil and Gas Project is an important one for both the County and the extended region, and therefore urge you to do all that your office can to make sure that it is approved in the most efficient and expeditious manner possible.

Energy production is critically important to our nation. Strategically, and in terms of national security, you don't have to read the papers or watch the news for very long to realize how vital it is that we have our own domestic energy supply to rely on, and how much those nations that rely on imported energy are at the mercy of those that can export it. From a simply economic standpoint, the nation's economy runs on energy— every industry is dependent on it, in one form or another. As we as a country emerge from the last recession, affordable energy will be extremely important to growing industries, manufacturing, and household economics. On a local and regional level, this particular project will create needed jobs, good jobs that support families and local small businesses, and provide the income to pay for mortgages, student loans, medical bills, and children's educations.

Aside from the economic benefits and the inherent value of what the project will produce, it is important to know that the development of the resources under BLM land will be conducted in a responsible manner that is respectful of Wyoming's natural heritage, by incorporating many protective measures at every step. Not only that, but the actual amount of land that will be disturbed is a very small percentage of the overall project area – only about 50,000 acres total will be subject to short term disturbance, out of a total project area of over 1.5 million acres. The acreage subject to longer-term disturbance is less than half of that, at around 20,000 acres. This is a very small footprint that is made smaller still by ever-advancing technology and improved production methods.

One of these improved methods is the use of multi-well pads, made possible by directional drilling technology. Having many wells on a single pad dramatically cuts down on the amount of surface disturbance, and disruption caused by moving the rigs and completion equipment.

To maintain this benefit, and to make sure that the economic boost provided by the project is sustainable year round, it makes sense for your office to include in the EIS and RMP amendments a waiver from annual timing limitations which would halt drilling activity for part of the year. These timing limitations would force the rigs to move more often than necessary, causing more surface disruption, and add an unnecessary degree of instability to the local economy.

I hope that you will take these comments under advisement, and incorporate them into an RMP amendment approving the oil and gas project year round.

Sincerely,



Karl Bischoff

1666 Window Lane
Deerjms wy 82633

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

June 9, 2014

Converse County Oil and Gas Project,
BLM Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

Attn: Mike Robinson

Dear Mr. Robinson,

This letter is meant to express our support for the Proposed Action and our agreement with the Purpose and Need Statement.

The proposed oil and gas development means a great deal to Converse County and to the entire region. This project will bring jobs to the region that pay higher-than-average wages. The resulting new incomes will in turn stimulate the creation of more jobs in our communities, and greatly benefit small businesses. This will be a long term improvement to our local economy and provide real, sustainable growth.

The proposed project will also add to the local and state revenue base. The income taxes paid by workers, the property and severance taxes paid by the industry partners, and the property and sales taxes paid by local small businesses all will go towards maintaining quality transportation infrastructure, provide for professional and well-equipped emergency services (police, fire, and ambulance), and support our local schools. No other industry in our area can provide all of these economic benefits to the extent that oil and gas production can.

As important as the socio-economic benefits are, it is also important to recognize that this development will be done in a way that is respectful of the environment, and that includes a great number of built-in protections to ensure environmental safety at every stage of operation. As the Plan of Development clearly shows, the operating companies and their sub-contractors will employ engineering practices that will ensure that the wells are drilled, constructed, completed, and managed safely.

The plan details how the pads will be cited to make maximum use of existing roads and create the least disturbance possible. Directional and horizontal drilling technologies will be utilized to allow many wells to be drilled from a single pad, both minimizing the overall footprint in the area and limiting the number of times a rig or frac equipment must be moved.

Surface casing will be installed and cemented in to protect ground water, and production casing will likewise be cemented to provide isolation of the oil and gas bearing zone from the outside, or "annular" part of the wellbore. This process will prevent migration of hydrocarbons, further protecting ground water.

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

In the completion phase, the fracturing process uses water with the addition of only a very small amount of additives to safely stimulate production. These additives are all well-documented and each has a Material Safety Data Sheet describing them, which will be available and on location accessible to inspection at any time. Many of these additives are, in fact, conducive to environmental safety, such as the corrosion inhibitors that prevent leaks from the casing.

As for water usage, it is helpful to put it in perspective by comparing it to other uses; the expected water usage for this project is a tiny fraction of the water used by municipalities or for irrigation. Expressing the water usage in a more standard format, i.e. acre-feet (as opposed to simple gallons), would give a more accurate picture of water use, and we therefore recommend that this unit of measure be used in all future NEPA and planning documents.

Finally, we must stress the importance of allowing this development to occur on a year-round basis. In order to get the full benefit of this project, both in terms of economic improvements and environmental protection, there can be no annual suspension of activity. This periodic suspension would affect the local economy by A) making employment associated with the project seasonal and transitory – meaning that the likelihood of workers coming temporarily to work on the project during its operational phase and then going elsewhere, rather than moving into the community, is much greater; and B) by creating a boom-and-bust cycle that makes it much more difficult for local businesses to operate throughout the year. Allowing activity on the project to occur year round would provide economic stability to the region, which yearly suspensions would deny. Also, forced suspensions require rigs and production equipment to needlessly rig down, move out, and then move back upon resumption of activity, adding to wear and tear on roads, and partially negating some of the environmental advantages of pad drilling.

In summary, we support the Converse County Oil and Gas Project and ask that you fully consider the socio-economic benefits, the inherent environmental protections, use acre-feet as the unit of measure for water usage, and permit year-round drilling and completion operations.

Thank you for your time and efforts on this project. We look forward to a draft EIS.

Cordially,



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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Kelly Brown
1316 Lilla Dr
Casper WY 82604

CASPER WY 826
20 JUN 2014 PM 3 T



BLM
Casper Field Office
2987 Parkview Dr
Casper WY 82604

8260482968



**Boner Bros. Partnership
P.O. Box 872
Douglas, WY 82633**

June 30, 2014

BLM Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Drive
Casper, WY 82609

Re: Converse County Oil and Gas EIS

Ladies/Gentlemen,

I am writing as an owner and representative of Boner Bros. Partnership. Boner Bros. Partnership is a closely held general partnership which has significant fee surface lands and water rights located within the proposed project boundaries.

Development as proposed in this EIS would bring major impacts to Converse County and the landowners on which the mineral resources would be developed. Development of this proposed scale would result in the wide spread industrialization of northern Converse County. Reasonable guidelines and regulation should be included in the EIS to ensure that landowner interests are addressed and landowner impacts minimized. Sensible, well planned development of these oil and gas resources should be encouraged by all parties.

In that light we make the following comments regarding the impacts that we currently foresee at this point in time.

Lambing season. A critical time for our sheep operation. The importance of limited activity during this time cannot be overstated. This is basically when we earn our revenue for the sheep operation. Our current SUAs have stipulations regarding restricted activities during this time, roughly May 5th to June 25th, in those pastures in which we are lambing as well as any roads which traverse through lambing pastures. We simply would like to raise the issue to ensure the current cooperation continues in the event that Operators, or their policies, change.

Dust abatement and road impacts. Constructing facilities, drilling and completing these wells greatly increases the activity level on the roads. Very well construction, safe roads are a necessity for development of this degree. One of our greatest impacts is dust generated from the roads and traffic. Some Operators have chosen to use a limestone product on their roads and the dust generated from those road surfacing materials is beyond belief. BLM should consider road surfacing materials for all operators in Converse County during the APD process. The dust generated by the limestone surfacing material can, at times, be dangerous to both livestock and traffic on the roads. We have had a much better experience with a processed river gravel road base material. Active dust abatement programs, such as water or magnesium chloride application, should be required during drilling and completion operations as well as reasonable times when conditions require it.

Cuttings Pits and Pits in General. Current WOGCC regulations allow for the testing, solidifying and burial of the water and oil based mud cuttings on the drill location located on the landowner's property. Some Operators chose to dispose of the OBM cuttings at authorized disposal facilities rather than solidification and burial. Most Operators do bury their WBM cuttings on the drill site. Boner Bros. strongly prefers that Operators properly dispose of all cuttings rather than bury them. Unfortunately, WOGCC still allows on site pit disposal and most Operators chose this option as the least cost alternate even though there are better environmental control options available.

Also, pits on drill locations are almost an attractive nuisance to some contractors and/or their employees. Over the years we have had several instances where unauthorized dumping took place on pits located on our property. Our perspective is that both the Operators and the mineral owners are disposing their waste products on our lands.

If development does reach even close to the scale as contemplated in this EIS, Converse County landowners are being asked to turn their ranchlands into dump sites to facilitate the interest of Operators and minerals owners, including BLM managed minerals. Simply said, this practice stop! Currently there are properly permitted disposal options available to Operators. In addition, there are several proposals for new landfill facilities to be located in Converse Co. BLM should start requiring, through the APD process, Operators to employ pit less drill locations and to dispose of waste products, including **all** cuttings materials, in these permitted facilities.

Water Resources. Current completion technologies use large volumes of water. The EIS should reflect that groundwater resources are of critical importance to landowners in the EIS area. We have language in our water agreements and SUAs that ensure that any water for oil and gas operations comes from a depth of more than 600 feet below the surface. In order to prevent communication with shallow water , the EIS should reflect that any new water sources, designated in the APD, are completely cemented from 600 feet to the surface. Any disposal wells should also be required to have good surface casing and cement to the same depth as the horizontal wells in the area, with a minimum of 1,000 feet of cemented surface casing.

Abandonment and Reclamation. Policies and regulations should be developed to ensure that the well sites, tank sites and roads get reclaimed both intermediately and finally upon well abandonment. Weed control and vegetation restoration needs to be completed at the earliest possible date. Mechanisms should be developed to make sure Operators completely restore the well sites and properly abandon the well bores. Let's not repeat the mistakes made during the coal bed methane "boom".

Thank-you for the opportunity to comment on the proposed development in Converse County. I would ask that you strongly consider this input, as Converse County landowners are the people that will be most impacted by this development. This could change our ranches for a significant period of time.

Please feel free to contact me if any clarifications are needed.

Sincerely,

Rob Boner
Boner Bros. Partnership

Dunne, Chris

From: Dunne, Chris
Sent: Tuesday, May 27, 2014 10:00 AM
To: Dunne, Chris
Subject: Converse County O & G Project

From: busboy52@juno.com <busboy52@juno.com>
Date: Fri, May 23, 2014 at 3:53 PM
Subject: Converse County O & G Project
To: blm_wy_casper_wymail@blm.gov

To Whom It May Concern,

Please accept this e-mail as my support for the proposed 5000 new wells in the Converse County O&G Project. I believe this will provide jobs for our county, and state, add funds to the Permanent Minerals Trust Fund, and help end the American reliance on foreign oil.

Please keep in the loop about proposed hearings. I understand the the Public Hearings on this project will be June10-12 of this year.

Sincerely,

Brian Fox

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

Dunne, Chris

From: Dunne, Chris
Sent: Friday, June 13, 2014 10:08 AM
To: Dunne, Chris
Subject: FW: Converse County O&G Project

From: **Jeanette Buelt** <jeanette.buelt@chk.com>
Date: Wed, Jun 11, 2014 at 7:33 AM
Subject: Converse County O&G Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

To Whom It May Concern:

As a lifelong resident of the State of Wyoming, I've spent my entire career (20+ yrs) employed in the oil and gas industry. It's an industry that has served this state and my family very well providing us with a sustainable income not afforded to many other states.

I support the Converse County O&G Project as it is consistent with the BLM's Multiple Use Mandate.

Due to constantly improving technologies we can supports both historic oil and gas development and new development in the deeper shale horizons while minimizing the environmental footprint with multi-well pad drilling. This is another opportunity for industry, local governments, and the BLM to continue to work collaboratively as they have successfully done for decades.

Thank you for the opportunity to provide public comment.

Best Regards,

Jeanette Buelt

Production Engineering Technician II
Chesapeake Energy Corporation
5880 Enterprise Drive - Suite 600
Casper, WY 82609
Office: 307-234-9045
Mobile: 307-337-5309
Fax: 307-234-6627
Email: jeanette.buelt@chk.com



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Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 15, 2014

Attention: Converse County Oil and Gas Project
Mike Robinson, PM
BLM Casper Field Office
2987 Prospector Drive
Casper, WY 82604

Dear Project Manager Robinson,

Please include my comments for the record as it relates to the Converse County oil and gas development plan. I support the purpose and need for this project, specifically as it relates to year round drilling in order to develop the oil and gas resources on our federal lands. The oil and gas resources from this project are needed to meet the national domestic energy demand, which is of utmost priority in my opinion, but cannot sufficiently be developed without a waiver on the discretionary timing limitations so that year round access and drilling can occur.

My comments are intended to be supportive of the BLM's current proposed action for the Converse County oil and gas development plan, with the important caveat that the operators in this region need to be able to access well pads year-round so as to minimize disturbance (imagine multiple times in and out versus one-time disturbance setup of a rig and drilling all the wells needed from the one pad) and maximize economic efficiency. With this small edit to the BLM's plan, operators in Converse County will be able to drill up to 500 wells per year, thus making a significant dent in improving the nation's energy supplies.

Moreover, this new development will provide many great jobs for families in our region. The direct jobs will be numerous and good paying, but imagine the secondary benefits of all this new activity and jobs. Gas stations, truck sales, hardware stores—businesses throughout our region will see positive economic impacts for the next decade or more.

This project is important on a number of different fronts, and for the reasons above, I encourage the BLM to approve a record of decision that reflects the current proposed action with the one small change of a year-round drilling exemption.

Regards, 
"Melgaard" 3787 Beryl Ln Gillette WY 82716

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Canyon Isle Holdings, LLC

P.O. Box 7 • Casper, WY 82602
(307) 237-1896

June 30, 2014

VIA U.S. MAIL and EMAIL: blm_wy_casper_wymail@blm.gov

Mike Robinson
Planning and Environmental Coordinator
Bureau of Land Management
Casper Field Office
2987 Prospector Dr.
Casper, WY 82604

Mr. Robinson:

Canyon Isle Holdings, LLC holds BLM leases in Converse County, Wyoming.

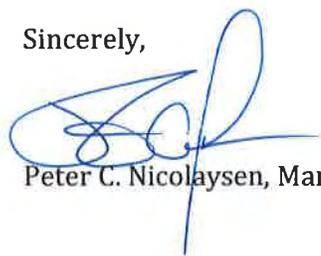
At the time my company acquired these federal leases, no EIS had been publically announced, and thus it was a surprise to hear that our leases – for which we paid substantial amounts – might be impacted.

Oil and gas development in the area should not be delayed or impeded during the EIS process.

Development will bring substantial economic benefit to the State of Wyoming, to the Federal Government and the landowners whose private surface and leased surface will be impacted. Changes by the federal government that add or compound regulatory requirements or that delay permitting and construction will negatively impact the economics of both the oil and gas industry and landowners.

Access to well pads should not be limited based upon the calendar year.

Sincerely,



Peter C. Nicolaysen, Manager

PCN/

June 23, 2014

Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Drive
Casper, WY 82604

I am writing because I recently read about a proposal by the BLM to approve the drilling and fracking of 5,000 new oil wells in Converse County, Wyoming - a massive energy development that threatens to push the imperiled Powder River population of sage grouse closer to extinction and fuel increased greenhouse gas emissions.

The oil project would cover approximately 1.5 million acres of land in Converse County, including federal lands managed by the BLM and the Thunder Basin National Grassland, and involving Core Areas designated for sage grouse protection. The companies are proposing to drill year-round, which would require exemptions from timing restrictions in place to protect the most sensitive wildlife habitats during the most important seasons of use.

The BLM's proposal promises greater greenhouse gas emissions from methane leaks and oil burning and anticipates 1,500 new wellpads and a network of roads and pipeline.

I ask the BLM to reconsider this massive energy development. The Powder River Basin sage grouse population is at extreme risk due to habitat fragmentation and destruction from coalbed methane production and West Nile virus, a disease deadly to sage grouse that is carried by mosquitoes that breed in coalbed methane wastewater ponds.

"The Powder River sage grouse population is the critical link between grouse populations in Montana and the Dakotas, and the rest of the sage grouse range," Erik Molvar, Wildlife Biologist with WildEarth Guardians. "We can't afford to lose this critical linkage, because if we do, the populations in North and South Dakota are almost certain to disappear as well, and the Montana population would become isolated, radically increasing the likelihood of extinction."

Please reconsider this massive energy development.

Thank you for your help on behalf of America's great and irreplaceable wildlife.

Yours truly,



J. Capozzelli
New York

RECEIVED

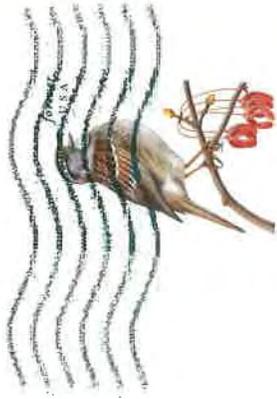
JUN 27 2014

Bureau of Land Management
WHPD / Casper Field Office

90 St.
10004

NEW YORK NY 100

24 JUN 2014 PM 10 1



Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Drive
Casper, WY 82604

82604296887



06/17/14

BLM Field Office, Casper
Converse County Oil and Gas Project EIS
Mike Robinson, Project Mngr.
2987 Prospector Drive
Casper, Wyoming 82604

Dear Mr. Robinson –

The following letter is my official feedback for the Converse County oil and gas EIS.

I am concerned about the oil and gas project proposed by BLM for Converse County insofar as there have only been 5,000 wells called for on 1,500 pads. That's only one (1) well pad for every 2.8 square miles in the county! Each well pad only takes up between 5-15 acres—or less than 1% of the 1,819 acres in 2.8 square miles. Think about that for a moment.

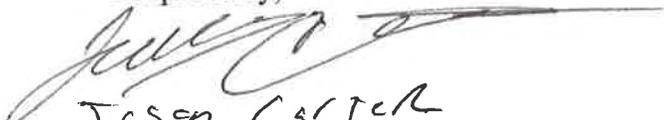
Respectfully, I would ask the BLM to consider how it can maximize the oil and gas play in Converse County. And if 5,000 is the most wells that the BLM thinks is reasonable (which, again, seems low to me), then at the very least, the BLM should provide the operators with the ability to drill and develop these wells year-round. Currently, I understand that the BLM sometimes uses what's called a discretionary timing limitation, which forces operators to arbitrarily stop drilling for a period of time. This approach will hurt the jobs in this area by letting the rigs (and the jobs) go elsewhere during down times.

The BLM should consider waiving this time limitation for operators and let them drill year-round. This way, the well pads will get drilled faster, jobs will be more consistent, and the environment can be reclaimed and improved sooner after the drilling/wells are completed.

These oil and gas jobs are one of the best hopes our county has for good economic development in the coming years. We need the jobs, our families and communities will benefit, and the operators involved in this project have a history of working well in our state and with the BLM. The BLM should maximize this project every way it can.

Thank you for letting my voice be heard.

Respectfully,


Jason Carter
1040 Meadow Ln
Douglas WY 82633

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

*Board of Commissioners
Converse County, Wyoming*

107 No. 5th St., Suite 114 • Douglas, WY 82633-2448 • 307-358-2244 • Fax 307-358-5998
Jim Willox, Chair • Tony Lehner, Vice-Chair • Mike Colling • Major Brown • Rick Grant

June 30, 2014

Mike Robinson
Planning and Environmental Coordinator
2987 Prospector Drive
Casper, Wyoming 82604

Dear Mr. Robinson,

The Converse County Commissioners have reviewed the *Converse County Oil and Gas Plan of Development (POD)* and had representatives at each of the scoping meetings to gain a better understanding of the proposed project and the issues concerning our constituency. Additionally, we have hired a consultant to support us during our role as a Cooperating Agency on this project and have consulted with them regarding our concerns and comments. While we support this project, it is our responsibility as Commissioners to identify those areas where we have concerns or reservations about the project, analysis, and mitigation. We believe Converse County will receive a significant benefit from the proposed project as a whole, but there are likely to be some negative effects that need to be identified, evaluated, and mitigated.

We are providing a range of comments on a variety of issues. Some of our concerns are straight forward and for some we provided context for the comment. We anticipate you will receive comments for other agencies that manage natural resources both on a Federal and State level. Therefore, in those areas we are providing fewer comments, as we believe the managing agencies are better suited to provide detailed comments. We primarily focused our comments on areas that will potentially have impacts to Converse County's current and future welfare and custom.

An overarching concern of ours relates to the sustainability, enforcement, and implementation of all parts of the permitting, monitoring or mitigation that may be proposed or required in the forthcoming Environmental Impact Statement (EIS) and/or Record of Decision (ROD). We want to know how these actions will be implemented (i.e., who will be responsible for managing and enforcing) and how will these programs be sustained (i.e., manpower and funding sources). Additionally, we believe conditions will continue to change in the future as a result of continued development, reclamation, unforeseen events (i.e., new industries to the area or natural occurrences such as fire or drought), thus these programs cannot be effective without considering the inclusion of adaptive management. We would like assurance that any permitting, mitigation or monitoring programs will include an adaptive mechanism to adjust to changes as they occur. While the ROD will obviously deal with monitoring and mitigation, of equal importance is a schedule of issuing permits that is sustainable and

manageable from all three viewpoints; BLM, County and the Operator Group (OG). A ROD and plan that can be implemented in its full vision should be the goal of this process.

Another overarching concern is the intensity and magnitude of the development. Currently, the POD estimates a total of 500 wells being developed on an annual basis. While we understand why the POD identifies several reasons why the exact number or location cannot be estimated as the actual development is contingent upon events the OG cannot control (i.e., unit restrictions, work force limitations, previous well success, issuance of permits, etc), we believe we need to explore ways to better determine how and when the development will occur rather than just the entire project area over 10 years. For example in the POD, the surface disturbance is presented as a percentage of the entire project area. However, if all disturbances occur within a small portion of the project area the impact is likely to be much more significant than if the disturbance occurs on a widespread distribution throughout the project area. We want to know that the analysis conducted and potential mitigation reflects the likely distribution of the development rather than a simple calculation of relative disturbance. Understanding where development is likely to occur will assist in the analyses of impacts and the identification of potential mitigation measures.

The County Commissioners are sensitive to the private property rights and values of the citizens within the county. The split estate situation found throughout most of the county raises concerns regarding how the development will be permitted and the potential impacts analyzed. The impact to small residential landowners is different than the effects to large ranch operations. Understanding the differences and recognizing various levels of impacts and benefits needs to be considered. The negotiation and payment of fair access fees is more desirable than condemnation or “bonding on.” We request that a thorough analysis of the potential effects and benefits of the private property rights and values be conducted.

We recognize that for many reasons, our development is significantly different than the Bakken, but we would be remiss if we did not try and learn from that development. Additionally, there has been a recent effort to update the Douglas Master Plan which was adopted on June 23rd. We suggest you consider this document as well as the Converse County Land Use Plan in the analyses conducted.

Below are the general comments that we would like you to consider. We have attached a set of comments that include the context for the comment.

General Comments

1. We suggest exploring MOU's and expanding cooperation with BLM and Wyoming Oil and Gas Commission on oversight be considered during this process. The goal of these relationships should be to reduce duplication and increase coverage.
2. Please make it clear in the analysis how the potential impacts change when there is a shift from 5-6 wells per site to 12-16 per site? Considerations to time, noise, traffic and air impacts should all be considered.

3. We want to be sure all aspects of the project are considered. Therefore, we request a thorough review of secondary industries be conducted to identify all potentially Connected Actions. We anticipate those actions will be identified and evaluate in the EIS.

Project Development

1. Year-round drilling may be a advantageous means of spreading out the impacts. However the various species and resources that are potentially protected from the restricted timeframes need to be investigated. Several of the timing stipulations relate to the sage-grouse life cycles. We are concerned about the potential Endangered Species Act (ESA) listing of this species by the US Fish and Wildlife Service (USFWS) and the subsequent devastating consequences that may occur within Converse County.
2. We propose that the project's south boundary be extended to the interstate from west of Douglas to N/S boundary line west of Glenrock. The current southern boundary map excludes development, particularly secondary development. The area between the interstate and the river is an area that we would like to have impact analysis conducted on.

Transportation

1. The traffic counts presented in the Plan of Development are very high. To clearly understand the potential impacts to the road network throughout the county we request the following be considered during the analysis. This ties in with our request to better refine the area of development in paragraph four.
 - a. Present a timescale for the anticipated trips on the following timescales
 - i. Annual – to understand the volume and potential impacts to the road surface and safety to drivers related to weather conditions
 - ii. Daily – to understand the volume and potential safety hazards to the normal traffic flow.
 - iii. Under the current timing stipulations are there areas that receive excessive road use that a year-round drilling schedule might alleviate?

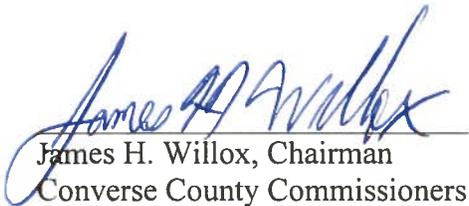
Cumulative Impact Analysis

1. Converse County offers opportunities for multiple industries. It is critical that other industries in Converse County are not unduly affected by the proposed level of oil and gas development. The cumulative impact analysis needs to include consideration for the continued growth of other industries that presently occur within the county.

You will notice that the attached “Resource Specific Comments” is quite extensive. We know there are issues within that will need extensive discussion and analysis, some we will answer on our own accord, and many will be dropped from the list or modified as we move forward as a Cooperating Agency. It is not a criticism or critique of the POD, but the attachment serves as a reminder that this project has far reaching effects and great potential for Converse County.

We are excited to be part of the EIS process as a Cooperating Agency and engaging throughout this process. We look forward to the next step of developing alternatives. Please let us know how and when you would like us to participate in the alternatives screening and development process. We stand ready and able.

Thank you for considering our concerns expressed in this letter.



James H. Willox, Chairman
Converse County Commissioners

ATTACHMENT – RESOURCE SPECIFIC COMMENTS

Converse County (County) recognizes that there are a wide variety of economic benefits which may result from additional oil and gas development in the County:

- increased tax revenues for the County and other jurisdictions;
- new employment opportunities for residents along with reduced unemployment rates;
- expanded business opportunities for local establishments;
- wage increases for local workers;
- lease payments for certain landowners; and
- benefits to residents who own properties for sale or rent.

However, the County also has some concerns regarding the social, demographic and economic impacts of additional exploration, drilling and production activities. The County is concerned about potential impacts to recreational activity in Converse County and the effects of development activity on future land uses and property values. The County requests an analysis of the following topics as part of the EIS preparation in order to provide the BLM with the vital information necessary to make a decisions regarding the proposed action, potential mitigation measures, and its own endeavors going forward.

1.0 SOCIOECONOMICS

1.1. Worker In-Migration, Commuting Patterns and Characteristics

- 1.1.1. *Number of workers:* The POD does not provide a detailed workforce analysis for the proposed action, i.e. total numbers of workers at any one time, but the level of activity described in the document indicates the potential need for a substantial workforce. The workforce will drive many of the development impacts. Converse County would like to know: The total number of workers by year, any seasonality in that workforce, and the work locations of that workforce during the 10 year period.
- 1.1.2. *Average worker earnings:* The new job opportunities will likely come with wages higher than the County average, creating positive economic effects which will reverberate through the economy. Converse County would like to know: What will the average annual wage of the workers be?
- 1.1.3. *Local vs. in-migration:* The socioeconomic effects of a development such as this are quite different if the workers are hired from the existing, local workforce, commuting from their existing residences. Converse County would like to know: What is the number of workers and percent of the total at any one time which will be hired out of the existing labor force within commuting distance from their jobs?

- 1.1.4. *Duration of worker jobs:* The employment in oil and gas exploration is typically highly fragmented among companies and activities. The transiency of the workers can lead to different housing needs and effects on services such as schools. Converse County would like to know: What is the average duration that at a job opportunity of a specific skill type will be needed, leading to some sense of the average duration of the workforce?
- 1.1.5. *Demographic characteristics of the workforce:* The impacts of the incoming petroleum industry workforce on Converse County services will vary greatly depending on whether the workers come alone or bring their families. Converse County would like to know: What percentage of the in-migrating workers will bring wives and families with them to Converse County?

1.2. Housing

- 1.2.1. *Commuting patterns:* A key driver of socioeconomic effects is the distribution of the worker domiciles. County and municipal planning depends on an expectation of where the workers will be living. Converse County would like to know: How will the worker residence locations be distributed, and will this distribution change during the course of the development?
- 1.2.2. *Housing types required:* Housing types required for the in-coming workers are likely to be affected by their degree of transiency, availability, cost, and company housing support. Converse County will want the local market to respond based upon complete, accurate and up-to date information.
 - 1.2.2.1. *Housing availability* According to Census data, the housing vacancy rate in Converse County has ranged between about 11.5 percent and 12 percent in recent years. However, of the approximately 758 vacant units in that data, only 126 (or about 2 percent of the total housing stock) are currently available for rent. The majority of vacant units in Converse County are owned for seasonal, recreational or occasional use; others are rented, but not occupied, or are for sale. The Wyoming Rental Vacancy Survey also provides evidence of a tight rental market, indicating a less than 2 percent vacancy rate for the rental units surveyed. Converse County would like to know: What is the existing availability of housing by the specific types i.e. apartments, mobile homes, hotel rooms, etc. expected to be needed by the in-coming workers?
 - 1.2.2.2. *Company housing market involvement;* Converse County would like to know: Will the OG provide man camps or other temporary housing

facilities be developed for these workers? If so, where will those be located? How many people will they house?

- 1.2.3.** *Housing prices:* Apartment rental prices in Converse County currently average about \$800 per month, about 16 percent higher than the statewide average; mobile home rental rates are slightly less and single family units are rent for more. The increased demand for housing units as a result of the proposed action is likely to put upward pressure on the prices of rental units, as well as homes for purchase. A rapid rise in housing costs will affect existing residents as well as those migrating into the area for oil and gas work. The potential increase in housing prices might have a larger impact on the elderly, low income residents and others on fixed incomes; these groups are the least likely to be able to absorb an increase in property taxes and other housing costs. Converse County would like to know: What will be the effect of the influx on housing prices, property values and other housing related costs?

1.3. Economic Issues

- 1.3.1.** Impacts to other economic sectors in Converse County: The mining industry and the County will clearly realize considerable benefits from the proposed action, but there are other important industries in the County that may experience less desirable effects. Two overarching issues regarding other economic sectors are likely to be the competition for workers, upward pressure on wages, availability of materials and supplies, and price levels. Converse County has specific concerns regarding the following sectors:

1.3.1.1. *Development of satellite industries:* Converse County is interested in supporting the development of satellite or secondary industries, industries that manufacture finished products using the resources produced by the oil and gas industry. This might include oil field equipment repair businesses or pipeline component fabrication businesses, for example. Converse County desires to keep as many of the economic benefits related to oil and gas development within the County as possible, including high quality jobs and income. Converse County would like to know: What are the opportunities for secondary, perhaps long term economic development building off the petroleum industry.

1.3.1.2. *Agriculture and farming:* In 2012, Converse County had over 2.4 million acres in ranches or farms and over \$48.5 million in crop and livestock sales. Over 6 percent of total County employment was in the agricultural industry. Livestock grazing occurs on both public and private land throughout the County. Therefore, the potential impacts to agricultural

operations and production is a concern. Noise, traffic, construction and other activity could have an effect on the health and production of livestock or limit accessibility to certain areas. Increased traffic volume will also increase travel time for agricultural trips and commuting workers. Agriculture is an industry that relies on low cost labor (there were over 400 hired farm workers in Converse County in 2012 with average pay per worker of about \$18,000); employees may be enticed away from agriculture if there are higher paying opportunities elsewhere in the County. An additional issue for agriculture may be the availability of water. The POD describes the water supply needs for individual wells. Although irrigated farming is limited, water supplies diverted from agriculture to oil and gas operations may cause losses in agricultural production and related secondary industries. Converse County would like to know: What will be the effect of the proposed development on agriculture over the short and long term?

1.3.1.3. *Tourism, including outdoor recreation and hunting:* As discussed under the Recreation heading, there are a variety of outdoor recreational opportunities available in Converse County. In addition, there are many museums, historical sites and other attractions for visitors. A number of local business and their employees cater to visitors and residents alike in terms of services and supplies that support tourism and recreation. Development effects on tourism potentially could include increased traffic volumes, over-crowding, higher costs of services, lack of available hotel rooms, temporary or permanent area or road closures or increases in crime. Similar to the agricultural industry, tourism related industries also rely heavily on the availability of lower cost labor. Converse County would like to know: What will the effects of the Development be on the tourism sector?

1.3.1.4. *Other economic development:* Converse County aims to maintain economic diversity in the County, ensure the viability of non-oil and gas economic sectors and support those industries to the extent possible. Oil and gas development may have the unintended effect of crowding out other industries through pressure on wages, increased costs for other inputs, potential labor shortages and lack of housing. Unemployment rates in Converse County have historically been relatively low and in recent years have been lower than the statewide average as well. As of March 2014, the unemployment rate in Converse County was 3.1 percent, compared to 4.4 percent for the state. These currently low unemployment rates indicate a tight labor market. Converse County

would like to know: What will be the impacts of the Development on other economic development efforts in the County.

1.3.2. *Sustainable development:* Many of the socioeconomic issues and concerns discussed here are the result of, or are exacerbated by, a “boom and bust” cycle of operations brought on by rapid increase and decreases in economic activity. The POD suggests that well development would be spread out relatively evenly over a 10 year period; however in reality that development schedule may be subject to resource price, labor availability or other factors. Planning for phased development and phased timing of operations is one approach that may help to optimize the benefits and minimize the social and economic impacts of increased oil and gas activity. Converse County would like to know: What is the range of well drilling and other activity anticipated each of the ten years and is there any way to smooth the “peaks and troughs?”

1.3.3. *Local sales tax revenues:* In addition to labor requirements, the exploration and development activities to occur within Converse County will require the purchase of a wide variety of materials, supplies and services to support operations. Many of these items and services may be available from local industries and businesses within the County, while others will need to be purchased from outside the region or even outside the State of Wyoming. Purchases made within Converse County, including local municipalities, may be subject to local sales tax. Converse County would like to know: What types of materials, supplies or other items are likely to be purchased from businesses or other establishments within Converse County and what portion of total non-labor expenditures will be made within the County? Will all local expenditures be subject to local sales taxes? What is the estimate of total or annual sales tax revenue to the County?

1.4. Public Facilities and Services

1.4.1. *Road-related issues:* The POD describes project traffic of over 3,000 vehicle trips per well, which amounts to over 1.6 million vehicle trips per year on roads located in Converse County. Increased truck and vehicle traffic will result in a number of impacts to County residents, including congestion, increased commuting time to work and increased drive time for other activities. Businesses may also be affected by additional traffic volume and increased drive times, in terms of reduced business volume and increased delivery times. In addition, increased vehicle traffic is a safety issue; more traffic may result in more accidents, especially if vehicles are driving at increased speeds or drivers are unfamiliar with roads, road conditions or local traffic regulations. Short and long term costs associated with the roads is also an issue. It is assumed that the

petroleum industry will pay for the capital costs of building new roads to their well pads and other facilities. These roads will need to be maintained during and after the oil industry leaves, or the roads will need to be reclaimed. There will also be deterioration to existing roads from increased vehicle traffic especially heavy equipment.

- 1.4.1.1.** *Road safety:* Increased traffic on existing roads and new roads built by the petroleum industry can lead to safety issues. For example, there may be visibility issues related to dust, risk in passing on narrow roads or decreased safety related to driving on roads in deteriorated condition. Planning for these issues will be important. Converse County would like to know: What is the nature and timing of increase road traffic and what effects will this have on traffic safety?
- 1.4.2.** *Need for municipal water, sewer and electric infrastructure:* The increase in the local population will result in additional demands for water, sewer and electrical services: The costs for expanding services; constructing additional infrastructure; upgrading facilities or building new facilities; or acquiring additional water rights to serve customers can be quite high and must occur before the new residents arrive. Converse County would like to know: Will the revenues from petroleum development come to the local governments responsible for investing in infrastructure in time for them to make such investments?
- 1.4.3.** *Emergency and protection services, including law enforcement, medical facilities and emergency management:* The increase in population will also increase the demands placed on local police departments, the County Sheriff's Office, municipal and rural fire departments, hospitals and other medical facilities. Transient population can create special demands for these services. This may lead to the need to hire additional staff, have existing staff work longer hours or to triage calls in order to respond to the most important first, with the result that others may not be attended to in a timely fashion. It may also be more difficult to hire additional staff for a variety of reasons, including the high salaries of the oil and gas industry, high housing prices or cost of living, the increased demands of the job or other social factors. Converse County would like to know: What will be the effects of the Development on emergency and protection services?
- 1.4.4.** *Educational services:* Converse County School District #1 and School District #2 together include 14 schools, ranging in size from 3 students at the Boxelder Rural School in Glenrock up to over 500 students at Douglas High School in Douglas. School district budgets are based on a number of inputs, but

enrollment during a specified period of the year is a key element. Transient students pose a number of issues to schools; they may come and go at any point during the school year and may not be counted in the official funding count. This results in an underfunding of districts that are actually facing increased demands and financial needs. Transient students may be behind other students from an academic standpoint due to their frequent moving and or unstable housing situations. Any additional students will result in larger class sizes, the need for additional staff and possibly less focus on existing students. The districts may face increased difficulties in hiring quality teachers or other staff because of housing issues, costs of living or other social issues. Converse County would like to know: What will be the effects of the Development on educational facilities and services in the County

1.5. Social Impacts

- 1.5.1.** *Public health issues:* In other areas of the U.S., public health concerns with oil and gas have focused on both personal health and environmental health issues. Environmental issues that can affect public health include inappropriate disposal of waste materials (especially in areas with a lot of temporary housing units), contamination of groundwater or soils resulting from spills, leaks or other issues. These effects will put added pressure on the city and county agencies responsible for addressing them. Converse County would like to know: Will the Development give rise to public health issues and if yes, what resources could they provide to address those issues?
- 1.5.2.** *Social services:* Along with the benefits of increased levels of local economic activity, there may be a number of less desirable social effects that call for the intervention of social service agencies. People attracted to the area might not have resources to support themselves, requiring welfare support for at least a period of time. Transient populations can create a myriad of special social service demands. Converse County would like to know: What additional social service demands are likely from the Development?
- 1.5.3.** *Social changes/ quality of life issues:* The rapid influx of new people into an area such as Converse County and an increased level of development activity can create changes in the social conditions for existing residents. For example, transient populations may not have as much commitment to the community as others or there may be a lack of interaction between existing and new residents. Converse County would like to know: What is the scope and degree of social impacts which existing Converse County residents might experience from the Development?

2.0 RECREATION

In addition to a number of City parks and trails in Douglas and Glenrock, Converse County offers a variety of outdoor recreational opportunities in other locations, including Ayres Natural Bridge Park (managed by the County), a portion of the Medicine Bow National Forest, including the Esterbrook recreation area, a portion of the Thunder Basin National Grassland and various parcels of State owned and BLM land. The Wyoming Game and Fish Department also administers the Private Lands Public Wildlife Access Program, which includes several programs to allow hunting on certain private properties. In addition, the North Platte River runs along I-25 through Converse County, offering scenic resources and recreational opportunities. Based on the project area map offered in the POD, Ayres Natural Bridge Park, Medicine Bow National Forest lands and a portion of Thunder Basin National Grassland appear to be outside the proposed project boundary area; however, these areas and other areas open to public recreation have the potential to be affected by the proposed action.

Converse County has the following concerns regarding the effects of the proposed action on recreational resources and activity:

2.1. Recreational Accessibility

Access to outdoor recreational amenities is critical to use and enjoyment by local residents as well as out of town visitors. Specifically, we are concerned that road closures at certain times of the day or certain times of the year, heavy traffic volumes or active construction work in a specific location will limit the ability of residents and visitors to access certain areas for the purposes of recreating. Converse County wants to know: Will public access to recreational sites be restricted, either temporarily or permanently, as a result of exploration, drilling or production activities?

2.2. Recreational Opportunities

The drilling and development plan set forth in the POD suggests an extensive geographic reach for the Development. Outdoor recreational amenities are also dispersed throughout the County. Converse County wants to know: Are there certain types of outdoor recreational activities that may be limited or eliminated in certain areas due to development activities?

2.3. Recreational Experience

The quality of the recreational experience may also be affected by various company activities. The existence of roads, noise, dust, traffic, visual impacts and other

characteristics of oil and gas development may reduce the quality of the experience, causing a person to reduce their recreational activity or seek other locations in which to recreate. As discussed under the Socioeconomics heading, changes in recreational activity have an economic impact as well. A reduced interest in recreating in Converse County may lead to fewer visitor or hunting days in the County and may cause people to travel to other areas for recreational purposes. Converse County wants to know: Will the development change the quality of the outdoor recreational experience in any way?

3.0 LAND USE

3.1. Lack of County Zoning

Outside municipal boundaries, Converse County lands are not zoned for specific uses. The County does, however, have specific requirements regarding the development of subdivisions, septic systems, rights-of-way and other facilities and land uses. The County's Planning and Zoning Commission makes decisions regarding development and land uses in Converse County. Converse County wants to know: How will the proposed Development meet the land use expectations within the County under the existing zoning conditions?

3.2. Haphazard Growth

Because there are no specific County-wide zoning regulations, there is potential for a haphazard pattern of development throughout the county, especially in the face of potentially rapid population growth and rapid building of various facilities. The sheer number and type of production facilities alone that will be required by the proposed action, as described in the POD, will require careful planning in order to protect existing property rights and values. Additionally, workers and other possibly transient people will require living spaces; these people may take up residence in areas that are ill-equipped to accommodate those uses or are inconsistent with surrounding land uses. The County encourages thoughtful development in an organized fashion, with similar types of uses grouped together to the extent possible. Converse County wants to know: Will the location of POD-related growth be examined in this EIS?

3.3. Consistency with the Existing Converse County Land Use Plan

The Converse County Board of Commissioners adopted the current Converse County Land Use Plan (Plan) in July 2003. A stated objective of the plan is "to establish a process for Converse County to coordinate with federal and state agencies' proposals that may affect the management of public land, private property rights, and natural resources, so that Converse County citizens may preserve their customs, culture, and

economic stability, while protecting their environment.” The Plan addresses cooperation with other governmental agencies with the following objectives:

- 3.3.1. All governmental agencies are requested to legally and logically respect the integrity of the Converse County Land Use Plan;
- 3.3.2. All land management agencies are required to consider adjacent private lands, watersheds, ecosystems, and area management in planning on those areas of their jurisdiction. These agencies should consider the social, historical, and economic conditions, as well as customs and culture, of their management areas;

Converse County wants to know: Will the EIS process allow the County to maintain the coordination expectations outlined in the Land Use Plan?

3.4. Land Use Plan Objectives

The Plan also sets forth goals and objectives for a number of county resources, including soils, water, mineral resources, recreation, transportation and roads, including:

- 3.4.1. Coordination between landowners and developers/contractors during disturbances is required to ensure proper soil conservation measures are followed. Converse County Conservation District has guidelines or standards for salvaging and replacing topsoil and preventing contamination through mixing of soils.
- 3.4.2. Minimize the conflict between mineral extraction and historic surface use.
- 3.4.3. Have a safe transportation system in Converse County.
- 3.4.4. Have a County road system that is safe and requires a minimum of maintenance to serve activities and developments in rural areas.

Converse County wants to know: Will these Converse County Land Use objectives be considered in evaluating the impacts in the EIS?

3.5. Protection of Existing Land Uses and surface Owners’ Rights

The protection of private property rights is of the utmost importance to the County. The County supports current residential, commercial, industrial, agricultural and other land uses and discourages any actions that may limit or otherwise unwillingly affect existing land uses or the rights of land owners to use their property for specific purposes. For example, the drilling of numerous wells on a certain property may affect

the land use potential on nearby properties, thus diminishing their private property rights. Converse County wants to know: How will the EIS address private property rights?

3.6. Protection of Property Values

Along with support for private property rights, the protection of property values is an important goal for Converse County. The County would like to minimize any activities or developments that would have the potential to reduce property values. The County's specific concern is for residential and other properties located within and on the edges of more developed areas, including Douglas, Glenrock and Rolling Hills. Certain facilities or other developments in close proximity to these properties may reduce property values as a result of traffic levels, equipment noise, smoke or dust, visual impacts or an influx of transient workers. Converse County wants to know: Will effects on property values be examined in this EIS?

3.8. Reclamation

The POD provides a description of the proposed interim and final reclamation activities. It is important to the County that comprehensive reclamation activities occur and that they occur in a timely manner. The visual impacts of exploration and drilling activity, including the materials and other items left on-site will impact property values and may even affect the potential land uses of the property. Un-reclaimed sites result in costs to the County or to private landowners in terms of clean-up or other activities to restore the landscape. Converse County wants to know: Will reclamation of all development activities be spelled out in this EIS?

4.0 TRANSPORTATION

4.1. Existing Roadways

There is an extensive network of existing roads in Converse County. The primary routes are either State or Federal highways. There is another essential system of roads that make up the County road network of over 632 miles. A majority of these roads are not paved and are located on either a 60 or 66 foot road right-of-way or easement.

- 4.1.1. Volume:** The POD describes construction traffic of 204 trips/day per well, with an additional 4 trips/ day/ well during production. Based on the POD construction duration is 30 days to drill well and 10 -15 days to complete. It is proposed drilling 5,000 oil and gas wells over a 10 year period. It is stated that

potentially 50 drill rigs could be simultaneously constructed. This equates to 10,200 additional trips/ day peak for well development.

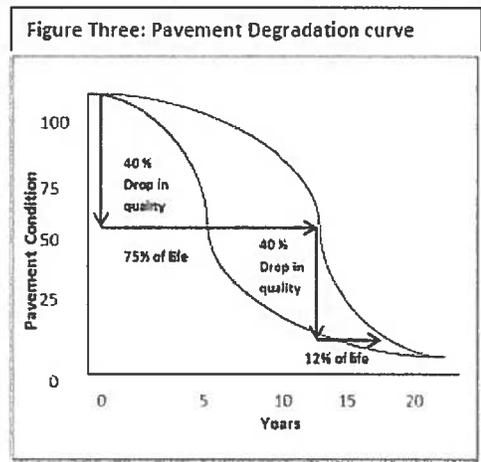
While increased traffic volume is not necessarily detrimental to the roadway system, it depends on the amount of heavy truck traffic and the period of time the increase occurs. Over time, large volumes of heavy truck traffic damage roads and bridges/ structures that are not designed or constructed to accommodate heavy loads or oversize vehicles. Potential impacts to Converse County includes increases in accidents, short and long term maintenance costs, pavement deterioration, and increase in bridge and/or structure replacement.

What is the timing of increased roadway traffic and what existing routes are expected to see the increased traffic volume?

- 4.1.2. *Crashes:* The calculable costs of motor-vehicle crashes are wage and productivity losses, medical expenses, administrative expensive, motor vehicle damage, and employer costs. A majority of accidents occur at intersections and access points.

All access points should be properly designed for sight distance, design speed, and topographic conditions related to the design or regulatory speed for which the access point enters or leaves a County/ State Roadway. All access points to County Roadways should be reviewed and approved by Converse County Road and Bridge Department prior to installation.

- 4.1.3. *Roadway Maintenance/ Rehabilitation Costs:* Typical roadways are designed to last between 20 and 25 years or longer. With regular maintenance, the roadway will remain in good condition over its lifetime. However, if the road is under-designed or if maintenance is not preformed regularly, roads deteriorate quickly. The Montana Department of Transportation developed a Pavement Degradation Curve for paved highways in 2011 that shows a normal pavement life cycle (blue) superimposed with oil impacted region (red). See Figure 3 right (Transportation, 2011).



Furthermore, based on available information, it appears a majority of the roadways within the county are likely designed as low volume or local access roads. Consequently, a significant amount roadway, structure, and intersection

infrastructure may need to be upgraded to accommodate the type and volume of traffic anticipated.

What are the expected truck loads that will exceed normal limits for weight and size?

- 4.1.4. *Dust:* The County is concerned about the increased volume on constructed or existing gravel roadways. Depending on climatic conditions, dust pollution could have negative impacts on residents of Converse County.

What preventive measures will be utilized to mitigate dust pollution on existing and proposed roadway impacted by the oil and gas development?

- 4.1.5. *Noise:* The County is concerned about the increased volume and type of vehicle traffic noise which may be generated by construction and production traffic with the developed wells.

5.0 INFRASTRUCTURE

5.1. Domestic Water, Wastewater Treatment, and Related Infrastructure

We assume that with the development of 5,000 wells over the next 10 years, some expansion may be expected in smaller communities within the county. Expanding service areas, constructing additional infrastructure, or upgrading facilities is expensive.

What is the expected temporary and permanent growth rate related to the development of the oil and gas wells within Converse County?

5.2. Hazardous Materials/Solid Waste Management

It is understood that regulation and disposal of drilling fluid during the well development process is regulated by the Wyoming Department of Environmental Quality.

However, short term waste generated by construction activities and disposal is a concern of the County.

What is expected waste generated by construction activities per well?

6.0 TRANSPORTATION AND INFRASTRUCTURE MITIGATION OF POTENTIAL IMPACTS

6.1. Recommendations

Oil and gas development impacts to the Converse County Transportation System network are manageable provided mechanisms are in place which gives the County the authority and ability to respond

- 6.1.2. *Approvals.* Provide mechanism to allow the County Departments to control how and where rigs and equipment are moved from point to point. This will give the County direct control to mitigate impacts to roadway infrastructure.

7.0 AIR RESOURCES

7.1. Ambient Air Quality Standards

Existing air quality throughout most of the Project Area is in attainment with all ambient air quality standards; however, areas near the Project Area have been designated as federal nonattainment areas where the applicable standards have been violated in the past: Sheridan, WY (PM₁₀ – moderate). EPA Region 8 staff have also expressed concern that PM₁₀ monitoring data collected near and south of Gillette, WY have also exceeded ambient air quality standards. Other areas throughout the state where Oil and Gas development is present has been designated nonattainment areas: Lincoln County, WY (8-hr Ozone - marginal), Sublette County, WY (8-hr Ozone - marginal), and Sweetwater County, WY (8-hr Ozone - marginal). Converse County wants to know: How will the proposed development affect the ambient air quality standards in the Project Area and nearby nonattainment areas? Will additional ambient air quality monitoring stations be installed to help determine compliance with the National and Wyoming Ambient Air Quality Standards?

- 7.1.1. *Fugitive Dust:* The POD estimates 1,890 miles of new roads will be constructed. With new roads and new development comes more traffic. The POD describes how the roads will be constructed and maintained, but does not describe any methods to control fugitive dust. The construction of PADS also causes fugitive dust emissions. Converse County wants to know: Will the impact of fugitive dust be considered in the EIS?
- 7.1.2. *Alternative Analysis-Electric Power.* The POD indicated electric transmission lines will be constructed to provide electric power to the sites. The POD also indicated diesel or natural gas fired generator engines will be used to provide electric power to some sites, and the use of natural gas fired pumping unit engines will be used. Converse County wants to know: Will the EIS compare the

use of electric motors in lieu of gas fired engines as an alternative and what effects do the gas fired engines have on the surrounding air quality?

- 7.1.3. *Alternative Analysis-Pipelines.* The POD indicates additional midstream infrastructure such as pipelines, gas compression and gas processing plants will be constructed. This will allow the produced gas from the proposed wells to be collected and transported to third-party. This would be an alternative to flaring the produced gas at the well. Converse County wants to know: What is the long term impact to the surrounding air quality if produced gas is flared compared to collecting the gas and not flaring? What effects do new gas compression stations and gas processing plants have on the ambient air quality in the Project Area and surrounding areas?
- 7.1.4. *Drilling Rig Emissions.* The POD indicated up to 50 drilling rigs could be in operation during the development of the new field. Converse County wants to know: Will drilling rig emissions be accounted for in the EIS and will any alternatives be analyzed such as natural gas power drilling rigs?
- 7.1.5. *Best Available Control Technology.* The Wyoming DEQ AQD regulates pollutants emitted into the air and dictates the application of Best Available Control Technology (BACT) for all new or modified sources. Converse County is located in the Statewide area in accordance to the 2010 Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance. According to the guidance, the Statewide area has the least stringent BACT requirements. What Converse County wants to know: How will the EIS and AQD Chapter 6, Section 2 regulations relate to one another and will the EIS make any recommendations to change AQD Chapter 6, Section 2 BACT requirements?

7.2. Noise Pollution

Noise pollution is primarily associated with drilling activities; however, some noise pollution can be associated with production activities. What Converse County wants to know: Will the EIS include the effect noise pollution will have on surrounding areas? Will the EIS include any noise pollution mitigation options?

7.3. Mitigation Options

- 7.3.1. Pollutants emitted from Oil and Gas development typically consist of fugitive dust (particulate matter), Volatile Organic Compounds (VOC), Nitrogen Oxide (NOx), Carbon Monoxide (CO), Hazardous Air Pollutants (HAPs) and other greenhouse gasses such as Carbon Dioxide and Methane. Previous EIS have identified mitigation options for some of these pollutants. What Converse

County wants to know: What emissions mitigation measures and their effectiveness will be identified in the EIS?

8.0 WATER RESOURCES

8.1. Water Supply and Use

The Pathfinder to Guernsey sub-basin of the North Platte River is an over appropriated sub-basin. This means that no new surface water withdrawals from the North Platte River can be incurred unless the withdrawal amount is mitigated for or purchased from an acceptable source. Transfer of water rights is allowed provided that there is no additional water used above the permitted depletion quantity. An example would be the transfer of an existing water right to another use from an existing water source via a Temporary Water Use Agreement, provided the appropriate permitting requirements are met, and the permitted water right quantity is unchanged. The Temporary Water Use Agreement would be quantity and time limited and would contain reporting requirements. It is also possible to obtain water from a non-hydraulically connected source providing the appropriate permits are obtained and that sufficient proof that the source is non-hydraulically connected to surface water is provided. Also note that the consumptive use (depletion) of a water right may be different than the permitted water right quantity.

Converse County would like see a detailed breakdown of the anticipated water sources including municipal, agricultural, surface water and groundwater provided within the EIS.

8.2. Wastewater Management

Converse County would encourage the recycling and reuse of produced water from new and existing oil and gas wells within the project area. The economics of providing reuse should be addressed within the EIS documentation.

8.3. Soil and Water Quality Concerns

Saltwater spills have caused significant issues in the Bakken Field in North Dakota. In many cases, they have caused more long-term impacts and cost more to mitigate than oil spills. Saltwater pipelines and areas around Class II injection wells have caused the most issues.

What Converse County wants to know is: What are the soils susceptibility to salinity in Converse County? What are the salinity characteristics of the current production water, and into the future? Salinity of oil and gas exempt wastes into the future – e.g.,

drill cuttings, etc.? Also, what mitigation measures and safety precautions will be in place to reduce the potential for a saltwater spill?

8.4. Drilling Waste Pits (5,000 Potentially)

What are the impacts likely due to such a high number of waste pits, especially for multiple well pads (up to 16), which could require disposal of up to 12,000 cy of drill cuttings (Bakken holes average up to 800 cy of cuttings/hole)? Of concern is groundwater/surface water contamination from this many “impromptu landfills,” usually with poorly installed or maintained pit liners, and oft times inadequate reclamation. The County wants to know if there are ways to consolidate pits to reduce the number of total pits.

8.5. Protection of Groundwater Supplies

POD gives very little information about local hydrogeology, or the deeper geology of the oil formations, and the intervals between. More information needs to be presented as to depths/characteristics of the oil/gas formations, aquifer formations, interconnectedness, etc. Exactly how will the aquifers be protected? Depths for surface casing, details of pressure grouting, etc.? Additives used in drilling through freshwater aquifers, existing water quality issues in area, expected salinity of production waters from oil/gas formation(s), potential hydraulic head pressures causing deeper zones to interconnect with shallower zones thereby causing water quality problems, etc.?

8.6. Domestic Groundwater Wells

Current natural gas issues in the area, in particular with domestic/stock wells?

Converse County supports a system of pre-testing of domestic wells in the development area as a baseline.

8.7. Saltwater Disposal

POD states there are currently 29 disposal wells in the area, but this will likely increase to 50 or more, given the need to inject between 2 to 38 billion gallons of wastewater. What is/are the formation(s) used for this purpose, ability to handle this quantity, separation from aquifers, etc.? How will the saltwater be handled; truck, pipeline, etc.? Oversight (regulatory) of injection wells and the industry?

8.9. Naturally-Occurring Radioactive Material (NORM)

Please comment on expected NORM situation, extent and levels expected, how will it be handled, etc.?

9.0 LAND USE PLAN AMENDMENTS

The scoping presentation mentioned the potential need to amend the existing resource management plans to address the proposed increased level of development. Converse County would like to know: How will the potential changes to those plans and any additional stipulations or mitigation be included in the analyses conducted for the EIS?

10.0 WILDLIFE

10.1. Roads and Vehicles

The POD identifies 1,890 miles of roads and 2,890 estimated total vehicle trips per well. The increased road network and vehicle trips will likely result in an increase of wildlife-vehicle collisions. We are concerned this level of road development and traffic can have impacts on current populations of game, non-game, and reptiles. The County would like to know how the wildlife-vehicle collisions will be evaluated to determine the potential effects on the various species population levels. We assume you will consider using the existing road system to the greatest extent possible. Should specified routes be established to access specific areas or units? Are there efficiencies that can be made through trip coordination?

10.2. Electrical Distribution Lines

The POD proposes that approximately 1,500 miles of overhead electrical lines may be installed. Overhead electrical lines are potential hazards for raptors and other migratory birds. The County would like to know how you will assess the potential impacts on raptors from the increase in overhead electrical lines. The County would like to know how the potential electrical lines that may be constructed for potential wind development throughout the project area will be considered.

11.0 PLANT COMMUNITIES

We are concerned about the increased spread of noxious and invasive weed species. With the level of proposed new roads, pads, and pipelines there is a significant amount of potential for weeds to become established and spread to a problematic level if mitigation measures and requirements are not identified. The spread of noxious weeds can have significant impacts on regional livestock operations. The County wants to know what

mitigation measures you propose to minimize the spread of noxious and invasive weed species.

12.0 SAGE GROUSE

A decision will be made in 2015 by the USFWS regarding the listing of the sage-grouse. Wyoming Governors' Freudenthal and Mead passed Executive Orders to maintain a state-based solution for protecting sage-grouse habitat. The Sage-Grouse Core Area Protection Strategy is designed to protect the state populations while allowing development. If the USFWS decides to list the sage-grouse under the Endangered Species Act Wyoming will feel significant economic ramifications from the listing. We are concerned about the potential listing.. Additionally, we anticipate the decision by the USFWS will be made prior to the release of the draft EIS. We assume the BLM and third-party contractor will be watching the developments and address any developments in the analysis.

Dunne, Chris

From: Dunne, Chris
Sent: Friday, June 13, 2014 10:07 AM
To: Dunne, Chris
Subject: FW: Converse County O&G Project

From: **Chapman, Curtis** <Curtis.Chapman@anadarko.com>
Date: Tue, Jun 10, 2014 at 10:36 AM
Subject: Converse County O&G Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

- I live in Natrona County and support the project because it is good for our county and the state.
- Development of these oil and gas reserves will help ensure American energy independence and keep energy costs down for the American consumer.
- This project is consistent with the BLM's Multiple Use Mandate and this area has historically supported oil and gas development.

Curtis Chapman

Lact 10, CO2 Foreman

Cell (307) 262-9785

Office (307)437-9533

38250 N Gas plant Rd

Midwest(Salt Creek)Area Office #APC111

Midwest, WY 82643

UNITED STATES



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Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

6.17.14

Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Dr
Casper, Wyo. 82604

To Whom It May Concern:

This letter is my public comment for the Converse County Oil and Gas Project EIS Proposed Action. The BLM needs to receive credit for thinking about the needs of the region and the mission of the agency to develop natural resources to meet the energy needs of the entire country. The BLM further deserves credit for setting an audacious goal in the proposed action of drilling 5,000 wells (on 1,500 pads) over the next decade in this region.

The water usage needed for this project could be clarified by the BLM, however. Currently, the proposed action calls for "barrels" of water. This is a term no one is familiar with. The BLM should instead use acre-feet of water to describe the water needs of operators on a per well basis.

The roads needed to be constructed to accommodate the new development include 1,800 miles of new roads. These new roads would be built and maintained by the operators, but enjoyed by all of us as a continuing asset to the county. This is a good thing for us.

Further, the tax revenues resulting from all of this new oil and gas development would help us to fund key investments in public services. Whether it is first responders, water and sanitation, or schools and hospitals, the county tax revenues will no doubt increase substantially after development begins. This benefit is so important to the region and will be a lasting impact.

Finally, the BLM should give favorable consideration to granting waivers for bypassing the discretionary timing limitations, thus allowing the operators to drill all year. Otherwise, pauses in development will reduce the benefits to the county in terms of consistent jobs, taxes, and speed of reclamation. Thank you for taking my thoughts into consideration as the BLM finalizes this very beneficial project.

Regards,

John Clark
John Clark
1060 meadow lane
Douglas WY.

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:34 AM
To: Dunne, Chris
Subject: Fwd: Converse County Proposed Project

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:01 AM
Subject: Fwd: Converse County Proposed Project
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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From: Edith Cook <e104cook@gmail.com>
Date: Sun, Jun 29, 2014 at 5:56 PM
Subject: Converse County Proposed Project
To: blm_wy_casper_wymail@blm.gov

Dear Mr. Robinson,

We spoke recently when I called you at your office phone, wishing to obtain further information about the proposed development. That day I mentioned an AP review charging that BLM ha failed to inspect four out of ten high-risk wells, most of them situated in Wyoming. Here is the report

online: <http://abcnews.go.com/Politics/wireStory/10-higher-risk-wells-inspected-feds-24143636>

I feel strongly that, until BLM is willing and able to inspect all high-risk well in a timely and diligent manner, the agency should not allow any drilling on BLM land.

Sincerely,



Edith Cook

www.edithcook.com

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Monday, June 23, 2014 8:13 AM
To: Dunne, Chris
Subject: Fwd: Converse County EIS

Follow Up Flag: Follow up
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comment.

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From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Mon, Jun 23, 2014 at 8:06 AM
Subject: Fwd: Converse County EIS
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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From: Doug Cooper <Barbedwire@hughes.net>
Date: Fri, Jun 20, 2014 at 7:37 PM
Subject: Converse County EIS
To: blm_wy_casper_wymail@blm.gov

Converse County EIS

To Whom it may concern:

The BLM should continue to allow development to occur during the interim period while the EIS is being prepared. Delay of development would increase impacts by creating a land rush once the EIS is completed. Mineral companies would be encouraged to explore at the first opportunity rather than at a reasonable pace over time.

As an owner of fee minerals and private surface in Converse County, I believe that reasonable access to well pads must be allowed for drilling and completion activities on a year-round basis. This ensures efficient operations, which will reduce the total amount of impacts on the ecosystem and sage grouse, as well as reduce the societal impacts on the nearby communities. Year-round access could be best achieved by BLM taking a reasonable approach to waiving seasonal stipulations in a manner that can continue conserve species.

I am concerned that the BLM is not protecting private property. Often BLM requires biological surveys that extend past the federal mineral leases where split estates occur. A surface owner is obligated to allow the mineral interest reasonable access to the surface but no such requirement exists beyond the boundary of the federal mineral lease. I very much object to biological surveys mandated by the BLM that intrude on private surface and fee minerals. An oil company wishing to develop a few hundred acres of federal minerals can impact thousands of acres of private surface. Biological surveys should be confined to the surface directly above the actual mineral lease.

The BLM should allow the project forward because of the positive impact it will have on Converse, Campbell and Natrona county economies, as well as the hundreds of millions of dollars of revenue it will generate for the local, state and federal governments to ensure continuity of government services, schools and infrastructure needs. During the life of this project, it will create thousands of new, high paying jobs, as well as develop valuable domestic oil resources to reduce dependency on foreign oil.

Sincerely,

Doug Cooper
1025 S. Durbin
Casper, Wyoming 82601

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

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Dunne, Chris

From: Dunne, Chris
Sent: Friday, June 13, 2014 10:09 AM
To: Dunne, Chris
Subject: FW: Converse County O&G project

From: **Taylor, Crosby** <Crosby.Taylor@anadarko.com>
Date: Wed, Jun 11, 2014 at 2:54 PM
Subject: Converse County O&G project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

To whom it may concern,

I would like to voice my support for the Converse county O&G project that you are taking comments on.

Oil and gas development are very important to our state and country as they provide jobs, tax revenue, energy independence, and keep public lands open for multiple use.

Please add my comments to the register on this project.

Thank you,

Crosby Taylor

Kaycee Wyoming

(307) 259-9795

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Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

Bureau of Land Management
Casper Field Office, Attn: Mike Robinson
2987 Prospector Drive,
Casper, WY 82604

Ref: Converse County Oil and Gas Project

Dear Mr. Robinson,

I would like to offer my support for this project, and urge the BLM to draft an EIS that accurately describes the minimal environmental impacts that it will occur, and the socio-economic benefits.

The proposal is for the year-round drilling of up to 5,000 wells over about 10 years. In order for this to happen, your agency will need to issue a waiver of seasonal timing limitations. I ask that you grant this waiver; year round operations on multi-well pads actually reduce impact on the environment, especially surface disturbance, as it limits the number of times equipment is rigged down and moved. Timing limitations force companies to move their rigs and other equipment unnecessarily, which in turn increases surface disturbance. And it goes without saying that seasonal work offers less to the local economy than does steady, full time employment.

Overall, the proposed project will be a boon to the local economy. It will bring in high paying jobs with good benefits; it will create a large number of indirect jobs; it will generate new revenues for local and county government; and it will attract investment to the region. All of this will have a positive effect on the life of our county.

There are few risks to this type of development that have not been more than adequately accounted for in this proposal. Beyond the normal drilling and completion practices that are in place to protect groundwater and minimize surface disturbance, the plan calls for the use of natural gas driven artificial lift pumps, and the storage of soil for reclamation. Water usage will be kept to a minimum, and (especially when expressed in acre-feet as is the norm in Wyoming) represents a very, very small amount by comparison to other uses.

As our nation continues to try and recover from the recent Great recession, energy will become more and more important. I think we would all prefer to see that energy come from here at home instead of overseas. This project will be a great step in the direction towards American energy Independence, one more factor that the BLM should consider.

I thank you very much for your time and commitment to our public lands in general, and to this project in particular.

Sincerely,

MARK B. DENNIS



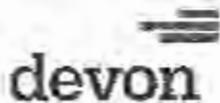
June 9, 2014

1316 WILKER DR
CASPER, WY 82604

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office



June 23rd, 2014

Sent Via Federal Express and Electronic Mail blm_wy_casper_wymail@blm.gov

Mike Robinson, Project Coordinator
Bureau of Land Management
Casper Field Office
2957 Prospector Drive
Casper, WY 82604

Re: Notice of Intent to Prepare an Environmental Impact Statement and Amendments to the Casper Resource Management Plan and Thunder Basin National Grassland Land and Resource Management Plan, Converse County, Wyoming

Dear Mr. Robinson:

Devon Energy Production Company, L.P. ("Devon") submits these scoping comments regarding the Notice of Intent to Prepare an Environmental Impact Statement and Amendments to the Casper Resource Management Plan and Thunder Basin National Grassland Land and Resource Management Plan ("Converse County") Environmental Impact Statement ("EIS") ("Converse County Project"). Devon is not one of the operators proposing the Converse County Project, but owns leases within the project area, is actively monitoring the project, and will be impacted by its outcome because it owns and operates leases within the Converse County Project Area. Devon thanks the Bureau of Land Management ("BLM") for the opportunity to submit comments regarding this very important project given the impact it will have upon Devon's future operations in the area. Devon looks forward to working with the BLM during the environmental review and public disclosure process mandated by the National Environmental Policy Act of 1969 ("NEPA").

BLM Must Encourage the Development of Domestic Hydrocarbons

The production of natural gas, oil, and other hydrocarbons ("Hydrocarbons") from the Converse County Project Area is consistent with this nation's energy policy as articulated in the Comprehensive National Energy Strategy announced by the United States Department of Energy in April of 1998, the Energy Policy and Conservation Act, 42 U.S.C. § 6201, the National Energy Policy, Executive Order No. 13212, 66 Fed. Reg. 28357 (May 18, 2001), and the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594. Hydrocarbon production in the Converse County Area increases domestic energy resources and provides sources of revenue to stimulate the local and national economies.

With continued geopolitical instability, the need for reliable, domestic sources of energy continues to grow. Moreover, public lands managed by the BLM must be utilized for multiple uses, including energy development. 43 U.S.C. § 1702(l) (2012) (defining mineral development as a principal or major use of the public lands). The Converse County Project can and will achieve a balance between environmental protection, economic growth, and other multiple uses to help meet our nation's energy needs. The development of oil and gas resources from federal land is particularly important as production from federal land has decreased significantly in recent years while production from private land has increased. See, Congressional Research Service, U.S. Crude Oil and Natural Gas Production in Federal and Non-Federal Areas, April 10, 2014.

Hydrocarbon production from the Converse County Project will benefit the national, state, and local economies. Development of one oil and natural gas well can yield hundreds of thousands of dollars that are paid to governments and reinvested in the local community. Production of Hydrocarbons provides revenue to county, state, and federal governments through royalties and taxes. Furthermore, development of the Hydrocarbons will require increased employment, and the operators

will make substantial economic investments in the local economies. The proposal to develop 5,000 additional wells in the Converse County Area will substantially contribute to the national, state, and local economies.

The Converse County Project Conforms to Applicable Land Use Plans

The Converse County Project conforms to the management prescriptions in the applicable land use plans, as required by the Federal Land Policy and Management Act ("FLPMA") and its implementing regulations. See 43 U.S.C. § 1712; 43 C.F.R. § 1610.5-3 (2012). BLM manages most of the public lands and resources within the Converse County area under the direction and guidance of the Casper RMP and ROD completed in December 2007 ("Casper RMP"). The Casper RMP states that "[t]he Casper Field Office is open to mineral leasing, . . . unless specifically identified as administratively unavailable for the life of the plan for mineral leasing." Casper RMP, pg. 2-15, Decision #2004; see also Casper RMP, Map 3 (2007). Accordingly, the Converse County Project is consistent with the management prescribed by the Casper RMP.

BLM May Authorize the Converse County Project During the Casper Resource Management Plan Revision

In February 2010 and 2011, BLM published a Notice of Intent to amend the Casper RMP to address concerns regarding sage-grouse. 76 Fed. Reg. 77008 (Dec. 9, 2011); 75 Fed. Reg. 30054 (May 28, 2010). The BLM issued the Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment and Draft Environmental Impact Statement on December 27, 2013. 78 Fed. Reg. 79004 (Dec. 27, 2013); 78 Fed. Reg. 78955 (Dec. 27, 2013) ("Sage-Grouse DRMP"). BLM's decision to amend the Casper RMP does not limit BLM's ability to approve the Converse County Project. Both the Interior Board of Land Appeals ("IBLA") and the federal courts have affirmed the BLM's ability to reach management decisions that are consistent with existing RMPs while RMP revisions are ongoing. The IBLA has allowed the BLM to proceed with actions that conform to an existing, valid land use plan and EIS while it prepares new land use plans. See *Powder River Basin Resource Council, et al.*, 180 IBLA 1, 17 (2010); *Wyoming Outdoor Council, et al.*, 156 IBLA 377, 383-84 (2002); *Sierra Club Legal Def. Fund, Inc., et al.*, 124 IBLA 130, 140 (1992); see also 40 C.F.R. § 1506.1(c) (2012) (barring agencies from undertaking major actions that significantly affect the environment while preparing an EIS except when the action is covered by an existing environmental impact statement). Similarly, federal courts have held that the BLM is not required to suspend management decisions while updating land use plans and corresponding EISs. See *ORNC Action v. Bureau of Land Mgmt.*, 150 F.3d 1132, 1138-41 (9th Cir. 1998) (holding neither FLPMA nor the applicable regulations require the BLM to institute a moratorium on activities pending completion of an EIS for an updated or revised RMP); *Western Land Exch. Project v. Dombeck*, 47 F. Supp.2d 1196, 1213 (D. Or. 1999) (same). Because the Converse County Project conforms to the prescriptions of the Casper RMP currently in effect, BLM may authorize the project during the RMP amendment process. As a practical matter, Devon also hopes that the sage-grouse planning amendments will be completed long before the Converse County Record of Decision is issued.

Devon Supports Revision of the Casper Resource Management Plan

Devon supports a proposed amendment to the Casper RMP as part of the Converse County EIS in order to give the BLM greater flexibility to grant exceptions and waivers to timing stipulations on a programmatic basis. Allowing oil and gas operators to conduct drilling activities year round substantially reduces the number of rig mobilizations required to effectively develop an area. Given the increasing use of horizontal development techniques, year-round operations are particularly important because operators will be able to drill and complete multiple wells from a single pad without disruptive mobilizations. As technology continues to improve, operators may be able to drill as many as four (4) full governmental sections from a single pad. Devon encourages the BLM to adopt an alternative that allows timing exceptions to be granted on a programmatic basis, especially if such

proposals are combined with reasonable mitigation measures. Devon recently worked cooperatively with the Buffalo Field Office and State of Wyoming Sage-grouse Implementation Team on such a project and Devon is aware of similar proposals by Samson Resources and Anadarko. Devon believes the BLM should develop an alternative that would allow operators and the BLM to voluntarily develop such mitigation-based proposals.

Devon does not support, however, any proposal that would mandate compensatory mitigation for all oil and gas development projects. BLM's current policy regarding off-site mitigation as expressed in BLM Instruction Memorandum No. 2008-204.¹ Instruction Memorandum 2008-204 makes it clear that compensatory off-site mitigation may be offered voluntarily by a project proponent and can only be a condition of a permit on a site-specific basis, under very specific criteria. It is contrary to BLM's policy to require compensatory off-site mitigation for any and all surface disturbing authorization. The Instruction Memorandum makes it clear that it "is not the intent of the policy to solicit or require aptly committed mitigation that exceeds the impact of the Applicant's proposed project. Furthermore, not all adverse impacts can or must be fully mitigated either on-site or off-site. A certain level of adverse impacts may be acceptable and should be identified during the environmental review and acknowledged in its decision document." Instruction Memorandum 2008-204, pg. 2. The BLM's current policy regarding off-site mitigation makes it absolutely clear that compensatory off-site mitigation is only required or appropriate when impacts cannot be mitigated to an acceptable level on-site. It is not intended to be applied in all circumstances. Such a position is contrary to BLM policy and past procedures. The BLM cannot require compensatory offsite mitigation for all oil and gas development. Such a policy ignores the fact that oil and gas development is an appropriate use of federal lands.

The Converse County EIS is a Programmatic Document and Should Not Analyze the Site-Specific Impacts of Development

The Converse County EIS is intended to analyze the potential impacts of the development at the programmatic level. As a result, BLM should not engage in speculative analysis of potential impacts resulting from the placement of individual wells because these impacts will be analyzed once specific development is proposed. The analysis of site-specific potential impacts of development will appropriately occur when applications for permits to drill ("APDs") are filed. The exact placement of future well locations is not presently known, and any attempt to anticipate well locations and the resulting site-specific impacts "would be predictably inaccurate." See *Biodiversity Conservation Alliance, et al.*, 174 IBLA 1, 15 (2008).

The IBLA has endorsed BLM's analysis of project-level impacts of development in programmatic documents such as the Converse County EIS, and allowed BLM to defer analysis of individual well locations until development is actually proposed. NEPA's requirement that a project's impacts be evaluated at an early stage in the planning process is "tempered by the preference to defer detailed analysis until a concrete development proposal crystallizes the dimensions of a project's probable environmental consequences." *Biodiversity Conservation Alliance*, 174 IBLA at 16 (quoting *'Iliia'ulaakalani Coal. v. Rumsfeld*, 464 F.3d 1083, 1095-96 (9th Cir. 2006)). As a result, programmatic documents need not be as particular or detailed as would be required to support a site-specific action. See *Biodiversity Conservation Alliance*, 174 IBLA at 16. Accordingly, when evaluating the impacts of the Converse County Project, BLM must evaluate potential impacts on a broad, programmatic level. BLM need not become mired in the details of site-specific analysis when such analysis will occur at the APD stage.

¹ BLM Instruction Memorandum 2008-204 expired in September 2009. To date, however, no additional final guidance has been issued by the BLM, and thus this is the most current guidance regarding off-site or compensatory mitigation. Although the BLM released Instruction Memorandum 2014-142 on January 17, 2014, it did not contain any final, binding guidance.

The Converse County EIS Must Analyze Reasonable Alternatives

It is well established that NEPA only requires an agency to consider "reasonable alternatives" to a proposed action. 40 C.F.R. § 1502.14. When developing alternatives for analysis in the Converse County EIS, BLM must consider the purpose of the operator's proposal. "In determining whether an agency considered reasonable alternatives, courts look closely at the objectives identified in an EIS's purpose and needs statement." *Citizens' Comm. to Save Our Canyons v. United States Forest Serv.*, 297 F.3d 1012, 1030 (2002). Where, as in this case, the proposed action is triggered by an application from a private party, "it is appropriate for the agency to give substantial weight to the goals and objectives of that private actor." *Citizens' Comm. to Save Our Canyons*, 297 F.3d at 1030; accord *Colorado Env'tl. Coal. v. Dombeck*, 185 F.3d 1162, 1174-75 (1999); Council on Environmental Quality Guidance Memorandum, 48 Fed. Reg. 34,263, 34,267 (July 28, 1983) ("There is . . . no need to disregard the applicant's purposes and needs and the common sense realities of a given situation in the development of alternatives."). When developing alternatives and the purpose and new statement for the EIS, the BLM must consider the objectives of the operators and their goals. *Theodore Roosevelt Conservation Alliance v. Salazar*, 661 F.3d 66, 73 (D.C. Cir. 2011) (holding with respect to the Pinedale Anticline Project that BLM appropriately analyzed objectives of the proponents). Here, the purpose of the operators' proposal is to develop and maximize recovery of the Hydrocarbon resources underlying their federal, state, and private-fee mineral leases within the project area and, to enable the operators' commercial production of federally, state, and privately owned mineral resources in conformance with the governing RMP for the Casper Resource Area pursuant to their rights under existing oil and gas leases issued by the BLM, the State of Wyoming, and private land owners. In addition, the further intent of the proposed action is to prevent the drainage of federal minerals by oil and gas wells located on adjacent non-federally owned lands (*i.e.*, the State of Wyoming and private lands). In developing alternatives for the Converse County EIS, BLM must consider these purposes. *Id.*

Furthermore, BLM must ensure that it only analyzes alternatives that meet the purpose and need of the project. See 40 C.F.R. § 1500.2(e) (reasonable alternatives include those "which will accomplish the intended purpose, are technically and economically feasible, and yet have a lesser or no impact"). Federal courts and the IBLA have made clear that "[a]lternatives that do not accomplish the purpose of an action are not reasonable and need not be studied in detail by the agency." *Citizens' Comm. to Save Our Canyons*, 297 F.3d at 1030 (quoting *Custer County Action Ass'n v. Garvey*, 256 F.3d 1024, 1041 (2001)) (internal quotations omitted); see also *Santa Fe Nw. Infa. Council, Inc., et al.*, 174 IBLA 93, 117 (2008) (holding that BLM need not analyze alternative that does not meet project's purpose and need); *Wyoming Outdoor Council*, 151 IBLA 260, 272 (1999). BLM may not analyze alternatives that are not consistent with the Converse County's purpose and need of developing Hydrocarbon resources within the Converse County Project Area. The Converse County EIS should include a detailed explanation of the rationale for the development of each alternative considered, including how the alternative satisfies the operators' purpose and need.

Finally, BLM must ensure that the alternatives analyzed in the Converse County EIS are both feasible and economic. The CEQ has described reasonable alternatives as "those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable." *CEQ's Forty Most Asked Questions*, Question 2a, 46 Fed. Reg. 18028, 18027 (Mar. 23, 1981) (emphasis added). BLM need not analyze speculative, impractical, or uneconomic alternatives. *Citizens' Comm. to Save Our Canyons*, 297 F.3d at 1030-31. Overly stringent restrictions or conditions of approval ("COA") may render development uneconomic. In the Converse County EIS alternatives analysis, BLM must recognize that the hydrocarbon resources within the project area may not be developed if restrictions render development economically unfeasible.

The Alternatives Analyzed in the Converse County EIS Must be Consistent with Devon's Existing Lease Rights

The alternatives analyzed in the Converse County EIS must not affect the operators' ability to access minerals under existing leases. Once the BLM issues leases, it cannot preclude development or impose additional lease stipulations. An oil and gas lease is a contract between the federal government and the lessee and cannot be unilaterally modified. See *Mobil Oil Exploration & Prod. Southeast, Inc. v. United States*, 530 U.S. 604, 620 (2000) (recognizing that lease contracts under Outer Continental Shelf Lands Act gives lessees the right to explore for and develop oil and gas); *Oxy USA, Inc. v. Babbitt*, 268 F.3d 1001, 1006-7 (10th Cir. 2001) (noting that the Tenth Circuit has long held that federal oil and gas leases are contracts).

Once the BLM has issued a federal oil and gas lease without no surface occupancy stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. See, e.g., *National Wildlife Federation, et al.*, 150 IBLA 385, 403 (1999). Only Congress has the right to completely prohibit development once a lease has been issued. *Western Colorado Congress*, 130 IBLA 244, 248 (1994). Further, the BLM cannot take Devon's valid and existing lease rights. When it enacted FLPMA, Congress made it clear that nothing therein, or in the land use plans developed thereunder, was intended to terminate, modify, or alter any valid or existing property rights. See 43 U.S.C. § 1701. In order to effectuate this purpose, the BLM promulgated policies regarding the contractual rights granted in an oil and gas lease. BLM Instruction Memorandum 92-67 states that "[t]he lease contract conveys certain rights which must be honored through its term, regardless of the age of the lease, a change in surface management conditions, or the availability of new data or information. The contract was validly entered based upon the environmental standards and information current at the time of the lease issuance." As noted in the BLM's Instruction Memorandum, the lease constitutes a contract between the federal government and the lessee which cannot be unilaterally altered or modified by the BLM. The BLM cannot modify existing lease rights through a plan amendment or through a programmatic document.

The Casper Resource Management Plan Final Environmental Impact Statement specifically recognized that the final RMP for the Casper Resource Area will recognize valid existing rights. Casper Proposed Resource Management Plan and Final Environmental Impact Statement, pg. 1-11. It is important for the BLM to recognize that oil and gas operators such as Devon have the right to access and develop the leaseholds and alternatives analyzed in the Converse County EIS must be consistent with these valid existing rights.

BLM May Not Equate the No Action Alternative with a No Development Alternative

As BLM is aware, its analysis of alternatives must include consideration of a "no action alternative." 40 C.F.R. § 1502.14(d). In the Converse County EIS, the no action alternative is not an alternative under which no additional development would occur. Rather, BLM must analyze development that could proceed under the current management of the Converse County Area if BLM did not approve the operators' proposal. See, e.g., *High Desert Multiple-Use Coal., Inc., et al.*, 116 IBLA 47, 53 n.7 (1990) ("A 'no-action' alternative accepts the status quo and takes no action."). The governing land use plans permit oil and gas development within the project area, and development is consistent with the operators' existing lease rights. See Casper RMP/ROD (2007), pg. 2-15. Accordingly, BLM must not analyze a no-action alternative under which no development will occur.

Additionally, the BLM should clearly inform the public that selection of the no action alternative would not meet the purpose and need of the proposed action, would be inconsistent with the BLM's mandate to encourage natural gas production from federal lands, and would be contrary to the National Energy Policy and Executive Order 13211, 66 Fed. Reg. 28355 (May 18, 2001).

The Converse County EIS Must Recognize that the State of Wyoming Has Authority to Regulate Impacts to Air Quality

In the Converse County EIS, BLM must expressly recognize that the State of Wyoming, and not the BLM, has authority for regulating air quality within the project area. The complex regulatory scheme established by the Clean Air Act ("CAA") provides the State of Wyoming with the authority to regulate Wyoming's air resources. BLM may not infringe upon the State's authority by attempting to regulate air quality or air emissions in the Converse County EIS.

The BLM does not have direct authority over air quality or air emissions under the CAA. 42 U.S.C. §§ 7401 *et seq.* Under the express terms of the CAA, the EPA has the authority to regulate air emissions. In Wyoming, the EPA has delegated its authority to the Wyoming Department of Environmental Quality ("WDEQ"). See 42 U.S.C. §§ 7401 - 7671q; 40 C.F.R. pts. 50 - 99; 40 C.F.R. § 52.2620 (Wyoming's State Implementation Plan); WYO. STAT. ANN. §§ 35-11-201 to 214 (LexisNexis 2011); Wyo. Air Quality Stds. & Regs. ("WAQSR") Chs. 1 - 14. 78 Fed. Reg. 49685 (Aug. 15, 2013). The Secretary of the Interior, through the IBLA, has unequivocally determined that in Wyoming, the State of Wyoming and not the BLM, has authority over air emissions:

In Wyoming, ensuring compliance with Federal and State air quality standards, setting maximum allowable limits (NAAQS and WAAQS) for six criteria pollutants CO (carbon monoxide), SO₂ (sulfur dioxide), NO₂, ozone and particulate matter (PM₁₀ and PM_{2.5}), and setting maximum allowable increases (PSD increments) above legal baseline concentrations for three of these pollutants (SO₂, NO₂, and PM₁₀) in Class I and Class II areas is the responsibility of WDEQ [Wyoming Department of Environmental Quality], subject to EPA oversight.

Wyoming Outdoor Council, et al., 176 IBLA 15, 26 (2008). Decisions of the IBLA are binding upon the BLM and have the same force and effect of a Secretarial decision. 43 C.F.R. § 4.1 (noting that the Office of Hearings and Appeals, which includes the IBLA, may decide matters as fully and finally as the Secretary of the Interior); see also *IMC Kalium Carlsbad, Inc. v. Interior Bd. of Land Appeals*, 206 F.3d 1003, 1009 (10th Cir. 2000) (holding that IBLA has *de novo* review authority over the decisions of subordinate agencies such as the BLM). Given previous determinations by the Secretary, the BLM must revise the objectives included in the Buffalo RMP to recognize WDEQ's, and not the BLM's, authority over air quality and air emissions in Wyoming. The BLM does not have the authority to impose regulations or mandate control measures on emission sources, including oil and gas operations, within Wyoming. *Wyoming Outdoor Council, et al.*, 176 IBLA at 26.

With respect to potential visibility impacts, the BLM's authority is also limited by existing federal law. Under the CAA, a federal land manager's authority is strictly limited to considering whether a "proposed major emitting facility will have an adverse impact" on visibility within designated Class I areas. 42 U.S.C. § 7475(d)(2)(B). Oil and gas operations do not meet the definition of a major emitting facility.² Further, under the CAA, the regulation of potential impacts to visibility and authority over air quality in general, rests with the WDEQ. 42 U.S.C. § 7407(a). The goal of preventing impairment of visibility in Class I areas will be achieved through the regional haze state implementation plans ("SIPs") that were recently approved. 42 U.S.C. § 7410(a)(2)(J); 78 Fed. Reg. 54828 (Sep. 6, 2013); 77 Fed. Reg. 73,926 (Dec. 12, 2012); 78 Fed. Reg. 49685 (Aug. 15, 2013). Although federal land managers with jurisdiction over Class I areas may participate in the development of regional haze SIPs, the BLM has no such jurisdiction in Wyoming because it does not manage any Class I areas in the State. 42 U.S.C. § 7491; see also WYO. STAT. ANN. §§ 35-11-201 to 214; Buffalo RMP/DEIS, pg. 211. Accordingly, the BLM has no authority over air quality and cannot impose emissions restrictions, either directly or indirectly, on oil and gas operations in Wyoming, particularly if the overall goal is to reduce potential visibility impacts.

²Major emitting sources are those that emit or have the potential to emit 250 tons per year of any regulated pollutant, or any of the 28 listed industrial sources that have the potential to emit 100 tons per year of any regulated pollutant. 42 U.S.C. § 7479(1); 40 C.F.R. §§ 51.166(b)(1), 52.21(b)(1).

The BLM should also recognize that the agency does not have the authority to implement, regulate, or enforce the prevention of significant deterioration ("PSD") increment. The BLM's lack of authority regarding PSD increment analysis was recently recognized in the MOU issued by the Department of the Interior, Department of Agriculture, and the EPA which indicates that BLM NEPA documents relating to oil and gas activities will model PSD increment consumption for informational purposes only. See Memorandum of Understanding Among Department of Agriculture, Department of the Interior and the Environmental Protection Agency ("EPA") Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions Through the National Environmental Policy Act Process ("Air MOU"), Section V.G (June 23, 2011). Wyoming's PSD program was approved by the EPA in June of 2012, 77 Fed. Reg. 33021 (Jun. 12, 2012) and currently controls Wyoming's enforcement of the PSD program within the State of Wyoming.

Further, the Federal Land Policy and Management Act of 1976 (FLPMA) does not authorize the BLM to regulate air quality. Section 202(c)(8) of FLPMA does not require or authorize the BLM to enforce air quality controls. Instead, the cited section of FLPMA provides: "In the development and revision of land use plans, the Secretary shall— . . . (8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementations plans." 43 U.S.C. § 1712(c)(8). The very language of the statute demonstrates BLM is required to "provide for compliance," not independently regulate air emissions. *Id.* So long as the BLM is not interfering with the enforcement of State and Federal pollution laws, the BLM has satisfied its obligations under FLPMA. FLPMA simply does not authorize the BLM to independently regulate air quality control measures.

Finally, from a NEPA perspective, the BLM may analyze air quality impacts, but NEPA does not authorize the BLM to impose air emissions regulations. As the BLM is aware, NEPA is a procedural statute intended to produce informed decision making by federal agencies. *United States Dep't of Trans. v. Public Citizen*, 541 U.S. 752, 756-57 (2004); *Lee v. United States Air Force*, 354 F.3d 1229, 1237 (10th Cir. 2004). While NEPA mandates that agencies follow specific procedures when reaching decisions that significantly affect the environment, NEPA does not impose any requirement on agencies to reach a particular decision. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350-51 (1989); *Lee*, 354 F.3d at 1237. Moreover, NEPA does not require agencies "to elevate environmental concerns over other valid concerns." *Lee*, 354 F.3d at 1237. Once the agency adequately identifies and evaluates environmental concerns, "NEPA places no further constraint on agency actions." *Pennaca Energy, Inc. v. United States Dep't of the Interior*, 377 F.3d 1147, 1150 (10th Cir. 2004).

Because BLM lacks authority under the CAA over air quality, BLM may not attempt to regulate air emissions in the project area. Moreover, in the Converse County EIS, BLM should expressly acknowledge that, as a matter of federal law, the State of Wyoming has the authority to directly regulate air quality in the project area. Furthermore, BLM must acknowledge that it defers the regulation of emissions to the State's authority.

The BLM Must Recognize the Reasonably Foreseeable Development Scenario for the Casper RMP Does Not Limit Future Development

Devon understands the BLM believes the Casper RMP may need to be amended because the Converse County Project involves a greater number of wells than are anticipated in the Casper RMP. When discussing the RFD Scenario, the BLM must inform the public that the RFD Scenario is not a limit or threshold on future development. The BLM should also explain that the RFD Scenario is only a tool utilized by the BLM to estimate the potential impacts of oil and gas development. The development of the RFD Scenario is not expressly required by FLPMA, NEPA, or the BLM's planning regulations at 43 C.F.R. part 1600. Rather, the concept arises from NEPA's general requirement to consider the potential cumulative impacts of a major federal action significantly affecting the quality of the human environment. The regulations implementing NEPA require agencies to consider cumulative impacts

when conducting NEPA analysis. 40 C.F.R. §§ 1508.7, 1508.25(c). The BLM adopted this requirement into its planning regulations by requiring resource management plans to estimate the potential physical, biological, economic, and social effects of each alternative considered. 43 C.F.R. § 1610.4-6. The regulations specifically note that this estimate may be stated in terms of probable ranges where effects cannot be precisely determined. 43 C.F.R. § 1610.4-6. In order to estimate the potential impacts of oil and gas development within a particular resource area, the BLM developed the requirement for the agency to prepare the RFD Scenario in connection with the preparation of the EIS accompanying a new or revised resource management plan. See 43 C.F.R. § 1601.0-6 (requiring the preparation of an EIS when preparing a new or revised resource management plan). The BLM incorporated this requirement into the BLM Land Use Planning Handbook H-1624 - Planning for Fluid Mineral Resources. See BLM Land Use Planning Handbook H-1624 - Planning for Fluid Mineral Resources, Chapter III (Rel. 1-1582 5/7/90). Thus, the BLM's Fluid Mineral Planning Handbook is the original source of the term "RFD Scenario." The BLM's Fluid Mineral Planning Handbook provides that the cumulative impacts of RFD are one of three factors for analysis which should be considered when making fluid mineral determinations in resource management plans or plan amendments. See BLM Land Use Planning Handbook H-1624 - Planning for Fluid Mineral Resources, Chapter III.A. (Rel. 1-1582 5/7/90). Rather than a limit, the RFD Scenario is intended to serve as a tool assisting in NEPA compliance. "To ensure NEPA compliance a minimum level of exploration and development activities should be projected." See BLM Land Use Planning Handbook H-1624 - Planning for Fluid Mineral Resources, Chapter III.B.4.a.(2) (Rel. 1-1582 5/7/90).

The BLM defined and interpreted the purpose and role of the RFD Scenario in an Instruction Memorandum and amendment to the BLM Land Use Planning Handbook H-1624 - Planning for Fluid Mineral Resources issued in 2004. See BLM Instruction Memorandum 2004-089, Policy for Reasonably Foreseeable Development Scenario for Oil and Gas (Jan. 16, 2004) (I.M. 2004-089).³ The RFD Scenario is defined by the BLM as a "baseline scenario of activity assuming all potentially productive areas can be open under standard lease terms and conditions, except those areas designated as closed to leasing by law, regulation or executive order." See I.M. 2004-089, Attachment 1-1. The RFD Scenario is neither a Planning Decision nor the "No Action Alternative" in the NEPA document. See I.M. 2004-089, Attachment 1-1. "In the NEPA document, the RFD baseline scenario is adjusted under each alternative to reflect varying levels of administrative designations, management practices, and mitigation measures." See I.M. 2004-089, Attachment 1-1. "The RFD is based on review of geologic factors that control potential for oil and gas resource occurrence and past and present technological factors that control the type and level of oil and gas activity." See I.M. 2004-089, Attachment 1-3. "The RFD also considers petroleum engineering principles, as well as practices and economics associated with discovering and producing oil and gas." See I.M. 2004-089, Attachment 1-3.

The Secretary of the Interior, through the IBLA, has made clear in at least nine separate decisions mostly involving development within Wyoming that the RFD Scenario is not a planning decision, nor is it a limit on future development.⁴ *Wyoming Outdoor Council, et al.*, 176 IBLA 15, 45 (2008); *Biodiversity Conservation Alliance, et al.*, 174 IBLA 1, 9 - 13 (2008) (holding with respect to the Great Divide RMP that the RFD Scenario is not a limitation on development); *Deborah Reichman*, 173 IBLA 149, 157 - 158 (2007) (holding with respect to the Dakota Prairie Grasslands Little Missouri National

³ The heading on BLM Instruction Memorandum 2004-089, Policy for Reasonably Foreseeable Development (RFD) Scenario for Oil and Gas (Jan. 16, 2004) indicates that it expired on September 30, 2005, but the actual text of the Instruction Memorandum states that "This policy becomes effective upon date of issuance and remains in effect until cancelled or amended." See BLM Instruction Memorandum 2004-089, Policy for Reasonably Foreseeable Development (RFD) Scenario for Oil and Gas (Jan. 16, 2004), pg. 1. Devon, therefore, assumes Instruction Memorandum 2004-089 is still in effect.

⁴ The IBLA is the authorized representative of the Secretary of the Interior, 43 C.F.R. § 4.1, and is the final decision-maker for the Department of the Interior. See 43 C.F.R. § 4.21(d), 4.403. See also *The Morgan Corp.*, 120 FBI A 245, 252 (1991) (describing the authority of the IBLA).

Grasslands RMP that the RFD Scenario is not a limitation on development); *National Wildlife Fed'n*, 170 IBLA 240, 249 (2006) (holding with respect to the Great Divide RMP that the RFD Scenario is not a limitation on development); *Wyoming Outdoor Council, et al.*, 164 IBLA 84, 99 (2004) (holding with respect to the Pinedale RMP that the RFD Scenario does not establish "a point past which further exploration and development is prohibited"); *Southern Utah Wilderness Alliance*, 159 IBLA 220, 234 (2003) (holding that the Book Cliffs RMP did not establish a well limit); *Theodore Roosevelt Conservation P'ship, et al.*, IBLA Docket No. 2007-208, Order at *22 (Sept. 5, 2007); *Wyoming Outdoor Council, et al.*, IBLA Docket No. 2006-155, Order at *26 - 27 (June 28, 2006); *Biodiversity Conservation Alliance, et al.*, IBLA No. 2004-316, Order at *7 (Oct. 6, 2004) (citing *Southern Utah Wilderness Alliance*, 159 IBLA at 234) (holding with respect to the Great Divide RMP that the "RFD scenario cannot be considered to establish a limit on the number of oil and gas wells that can be drilled in a resource area.").

More recently, two federal courts, in rulings about oil and gas development in Wyoming, confirmed that the RFD Scenario is not intended as a limit on oil and gas development. First, the United States District Court for the District of Columbia recently affirmed the Secretary's position that the RFD Scenario is not a limit on future development in a case regarding oil and gas development in the Atlantic Rim Project Area. *Theodore Roosevelt Conservation P'ship v. Salazar*, 605 F. Supp. 2d 263, 283 (D.D.C. 2009). The trial court's determination was affirmed by the United States Court of Appeals for the District of Columbia Circuit, a decision that can only be overturned by the Supreme Court of the United States. In the recent decision, the federal appellate court determined that the RFD Scenario is merely an analytical tool, not "a point past which further exploration and development is prohibited." *Theodore Roosevelt Conservation P'ship v. Salazar*, 616 F.3d 497, 509 (D.C. Cir. 2010).

It is particularly important for the BLM to explain that the RFD Scenario is not a limit on future development because the oil and gas development proposed for the project exceeds the RFD Scenario set forth for the Casper RMP. Casper RMP/FEIS, pg. 4-43. The BLM should carefully describe the purpose of the RFD scenario in the Converse County EIS.

BLM Should Not Analyze a Phased Development Alternative

The BLM is not required to analyze alternatives that require phased development of oil and gas resources. The United States Court of Appeals for the Tenth Circuit, which has authority over all of Wyoming, recently affirmed a BLM decision not to require a phased leasing resource management plan in the Buffalo Field Office specifically because such an alternative would delay the production of energy resources and was not otherwise practical. *Biodiversity Conservation Alliance, et al. v. Bureau of Land Management, et al.*, 608 F.3d 709, 715 (10th Cir. 2010). The BLM need not analyze such an unreasonable and impractical alternative. Further, allowing oil and gas developers to develop leases in only one portion of a geologic basin or area at a time will limit and preclude exploration and development activities. Before an oil and gas operator will be willing to commit the millions of dollars necessary to drill even a single exploratory oil and gas well, it must secure a large enough lease position to justify the expense. If phased development is delayed by the BLM in portions of the project area, they would bear unreasonable financial risks because they would be unable to secure a reasonable return on their investment. The BLM would not develop an alternative that will unreasonably constrain oil and gas development such as phased development.

The Converse County EIS Must Analyze the Economic Impacts of the Project

The Converse County EIS must include an analysis of the economic effects of the project. This analysis should begin with a historical perspective of land use in the project area and a discussion of how oil and gas development has facilitated economic growth. This description would provide a baseline to assess current economic conditions and how future development scenarios would affect the local and regional economy. From this information, BLM can best analyze the beneficial economic

impacts that will result from the project. In this analysis, BLM must evaluate the beneficial impacts of the revenues the federal government, State of Wyoming, and Converse County will receive from royalties and taxes on production. Furthermore, BLM must analyze the beneficial impacts to public services that depend on tax revenues generated by oil and gas operations, such as public school districts. BLM must also analyze the impacts from the project on the local and regional economy from the project's demand for additional goods and services, which results in the creation of additional jobs, additional sales of materials, and increased tax revenue from sales taxes.

Just as the Converse County EIS must analyze the project's economic benefits, it must also analyze the adverse economic effects of overly restrictive management alternatives. BLM must explain how overly restrictive management of the project may lead to decreased development, which negatively impacts the local and regional economy through decreased royalty revenue, decreased tax revenue, and the creation of fewer jobs.

Development May Continue in the Project Area During Preparation of the Converse County EIS

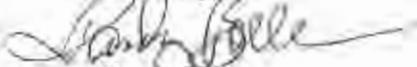
While BLM prepares the Converse County EIS, it must allow development to continue within the project area. As BLM is aware, an EIS takes considerable time to prepare and implement. BLM should not halt development during this time, but should instead continue to permit individual wells subject to site-specific NEPA analysis such as that is already prepared for the Spearhead Ranch, Highland Loop Road, and East Converse Environmental Assessments. Continued oil and gas development in the project area will allow development to proceed more smoothly if BLM approves the project because rigs and labor will already be available in the project area. Furthermore, continued oil and gas development in the project area will help ensure a stable local economy through consistent employment and steady royalty and tax revenues.

CONCLUSION

Devon appreciates and applauds the BLM for the considerable efforts the agency has and will put forth in developing the Casper Resource Management Plan and Thunder Basin National Grassland Land and Resource Management Plan Amendments. Devon encourages the BLM to proceed with the revision as quickly as possible.

Devon would like to continue its participation in the RMP revision process for the Casper and Thunder Basin National Grassland RMP. Please ensure both myself and Dru Bower-Moore (P.O. Box 166, Worland, Wyoming 82401, Dru.Bower-Moore@dvn.com, (307) 347-4477) are on the Bureau of Land Management's mailing list for all future information regarding this project and do not hesitate to contact us should you require additional information. We request that you please specifically provide Devon complete paper copies of the Final EIS and Record of Decision for this project at the address provided above.

Sincerely,



Randy Bolles
Manager, Regulatory Affairs
Western Division

Dunne, Chris

From: Dunne, Chris
Sent: Monday, May 19, 2014 1:41 PM
To: Dunne, Chris
Subject: Question regarding 'Douglas Core Area EA'

From: **Robinson, Michael** <m75robin@blm.gov>
Date: Mon, May 19, 2014 at 1:36 PM
Subject: Re: Question regarding 'Douglas Core Area EA'
To: Erik Molvar <emolvar@wildearthguardians.org>

Good Morning;

This EA was anticipated in response to the Plan for the Development of Oil and Gas Resources within a Sage-Grouse Core Population Area developed between a company and the State of Wyoming. The company(s) have not provided a plan of development to the BLM for the Douglas Core Area at this time and no NEPA or EA has been initiated to analyze this type of proposal.

If you have any more questions, feel free to contact me.

Thanks

MR

On Mon, May 19, 2014 at 10:24 AM, Erik Molvar <emolvar@wildearthguardians.org> wrote:
Dear Mr. Robinson,

On Page 9 of the Converse County 5,000-well project Plan of Development, there is a section that states "Planned ongoing oil and natural gas development in the project area includes those facilities described in 25 NEPA documents from the following previously approved development projects:"

And lists the following among them:

"Douglas Core Area EA - Proposed (up to 180 to 200 wells on 33 well pads)"

What is the status of this EA? Why can I not find it on the website? Can I receive a copy? And when is/has public comment been scheduled for this EA?

Thanks for helping me clear this up,



--
Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

--
Mike Robinson
Planning and Environmental Coordinator/Project Manager
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Fax: (307) 261-7587

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Dunne, Chris

From: Dunne, Chris
Sent: Wednesday, June 11, 2014 8:20 AM
To: Dunne, Chris
Subject: Converse County O&G Project

----- Forwarded message -----

From: **Ducello, Darrick** <Darrick.Ducello@anadarko.com>
Date: Mon, Jun 9, 2014 at 1:58 PM
Subject: Converse County O&G Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

Greetings,

- I live in Natrona County and support the project because it is good for our county and the state.
- Development of these oil and gas reserves will help ensure American energy independence and keep energy costs down for the American consumer.
- This project is consistent with the BLM's Multiple Use Mandate and this area has historically supported oil and gas development.

Thanks

Darrick Ducello

Field Business Process Supv.

Office 307-437-9524

Cell 307-258-3890

Fax 720-929-3655

[Click here for Anadarko's Electronic Mail Disclaimer](#)

--

Mike Robinson
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Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]



June 30, 2014

Converse County Oil and Gas Project
BLM Casper Field Office
Attn: Mike Robinson
2987 Prospector Drive
Casper, WY 82604
Via email: blm_wy_casper_wymail@blm.gov

Re: Scoping Comments for the Converse County Oil and Gas Project Environmental Impact Statement

Dear Mr. Robinson:

Please accept these scoping comments from the Environmental Defense Fund (EDF) regarding the environmental impact statement (EIS) for the above-referenced project (hereinafter Converse County Oil and Gas Project) that the Bureau of Land Management (BLM) is preparing.

EDF is a national environmental organization with over 750,000 members, many of whom are deeply concerned about pollution from the oil and natural gas sector. EDF brings a strong commitment to sound science, collaborative efforts with industry partners, and market-based solutions to our most pressing environmental and public health challenges.

The following comments will highlight issues and concerns that should be fully addressed and considered in the forthcoming EIS for the Converse County Oil and Gas Project. In particular they focus on two topics of particular concern to EDF and of major importance to the state of Wyoming: 1. Air Quality, and 2. Sage Grouse.

I. AIR QUALITY

A. BLM MUST REDUCE AIR POLLUTION FROM THE CONVERSE COUNTY OIL AND GAS PROJECT AND ENSURE COMPLIANCE WITH THE CLEAN AIR ACT.

The BLM, Forest Service, and the Environmental Protection Agency have entered into a memorandum of understanding that guides the air quality impacts analysis in NEPA

documents related to oil and gas development projects. The BLM should ensure careful compliance with this MOU as it moves forward with the Converse County Oil and Gas Project. For example, the MOU requires modeling of air quality impacts if a proposed action will cause a substantial increase in emissions or will materially contribute to potential adverse cumulative air quality impacts, and the project is in close proximity to a Class I area or an area where compliance with National Ambient Air Quality Standards is threatened. We believe that the terms of the MOU require careful, quantitative modeling of air quality impacts of the Converse County Oil and Gas Project.

The addition of as many as 5,000 new oil and gas wells in Converse County over the next ten years, with similar projected development trends in Campbell County over the same time period, comprises a significant new source of potentially damaging emissions. This is especially true in light of the fact that both of these counties reside in the portion of the state of Wyoming where the state's least stringent air quality rules apply.

We urge BLM to fully consider air quality impacts of the proposed development activity. In light of a 2009 technical report in which the Air Quality Division of the Wyoming Department of Environmental Quality attributed high ozone levels in the Upper Green River Basin to local oil and gas operations¹ the agency must accurately forecast emissions associated with leaks, venting and flaring of natural gas from wells and equipment used to produce, process, store, or transport oil or gas, wastewater disposal and operational truck traffic, and evaluate effective mitigation and reductions measures as a part of this EIS. BLM should also consider emissions from sources on new and existing leases and rights-of-way used and permitted to facilitate infill under FLPMA and MLA authority. The NEPA analysis should consider and install as required lease stipulations, COAs, or BMPs measures that will mitigate emissions from oil and gas development.

**B. EXISTING COST-EFFECTIVE REDUCTION MEASURES CAN ADDRESS
SIGNIFICANT EMISSIONS FROM OIL AND GAS OPERATIONS
CONTEMPLATED FOR CONVERSE COUNTY**

The magnitude of emissions from oil and gas sources on Federal lands and mineral estate and the associated pollution reduction potential are significant. The Government Accountability Office ("GAO") found in 2010 that between 4.2 and 5 percent of all natural gas produced onshore on Federal lands was vented, flared, or lost to fugitive emissions – enough to heat about 1.7 million homes each year.² Of the total gas lost, a large proportion consists of gas that is simply vented or leaked to the atmosphere – a form of waste that causes the greatest harm to the climate and public health. In addition to methane, upstream oil and gas facilities emit other harmful co-pollutants including carcinogens, such as benzene, and smog-forming volatile organic compounds. Volatile organic compounds

¹ See <http://deq.state.wy.us/aqd/Ozone%20Main.asp> for access to this report and other information on high ozone levels in the Pinedale area.

² Gov't Accountability Office, GAO-11-34, *Federal Oil and Gas Leases: Opportunities Exist to Capture Vented and Flared Natural Gas, Which Would Increase Royalty Payments and Reduce Greenhouse Gases* (Oct. 2010).

contribute to ground-level ozone formation and cause a range of human health issues, including heightened risks of cancer, respiratory disease, and developmental disorders in children. Therefore, health effects of increased emissions on impacted communities and wildlife should be considered in complying with NEPA (40 CFR 1508.8), and any needed mitigation should be required.

Further, recent studies suggest that methane emissions in certain production basins could be much higher than even these inventories would suggest. A recent study by the National Oceanic and Atmospheric Administration (“NOAA”), sponsored in part by Environmental Defense Fund (EDF), found unexpectedly high emissions from oil and gas operations in the Denver-Julesburg basin based on measurements of local methane concentrations.³ According to the NOAA study, between 2.6 and 5.6% of gas produced in the Denver Julesburg basin is lost to the atmosphere—nearly three times the amount estimated using data from EPA inventories. These results are consistent with prior “top down” studies from the Denver-Julesburg and Uinta Basins – which notably include lands under BLM’s jurisdiction – finding that existing inventories are likely underestimating actual emissions from oil and gas development.

Many common-sense and cost-effective technologies are available to reduce methane emissions across the oil and gas supply chain, and many of these technologies would actually save the industry money over time. A recent report that EDF commissioned from the independent consulting firm ICF International shows that approximately 40 percent of methane emissions from the nation’s oil and gas sector could be eliminated by 2018 at a total cost of just one penny per thousand cubic feet of gas produced in the country.⁴ Nearly all of the methane-reducing measures highlighted in the report could be feasibly applied to thousands of well sites, gathering and processing facilities, and transmission compressor stations on Federal leases and rights-of-way under BLM’s jurisdiction in the Converse County Oil and Gas Project area. The dramatic pollution reduction potential of these controls, and their extreme cost-effectiveness, should be considered as the BLM moves forward in considering the Converse County Oil and Gas Project.

C. BLM SHOULD CONSIDER THE POTENTIAL TO ADDRESS METHANE EMISSIONS FROM OIL AND GAS WELL DEVELOPMENT IN THE CONVERSE COUNTY PROJECT AREA.

Pursuant to President Obama’s “Climate Action Plan Strategy to Reduce Methane Emissions,” the BLM has been charged with proposing regulations to “reduce the loss of natural gas through the venting or flaring of methane produced from Federal and Indian oil

³ Gabrielle Petron et al., *A new look at methane and non-methane hydrocarbon emissions from oil and natural gas operations in the Colorado Denver-Julesburg Basin*, J. GEOPHYSICAL RES. ATMOSPHERES, DOI: 10.1002/2013JD021272 (May 2014).

⁴ ICF Int’l, *Economic Analysis of Methane Emission Reduction Opportunities in the U.S. Onshore Oil and Natural Gas Industries* (Mar. 2014).

and gas leases” by later this year. The BLM should ensure the upcoming Converse County Oil and Gas Project fully contemplates this effort, both by ensuring the ROD fully complies with any new regulations governing venting, flaring, and waste of methane on Federal oil and gas leases, and by considering the inclusion of mitigation measures in the ROD even if such a rule is not yet finalized as BLM has done with the recently completed Tres Rios BMP’s in Colorado.

As the President’s Strategy recognizes, 28 percent of methane emissions in the United States were attributed to the oil and natural gas sectors in 2012. Approximately 31 percent of methane emissions came from production sources. Some recent studies are indicating even greater emissions of methane from oil and gas operations. Methane, of course, is a very powerful greenhouse gas, 86 times more potent than carbon dioxide on a 20-year basis, and contributes significantly to global warming. For this reason there is an important need to reduce methane emissions from oil and natural gas development. Vented, flared, and wasted natural gas (methane loss) must be reduced from the Converse County Project to the maximum practicable extent. The President’s Strategy recognizes there are many practical means that can be used to reduce methane emissions from oil and gas development, including equipment upgrades or replacements and operational and processes changes.

We also note that in addition to the forthcoming BLM rulemaking, under the President’s Strategy the EPA and the Department of Energy will also be engaging in many efforts to reduce methane emissions from the oil and gas sector, including potential EPA regulatory efforts under the Clean Air Act and the DOE’s Quadrennial Energy Review which will evaluate methane abatement opportunities from the processing, transmission, storage, and distribution segments of the natural gas supply chain. The BLM should be fully cognizant of these efforts as it develops the Converse County Oil and Gas Project EIS and seek to compliment them.

Attached to these comments as Exhibit 1 are the comments submitted by EDF to BLM on May 30, 2014 concerning venting and flaring from oil and gas operations on public and Indian Trust lands. We would especially like to highlight Section II of these comments beginning on page 7 where key air pollution mitigation measures are discussed.

II. SAGE GROUSE

A. BLM SHOULD ADHERE TO THE MITIGATION HIERARCHY

In order to conserve high value resources, BLM must adhere to the mitigation hierarchy. As outlined in BLM’s interim Regional Mitigation Manual (MS 1794), which we support, and consistent with Council on Environmental Quality (CEQ) requirements, BLM policy is to prioritize “mitigating impacts to an acceptable level onsite, to the extent practical, through avoidance, minimization, rectification, or reduction of impacts over time.” It is essential that BLM evaluate the application of the mitigation hierarchy for the Converse County Oil and Gas Project and that the prioritization of avoidance, minimization,

rectification or reduction of impacts followed by compensatory mitigation for unavoidable impacts become a required component and a condition of EIS and permit approval.

In terms of avoidance and minimization, we urge BLM to assess this project against the backdrop of the Wyoming Greater Sage-Grouse Core Area Strategy. It is critical that BLM not backtrack by allowing development in the core areas / Wyoming BLM Preliminary Priority Habitat (PPH) in excess of established policies. This includes careful consideration and limitation on the timing of project construction and operation. BLM should fully evaluate any exceptions to timing-limitation restrictions that serve to protect wildlife and approve them only if truly unavoidable and fully mitigated. It is also important that enough flexibility is included in the analysis and project planning to allow for the development to be consistent with the Greater Sage-Grouse Land Use Plan Amendment and Environmental Impact Statement (the "9-Plan") when finalized.

Finally, we note that when evaluating the impacts of oil & gas operations, it is important to consider both direct (surface) impacts as well as indirect and cumulative impacts consistent with the requirements of NEPA. Environmental Defense Fund is currently working with partners and local sage grouse experts to develop a mitigation tool for the greater sage-grouse for use in Wyoming. Called an Exchange, the program would enable industry such as energy companies to purchase mitigation credits to offset the unavoidable impacts of their activities. Tools like the Habitat Quantification Tool (HQT) being developed for the Exchange may offer a better way to quantify direct as well as indirect and cumulative impacts by being able to more closely quantify changes to habitat value. The tool is comprised of a set of measurements and methods, which are applied at multiple spatial and temporal scales, to evaluate vegetation and environmental conditions related to habitat quality and quantity. These tools are still in development but we could provide preliminary documentation to the BLM to assist with methods to evaluate habitat quality and changes to habitat value.

B. BLM SHOULD PUT IN PLACE AN EFFECTIVE, REGIONAL COMPENSATORY MITIGATION PROGRAM LIKE AN EXCHANGE

Where impacts to critical wildlife species like the sage-grouse are unavoidable, we strongly recommend that BLM evaluate and implement effective, consistent compensatory mitigation strategies to offset impacts at the regional scale. The approach should be consistent with the Regional Mitigation Strategies being designed by BLM for the greater sage-grouse. We believe a programmatic approach to mitigation designed to produce net benefits will be a critical part of successful conservation of the greater sage-grouse. BLM's interim Regional Mitigation Manual (MS 1794) affirms that BLM has the authority to require meaningful compensatory mitigation as a condition for a permit and can make project approval contingent on incorporating mitigation measures.

A robust compensatory mitigation program for the greater sage-grouse should:

- result in measurable, net benefit to the greater sage-grouse;

- apply a standardized, scientifically-based methodology for assessing and quantifying the habitat conditions and outcomes associated with impacts and offsets across the range of the species;
- utilize a transparent and clearly articulated process for accounting, administering, and tracking mitigation projects and outcomes;
- enable temporary and permanent conservation contracts that match or exceed the time frame of impacts;
- include independent, third-party verification of impacts, offsets, and performance; and
- apply a monitoring and assessment framework that assures adaptive management of the mitigation program.

We strongly suggest BLM follow the above criteria for any mitigation designed to offset unavoidable impacts to sage-grouse habitat or other wildlife habitat. A high quality programmatic compensatory mitigation framework such as an Exchange would meet these criteria.

These recommendations are consistent with BLM's interim Regional Mitigation Manual (MS 1794). We also note that proximity to impacts should not be the only factor in identifying mitigation sites. Rather, priority should be given to sites that present the best locations for long-term conservation within the surrounding landscape, regardless of whether these sites are located on private, state or federal land. This is consistent with the BLM Regional Mitigation Manual, as it states "mitigation sites, projects and measures should be focused where the impacts of the use authorization can be best mitigated and BLM can achieve the most benefit to its resource and value objectives" (page 1-6). We urge BLM to seek to maximize the value of conservation and mitigation through siting decisions that direct development to low-value habitat and promote conservation of high-value unfragmented habitat, whether that habitat is on public or private land.

We also note the adoption of compensatory mitigation that ensures transparent and consistent mitigation at the landscape-scale would be consistent with the recent Secretarial Order "Improving Mitigating Policies and Practices of the Department of Interior" (Order No. 3330).

In Wyoming, EDF is a part of the Upper Green River Conservation Exchange (UGRCE), a collaborative process that includes the Sublette County Conservation District, the University of Wyoming, the Wyoming Chapter of the Nature Conservancy, and stakeholders in the Upper Green River area of Wyoming. These organizations and individuals have worked together for the past three years to create a framework for a Conservation Exchange – a platform to facilitate the creation of mitigation projects to offset impacts from oil and gas and other forms of development. Conservation exchanges entail a

standardized process for the creation, quantification, verification, and monitoring of mitigation projects consistent with U.S. Fish and Wildlife Service (the Service) policies. We are developing exchanges to apply to private, state, or federal land, including BLM land.

On May 22, 2014, the UGRCE submitted documentation to the Service for review that would establish a conservation exchange in the Upper Green River area of Wyoming. In that submission, the UGRCE asked the Service to also consider the proposal as the basis for creation of a statewide Wyoming Conservation Exchange (WCE). We are attaching to these comments a summary paper that provides additional detail on the WCE.

We believe that the WCE can play an important role in helping to mitigate the habitat impacts of projects like the Converse County Oil and Gas Project. The structure of the WCE has the potential to be replicated throughout the state, and thus can be a viable form of compensatory mitigation for the Converse County Oil and Gas Project. If there are permitted impacts to sage grouse habitat or to the habitat of other critical species that cannot be avoided or further minimized, we strongly recommend that BLM and the project proponents evaluate and look for opportunities to mitigate those impacts with off-site projects using a compensatory mitigation program such as an Exchange that meets the criteria outlined previously and that is consistent with BLM's interim Regional Mitigation Manual (MS 1794) and Secretarial Order No. 3330.

III. CONCLUSION

Thank you for considering these comments. We look forward to remaining engaged as the Converse County EIS is developed.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Grossman", is written on a light yellow rectangular background.

Dan Grossman
EDF Rocky Mountain Regional Director



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JUN 30 2014

Ref: 8EPR-N

Kathleen Lacko
Assistant Field Manager
2987 Prospector Drive
Casper, WY 82604

Re: Converse County Oil and Gas Project Scoping
Comments

Dear Ms. Lacko:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Land Management (BLM) and the United States Forest Service (USFS) Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Converse County Oil and Gas Project. The BLM is the lead agency for preparing the EIS. The USFS is participating as a cooperating agency. In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), we are providing scoping comments. These comments convey EPA's questions and concerns. We urge the BLM to address these comments in the Draft EIS, and we remain eager to work with you to develop ideas for addressing them effectively and efficiently.

Background

Anadarko Petroleum Company, Chesapeake Energy Corporation, RKI Exploration and Production, Samson Resources, and SM Energy propose to drill approximately 5,000 oil and natural gas wells in Converse County in an area encompassing approximately 1.5 million acres over a 10-year period. The proposed project area is located on approximately 88,000 surface acres (six percent of the project area) and 965,000 subsurface mineral acres (64 percent of the project area) which are public lands administered by the BLM Casper Field Office. The USFS manages approximately 64,000 acres of surface (four percent of the project area). The remainder of the project area consists of State of Wyoming (seven percent) and private surface (83 percent) and mineral ownership (36 percent or 537,000 acres).

The project would be developed using directional, vertical, horizontal and other drilling techniques, as well as oil and gas production infrastructure including: well pads, roads, pipelines, power lines, compressor and electrical substations, and ancillary facilities such as water supply wells and water disposal facilities. The project proponents have requested full-season exceptions (year-round drilling) to multiple timing limitation restrictions which serve to protect several wildlife species in the area. Amendments to the BLM Casper Resource Management Plan and the USFS Thunder Basin National

Grasslands Land and Resource Management Plan may be necessary. Impacts are expected to exceed analysis thresholds set within the current planning documents.

Key Topics the EPA Recommends the BLM Address in the Draft EIS

Based on our current understanding of the project area, the EPA has identified the following topics that we recommend be analyzed in the Draft EIS so that potential impacts to public health and the environment can be fully understood: (1) air resources; (2) greenhouse gas emissions and climate change; (3) groundwater resources; (4) surface water resources; (5) public drinking water supply resources; (6) wetlands, riparian areas and floodplains; and (7) water management and water resource monitoring.

(1) Air Resources

Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through NEPA

We recommend that the EIS analyze the potential environmental effects of the proposed oil and gas development and determine whether there is a need to impose project-specific mitigation measures through conditions of approval or other mechanisms to minimize the potential impact of the project.

The EPA, U.S. Department of Agriculture and U.S. Department of Interior entered into a “Memorandum of Understanding (MOU) Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through the National Environmental Policy Act Process” on June 11, 2011. We believe using this helpful tool will ensure effective and efficient NEPA air quality evaluations. We are eager to continue to work with the BLM using this tool, and we commend the BLM Wyoming office for beginning a collaborative process early with the Interagency Review Team to develop a protocol for the air analysis. It will be appropriate to utilize the MOU’s stakeholder process to share reasonably foreseeable development (RFD) and emissions inventory information and to determine any steps for the air quality analysis, such as quantitative air quality modeling. We look forward to continuing to participate in the stakeholder process.

We recommend using the 3-State Air Quality Study (3SAQS) 2011 modeling platform for the Converse County air quality analysis. The 3SAQS 2011 modeling platform will include all the typical model domains (36/12/4 km) used for NEPA air quality analyses, a comprehensive model performance evaluation (ozone and PM precursors, entire year, various averaging period, etc.), and, compared to the 3SAQS 2008 modeling platform, will include more current emissions, and a more recent basecase model year with an extensive dataset for model evaluation. These attributes will assist in determining the level of model performance for disclosing air quality impacts for the project area. If the BLM is planning to use the 3SAQS 2008 modeling platform for this project, we recommend convening the Interagency Review Team to discuss this approach

There is a need to evaluate how activities that may occur under this EIS could affect air quality and air quality related values (AQRVs) and what measures may be needed to manage significant impacts. This is particularly important given concerns with high ozone levels in other areas of the state, as well as the fact that the project could potentially impact CAA Class I Areas. The CAA provides such areas with special protection for AQRVs, including visibility. The EPA recommends that the EIS disclose the current air quality conditions in the planning area, as well as potential air quality impacts associated with

activities contemplated in the planning area. More specifically, the EPA recommends that the Draft EIS include an evaluation of the direct, indirect, and cumulative impacts from potential activities on the following:

- Each of the criteria pollutants and their appropriate National Ambient Air Quality Standards, i.e., ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide and lead;
- AQRVs in potentially impacted Class I areas and sensitive Class II areas;
- Prevention of Significant Deterioration increment at potentially impacted Class I and sensitive Class II Areas; and
- Projected ambient concentrations of hazardous air pollutants including Acetaldehyde, Benzene, Ethyl benzene, Ethylene glycol, Formaldehyde, Methanol, n-Hexane, Toluene, Xylene (mixture), and any other compounds that the BLM identifies as potential hazardous air pollutants in the planning area.

Mitigation

The EPA recommends that the BLM identify mitigation measures (including control measures and design features) it would apply to the project in the event that potential adverse impacts to air quality or AQRVs on affected lands are predicted. These could include emission standards or limitations, best management practices (BMPs), dust suppression measures for unpaved roads and construction areas, control technologies, and limitations on the pace of development. The EPA also recommends that the BLM identify the regulatory mechanisms it will use to ensure their implementation (e.g., conditions of approval).

(2) Greenhouse Gas Emissions and Climate Change

Pursuant to draft Council on Environmental Quality (CEQ) guidance and Executive Order 13514, the EPA recommends that the BLM include an analysis and disclosure of greenhouse gas (GHG) emissions and climate change associated with the RFD for the planning area, potential climate change impacts from the emissions, reasonable alternatives and/or practicable mitigation to reduce project-related GHG emissions, and a discussion of any appropriate climate change adaptation issues. For the EIS analysis, we suggest the following approach:

- Estimate the anticipated GHG emissions associated with the proposed project. We recommend that GHG emissions be estimated in CO₂-equivalent terms and translated into equivalencies that are more easily understood by the public (e.g., annual GHG emissions from x number of motor vehicles, see <https://www.epa.gov/cleanenergy/energy-resources/calculator.html>).
- Assess and identify measures to reduce GHG emissions associated with the proposed project, including alternatives and/or potential requirements to mitigate emissions.
- Describe any existing regional, tribal or state climate change plans or goals that cover the project area.
- Include a summary discussion of ongoing and projected regional climate change relevant to the project area in the “affected environment” section of the EIS, based on U.S. Global Change Research Program assessments. This would enable the EIS to identify potential impacts that may be exacerbated by climate change (e.g., reclamation could become more difficult with climate change, or the impacts of water consumption could increase). It would also enable the BLM to

determine whether it may be appropriate to consider reasonable alternatives to adapt to anticipated climate change.

(3) Groundwater Resources

Groundwater Resource Characterization

To fully assess potential impacts of the project on groundwater resources, we recommend characterizing both the existing and potential groundwater drinking water resources in the project area. We recommend the EIS include the following information:

- A description of all aquifers in the project area, noting which aquifers are Underground Sources of Drinking Water (USDWs). Federal Safe Drinking Water Act regulations define a USDW as an aquifer or portion thereof: (a)(1) which supplies any public water system; or (2) which contains a sufficient quantity of ground water to supply a public water system; and (i) currently supplies drinking water for human consumption; or (ii) contains fewer than 10,000 mg/l total dissolved solids; and (b) which is not an exempted aquifer (See 40 CFR Section 144.3);
- Available water quality and water yield information for each aquifer;
- Maps depicting the location of sensitive groundwater resources such as municipal watersheds, source water protection zones - sensitive aquifers, recharge areas, and sole source aquifers (if any);
- Descriptions and locations of groundwater use (e.g., public water supply wells, domestic wells, springs, and agricultural and stock wells). Also see comment #5 below;
- A map and discussion of proposed production wells, existing producing wells, and nonproducing wells in the area including their status (e.g., idle, shut-in, plugged and abandoned), if available. Please refer to the Wyoming Oil and Gas Conservation Commission (WOGCC) for location and abandonment information; and
- Information on any groundwater sampling in the project area and information on any known groundwater contamination.

Groundwater Impacts, Monitoring and Mitigation

The EPA recommends that the EIS analyze potential impacts to groundwater quality and quantity related to oil and gas production. Potential impacts include those associated with the following: leaks and spills; production and disposal of produced water or processing waters; use of pits, underground injection control (UIC) wells and evaporation ponds; production wellbore integrity; pipeline use; and impacts associated with restimulation, maintenance and abandonment of existing wells. The EPA also recommends that the EIS discuss measures the BLM will require to minimize the potential for these impacts to occur and how the operations will be monitored to determine if the mitigation measures are effective. Appropriate groundwater protection measures can vary depending on hydrologic conditions and the presence of drinking water resources. Specifically, the EPA recommends that the BLM analyze and disclose potential groundwater protection, monitoring and mitigation measures, including:

- BMPs and measures that BLM will require of operators such as water reuse, closed loop drilling, lining of evaporation ponds, monitoring of water quality and water levels, and closure and monitoring of reserve pits and evaporation ponds;

- Setback restrictions and a description of the implementing mechanisms used to minimize the potential for impacts to drinking water resources, including domestic water wells and public water supply wells. Setbacks are effective health and environmental protection tools because they provide an opportunity for released contaminants to attenuate before reaching a water supply well. They may also afford an opportunity for a release to be remediated before it can impact a well, or for an alternate water supply to be secured. For these reasons, we recommend that the BLM prevent surface occupancy and activities from occurring within a half mile from public water supply wells and 500 feet from private wells (see comment #5 below). We note that a number of states including Colorado and North Dakota have adopted a 500 foot setback from occupied dwellings (and by default, the associated domestic well) and that WOGCC is currently considering increasing setback distances.
- A mitigation plan for remediating future unanticipated impacts to drinking water wells, such as requiring the operator to remedy those impacts through treatment, replacement, or other appropriate means;
 - A general production well schematic that depicts the following: casing strings; cement outside and between the various casing strings; and the relationship of the well casing design to important hydro-geological features in the project area such as confining zones and aquifers or aquifer systems that meet the definition of a USDW. Discuss how the generalized design will achieve effective isolation of the project area's USDWs from production activities and prevent migration of fluids of poorer quality into zones with better water quality; and
- Abandonment procedures for sealing wells no longer in use in order to reduce the potential for inactive wells to serve as conduits for fluid movement between production zone(s) and aquifer(s). This is particularly important where existing wells do not have surface casing set into the base of USDWs or lack sufficient production casing cement.

Structural features such as faults and fractures can play an important role in providing pathways for gas and liquid migration from one formation or zone to another. For this reason, we recommend that the EIS provide available information on the complexity of the geology and hydrogeology for the project area and also a summary of the potential for natural or enhanced migration of fluids (gas and liquid) via geologic faults and fractures. In addition, we recommend that the type of depositional setting for each sedimentary formation be included in order to assess the ability of the geology to naturally “confine” or separate fluids from production zones and fluids in USDWs. The information may include geologic maps with structural information, basin or production reports on the type of mechanisms that control hydrocarbon production zones, hydrogeologic reports or test results that would provide information on groundwater movement (velocity, vertical and horizontal) permeability or hydraulic conductivity. Aquifer characteristics are typically discussed in the section on groundwater and we recommend that any geologic structures that would be barriers to flow or enhance transmissivity or permeability also be described in this section.

(4) Surface Water Resources

Surface Water Resource Characterization

The EPA recommends the EIS describe the current water quality conditions for surface water bodies within the project area, including intermittent, perennial, and ephemeral streams, rivers, lakes, reservoirs, and surface water drinking water sources. We recommend comparing existing conditions to

existing water quality standards or other reference conditions and presenting associated water quality status and trends.

The EPA also recommends the EIS include the following information:

- A map of water bodies within and/or downstream of the project area that includes perennial, intermittent and ephemeral water bodies; water body segments classified by WDEQ as water quality impaired or threatened under the Clean Water Act (CWA) Section 303(d); water bodies considered not impaired by WDEQ, and water bodies that have not yet been assessed by the WDEQ for impairment status. We also recommend that a table based on WDEQ's most current Integrated 305(b) and 303(d) report be provided to identify the designated uses of the water bodies and the specific pollutants of concern, where applicable;
- A map of municipal watersheds and designated source water protection zones; and
- A map and description of topography and soils, specifically steep slopes and fragile or erodible soils, especially near surface waters and intermittent/ephemeral channels.

Surface Water Impacts

We recommend that the EIS analyze potential impacts to surface waters related to erosion and sedimentation from land disturbance and stream crossings, as well as potential impacts associated with oil and gas well development, including drilling and production and potential spills and leaks from evaporation ponds and pipelines. We also recommend that the BLM analyze potential impacts to impaired water bodies within and/or downstream of the planning area, including water bodies listed on the most recent EPA-approved CWA § 303(d) list. If there are identified potential impacts to impaired water bodies, we recommend coordinating with WDEQ to discuss measures necessary to avoid causing or contributing to the exceedance of water quality standards. Where a Total Maximum Daily Load (TMDL) exists for impaired waters in the area of potential impacts, pollutant loads should comply with the TMDL allocations for point and nonpoint sources. Where new loads or changes in the relationships between point and nonpoint source loads are created, we recommend that the BLM work with WDEQ to revise TMDL documents and develop new allocation scenarios to ensure the project does not cause or contribute to exceeding water quality standards. Where TMDL analyses for impaired water bodies within, or downstream of, the planning area still need to be developed, we recommend that proposed activities in the drainages of CWA impaired or threatened water bodies be either carefully limited to prevent any worsening of the impairment or avoided where such impacts cannot be prevented.

Erosion and Sediment Load Analysis

Erodible soils may represent a source of pollutants in the planning area. Increased sediment from surface disturbance may degrade water quality. Depending on a host of variables including soil characteristics, industrial operations and topography, associated runoff could introduce sediments as well as salts, selenium, heavy metals, nutrients and other pollutants into surface waters. To fully disclose and, if necessary, mitigate the potential impacts of soil disturbance, we recommend that the Draft EIS include a quantitative analysis of erosion and sediment loading for each alternative. For example, the Pinedale Field Office is using the Automated Geospatial Watershed Assessment (AGWA) tool to identify areas within the Normally Pressurized Lance Project Area most susceptible to land-use change from the proposed oil and gas drilling activities. The goal of the hydrologic modeling using AGWA is to compare and predict surface runoff, water yield, and sediment yield within the NPL Project Area. Results of the

model simulations will be used to assist BLM in the preparation of the EIS for the NPL Project and to aid in the determination of best management practices and future monitoring and mitigations of water resources. We recommend that the BLM consider using this model or another appropriate model that would be applicable to this project.

Surface Water Mitigation

Contaminants from surface events such as spills, pit and pipeline leaks, and nonpoint source runoff from surface disturbance have the potential to enter and impact surface water resources if these events occur in close proximity to water bodies. If surface activities are set back from the immediate vicinity of surface waters, including wetlands, this provides an opportunity for accidental releases to be detected and remediated before impacts reach water resources. If accidental releases are not detected, the setback provides a safety factor and some possibility of natural attenuation occurring. Setbacks also help prevent nonpoint source pollutants such as sediments from impacting surface waters.

Accordingly, the EPA recommends that the BLM evaluate opportunities such as conditions of approval or other mechanisms to prevent surface occupancy and activities from occurring near perennial waters including lakes and reservoirs, intermittent and ephemeral streams, steep slopes, and impaired waters within the planning area. The EPA recommends the following minimum setbacks:

- Minimum 100 foot setback from slopes greater than 30%;
- Minimum 500 foot setback for flowing waters (rivers and streams) or 100-year floodplain, whichever is greater;
- Minimum 500 foot setback for lakes, ponds and reservoirs, wetland and riparian areas and springs;
- Minimum 750 foot setback for 303(d) Impaired waters;
- Minimum 1,000 foot setback for special or significant waters; and
- Minimum 100 foot setback for intermittent and ephemeral streams.

In addition, we recommend the BLM consider opportunities such as conditions of approval or other mechanisms to prevent surface occupancy and activities within Areas of Critical Environmental Concern where important water resources may be impacted.

(5) Public Drinking Water Supply Sources

Public Drinking Water Supply Source Characterization

In order to ensure that public drinking water supply sources (e.g., surface water sources, including groundwater under the direct influence of surface water [GWUDI] sources, and groundwater sources) are protected from potential impacts associated with BLM-authorized activities in the project area, it is important to identify where these sources are located. Therefore, the EPA recommends that the EIS include a map identifying public water supply wells. In addition, we recommend that the EIS identify the location of sensitive groundwater resources such as: municipal watersheds, source water protection zones, sensitive aquifers, recharge areas, and sole source aquifers.

Public Drinking Water Supply Source Mitigation

EPA and WDEQ are currently discussing source water protection measures that we might jointly recommend to BLM. In the meantime, in order to ensure public drinking water supply sources (e.g., surface water sources, including GWUDI sources, and groundwater sources) are protected from potential impacts associated with oil and gas leasing, the EPA recommends the following minimum setbacks:

- Minimum half mile setback from public water supply wells or setback from critical zones identified in sourcewater protection or wellhead protection plans;
- Minimum 1000 foot setback on both sides of streams extending for at least 10 miles upstream from surface water intakes for public water supplies; and
- Minimum 1000 foot setback from reservoirs and lakes that are public drinking water supplies.

In addition, we recommend that development be restricted within designated sole source aquifers, if any are designated within the project area, to protect these valuable drinking water resources.

(6) Wetlands, Riparian Areas and Floodplains

We recommend that the EIS present inventories and maps of existing wetlands and waters of the U.S. within the project area, including waters that are regulated under Section 404 of the CWA and wetlands and waters that are protected under Executive Order 11990 – Protection of Wetlands (May 24, 1977). We suggest providing information on acreages and channel lengths, habitat types, values, and functions of these waters.

We suggest that the BLM describe potential indirect impacts to wetlands and riparian areas that could occur due to impacts on the following:

- Stream structure and channel stability;
- Streambed substrate, including spawning habitats; and
- Stream bank vegetation, riparian habitats, and aquatic biota.

BLM-authorized oil and gas development and construction activities have the potential to cause changes in hydrology due to surface disturbance, compaction and increased run-off. These changes in hydrology may result in stream structure failure and additional sediment loading of wetlands and riparian areas.

We recommend that the EIS analyze methods to protect wetlands, riparian areas and floodplains, including the following:

- Application of minimum setback requirements for wetlands and riparian areas. The EPA recommends that surface occupancy and activities be prevented within the footprint of wetland and riparian areas, as well as within 500 feet from wetland and riparian areas;
- Restrictions such as conditions of approval or other mechanisms to protect floodplains, that will prevent surface occupancy and activities within the 100-year floodplain; and
- Delineation and marking of perennial seeps, springs and wetlands on maps and on the ground prior

to project level development to ensure identification of these resources to facilitate their protection.

We also recommend including a list of potential site-specific mitigation requirements and BMPs to prevent adverse impacts to these aquatic resources. These could include silt fences, detention ponds and other stormwater control measures.

(7) Water Management and Water Resource Monitoring

Water Management

Water demand associated with the drilling and completion of new wells in the project area is an important consideration that will benefit from analysis and disclosure. Depletion of surface water and groundwater in the planning area may affect watershed health, stream flows and aquifer levels. We recommend that the EIS include a general discussion of the following:

- A range of estimated water demand per well anticipated for well drilling, completion and stimulation in the planning area (based on predicted well depths, formation characteristics, and well designs, as well as hydraulic fracturing operations, if used);
- Possible sources of water needed for oil and gas development; and
- Potential impacts of the water withdrawals (e.g., drawdown of aquifer water levels, reductions in stream flow, impacts on aquatic life, wetlands, springs and other aquatic resources).

In addition, the EPA recommends the EIS include a water management plan describing how flowback and produced water will be managed including:

- Estimated volume of produced water per well;
- Options and potential locations for managing the produced water (i.e., UIC wells, evaporation ponds, and surface discharges); and
- Potential impacts of produced water management.

The EPA recommends the BLM consider and evaluate the standards in Wyoming BLM Instruction Memorandum No. WY-2012-007 regarding management of oil and gas exploration and production pits. In addition, we recommend that BLM encourage the operators to consider recycling produced water for use in well drilling and stimulation, thereby decreasing the need for water withdrawals and for produced water management/disposal facilities and minimizing the associated impacts.

Water Resource Monitoring

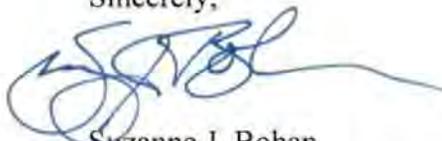
The EPA recommends that the EIS address how water quality monitoring in the planning area will occur prior to, during, and after anticipated development to detect impacts to both surface water and groundwater resources, including private well monitoring. We recommend that the EIS describe how the project will comply with the Wyoming Oil and Gas Commission's requirements for pre-drilling baseline and post-drilling monitoring of groundwater, along with additional water quality monitoring activities. A recent example of a water quality monitoring plan is the "Long-Term Plan for Monitoring of Water Resources" developed by BLM for the Gasco Energy Inc. Uinta Basin Natural Gas Development Project Final EIS. Also, the National Ground Water Association's Water Wells in Proximity to Natural Gas or

Oil Development Brief provides information on the importance of baseline sampling for private wells and types of analysis recommended.

Closing

Thank you for the opportunity to participate in the scoping process for the Converse County Oil and Gas Project EIS. The EPA hopes to assist the BLM in the development of an analysis which will adequately address potential environmental impacts and identify appropriate mitigation measures. If you have any questions or comments, please feel free to contact me at 303-312-6925, or your staff may contact Vanessa Hinkle at 303-312-6561 or hinkle.vanessa@epa.gov.

Sincerely,



Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

June 17th, 2014

BLM – Converse County Oil and Gas Project
Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Dr
Casper, WY 82604

Dear Mr. Robinson and other appropriate officials:

I offer this letter as my comments on the BLM's Converse County Oil and Gas Project Proposed Action and EIS documents, including the Purpose and Need statement.

The overwhelming majority of the BLM's work on this proposed action document I strongly support. Beginning with the Purpose and Need statement, the BLM appropriately highlighted the central issue for this project: developing the vast gas resources in Converse County consistent with the Bureau's goals and mission and the domestic energy needs of the country. The BLM could have allowed outside influences to distract the real issue at hand in this project, but they did not. Accolades to the BLM for hitting the mark.

Also, the summary of the proposed action describes a strong play for some 5,000 wells in order to maximize the resources available in this project while only disturbing approximately 1% of the surface land in the county. This is pretty amazing when one considers that the project calls for 1,500 well pads. But, unlike some other more densely spaced projects, this plan call for disturbing only a fraction of the land in the county. Even if you add in the 1,800 miles of possible roads (an ongoing asset for the county, once built), the disturbance is minimal.

The economic upside of this project, however, is anything but minimal. From the hundreds (thousands?) of new jobs working directly on the development and drilling of these wells, to the support services and companies (water trucks, fencing companies, hardware and truck maintenance business, etc., etc.), this project has the capability of injecting a mind-boggling amount of money into our region. And this doesn't even take into account the public tax revenues and improvements to infrastructure possible with the ongoing revenues and tax receipts of a ten year plan to develop 500 wells per year. Taken together, these economic benefits for the state and the communities of the region are a vital shot in the arm at a time when they are sorely needed.

Please consider moving forward with all appropriate speed to get this project moving forward with the maximum amount of efficiency and benefit to the people and the environment. Thank you.

Best,

Dustin Erickson



1060 meadow Ln
Douglas WY

82633

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

June 17, 2014

**BLM Casper Field Office
Attn: Mike Robinson, Project Manager
Converse County Oil and Gas Project EIS
2987 Prospector DR
Casper, WY 82604**

Dear Sir:

I would like to submit my comments for the oil and gas project of Converse County. My feedback for the BLM is that this project could be very, very good for our region. Specifically, we need the economic development and the jobs this could bring.

The purpose and need statement by the BLM hits the nail on the head: "...conduct drilling and development operations on a year-round basis...needed to meet national domestic energy demand." We can all agree that this project can achieve this purpose and need by development of 5,000 new wells on 1,500 pads (multiple wells drilled directionally).

This directional drilling is key to maximizing the gas development for Converse County. It is good for the environment and will result in a tremendous amount of gas produced. The BLM has done a nice job in the proposed action of encouraging both overall production, as well as smart development through directional drilling.

The environment will benefit from this approach because with year-round development and drilling, the sites may be reclaimed sooner and with less traffic on and off the pad from rigs coming and going in a seasonal boom and bust, of sorts.

The BLM should continue moving forward with the current proposed action as it will be a tremendous benefit to our county and the country as a whole.

Thank you,

Doug Farmer
7/4/14
1060 Meadow Lane
Douglas, WY 82633

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:31 AM
To: Dunne, Chris
Subject: Fwd: Converse County Oil & Gas development

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:00 AM
Subject: Fwd: Converse County Oil & Gas development
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: John Gabrielson <JGabrielson@slb.com>
Date: Sat, Jun 28, 2014 at 1:06 PM
Subject: Converse County Oil & Gas development
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

Mr. Robinson,

I support development of oil & gas on public & private land in Converse County. I think the proposed development plan should be approved. I'm an oil & gas industry employee living in Casper with my family. Regards,

John Gabrielson

Pathfinder Directional Driller

Cell Phone 307-259-9044

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 16, 2014

BLM
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604

Mike Robinson, Project Manager
Cc: USFS Thunder Basin National Grasslands Field Office

Dear Mr. Robinson,

In reference to the Converse County Oil and Gas Project, as described in the Plan of Development available on your website, I would like to outline a few reasons why it should be supported by all interested agencies:

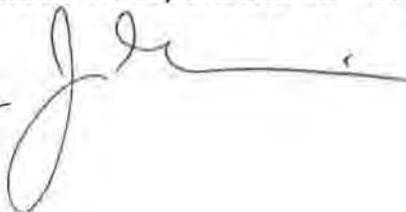
First, there will be few, if any, negative environmental impacts. The long-term affected area only totals around 20,000 acres out of a 1.5 million acre project area. Even short term surface disturbance is limited to only 50,000 acres. All potential environmental issues have been addressed in the plan by preventive measures that are now industry standard. The technology continues to advance to where there is less and less of an impact virtually every time a rig or frac unit is deployed.

Second, the socio-economic impacts will be extremely positive for eastern Wyoming. Many jobs will be created as a result of this project, and that will mean greater economic prosperity for the entire region, as unemployment is reduced and income is spent in the community. Government revenues will also increase, providing for important public services like police and fire protection, roads, schools, public health services, trash collection, and others.

Third, oil and gas development is already occurring safely in the region; it is a known industry, and will not present the community with unforeseen impacts.

For these reasons, I support the proposed action as laid out in the Plan of Development, and specifically am supportive of year-round development as a way to maximize the many benefits of modern responsible oil and gas production.

Sincerely, JON GARCIA
1060 MEADOW LN
DOUGLAS WY 82633



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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:36 AM
To: Dunne, Chris
Subject: Fwd: Wells Not Inspected

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:02 AM
Subject: Fwd: Wells Not Inspected
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: miltgar <gmilt3@gmail.com>
Date: Sun, Jun 29, 2014 at 7:36 PM
Subject: Wells Not Inspected
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

Boy, does my heart go out to you and your understaffed organization. I know you all are getting beat up, bad press, and pressures that come as a result of systemic issues, created and continuing from Congressional defunding. (Sorry about those obstructionists on the Right that wants smaller gov't and reduced taxes and then scream about the results.)

So, I'd ask to not allow any more permits for drilling and any other decisions that reduces your offices abilities to inspect the existing wells. Until more staff, i.e., renewed funding, allows for more field work, I'd respectfully ask to curtail additional permits. Force Congress to get their "kit together."

Respectfully,

s/ Dr. Milt Garrett; CEO, Garrett Group Internationals
420 W 24th Street, #3
Cheyenne 82001

Sent from Milt's iPad

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Thursday, June 19, 2014 8:45 AM
To: Dunne, Chris
Subject: Fwd: EIS for Converse County Oil and Gas Project

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Thu, Jun 19, 2014 at 7:43 AM
Subject: Fwd: EIS for Converse County Oil and Gas Project
To: Alfred Elser <aelser@blm.gov>, Joseph Meyer <jmeyer@blm.gov>, Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: Kevin Grilley <k_grilley@yahoo.com>
Date: Wed, Jun 18, 2014 at 8:33 PM
Subject: EIS for Converse County Oil and Gas Project
To: blm_wy_casper_wymail@blm.gov

June 18, 2014

Dear Mike Robertson,

Back in February, we submitted our concerns regarding the 2014 oil and gas lease sale. Now that the NEPA is in process, we'd like our concerns again to be made know. We were not be able to attend the 6/12 meeting in Glenrock, but we appreciated you doing the meeting.

We have lived at 99 North Monkey Road, Glenrock, WY 82637 since July 2001. Our 4.39 acres is located in Rolling Hills #3, lot 38 in T34N, R75W, Sec 15, se, very close to parcels listed in WY-1408-097 August 2014 oil and gas lease sale.

All residents along North and South Monkey Road have a water well on their property providing water for drinking and irrigation. The approximate depth of these wells vary from 120 to 500 feet. Our well is 420 ft. deep with a flow rate of 7.5 gal/min. We have had several water quality checks done over the years to confirm

its safety for human consumption.

We are concerned that our ground water resources could become contaminated or lost as a result of drilling or developing wells in our area. At our local meetings in Rolling Hills and in correspondence with local officials, no satisfactory response has been given guaranteeing the safety of our ground water supply. At least we have not been made aware of any as of this time!

We are also concerned about the reoccurrence of bald and golden eagles in our area. As you are aware, the wind generators took a heavy death toll on our local eagle population. Just in the past year have we seen a few eagles here again. They commonly feed on road kill along Highway 95. Just recently I have been able to photograph a bald eagle feeding at the corner of Dunham Road and Highway 95. Thus we would appreciate our few eagles not to be disturbed by drilling and development of oil wells. We really don't want our lovely view of the Laramie Mountains to be obstructed either, not to mention what oil field development would do to our property value.

Our final concern involves Historic Trails. The Oregon Trail is nearby along the North Platte River. From 1863 to 1866, Deer Creek was the jump-off point for the Bozeman Trail. Very little has been done to preserve this trail, but ruts that parallel Highway 95 as it ascends Top of the World ridge and in other nearby areas perhaps should be evaluated before most is lost like the Oregon Trail between Casper and Independence Rock.

Thank you so much for giving us this opportunity to express our concerns again.
Sincerely, Kevin and Nena Grilley

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 20, 2014

Bureau of Land Management
Casper Field Office
Attn: Mike Robinson
Planning and Environmental Coordinator
2987 Prospector Drive
Casper, WY 82604

Re: Comments on the EIS for future oil and gas drilling in Converse County

I have ranched in Wyoming since I was a young teenager. I have lived in Converse County since 1967, other than attending college. All my life, I have worked toward owning and operating my own ranch. My dream finally became a full blown reality in 1987, with the purchase of enough additional land to establish a headquarters. My husband and I raise all natural, grass fed beef. We also pride ourselves on being environmentally sustainable managers of our land and resources. Due to our insistence (on how one of the pipelines that crosses us was reseeded, and how we managed for that grass), we have an outstanding display of reclaimed pipeline disturbance in re-vegetation.

In the last two years, we have been inundated with the oil and gas industry's extensive drilling. I am of two minds about this. I feel our country needs to be independent of foreign energy, so I am willing to sacrifice some to achieve this. But at the same time, I feel there is a lack of concern for "the little guy", the permanent residents who were here before industry moved in. We hope to be here after industry dies down and it goes into the maintenance mode. However, I have some major concerns in the interim.

Because of the split estate issues, I cannot truly control what happens on my private property. In most of my pasture situations, I can tolerate sharing the oil industry's intrusion into my business of raising cattle. I don't like that they build roads into remote corners of my property that will allow public access to my previously secluded private property, even though the public is not supposed to use them. I don't like that I lose management control of several acres on each location, regardless of what is written in a contract about weeds, trash, erosion, etc. This opens me up to liabilities I have never had to face before. It also exposes my products (grass production, livestock and hunting enterprises to name a few) to several additional risks and potential losses. This makes staying in business even more challenging as I face ever increasing regulations from several fronts, particularly government agencies. However, when drilling rigs set up shop in close proximity to my home, that is a different story.

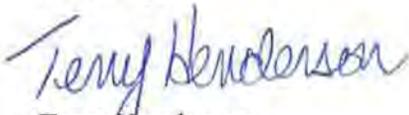
When I have to put up with a heavy enough layer of dust that it colors the forage and affects things like my garden, when I have at least a dozen brilliant lights shining all night into my windows from a high drilling rig, when I have to repair a cracked windshield several times in a year from increased vehicle traffic on our dirt roads (not to mention the holes in the roads that place additional wear on my vehicles), when I have to deal with constant noise in contrast to a previously quiet environment, when a gas flare emits enough light and noise to spook my "heavy" cows and I get a call from a neighbor over six miles away asking if that flare is from the rig near my home, these and other quality of life issues affect my overall health, wealth, and well-being. And this rig is just a little less than ½ mile away from my residence. They haven't started fracing yet.

Last summer, I could hear a different well being fraced that is located 1 ½ miles from my home. I heard the engines revving, through the walls of my house. I dread when they start fracing on this closer

well. This rig was started in February, 2014. I have several more months of disruption before it is a production well. Then, they plan to drill four additional wells on this same site. I presume I am looking at 2-3 years of drilling activity on this one site before the situation calms down. I don't believe I could tolerate another close well pad, in a different compass direction from my house, as is currently proposed. I would probably be forced to go out of business to protect my health. Who wants to buy a ranch/home, with no royalties, in the shadow of a drilling rig, with its accompanying intrusions? I assure you, that market is not very big. That certainly isn't protecting open spaces, which are constantly being touted as worthy of saving.

I strongly urge you to consider, in your environmental impact statement, the well-being of local residents who are forced, through no choice of their own, to have to live in close proximity to a drilling rig. There should be a mandatory minimum distance from established home sites of ½ mile, or further depending on whether it is downwind. Since most of the drilling spaces are 640 acres (1 square mile), surely there is room for the drillers to find somewhere within that section, that is at least ½ mile from homes. This could make a difference in whether that rancher can tolerate the intrusion long enough to stay in business during the construction and development phases. I would like to see home and landowners have some say in the location of a drill site, if it will have a major impact on the ranching operation.

Sincerely,



Terry Henderson
501 Dickau Road
Shawnee, WY 82229
307-351-3234

naturalgrassbeef@hotmail.com

DEQ-Linden Unit... *rig across from my home referred to in the letter*

STATE OF WYOMING
Department of Environmental Quality/Division of Air Quality
PUBLIC NOTICE

Chapter 6, Section 2(m) of the Wyoming Air Quality Standards and Regulations provides that prior to a final determination on an application to modify an existing source, opportunity be given for public comment and/or public hearing on the information submitted by the owner or operator and on the analysis underlying the proposed approval or disapproval. The regulation further requires that such information be made available in at least one location in the affected air quality control region, and that the public be allowed a period of thirty (30) days in which to submit comments. A public hearing will be conducted only if in the opinion of the administrator sufficient interest is generated or if an aggrieved party so requests.

Notice is hereby given that the State of Wyoming, Department of Environmental Quality, Division of Air Quality, proposes to approve a request by the following applicant to modify an existing source in Converse County, Wyoming.

Chesapeake Operating, Inc.
P.O. Box 18496
Oklahoma City, OK 73154-0496

The applicant has requested permission to modify the Linden Unit 20-34-69 B 4H well site by converting it to a central facility with the addition of production and equipment associated with five new wells, the Linden Unit 20-34-69 B 2H, B 6H, USA 5H, USA B 3H and USA B 1H, with one smokeless enclosed combustion device to control volatile organic compounds and hazardous air pollutant emissions associated with the oil tanks, active produced water tanks and truck loadout, located in the SW1/4NE1/4 of Section 20, T34N, R69W, approximately fifteen (15) miles northeast of Douglas, in Converse County, Wyoming.

A copy of the permit application and the agency's analysis is available for public inspection at the Converse County Clerk's Office, Douglas, Wyoming. In accordance with the Americans with Disabilities Act, special assistance or alternate formats will be made available upon request for individuals with disabilities.

*Budget vol 128 #25
8, 2014*

Dunne, Chris

From: Dunne, Chris
Sent: Wednesday, June 11, 2014 8:15 AM
To: Dunne, Chris
Subject: Converse County O&G Project

----- Forwarded message -----

From: **Hendricks, Ken** <Ken.hendricks@anadarko.com>
Date: Mon, Jun 9, 2014 at 1:58 PM
Subject: Converse County O&G Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

Hello

I live in Natrona County, Wyoming and I support the Converse County Oil & Gas project because it is good for our County, State and Country. Furthermore, this project is consistent with the BLM's multiple use mandate and this area has historically supported oil and gas development. Lastly, development of these oil and gas reserves will help ensure American energy independence and will keep energy costs down for the American consumer.

Thank you for the opportunity to comment.

Ken Hendricks

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--
Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 16, 2014

Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Dr
Casper, Wyoming 82604
RE: Converse County Oil and Gas Project EIS Public Comment

Dear Mike Robinson:

This letter is intended to document my support for the BLM's proposed action as it relates to the Converse County oil and gas project EIS process. The BLM deserves credit for carefully reviewing all the relevant factors and coming up with a sound proposed action to allow for a team of operators to drill some 5,000 wells in the coming ten years. At its core, this proposed action should be lauded for this simple fact alone.

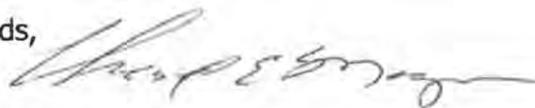
Any and all feedback on this EIS should start by recognizing the need to view this project through a balanced view of economic development needs and environmental protection needs. The BLM, with its Purpose and Need Statement, along with the Proposed Action, have done precisely that. Here's how.

Clearly, 500 wells per year for a decade will have untold economic benefits for the families and communities of this region. Direct benefits of tax base increases for critical infrastructure and public services, and the stability of reliable employment for hundreds of families—including health benefits—is simply too obvious of a benefit not to keep this fact front and center when considering the Converse County project. Kudos to the BLM for doing precisely that.

The other side of this coin, however, is the environmental protections needed to accompany a massive region-wide project like this, spanning multiple operators and hundreds of well sites. The BLM should consider granting a waiver to the operators, allowing them to drill year round and avoid the additional traffic and disturbance that will come with the status quo of seasonal black-outs for drilling. It doesn't take a wildlife biologist to realize that once a well site is under development, the faster the wells can be completed and with the fewest interruptions possible will result in a less intensive disruption for wildlife. Additionally, the BLM should incorporate the Governor's Executive Order on sage grouse as a part of the final record of decision. Finally, the BLM should rely on the WOGCC to maintain consistent and appropriate environmental controls on the development project.

Thank you for allowing my comments to be included in the BLM's final considerations before issuing the final record of decision on the Converse County oil and gas project.

Regards,



Jerry R. Hilding, Ser.

158 Hwy 59

Douglas WY

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Friday, June 20, 2014 12:27 PM
To: Dunne, Chris
Subject: Fwd: Converse County, Wyoming Oil and Natural Gas Project
Attachments: Converse County project letter to BLM.docx

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Thu, Jun 19, 2014 at 3:41 PM
Subject: Fwd: Converse County, Wyoming Oil and Natural Gas Project
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: Mary Ann Collins <macollins@mcmurry.net>
Date: Thu, Jun 19, 2014 at 3:33 PM
Subject: Converse County, Wyoming Oil and Natural Gas Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

Please see attached for support of the Converse County, Wyoming Oil and Natural Gas Project.

Thank you for your consideration.

Mary Ann Collins

Jona, Inc.

P. O. Box 3003

Casper, WY 82602

307/234-0583 Office

307/262-9937 Cell

--

Mike Robinson

Planning and Environmental Coordinator/Project Manager

Casper Field Office

2987 Prospector Drive

Casper, Wyoming 82604

Office: (307)261-7520

Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 19, 2014

Bureau of Land Management
Casper Field Office
2987 Prospector Drive
Casper, WY 82604

Re: Converse County, Wyoming Oil and Natural Gas Project

TO WHOM IT MAY CONCERN:

Jona, Inc. is a real estate investment company focusing on building a better Wyoming. The proposed oil and natural gas development project in Converse County is critical to the advancement of strong economic development for central Wyoming. But beyond that, Wyoming's energy is vitally important to our state and nation and this project will generate hundreds of millions of dollars for local, state and federal governments.

Limitations on timing of the field's development will lead to more movement of drilling rigs throughout a year and could potentially increase impact to the ecosystem and sage grouse. This policy would also result in decreased efficiency and loss of steady revenues to fund basic government functions. Reasonable access to well sites for drilling and completion activities must be allowed on a year-round basis.

Jona, Inc. supports the full development of this incredibly important project and recognizes the value of energy development at all levels. During the life of this project, thousands of new, high paying jobs will be created and America's dependence on foreign oil will be reduced. Developing our domestic energy sources is important for national security, critical to the state of Wyoming and vital for economic success at the most local level. Our state's citizens will benefit from this project for many, many years to come.

Thank you for your consideration,

Mary Ann Collins
Jona, Inc.
P. O. Box 3003
Casper, WY 82602
307.234.0583

6/30/2014

Kathleen Kilsdonk
21 Clearview Road
Douglas, WY 82633

Bureau of Land Management
Casper Field Office
Attn: Mike Robinson, Planning and Environmental Coordinator
2987 Prospector Dr.
Casper, WY 82604
Electronic mail to: blm_wy_casper_wymail@blm.gov

Dear Mr. Robinson,

Below you will see many of the issues I would like brought to your attention. We need to know what the accumulation of all the particulates, VOC's, HAP's are doing to the people, livestock, wildlife, soils, water, vegetation and air in Converse County. There have been flares, dust, and frack sand, vaporized drilling mud, pit gases, spills of contaminated water, fugitive gases, and additional exposures to radiation in the Douglas area including the Douglas Greater Sage Grouse Core area in which I live.

Many ranchers and neighborhoods have one road in and out of their property. If a well is drilled near that well and there is a blow out the contaminate exposure is unavoidable and the emergency escape routes will be closed off.

Converse County has a 3 times the national average for background radiation, drilling and the use of uranium during the fracking process are adding to this issue. This will lead to additional health problems to wildlife, livestock, and people in the future.

We need larger setbacks near homes and cities. People living near drilling have disturbed sleeping due to noise, lights, flares and traffic.

We have been experiencing shallow earthquakes and loud sonic sounds associated to the drilling. What is this doing to our water wells, home foundations and stress for people and livestock?

Many well pads are not marked or publicly identified, which makes it hard to report any emergencies. BLM must require adequate public identification at the entrance to the well, so that emergency vehicles may find the well in a timely manner.

Our hospitals, EMT's and firefighters are not trained or equipped for rig accidents, truck wrecks and exposures to VOC's and other contaminants, as well as fires. Converse County has experience a doubling of violent crimes in the last two years, and this is just the beginning of the oil play. In this EIS BLM must address the social issues facing Converse County.

Although WDEQ has an air monitor in Converse County that tests particles, we need air monitoring on and off well sites to test for VOC's and HAP's. I worry about the accumulation and the effects of long term exposures. We need notification when the air quality is unsafe.

Water is another problem in our area. What will happen to our water table as we keep using millions of gallons of water per well. Cities and individuals are selling water to industry, which could cause private drinking wells to dry up. Causing water shortages to fight fires, and fro livestock and wildlife.

Other water problems noted are when well pads have been placed in areas that have change the water runoff. Water is sitting on well pads instead of entering the water shed. Runoff from well pad is contained by equipment, hydrocarbons and chemicals used in the drilling and fracking process. Because of the dangers of flooding, pits should not be allowed.

As seen in other states, migrating gases could enter our water wells. BLM must take measures to protect life giving water.

Flaring is wasting our natural resources and robbing us of royalties. The gases must be collected for use by Americans. Flares are noisy; emit VOC's unburned fracking fluid, HAP's and BTEX. If flaring is allowed, every flare should have a permit and be required to be 100% efficient. There should be no flaring beyond production test flare and the time should be reduced to 72 hours as is in Canada.

Well pads need to be inspected more often. In Wyoming only 45% of the BLM have been inspected, that is a failing grade.

Pits used on well pads emit fumes and gases, cause harm to birds and wildlife and are unnecessary. Disposal of pit contents is a huge problem. Companies use fly ash to solidify the cuttings or use a kiln to sterilize the contaminates, thus releasing the VOC's into the air and on the ground. BLM must require closed loop systems.

The land owners and public should be informant of any spills and clean up. These are our public lands and we have the right to know what is happening on them. If wells have over the limits in flaring, releases spills, value failures the public has the right to know for safety. Violations and fines should reflect the potential harm these could cause. Self-reporting by oil compiles result in no violations, or fines are not a good detriment.

Why are we in such a hurry to drill and flare? Reduction in wells until new methods are developed which could extract more gas and oil efficiently, will save resources for our future. We need to keep our water resources clean, our air and soil free from contaminates, and wild life plentiful. Don't allow industry to destroy our health and way of life.

Sincerely

Kathleen Kilsdonk.

6/15/14

Mike Robinson
Project Manager
Casper Field Office
Bureau of Land Management
2987 Prospector Drive
Casper, WY 82604

Dear Mike Robinson:

The Converse County Oil and Gas Project currently under consideration by the BLM is vitally important to our region and is the reason for my written comments. I would respectfully ask that you include my comments as you consider a final record of decision on this project. My passion for this issue is very straight-forward: I want to see as many good paying jobs as possible in our region and I want to see it done in an environmentally responsible way.

The current proposed action by the BLM accomplishes much of what I want to see in this project. It calls for 5,000 wells over the coming years, meaning that there will be a good amount of development for a number of years to come, not just a flash in the pan approach. This consistent development approach will also bring about tremendous jobs—jobs with benefits, good pay, and the ability to stay in the region and not have to travel constantly. This is good for families and good for our communities.

Further, the jobs that tend to accompany oil and gas development have the capacity to support other jobs. They inject much-needed dollars into our local economies and just as importantly, they will support our key services: schools, roads, hospitals, fire and police, etc.

Lastly, but just as importantly, is the approach the BLM takes to protect the wildlife in the area. It is for this reason that the BLM must include some kind of waiver for the discretionary timing limitations so that operators can develop year-round. This is the best way to get in, drill the wells, and get out—not requiring multiple redeployments of a rig that will no doubt affect wildlife unnecessarily.

Thank you for including my comments. The BLM deserves credit for a good proposed action document.

Regards,

Brandon King 309 West Timothy
Gillett WY

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

6/9/14

Converse County Oil and Gas Project,
BLM Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

Attn: Mike Robinson

Dear Mr. Robinson,

I am writing to offer full support for the Converse County oil and gas project, in accordance with the Purpose and Need Statement in the Plan of Development. The drilling of these 5,000 wells over the next decade will have tremendous economic benefits for the region, and for the State of Wyoming. This project will create hundreds of good jobs with benefits and wages that exceed the average for this area. We are not only talking about direct employment either – each of these jobs directly created by the drilling, construction, completion, and production of these oil and gas wells will create several more jobs indirectly, from industrial suppliers, to truck drivers, to local retail. Many different sectors and businesses will benefit, and all will benefit from the additional income circulating in our communities.

Another benefit all will share in is the increased revenue generated. This revenue will come from broadening the tax base through the creation of new jobs, as well as from the property and other taxes paid by the industry itself. These revenues will go towards providing for infrastructure improvements, enhanced emergency services, better schools, and other public works that will improve the quality of life on our communities.

These benefits will not be purchased at the expense of our environment. The oil and gas industry has decades of experience and is well prepared for operations in areas such as this. What's more, the industry's safety and stewardship record is outstanding. As the technology improves, the footprint of these companies will decrease even further. Much goes into the drilling and completion of a well to ensure that the surrounding environment is not harmed. Many of these policies and procedures are outlined and explained in the Development Plan, and include, but are not limited to, the installation and cementing of surface casing; cementing of the production casing to ensure zonal isolation; the utilization of directional and horizontal drilling to allow as many wells as possible to be drilled from a single pad; detailed reclamation processes; rigorous spill prevention policies; and extensive pre-drilling consultation and evaluations before any construction even begins.

In order to best realize these many benefits, we also ask that this proposed drilling project be allowed to take place year round. Year round drilling will make sure that the economic benefits created by the project are not concentrated in a single part of the year, thereby creating an artificial "boom-bust" cycle annually. Suspending drilling and other development for part of the year will force many to find work elsewhere during the suspension, dissuading those workers from establishing firm roots in our communities. This sort of transient workforce is not conducive to a well-established, stable local economy. We want people to come here to work on this project, to bring their families and raise them in our community, become our neighbors, and become full-time participants in our economy. This is real economic and community growth and imposing unnecessary limits on drilling times will serve only to curtail that growth.

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

The companies that make up the oil and gas industry in Wyoming are committed to pursuing their trades with the utmost of respect for the land and the people with whom they share it. Wyoming has a long history of working side by side with the energy industry, and that relationship is only improving as time goes on. The technology is such that the physical impacts of drilling and completing wells is being reduced almost with every well drilled.

The local oil and gas industry are good neighbors and the economic benefits they bring to our communities are unmatched by any other industry. I urge you to consider all of these socio economic benefits, and the technological advances that have so dramatically reduced the industry's footprint, as you put together your EIS. Once again, I strongly support the proposed oil and gas project for 5,000 wells to be drilled year-round.

Sincerely,

Pat LaFountain
Warrior Energy Svcs. Corp.
1330 N. Derrick Dr.
Casper WY 82604

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:35 AM
To: Dunne, Chris
Subject: Fwd: Please stop and catch up!!

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:02 AM
Subject: Fwd: Please stop and catch up!!
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: Wayne Lax <waynebassthunder5@hotmail.com>
Date: Sun, Jun 29, 2014 at 6:11 PM
Subject: Please stop and catch up!!
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

I am writing to you to ask that you stop issuing permits to drill new oil and gas wells on Wyoming State BLM land until the existing wells in high risk areas. I think this is a great time for you to think of safety and the impact all of these wells can have on animals, people, the land itself, the air, and especially our precious and limited water supply. Please don't let the oil and gas steamroll this state into an environmental disaster that we can't recover from.

Thanks,
Wayne Lax
Board Member-Cheyenne Area Land Owners Coalition
Member of Powder River Basin Resourced Council

--

Mike Robinson

Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

Dunne, Chris

From: Dunne, Chris
Sent: Friday, June 13, 2014 10:08 AM
To: Dunne, Chris
Subject: FW: Converse County O&G Project

From: **Leinonen, Jennifer** <Jennifer.Leinonen@anadarko.com>
Date: Tue, Jun 10, 2014 at 5:11 PM
Subject: Converse County O&G Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

To Whom It May Concern:

I am a lifelong resident of the State of Wyoming and have been employed in the oil and gas industry my entire career. It is an industry that has served my family and my state well and has provided us with a sustainable income that several states do not get the opportunity to experience.

I support the Converse County O&G Project as it is consistent with the BLM's Multiple Use Mandate. It also supports both historic oil and gas development in the area as well as new development in deeper horizons due to constantly improving technologies, while minimizing the environmental footprint. This is another opportunity for industry, local governments, and the BLM to continue to work collaboratively as they have successfully for decades.

Thank you for the opportunity to provide public comment.

Jennifer Leinonen
Anadarko Petroleum Corp.
307-233-4503 (Casper office)
307-277-8363 (cell)
832-636-5522 (fax)
Jennifer.Leinonen@Anadarko.com

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Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:43 AM
To: Dunne, Chris
Subject: Fwd: Inspection Backlogs and Proposal for New Oil/Gas Wells in Converse County

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:04 AM
Subject: Fwd: Inspection Backlogs and Proposal for New Oil/Gas Wells in Converse County
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: Jason A. Lillegraven <jay_linda@mac.com>
Date: Mon, Jun 30, 2014 at 11:48 AM
Subject: Inspection Backlogs and Proposal for New Oil/Gas Wells in Converse County
To: blm_wy_casper_wymail@blm.gov

June 30, 2014

Mr. Michael Robinson
Bureau of Land management Project Manager
Casper Office, Wyoming
2987 Prospector Drive
Casper WY 82604

Ref.: Proposed Converse County Oil/Gas Development in Light of Inspection Backlogs

Dear Mr. Robinson:

We are private citizens who firmly believe in the value of individual input to the management of public lands. Thus it is seriously disconcerting to have read in the newspapers of the national backlog in BLM's inspection of 'high-priority wells.' That designation comes from the existing wells' potential for water contamination and/or risks of diverse forms of pollution. In the words of BLM's Deputy Director L. Lance,

“The current rate of inspections is simply not acceptable to us.”

Especially relevant to us as citizens of Wyoming, in light of the existing inspection backlogs, is the proposed development of roughly 5,000 new oil/gas wells in Converse County alone. All we can say is that it seems irresponsible for the key regulatory authorities to approve development of so many new wells prior to evaluation of risks from existing problematic facilities. Thus we urge a ‘no action’ alternative in terms of new-well approvals until we know what existing conditions have to tell us about risks of pollution or related forms of environmental dangers.

Thank you for the opportunity to comment.

Sincerely yours,

Dr. and Mrs. Jason A. Lillegraven

2443 Overland Road
Laramie WY 82070-4854
307-742-5275
jay_linda@mac.com

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot’s target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 9, 2014

Mike Robinson
Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

Dear Mr. Robinson,

This project should be allowed to proceed, for any number of reasons. The main reason is that the potential benefits far outweigh any costs, as I am confident that the BLM's EIS will clearly demonstrate. The operating group will meet with landowners and other stakeholders prior to construction to hash out a plan, roads will be built or improved in a low-impact way, wells will be properly cased and cemented, and gas motors will be used on pumpjacks.

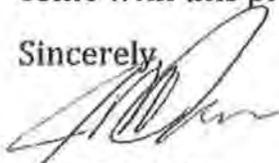
In addition, in Wyoming we have a Governor's Executive Order concerning Sage Grouse. The provisions in that order are specific, stringent, balanced, and workable, and ought to be adopted by the USFS. Exceeding these provisions, however, would be unnecessary and counterproductive.

The economic benefits of this project should be considered as well; these include, above all, well-paying jobs. As our communities search for ways to attract investment and people, this appears to be a fantastic way to do that.

By contrast, not allowing this development to occur year round would bring negative consequences, including unnecessary rig moves, and the creation of a seasonal work force that will be unlikely to settle with their families in the region.

Please waive the timing limitations, incorporate the Governors Sage Grouse provisions, and Draft an EIS that is reflective of the many positives that will come with this project.

Sincerely,



John E. Melgaard Jr.
Vice President of Melgaard Construction Co., Inc.
PO Box 2408, Gillette, WY 82717

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Dunne, Chris
Sent: Thursday, June 26, 2014 2:20 PM
To: Dunne, Chris
Subject: FW: Environmental Study of Oil Well Development

From: **David Justus** <David.Justus@midwestind.com>
Date: Fri, Jun 20, 2014 at 12:45 PM
Subject: Environmental Study of Oil Well Development
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

RE: http://www.douglas-budget.com/glenrock/article_dd0a70c0-f7b9-11e3-ba8a-0019bb2963f4.html

Mr. Robinson,

Road dust from local gravel roads is problematic from health, environmental, safety and expense perspectives. The increased road traffic from commercial vehicles adds to this problem. Dust particles and loose soil can be carried away from the roadway by water, wind, traffic, or snowmelt landing in streams and rivers, where they may destroy aquatic habitat and harm water quality, all while destroying the road surface. Midwest is recognized for its ability to eliminate these problems and others related to keeping roadway material in place on the ground and in the roadway.

Midwest programs will enable you to:

- Reduce and control dust
- Improve the strength and running surface of roadways, and extend surface life
- Comply with the PM10 and PM2.5 requirements of the Clean Air Act
- Rest assured that our proven and certified products will neither contaminate ground water with volatile organic compounds, semi-volatiles or heavy metals nor increase BOD or COD levels

Midwest's soil stabilization products save you valuable time and money because they work with in-place soils, eliminating the increased costs and waiting times associated with long-haul transporting of aggregates to remote sites. With diesel fuel costs on the rise and aggregate availability on the wane, Midwest's soil stabilization products and application methodology will get your job done effectively and extend surface life. This holds true whether they are applied topically or blended to a greater depth during reconstruction.

[Soil Stabilization](#)

We can also provide:

- Delivery and/or application any time it is needed, routinely or in an emergency
- Create a custom dust control program with dedicated personnel and equipment to meet all of your dust control needs
- Provide laboratory testing across a wide breadth of soils, the key to successful soil stabilization

The absence of dust also makes for stronger community relations given that dust particles inevitably settle on neighboring pools, flower beds, vegetation, cars and porches. Our dust-control products are an economical alternative. Thank you for your consideration.

Regards,

David Justus

Unit Manager, Engineered Solutions



Midwest Industrial Supply, Inc. | 1101 3rd Street SE | Canton, OH 44707

www.midwestind.com

p: 330.456.3121 | f: 330.456.3247 | c: 330.605.9449

Please consider the environment before printing this e-mail

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive

Casper, Wyoming 82604

Office: (307)261-7520

Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 13, 2014

Converse County Oil and Gas Project
Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

To Whom It May Concern:

I strongly approve the proposed Converse County Oil and Gas Project, and urge the BLM to draft an EIS that is reflective of the many benefits this project will provide.

Oil and gas development provides many local jobs directly and indirectly – more than any other local industry can. These jobs pay, on average, better than most in the area, and therefore help young families become financially secure and prepared for the future. The spin-off effect on the economies of towns like Douglas is also impossible to ignore. All manner of small businesses prosper when energy development is allowed to take place in their area. Hotels, gas stations, hardware stores, and many others stand to benefit.

All citizens in the region, and even the state, will benefit as well from the added tax revenue that this development will bring about. These added funds will go towards all sorts of vital public functions that add to the quality of life within the region, such as fire and police protection, schools, and roads.

These advantages do not come at the price of the environment; the industry has a long reputation in the state for doing its business safely and responsibly. The Plan of Development describes specifically how the environment will be protected at every stage. Multiple site-specific environmental surveys will be conducted even before wells are ciled, every new technology and production practice that the industry has developed over the years to be more safe and efficient will be utilized, and as much land as possible will be expertly reclaimed at the conclusion of work at each site.

These socio-economic and environmental benefits will be maximized by year-round activity, far more so that if timing limitations on development are imposed. Year Round development will keep the project from becoming seasonal and instead encourage workers and their families to settle in the area, which will provide for local growth and a more robust economy. Seasonal projects are more conducive to 'man-camp' type scenarios, which tend to separate the local communities from the project's benefits.

This project is also perfectly in line with the BLM's mandates to manage public lands for multiple use, and to encourage development of the nation's resources. It will therefore make sense to draft an EIS that in turn supports this important, low-risk proposal.

Thank you in advance,

Sylvia Miller
199 Overbrook Rd
Gillette, Wyo 82718

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

6/30/2014

Peter and Kristi Mogen
18 Clearview Road
Douglas, WY 82633
kmnogen@vcn.com
307-359-2928

Bureau of Land Management
Casper Field Office
Attn: Mike Robinson, Planning and Environmental Coordinator
2987 Prospector Dr.
Casper, WY 82604
Electronic mail to: blm_wy_casper_wymail@blm.gov

Dear Mr. Robinson,

We have lived in our home for the past 10 years, we own the surface, and BLM owns the minerals. During the first 8 years, we enjoyed outdoor living, farming, and raising livestock, the view of the mountains and sunsets, and generally just the peace and quiet of country life in Wyoming. In March of 2012, that all changed, the horizontal drilling began around a mile from our home. In April 2012, there was a well blow out, in which we had to evacuate our home. It has been downhill since. We have firsthand knowledge and personal insight, of what living with oil and gas industry as a neighbor and hope you will take our concerns very seriously.

Air Quality

Our vegetation, livestock health, and our health have all declined since the drilling began. The one factor in common with the health impacts is that the air quality in Converse County has declined. The flaring rules are not enforced and may not be sufficient to protect the air quality during and after drilling 5,000 wells. In 2012, we had 4 non efficient flares around our home that went on for months on end, because they were all given flaring variances. Gardens in our community died, and a WDEQ inspector pointed to a report on flaring in Nigeria, showing what happens to the environment around flaring. After 6 months, one BLM well, Chesapeake Smith Creek, was cited by WDEQ for non-efficient flaring, and another well was shut in until the problem was fixed. If BLM and the state of Wyoming cannot inspect the wells they have permitted to date, how will they be able to handle inspection and enforcement of 5,000 new wells? To further our point, the closest well to our home is a BLM well, was not inspected for over two years, and only came under the BLM scrutiny after complaints about the well and the flare, were made by us.

Will BLM allow flaring? This is a waste of our natural resources, and a danger to the environment. If flaring is allowed, it should be under the strictest of measures, with 100% efficiency requirements, and only allowed in times when it is unavoidable. All flaring, no matter the reason should be reported and royalties and taxes collected. BLM should require complete capture of gases and liquids on site. Not only would this help the quality of the air we breathe, reducing health impacts, but help fill the federal coffers, as taxes would be paid on all natural resources severed from the ground and produced.

Production flares are full of toxins, from unburned fracking fluids, uranium used in the explosive phase of fracking, and dangerous hydrocarbons that used to be safely underground. In Canada the production flares can only last for 72 hours, why doesn't BLM require a shortened production testing period? During the BLM meetings about the EIS, we were told that there may be up to 50 drilling rigs in Converse County at one time, that is a lot off production flares being set off, with in a 30 day period. Will BLM consider that 50 drilling rigs might be too many, and use a phasing in plan, one that is planned and organized to reduce impacts to the environment, wild life, birds and humans?

Besides flaring, well blowouts affect our air quality. Who will inform and protect the citizens during the next well bow out? For the first 5 months, Chesapeake, WOGCC and local officials told us, that we were only exposed safe natural gas, latter we found out, during the well blow out, we were breathing vaporized drilling mud, full of dangerous BTEX. Who will be responsible for cleaning up the soil on private property, as natural gas feed farmers, we are against any level of hydrocarbons on our vegetation and in our soil. At what levels will BLM require cleanup of contaminates after a spill, release or well blow out, from the oil and gas industry? Better yet, how can the BLM prevent spills, releases, flaring and well blow outs? Will BLM consider these issues when doing air modeling for Converse County?

As part of this EIS, BLM must consider the accumulation of all air pollutants, including flaring, venting, releases of dry matter from well sites, such as frack sand and barite, mobile emission sources, evaporation from the pits, all the new gravel pits, new industry to support the development, such as gas plants and additional vehicle traffic. Last year in Converse County we saw air quality recorded at 75ppbs, but more scary to us is the sustained 55-65 ppbs. We have had many more respiratory issues than ever before. This is highlighted in a new report by EPA scientists and is attached to this email. BLM must require air monitoring that includes HAP's, VOC's including BTEX, both on and off site? What happens if the air modeling shows that the air quality in Converse County will be at unacceptable levels? For safety and the health of residents living in Converse County, will BLM require emission reduction measures already taken in Wyoming's Jonah Field to reduce ozone?

Water

Water is a valuable precious commodity need for life. With the population of the world growing, water will become even more valuable to future generations. It seems to industry that our water is expendable. Industry has no issues with compromising our aquifers, and deeper aquifers are discarded as unusable. As with fracking, there is new technology being developed that will change how we can treat water and make the deeper water wells usable for producing food and for human consumption. How will BLM protect our aquifers during drilling and then during the injection of produced water? Please disclose where all the required water for drilling will come from and what short and long term impacts will be to the water resources of Converse County? How will the high demand for water effect local residents and the price of water? What measures will BLM require for the recycling and re-use of produced water? BLM should require closed loop systems, and prohibit pits. What will the full impacts from dealing with produced and contaminated water? How and where will produced water be disposed? How will the water be disposed of if radiation is detected?

What protections will be put in place for shallow drinking wells, so often contaminated by migrating gases from fracking? We know that since the 1980's industry has been able to trace their fracking explosives with radioactive, DNA tracers. BLM should require the use and disclosure of these tracers, so that it can be determined where and how the gases got in to private water wells.

Surface Use

How and when will reclamation be required? How and when will inspections occur? On the BLM well near our home, the pit was to be reclaimed within 6 months, it took over a year. During the reclamation process, nearby residents were exposed to fly ash full of heavy metals. This can be seen in the attached power point, living with Oil and Gas for a Neighbor. How will BLM protect people and future generations, from contaminates in the pits and contaminates used in reclamation of the pits?

Setbacks

The wells around our home are 1-2 miles away. In the last two years, we have had our gardens die, our health and our livestock health's decline, been kept awake too many nights to court from the noise from flares and drilling. We could not imagine a well within the current 350 foot setback as allowed by WOGCC, and industry can receive a variance for that setback, as with the BLM Smith Creek well pad, that is only 70 feet off the county road. With horizontal drilling being able to go up to 9 miles in Alaska, there is no reason to allow wells closer than 1 mile from homes. In Garfield County, CO, the McKenzie report highlights the increase in health impacts to the proximity to a well. How can the BLM write an effective EIS for Converse County without site specific information? BLM must require industry to disclose to BLM and the public well and facility placements, in order to protect the health of people living in Converse County.

Wildlife

We and Wyoming Game and Fish have seen a decline in the Cheyenne River Mule Deer herd in Converse County. Not only does that take away from our enjoyment of the land, and the experience of a unique Wyoming lifestyle, it indicates the impacts to wildlife around industry are deadly. We live in the Douglas Greater Sage Grouse Core Area, and have not had a sage grouse on our property since the well blew out and contaminated our land in 2012. The US Wildlife is considering listing the Greater Sage Grouse on the endangered species list, because of declining populations. This will impact not only industry, but ranchers and our usage of public lands. BLM must put in place and uphold measures to keep the greater sage grouse from being listed.

Disclosures

BLM should require disclosure of all chemicals used in hydraulic fracturing, drilling operations and reclamation. This information should be readily being available without delay, or duress to the public, through either BLM Casper. As seen in the attached power point, industry releases, spills and contaminates the environment we live in everyday, full chemical disclosure from cradle to grave is need to protect the health of ourselves, our livestock, vegetation, wildlife and birds.

All APD's should be open to the public. BLM is managing resources owned by the public. The public should be part of the APD process. BLM should allow for a comment period from the public on APD's, we have information about how site specific drilling might impact water sheds, migration routes, and land usage to name a few. APD's and well files should be available for review by the public without duress or delay.

Exceptions

Industry constantly asks for and gets exceptions to the rules, or just slips something in on a sundry notice. This is dangerous. Unbelievably, the BLM Smith Creek well near our home, for one year got away with a flare stack upwind of the well head. Meaning, a huge ball of fire drifted over a well head, which is designed to leak, so that gases don't build up. This well pad is less than 100 feet of the county road, used by a bus full of

children twice a day. Our community was fortunate that no explosion occurred. This exception to the APD was allowed because the allowance of a sundry notice. We have witnessed many exceptions from inexpensive dusty road base, adding to particles in the air to extend flaring on an uneconomical BLM well, that would have economical if the gas was captured and sold. Exceptions to the rules rob us of our resources, money and make society question, if industry does not have to follow the rules, why should we?

We are hopeful this EIS will help mitigate some of the impacts to the health of the residents, livestock, vegetation, wildlife, birds, who live near deep horizontal drilling. We know that the minerals in Converse County will be developed, but BLM must hold industry to the best possible practices in order to protect the environment, water resources, and air for generations to come.

Sincerely,

Peter and Kristi Mogen



Chesapeake Energy Well Blow Out



Chesapeake 29-33-70

WOGCC Regulations allow a well head
350 feet from homes and schools

1year 3 months after the blow out



632 known chemicals

25% linked to Cancer

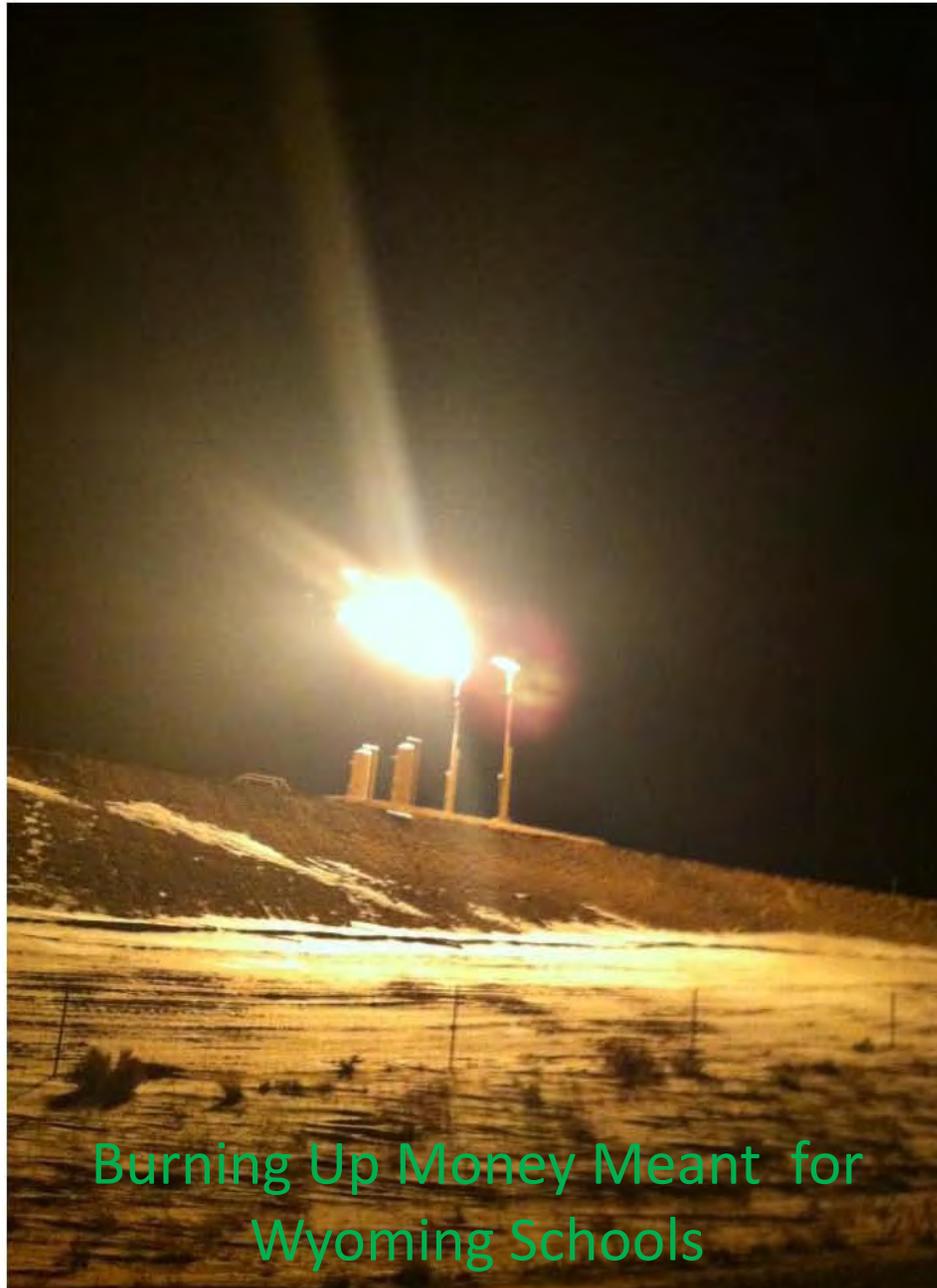
37% affect Hormones

40-50% linked to Kidney,
Neurological, Immune
System and
Cardiovascular issues

75% Sensory Organs,
Respiratory, Gastrological
System

BTEX = Endocrine Disruption

Introduction to Flaring



Burning Up Money Meant for
Wyoming Schools

Chesapeake Smith
Creek 8-32-70

Wasting of a Finite Natural Resource



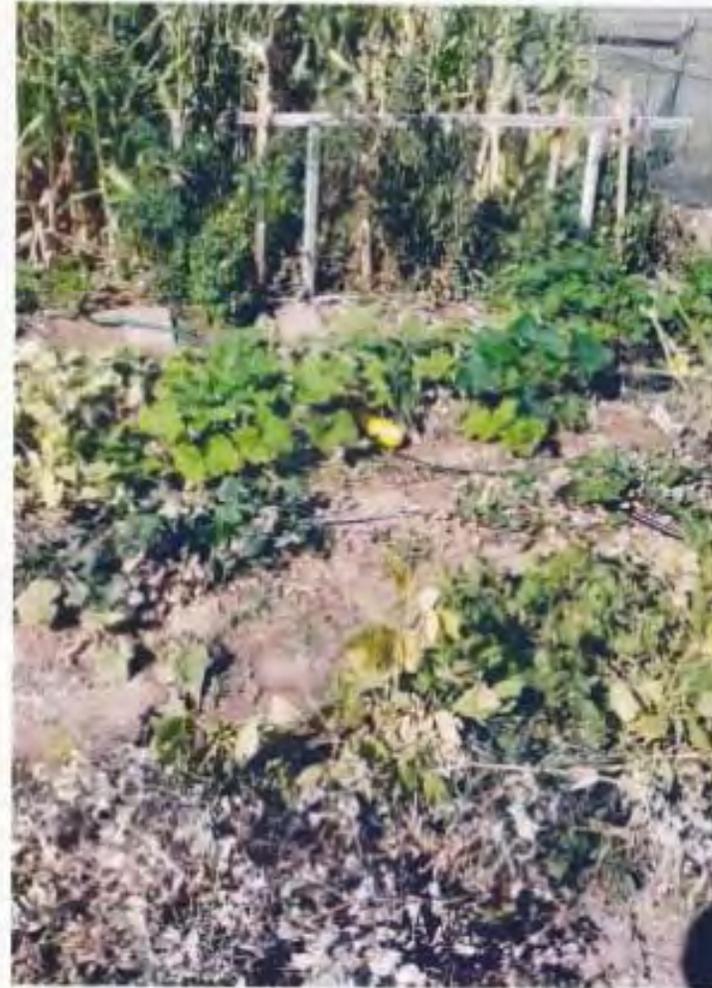
Wyoming Oil and Gas Conservation Commission – is this conservation?

What is in the Black Smoke?



Carcinogens - 30% - 70% of Frack Fluid is not recovered, some comes out with the production flare

Impacts to Our Community from Flares



If the cells in the plants die, what is happening to our cells?

WOGCC said No Pits?



Chesapeake Combs Ranch 29-33-70

Fugitive Emissions, Fly Ash, VOC's during treatment, and Venting into the pits have wrecked havoc on air quality.

Hydrocarbons Off Gassing from Pits



What else is in the flow back pits? Radiation, released from the fractured shale?

Barite



Chesapeake Smith Creek 6-32-70

MDSS, requires employees to wear a mask, none in close up pictures are wearing masks

Fly Ash



Chesapeake Smith Creek Unit 32-70-8 2H

Arsenic, Barium, Boron, Cadmium, Chromium, Lead, Selenium
unbelievable Mercury was a no detect on this sample

Frack or Silica Sand



Chesapeake Smith Creek 10-32-70

Silica Sand causes respiratory issues and Siliceous

More Silica Sand



Chesapeake Smith Creek 6-32-70

Fugitive Emissions & Venting these can be smelled not seen

Methane venting is a potent greenhouse gas, two times more powerful than carbon dioxide, in trapping heat into the atmosphere.

Particulates in Sage Grouse Core Area



Ozone over 75ppb - SMOG in WY



Truck Servicing a Chesapeake Oil Well



Let's tell the truth

Chesapeake Exploration

Engineering Summary

1. Production performance of the Smith Creek Unit 32-70 8-2H horizontal Niobrara well has been deemed by the BLM to be uneconomic & will ultimately recover only 57 MBO.
2. The well was completed in the Niobrara formation at a Measured Depth of 11,863 feet to 15,905 feet. The total completion interval was 4,042 feet.
3. The well was fracture-stimulated in 12 stages with a total of 56,149 barrels of frac fluid & 4,062,296 pounds of sand. Average slurry volume was 5,079 barrels per stage, containing 338,525 pounds of proppant per stage.
4. Based on the actual fracture-stimulation parameters, the average propped one-wing frac length was 164 feet. This resulted in a transverse drainage radius of 298 feet.
5. The horizontal-well drainage area is calculated to be 58.6 acres.
6. The proposed 350-acre drilling & spacing unit as outlined in the Application is not smaller than the maximum area that can be efficiently drained by the Niobrara formation in the Smith Creek Unit 32-70 8-2H well.
7. In order to prevent waste, protect correlative rights, and establish a basis for the proper allocation of production revenues within the Smith Creek Federal Exploratory Unit, the 350-acre drilling and spacing unit should be granted approval.



Chesapeake Exploration
Docket 77 - 2014
Exhibit E - 8

Exposures to BTEX, VOC's, lead, uranium, mercury, ethylene glycol, radium, hydrochloric acid and formaldehyde, for uneconomical well?

Flaring Upset Conditions 2014



Two years later, and facing another two years of the same

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:31 AM
To: Dunne, Chris
Subject: Fwd: 5000 natural gas and oil well in Converse County -

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:01 AM
Subject: Fwd: 5000 natural gas and oil well in Converse County -
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: Kathy Moriarty <kathyintorridtown@yahoo.com>
Date: Sat, Jun 28, 2014 at 2:47 PM
Subject: 5000 natural gas and oil well in Converse County -
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

I urge you to stop more proposed development in Converse County without first addressing or remedying the issues which would suggest that future development should be put on hold: To wit, such issues include:

- lack of inspection of Wyoming's CURRENT wells (632 of 1,400 high risk wells in Wyoming) - in view of BLM's failure to inspect highly risky wells, why put additional burdens on the agency who cannot meet the demand?
- tremendous use of water from an arid landscape (50,000 - 80,000 gallons of water per well!)
- deprivation of grazing range for highly sensitive wildlife, pronghorn, and elk as much of the proposed 1.5 million acres

I urge you to PLEASE stop additional development in Converse county in view of the above issues.

Thank you.

Kathy Moriarty, Ph.D.

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [[http://en.wikipedia.org/wiki/Target fixation](http://en.wikipedia.org/wiki/Target_fixation)]

Mike Robinson, BLM Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

RE: Converse County Oil and Gas Project

Dear Mr. Robinson,

Thank you for the opportunity to comment on the Converse County Oil and Gas Project. For the record, I am in favor of the project and encourage the BLM to do all you can to help it proceed.

Oil and gas production brings with it an enormous number of benefits, the most immediate of which are to the local economy. This development will create a great many jobs and contribute to the growth of the local communities. Small businesses will be given new opportunities for growth and expansion and young people entering the workforce will be given a considerable leg up due to the relatively high pay that many of these jobs will bring. Job creation will not be limited to entry-level and low-to moderate skill level jobs, however, much of the job creation will be in high-tech and graduate level positions as well.

There are also clear benefits that are maybe not as immediate, but just as real. Our nation runs on energy, and to the extent that we can produce that energy here at home, the nation benefits. Increased domestic production not only enhances our national and economic security, but keeps energy prices affordable for growing businesses and working families.

These benefits will be more enhanced by allowing the project to continue throughout the year. Otherwise, the local economic advantages could be lost, at least periodically, as the new investment in our community dries up during the prohibited period. Timing limitations and drilling suspensions could encourage people to look elsewhere in the country for a place to locate their business, or to buy homes and raise families, rather than deal with the periodic down times. I therefore urge you to strongly consider granting the operating companies a waiver to allow them to keep working throughout the year.

I also urge you to consider the effort that the industry goes to in order to keep its operations as low impact as possible. Reading through the Development Plan gives you a good idea of the level of commitment these companies have to doing their jobs right. All impacts to the environment and our natural resources has been anticipated and plans designed to mitigate or prevent them.

For all of these reasons, I reiterate my support for the project. I ask that the BLM stand with us in Converse County in supporting it as well.

Sincerely,

Donita S. Munn
4603 Alex Way
Coulter, WY 82718

06-15-14

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

SANTARELLA & ECKERT, LLC

**7050 PUMA TRAIL
LITTLETON, CO 80125**

**TELEPHONE: 303-932-7610
FACSIMILE: 888-321-9257**

VIA ELECTRONIC MAIL

July 18, 2014

Mr. Mike Robinson
Planning and Environmental Coordinator
United States Bureau of Land Management
Casper Field Office
2987 Prospector Drive
Casper, WY 82604
blm_wy_casper_wymail@blm.gov

Re: MWELC and WRA Request to be Included on Interested Parties Mailing List for the Proposed Converse County Oil and Gas Project (Converse County, WY)

Dear Mr. Robinson:

On behalf of the Mountain West Environmental Labor Coalition (“MWELC”) and the Western Ranchers Alliance (“WRA”), (collectively the “Organizations”), undersigned counsel hereby requests to be placed on the mailing list of interested parties for the above referenced proposed Converse County Oil and Gas Project in Converse County, WY.

We understand that the Bureau of Land Management (“BLM”) is in the process of preparing an Environmental Impact Statement or “EIS” for this proposed project and that the Draft Environmental Impact Statement or “DEIS” will be available for public comment. The Organizations intend to submit written comments for the public record on the proposed Converse County Oil and Gas Project DEIS relating to, *inter alia*, the environmental, socioeconomic, and public safety concerns associated with the construction and operation of gathering lines on public lands. As such, please ensure that a copy of all public notices relating to this proposed project including the public notice regarding release of the DEIS for public review and comment in order to facilitate our ability to comment on the DEIS in a timely manner during the thirty-day public comment period is forwarded to the attention of Susan Eckert at susaneckert.sellc@comcast.net or at the mailing address listed above.

*Letter to Mike Robinson (BLM)
MWELC and WRA Mailing List Request
The Proposed Converse County Oil and Gas Project
July 18, 2014
Page 2 of 2*

Thank you for your assistance.

Very truly yours,

/s/

Joseph M. Santarella Jr.
Susan J. Eckert
Counsel for the Organizations

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Friday, June 20, 2014 12:28 PM
To: Dunne, Chris
Subject: Fwd: Letter of Support: Converse County oil and gas project
Attachments: Letter of Support of Converse County oil and gas exploration, June 18, 2014.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Thu, Jun 19, 2014 at 11:41 AM
Subject: Fwd: Letter of Support: Converse County oil and gas project
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: Kendall TeBeest <ktebeest@mcmurry.net>
Date: Thu, Jun 19, 2014 at 10:35 AM
Subject: Letter of Support: Converse County oil and gas project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

Attached is a letter of support of the Converse County, Wyoming oil and gas exploration project, of which you are currently seeking public comment.

Please contact us with any questions you may have.
Thank you!

Kendall TeBeest

Nerd Gas Company, LLC
P.O. Box 3003
Casper, Wyoming 82602

ph: 307.268.7106
fax: 307.234.4631

cell: 307.251.7665
email: ktebeest@mcmurry.net

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]



NERD

Gas Company, LLC

P.O. Box 3003
Casper, Wyoming 82602
(307) 234-0583
(307) 234-4631 Fax

June 17, 2014

Bureau of Land Management
Casper Field Office
2987 Prospector Drive
Casper, WY 82604

RE: Proposed Oil and Natural Gas Development, Converse County

To whom it may concern,

Nerd Gas Company would like to formally declare our support of the proposed oil and natural gas development project in Converse County, Wyoming. In a period of ten years, thousands of new oil and gas wells will be drilled by a variety of operators representing some of the most active horizontal drillers in Wyoming and, in certain cases, the Rocky Mountain region.

With this letter, we would like to express a few points related to and in support of this project:

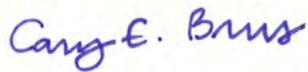
- The BLM should continue to allow development to occur during the 45-day public scoping period. Wyoming is a top energy producing state, and stifling development in such an area would be a negative impact on the regional and state economies.
- Reasonable access to well pads must be allowed for drilling and completion activities on a year-round basis. This ensures continuity and efficiency of operations, which will reduce amount of impacts on the ecosystem and sage grouse, as well as reduce the societal impacts on the nearby communities in terms of basic infrastructure like housing and restaurants, school pupil counts, and steady revenues to fund basic government operations.
- The BLM should waive discretionary timing limitations on a programmatic basis, meaning the drilling of several wells at a time for extended periods of time. Without this waiver, the application to timing limitations would force operators to move drilling rigs throughout the year, resulting in higher operating costs, decreased efficiencies, and potentially an increased impact to wildlife and other sensitive resources.

- We encourage the BLM to allow the project forward because of the positive impact it will have on Converse, Campbell and Natrona county economies, as well as the hundreds of millions of dollars of revenue it will generate for the local, state and federal governments to ensure continuity of government services, schools and infrastructure needs. During the life of this project, it will create thousands of new, high paying jobs, as well as develop a much needed domestic oil resource to reduce dependency on foreign oil.

Mineral extraction in Wyoming is of vast importance, and ambitious projects such as these can only progress our state forward.

Thank you for your consideration of this project.

Sincerely,



Cary Brus
Senior Vice President
Nerd Gas Company, LLC

COLE CREEK SHEEP COMPANY

140 N. Center Street
P.O. Box 2945
Casper, WY 82602
ph.307-266-1599 fx. 307-235-6474

June 30, 2014

VIA U.S. MAIL and EMAIL: blm_wy_casper_wymail@blm.gov

Mike Robinson
Planning and Environmental Coordinator
Bureau of Land Management
Casper Field Office
2987 Prospector Dr.
Casper, WY 82604

Mr. Robinson:

Cole Creek Sheep Company is a landowner with significant private and federal leased lands in the western part of Converse County. In our area, Chesapeake Energy, Samson Resources and others have leased many thousands acres of federal and fee minerals.

This letter is a comment in regard to the Environmental Impact Statement being considered for lands in this area.

As a general statement, we are in favor of responsible oil and gas development in the area. We believe it will improve the financial situation of many ranchers, promote energy independence for the country, and expand the tax base of the county and the nation.

We have had positive relationships with the above-mentioned and other operator companies, and in our experience, they are typically responsive to our individual concerns and requests. We expect operators will continue to work with landowners closely to address individual concerns and landscape-level resources.

We believe development will bring substantial economic benefit to the State of Wyoming, to the Federal Government and the landowners whose private surface and leased surface will be impacted.

Operators should be allowed to continue their planning, development and exploration efforts during any EIS process. Operators have invested large sums into leasing federal and private minerals. Landowners have spent significant time in negotiating surface use agreements, which often require permitting and/or commencement of construction as a precondition to funding. Operators and landowners have reasonably relied upon the existing regulatory framework, and changes by the

federal government that add or compound regulatory requirements or that delay permitting and construction will negatively impact the economics of both the oil and gas industry and our ranching operation.

Thank you for your time and consideration,

Jon Nicolaysen II,
President Cole Creek Sheep Company

June 16, 2014

Converse County Oil and Gas Project
BLM Casper Field Office
Attention: Mike Robinson, P.M.
2987 Prospector Dr
Casper, Wyoming 82604

Project Manager Robinson:

The Converse County Oil and Gas Project proposed action by the BLM is a sound approach to gas development and I wanted to voice my support for moving forward with the described 5,000 wells on 1,500 well pads over the next 10 years.

The primary reason I am in support of this project is because the gas development will result in vast new revenues for our local governments, our police and fire services, our schools, our parks, our roads, and our hospitals. If one stops to think about what this could really mean for our county, it could be a watershed period. New infrastructure that could last a generation or more could easily result from this level of new development and tax revenues.

The water and sewer improvements that are so costly and upgrades so infrequent could benefit from this project. The project calls for consistent development of resources so as to avoid a "flash in the pan" experience for our communities. One improvement that the BLM could make is to offer the operators a waiver to drill year-round and avoid costly starts and stops in the development of the multiple wells on a given pad.

The reclamation of disturbed land would best be facilitated by this year-round drilling because the disturbance time (start to finish) would be minimized and the activity could be concentrated in both time and geography.

The BLM has done a good job laying out a good plan for the Converse County project and with a few small edits to improve efficiency this project could leave a positive lasting impact on our county. The BLM should approve this project as soon as is possible. Thanks for considering my support for the project as you make a final decision.

Sarah Oberg
192 Hwy 59
Douglas, WY 82633

Respectfully,

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

PARKERTON RANCH, INC.

P.O. Box 0007
Casper, WY 82602
307-237-1896

June 30, 2014

VIA U.S. MAIL and EMAIL: blm_wy_casper_wymail@blm.gov

Mike Robinson
Planning and Environmental Coordinator
Bureau of Land Management
Casper Field Office
2987 Prospector Dr.
Casper, WY 82604

Mr. Robinson:

Parkerton Ranch is a landowner with significant private and federal leased lands in the western part of Converse County. In our area, Chesapeake Energy, Samson Resources and others have leased many thousands acres of federal and fee minerals.

This letter is a comment in regard to the Environmental Impact Statement being considered for lands in this area.

As a general statement, we are in favor of responsible oil and gas development in the area. We believe it will improve the financial situation of many ranchers, promote energy independence for the country, and expand the tax base of the county and the nation.

We have had positive relationships with the above-mentioned and other operator companies, and in our experience, they are typically responsive to our individual concerns and requests. We expect operators will continue to work with landowners closely to address individual concerns and landscape-level resources.

Unless a landowner and an operator otherwise agree, reasonable access to well pads should be allowed for drilling and completion activities on a year-round basis.

The BLM should never attempt to control or limit access across our fee lands. This is the landowner's decision.

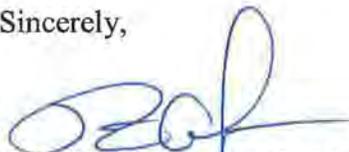
If the BLM wants to control, restrict or limit access across its own land based upon weather, the calendar year or concern for a particular species, then it should only do

so only where there is a clear need that cannot be otherwise addressed and only after evaluating the specific lands and coordinating with both the operator and the grazing lessee. A wholesale, broad-brush approach to a large area of federal lands based upon general and imprecise information would poorly serve the BLM and all impacted parties.

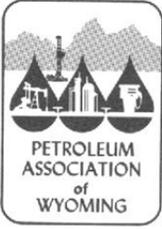
Operators should be allowed to continue their planning, development and exploration efforts during any EIS process. Operators have invested large sums into leasing federal and private minerals. Landowners have spent significant time in negotiating surface use agreements, which often require permitting and/or commencement of construction as a precondition to funding. Operators and landowners have reasonably relied upon the existing regulatory framework, and changes by the federal government that add or compound regulatory requirements or that delay permitting and construction will negatively impact the economics of both the oil and gas industry and our ranching operation.

We believe development will bring substantial economic benefit to the State of Wyoming, to the Federal Government and the landowners whose private surface and leased surface will be impacted.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter C. Nicolaysen', with a stylized flourish extending to the right.

Peter C. Nicolaysen, President
Parkerton Ranch, Inc.



PETROLEUM ASSOCIATION OF WYOMING

951 Werner Court, Suite 100
Casper, Wyoming 82601
(307) 234-5333

fax (307) 266-2189
e-mail: paw@pawyo.org
www.pawyo.org

June 30, 2014

Mr. Mike Robinson
Project Manager
BLM Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604

SENT VIA: blm_wy_casper_wymail@blm.gov

RE: Converse County Oil and Gas Project EIS

Dear Mr. Robinson:

The Petroleum Association of Wyoming (PAW) would like to thank the Bureau of Land Management (BLM) for the opportunity to submit scoping comments regarding the Converse County Oil and Gas Project EIS. PAW is Wyoming's largest and oldest oil and gas organization dedicated to the betterment of the state's oil and gas industry and public welfare. PAW members, ranging from independent operators to integrated companies, account for approximately ninety percent of the natural gas and eighty percent of the crude oil produced in Wyoming. PAW supports the Converse County Oil and Gas Project (Project) proposed by Anadarko Petroleum, Chesapeake Energy, EOG Resources, RKI Exploration, Samson Resources and SM Energy.

With rising world demand, reliable, domestic sources of oil and gas are as necessary now as ever. Public lands managed by the BLM must be utilized for multiple uses, including energy development. As oil and gas produced from traditional supply sources decline, the untapped potential on BLM lands, as well as other federal lands in the Intermountain West, must take a more prominent role in meeting the nation's energy needs. The Project exemplifies the responsible development of federal public lands to increase domestic energy sources.

Oil and gas production on public lands also provides important revenue to state, local, and regional economies. In fact, development of one well can yield hundreds of thousands of dollars that are paid to governments and reinvested in the local community. Production of

these resources provides important revenue to county, state, and federal governments through royalties and taxes. Furthermore, development requires increased employment and results in substantial economic investments in the local economies. This Project will contribute to both the stable employment in central and northeastern Wyoming and the revenue for the national, state, and local economies.

In the Project analysis, BLM must consider the Operators' objectives of developing and maximizing recovery of hydrocarbon resources pursuant to their rights and obligations under existing federal mineral leases within the Project area when identifying the purpose and need of the Project. Furthermore, we recommend that BLM analyze only those alternatives that meet the Operators' purpose and need for the Project. It would be inappropriate for BLM to analyze alternatives that are inconsistent with the objective of developing hydrocarbon resources within the Project area.

We remind BLM that when developing alternatives in the Project EIS, the agency is only required to analyze reasonable alternatives. Alternatives that would render development within the Project area uneconomical or infeasible are not reasonable. Also, BLM must not analyze alternatives with restrictions or conditions of approval that would render development uneconomical, recognizing that certain technologies may not be feasible throughout the Project area. Additionally, BLM must avoid analyzing alternatives that are inconsistent with valid existing lease rights. An oil and gas lease is a contract between the federal government and the lessee, and BLM must recognize that once it issues a lease, it cannot preclude development or impose additional lease stipulations.

We further remind BLM that it may not analyze an alternative that would result in denial of the project as a "no action" alternative. Under a "no action" alternative, BLM may only analyze continuation of the status quo.

Additionally, BLM must allow interim development to occur while the EIS is being completed as provided for in IM-2001-191 which states, "*When a RMP is being amended or revised, BLM will continue to process site-specific permits, sundry notices, and related authorizations on existing leases in an expeditious manner while ensuring compliance with NEPA and other laws, regulations, and policies.*" As such, it is essential that BLM follow the requirements in this Instruction Memorandum during the current planning process.

Lastly, we recommend that the EIS specifically provide for BLM to work with operators to determine ways to provide year-round access for drilling in areas that have seasonal stipulations. Year-round access for drilling will reduce traffic, emissions and disturbance, and benefit wildlife habitats. As an example, in the case of sage-grouse seasonal stipulations outside core areas, an operator may perform mitigation inside core areas and, in return, BLM will work with operators to allow for year-round access to drilling outside core areas. Such an action is supported by Wyoming Executive Order 2011-5 which provides that "*Incentives to*

enable development of all types outside Core Population Areas should be established (these should include stipulation waivers, enhanced permitting processes, density bonuses, and other incentives)." Again, in the interest of traffic, emission and disturbance reduction, BLM must consider similar exceptions with regard to seasonal stipulations for other species as well.

Again, thank you for the opportunity to comment on the Project proposal. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Esther Wagner".

Esther Wagner
Vice President – Public Lands

June 15, 2014

Converse County EIS
Casper County Field Office—BLM
2987 Prospector Drive
Casper, Wyoming 82604

To Whom It May Concern:

This letter is my official comments for the Converse County Oil and Gas Project EIS proposed action. My comments are intended to support the overall goal of the BLM, as described in the purpose and need statement, to develop our domestic energy resources. Allow me to elaborate.

The United States of America has for decades relied upon the Middle East and the OPEC cartel to keep our economy afloat. And for those unholy energy alliances, our country has paid a price. For the first in my life, we have a legitimate opportunity to develop our own domestic sources in the volume necessary to become an exporter. But in order to accomplish this important goal, the BLM must continue to find quality development projects that have all the right ingredients (geology, economics, workforce, environment, etc.) to make a stable, successful, and ongoing oil and gas producing play.

The Converse County project is just such a play. It includes good operators, 5,000 possible wells, a ready workforce, and key environmental protections to protect wildlife (i.e., Governor's sage grouse order) and the land (i.e., WOGCC rules and regulations). It will be precisely the kind of nationally significant resource development that will allow us to continue in our efforts as a country to become energy independent. And for this reason, the BLM should adopt a final EIS record of decision that allows this project to move forward as efficiently as possible.

Thank you for listening and for supporting our energy independence.

Respectfully,



RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

906 Babodink Ct.
Gillette, WY 82716



June 30, 2014

Bureau of Land Management
Casper Field Office
Attn: Mike Robinson, Planning and Environmental Coordinator
2987 Prospector Dr.
Casper, WY 82604
Submitted via electronic mail to: blm_wy_casper_wymail@blm.gov

RE: Converse County Oil and Gas Project EIS

Dear Mr. Robinson,

Thank you for soliciting comments regarding the scope of BLM's EIS for the proposed Converse County Oil and Gas Project. On behalf of our members who live, work, and recreate in Converse County, we submit the following comments.

First off, we encourage the BLM to quickly move forward with this EIS. It is past due as permitting for unconventional oil and gas activities in Converse County has occurred without an EIS. The significant impacts resulting from unconventional deep oil and gas permitting have yet to be analyzed through the Casper Field Office RMP or through a project-level EIS. We continue to request that the Casper Field Office not permit new wells prior to an EIS that analyzes this type of oil development and the associated significant site-specific and cumulative impacts.

Scope of the Action

Please explain fully how BLM derived the scope of the proposed action, including the number of wells and well pads. Please explain how the RFD scenario was calculated and please disclose all correspondence with oil and gas operators regarding the RFD scenario. Please disclose any uncertainties related to the RFD scenario and specifically if the actual drilling could be greater than what is now anticipated. Specifically, explain why the proposed boundary for activity is only with Converse County. Has BLM leased minerals outside the Converse County boundary? If so, please disclose how many leases have been issued and how many wells have been permitted and please explain why BLM does not include analysis of oil and gas drilling or associated connected and cumulative impacts outside of the Converse County boundary. Please also explain if housing and associated impacts in Natrona County stemming from oil development in Converse County will be considered in the EIS.

Alternatives

Please consider a robust range of alternatives commensurate with NEPA's requirements. Specifically, BLM should propose, consider and select a phased development alternative that will help reduce the impacts of boom development and requires reclamation of drilled areas before drilling in new areas can proceed. Because the proposed project is multi-year, we ask that BLM consider a multi-year phased development approach that is enforceable based social and economic impact criteria and on reclamation goals and objectives. Additionally, if resource

impacts become unacceptable (e.g. if air quality limits are exceeded or sage-grouse populations are locally extirpated), BLM should impose a moratorium on new leasing and permitting.

Mitigation Measures

BLM must consider a wide range of mitigation measures in its EIS and adopt measures that are needed to prevent undue and unnecessary degradation. The mitigation measures should include: 1) phased development and planning to reduce impacts to water, air, land, wildlife and social and economic impacts; 2) adequate bonding tied to the true cost of reclamation; 3) expanded buffers around sage grouse core areas and a review of additional critical wildlife habitat that should be protected; 4) requirements for recycling of drilling and fracking water and measures to ensure tracking of flowback water disposal to help eliminate the impacts of wastewater disposal and limit illegal dumping of flowback water; 5) measures to implement increased inspection and enforcement in the field; 6) assurances that old orphaned and abandoned oil and gas wells are properly plugged and reclaimed; 7) require additional bonding for oil facilities, including pits and tank farms, to ensure reclamation on private and public surface when federal minerals are developed; 8) require reclamation standards and goals that must be met before industry can proceed to another area; 9) groundwater quantity and quality monitoring; and 10) increased air quality monitoring and emissions reductions plans.

Protection of Air Quality & Public Health

Converse County's air quality is already under threat. Air monitoring has shown exceedances of ozone and particulate matter standards. Please assess current air quality conditions, disclosing the most recent air emissions inventories for the county and results of any site-specific monitoring.

As part of this EIS, BLM should conduct air quality modeling to model future emissions of oil and gas development and associated gas processing facilities and modeling to fully disclose the cumulative impact of all air quality emissions. BLM cannot and should not allow permitting if air quality standards will be exceeded.

BLM should also consider and propose mitigation measures related to protection of air quality, including emissions reductions measures such as those required in other geographic areas, such as the Jonah Field. BLM should also consider and require on site testing for air quality emissions and implement measures to reduce impacts to nearby residents and populated areas. In conjunction with the DEQ and EPA, please develop an extensive air quality monitoring program as part of this EIS.

Minimizing Flaring

BLM should require measures to minimize flaring of gas associated with oil production. Flaring should be limited to well testing periods and other times when it is unavoidable. BLM should require any new policies or mitigation measures required as a result of the agency's flaring and venting rulemaking efforts currently underway, including payment of royalties on any flared or vented gas.

In addition to air quality impacts, flaring results in the waste of a public resource. If flaring is authorized under this plan, please disclose any anticipated revenue losses. As part of the plan, BLM should require operators to report all flared or vented gas amounts.

Protection of Water Quality & Quantity

In your EIS, please disclose and analyze impacts related to water use of the proposed action. Disclose the specific water sources used for drilling, hydraulic fracturing, and oil production activities. Disclose the availability of these water sources and any impacts that might result to their long-term viability from depletion caused by oil activities.

Please also assess fully impacts to water quality, including impacts from hydraulic fracturing, drilling operations, drilling and production pits, chemical storage, spills, leaks, and other activities associated with oil drilling and production. Please disclose how produced water will be stored, transported, and disposed of. Please also disclose any radiation issues associated with produced water in this area. BLM should analyze and disclose produced water disposal impacts regarding both deep injection and surface disposal. If commercial oilfield waste facilities will be used for disposal, please analyze their regulatory status and discuss any outstanding liabilities or violations.

BLM should require disclosure of all chemicals used in hydraulic fracturing and drilling operations. This disclosure should be to the agency in a manner that is easily accessible to the public and accountable to the Freedom of Information Act (i.e. not through the Frac Focus database). Please describe how BLM will help ensure that Wyoming's hydraulic fracturing regulations are enforced and achieved at federal wells.

Please consider and propose mitigation measures to reduce impacts to water resources. These measures include closed loop drilling and the prohibition of pits. If pits are to be allowed please provide specific details on how the contents of the pit will be disposed of and prevent groundwater contamination and exposures to toxic constituents.

Spacing, Units and Frack Hits

BLM must analyze and address the issue of spacing and drilling units and the potential for frack hits when so many wells are located on a pad or pad are near to each other. The phenomena of frack hits is an issue BLM is familiar with in New Mexico and one that has resulted in spills and impacts to adjacent wells and mineral owners. BLM should disclose the impacts of frack hits and propose measures that will prevent the occurrence.

Social and Economic Impacts

Please consider and disclose impacts that will stem from increased traffic, crime, emergency response, fires, health care, domestic violence, and housing issues in Converse County and the surrounding area. Please disclose where workers will live and what strain that will place on the local housing stock, specifically affordability and availability of rental housing stock and hotel space in Converse County. Please assess impacts associated with increased crime, such as those that have already been identified by the Converse County Sheriff's Office. Please assess impacts to county roads related to both the cost of road maintenance and road condition and safety. Please also analyze and disclose worker health and safety issues.

Please propose and consider mitigation measures and an alternative that will reduce the social and economic impacts such as phased development.

Protection of Private Surface Property

Since a majority of the BLM federal minerals underlie private surface BLM must propose additional mitigation measures to reduce impacts to private surface property. These include the analysis of additional bonding requirements to ensure oil wells will be plugged and the surface fully reclaimed in a timely fashion.

Protection of the Greater Sage-Grouse

On March 5, 2010, the U.S. Fish and Wildlife Service determined that listing the greater sage-grouse on the endangered species list is warranted but precluded by higher agency priorities. Pursuant to the finding, the greater sage-grouse is a candidate for endangered species list protection and the Fish and Wildlife Service will conduct an annual review of the species status to determine whether it warrants more immediate attention. It is therefore critical that BLM does its part to prevent Endangered Species Act listing.

Importantly, BLM should consider implementing buffers around core and connectivity areas that are managed the same as core areas. Dr. Naugle's study prepared for the Buffalo Field Office in 2012 showed that development outside core areas can threaten the integrity of core areas. Additionally, BLM should require reclamation requirements of brush density and other vegetation species composition and diversity necessary to reclaim sage-grouse habitats, and prevent new development until a percentage of sage-grouse habitat from existing development is fully reclaimed. BLM should also consider a moratorium on new oil and gas leasing in important sage-grouse habitat.

Non-Waiver of Lease Stipulations

BLM should not waive, modify, or create exceptions for lease stipulations as part of this EIS and RMP amendment. Year-round drilling creates unacceptable impacts to sensitive wildlife populations—wildlife populations that are highly valued by Converse County residents and which BLM has an obligation to protect as part of its duties to prevent unnecessary and undue degradation under FLPMA.

BLM should also require and enforce stipulations to prevent drilling in areas with limited reclamation potential, steep slopes, or severe erosion hazard.

Climate Change

BLM should integrate the latest and best climate change science into its impacts analysis for the RMP revision and EIS. Please include a quantitative and qualitative assessment of greenhouse gas emissions and impacts with this EIS. Specifically, BLM should consider how climate change will impact BLM related activities such as increased difficulty for reclamation of lands disturbed for energy development, a greater need for wildfire management on BLM lands, and decreased revenues from a dwindling domestic coal industry. BLM should also consider mitigation measures to reduce methane emissions and alternatives related to reducing the impacts of climate change.

Transportation Impacts

In your EIS, please disclose how water, oil, produced water, and other chemicals will be transported. Please disclose the amount and location of truck traffic, rail traffic, pipelines, and other means of transportation. Please discuss what public roads and rail lines will be used and how current uses of those roads and rail lines will be impacted.

Public Transparency

BLM should require all APDs that will be tiered to this EIS to be open to public notice and comment. Please describe the process related to APD approval, including the anticipated use of any categorical exclusions under NEPA. If APDs will be approved without public notice and comment, BLM should include a commitment in this EIS to receive additional public comment at least once a year as part of the adaptive management plan for the EIS.

Regardless of the permitting process, BLM should commit to having all APD files and records open to public inspection, at all times. Our organization is continually frustrated with the lack of transparency of the Casper Field Office and specifically the necessity to submit FOIA requests for records that should be open to public inspection at the field office. Please include a transparency and public accountability plan as part of this EIS.

Cumulative Impacts & Connected Actions

Cumulative impacts are perhaps the most important impacts to consider in a programmatic EIS. Please include a chapter solely on cumulative impacts in your EIS. Cumulative impacts should include all other resource impact areas – air, water, land, wildlife, and social and economic impacts – considered at the cumulative stage.

In assessing cumulative impacts, please consider private activities, such as fee estate drilling and production, coal mining, gas and oil facilities, and rail infrastructure.

Please also disclose and analyze the total volume of frack sand that will be required, where it is coming from, where it will be stored, and how it will be transported. Please also propose mitigation measures for reducing any exposure to workers and the public concerning the health impacts of silicosis from frack sand exposure.

Additionally, please address the cumulative impacts of the total volume of hydraulic fracturing chemicals that will be required and utilized, where these chemicals will be stored and how they will be transported. Please propose mitigation measures to reduce any accidents or spills occurring from the storage, use or transportation of these chemicals.

Conclusion

In closing, we have attached a CD of studies, articles and reports concerning unconventional oil and gas development issues and impacts. We request that you review these reports and consider their conclusions and recommendations into your analysis. Development can be done right and it is your job to ensure that stewardship of the *public* resources including the development of *public* minerals is done with the utmost care and thought for our current and future well-being and with respect for our private property and health. Wyoming deserves to be more than an

example to which other states look to avoid the unpleasant and preventable side effects of energy development. Our residents, our state and our country deserve better.

Sincerely,

A handwritten signature in cursive script that reads "Gillian Malone". The signature is written in black ink on a white background.

Gillian Malone
Chair, Powder River Basin Resource Council

Kristi Mogen
Board Member & Converse County Resident

Dunne, Chris

From: Dunne, Chris
Sent: Monday, May 19, 2014 9:34 AM
To: Dunne, Chris
Subject: PUBLIC comment ON FEDERAL REGISTER

----- Forwarded message -----

From: <bk1492@aol.com>
Date: Sat, May 17, 2014 at 11:41 AM
Subject: Fwd: PUBLIC comment ON FEDERAL REGISTER
To: BLM_WY_CASPER_WYMAIL@blm.gov, VICEPRESIDENT@whitehouse.gov, FOE@foe.org,
INFO@earthjustice.org, INFO@peer.org, INFO@sierraclub.org, AMERICANVOICES@mail.house.gov,
RUSH.HOLT@mail.house.gov

WYOMING IS FULL OF OTHER GAS AND OIL WELLS. IS THIS THE RESULT OF CHENEYS SECRET MEETING THAT NOBODY WAS ALLOWED TO FOLLOW SO THAT NOW EVERYTHING IN AMERICA ON NATIONAL LAND IS BEING DRILLED TO DEATH? SOMEBODY OUGHT TO LOOK INTO THISE. I OPPOSE THIS DRILLING ON THIS NATIONAL LAND THAT BELONGS TO 325 MILLION PEOPLE. WE HAVE MADE IT PLAIN THAT WE OWN THAT LAND. IF WYOMING WANTS TO DRILL ON THEIR LAND, LET THEM. THAT DOES NOT MEAN WE NEET TO LET THE OIL AND GAS PROFITEERS RUN WILD OVER NATIONAL LAND. DENY THIS PERMIT.

I DO NOT SUPPORT DRILLING IN THIS NATIONAL SITE. DENY THE OIL AND GAS PROFITEERS AND TELL THEM TO BUY PRIVATE LAND TO DO THEIR DRILLING, NOT OUR NATIONAL LAND WHICH IS FOR OPEN SPACE AND NATURE. THE NATURE ON THAT 64,000 ACRES IS WORTH FAR MORE THAN ALLOWING THESE PROFITERES TO COME IN, DESTROY AND POLLUTE THE PROPERTY SO NOBODY CAN USE IT FOR HUNDREDS OF YEARS AND THEN CLAIM BANKRUPTCY SO THEY DONT HAVE TO CLEAN UP THEIR SPILLS. THEY ARE DISGUSTING OPERATORS. THEY CAUSE HUNDREDS OF THOUSANDS OF OIL SPILLS ALL OVER AMERICA. THEY ARE RUNNING RAMPANT AND OUT OF CONTROL,. THEY NEED TO BE DENIED. THESE PROFITEERS ARE RIPING OFF THE AMREICAN PEOPLE. THEY WANT TO DRILL IT AND THEN SEND IT OUT OF THIS COUNTRY TOO. SI ITS BENFIT IS NOT EVEN FOR US. WHAT A TERRIBLE RIPOFF .JUST BECAUSE THEY HAVE MILLIONS OFDOLLARS SPENT BY LOBBYISTS IN CORRUPT WASHINGTON DC. THE SITUATION HERE IS CRITICAL WITH THE CORRUPTION IN WASHINGTON DC.
THIS COMMENT IS FOR THE PUBLIC RECORD. PLEASE RECEIPT. JEAN PUBLIC

[Federal Register Volume 79, Number 95 (Friday, May 16, 2014)]

[Notices]

[Pages 28538-28539]

From the Federal Register Online via the Government Printing Office [www.gpo.gov]

[FR Doc No: 2014-11423]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYP06000.LL13100000.DB0000]

Notice of Intent To Prepare an Environmental Impact Statement and Amendments to the Casper Resource Management Plan and Thunder Basin National Grasslands Land and Resource Management Plan, Converse County, WY

AGENCY: Bureau of Land Management, Interior and United States Forest Service, Agriculture.

ACTION: Notice.

SUMMARY: The Bureau of Land Management and the United States Forest Service intend to prepare an Environmental Impact Statement for the proposed Converse County Oil and Gas Project; We may also prepare land-use plan amendments to the Casper Resource Management Plan and the Thunder Basin National Grassland Land Resource Management Plan. We are announcing the beginning of the scoping process to solicit public comments and identify issues. The Bureau of Land Management is the lead agency for the Environmental Impact Statement and the United States Forest Service is participating as a cooperating agency.

DATES: Comments on issues may be submitted in writing until June 30, 2014 In order to be included in the analysis, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation as appropriate. The dates and locations of any scoping meetings will be announced at least 15 days in advance through the local news media, newspapers, and the Bureau of Land Management (BLM) Web site at: http://www.blm.gov/wy/st/en/field_offices/Casper.html.

ADDRESSES: You may submit written comments by any of the following methods:

Web site: www.blm.gov/wy/st/en/field_offices/Casper.html. Email: blm_wy_casper_wymail@blm.gov. Fax: 307-261-7587. Mail: Converse County Oil and Gas Project, BLM Casper Field Office, 2987 Prospector Drive, Casper, WY 82604. Documents pertinent to this proposal are available for public review at the BLM Casper Field Office or the United States Forest Service (USFS) Douglas Ranger District Office, 2250 East Richards Street, Douglas, Wyoming. FOR FURTHER INFORMATION CONTACT: Kathleen Lacko, Assistant Field Manager, telephone: 307-261-7530; address: 2987 Prospector Drive, Casper, WY 82604; email: blm_wy_casper_wymail@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact Ms. Lacko during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or

question with the above individual. You will receive a reply during normal business hours. You can call either of these numbers to have your name added to our mailing list. SUPPLEMENTARY INFORMATION: This notice initiates the public scoping process for the Environmental Impact Statement (EIS) and land-use plan amendments. The BLM Casper Field Office and USFS Thunder Basin National Grasslands intend to: Prepare an EIS to support decision making for the proposed Converse County Oil and Gas Project; and Begin the public scoping period to seek input on the preliminary issues identified with respect to this Project. In submitting comments during the scoping period, you should be aware that: Authorization of this proposal may require amendments of the 2007 Casper resource management plan or the 2001 Thunder Bay land and resources management plan because resource impacts will likely exceed those analyzed in the existing plans; and . A change in circumstances or a proposed action may result in a change in the scope of resources uses or a change in terms, conditions, and decisions of the approved plans for surface disturbance, wildlife, cultural resources, air quality and water quality. By this notice, the BLM is complying with requirements in 43 CFR 1610.2(c). If land use plan amendments are necessary, the BLM and USFS will integrate the land-use planning processes with the NEPA process for this project. Where is the proposed project located? The proposed development project area is located in Converse County and encompasses approximately 1.5 million acres of land, of which approximately 88,000 surface acres (6 percent of the project area) and approximately 965,000 subsurface mineral estate acres (64 percent of the project area) are public lands administered by BLM while USFS manages approximately 64,000 acres of surface (4 percent of the project area) within the project area. The remainder of the project area consists of lands owned by the State of Wyoming and private owners. What would the project do? The companies involved propose to develop approximately 5,000 oil and natural gas wells on 1,500 new multi-well pads within the proposed Converse County Oil and Gas Project area over a 10-year period. The companies propose to: Develop the project area using directional, vertical, horizontal and other drilling techniques; Develop infrastructure to support oil and gas production in the project area including: well pads, roads, [[Page 28539]] pipelines, power lines, compressor and electrical substations, and ancillary facilities, such as water supply wells and water disposal facilities; and Request exceptions to multiple timing-limitation restrictions, which serve to protect several wildlife species, in an effort to drill year-round. Surface disturbance associated with the Converse County Oil and Gas Project proposal is estimated to include 50,000 acres of initial surface disturbance for the construction of new roads, well pads, pipelines and associated facilities, of which approximately 20,000 acres could remain for the life of the project. How will BLM and USFS evaluate the project? BLM and USFS will evaluate any authorizations and actions proposed in the EIS to determine if they conform to the decisions in the 2007 Casper resources management plan (RMP) or 2001 Thunder Basin land resources management plan (LRMP). Any proposed actions that would change the scope of resource uses, terms and conditions, and decisions of either plan would require amendment of the affected plan. If we determine that a plan amendment is required, the necessary analysis would occur simultaneously with preparation of the Converse County Oil and Gas Project EIS. The preliminary planning criteria for a necessary plan amendment would include all of the following: The amendments will comply with all applicable laws, executive orders, regulations and be consistent with applicable policy. The amendments will recognize valid existing rights. Lands addressed in the amendments will be public lands (including split estate lands) managed by the BLM and National Forest Service System lands managed by the USFS, respectively. Any decisions in the amendments will apply only to Federal lands administered by either the BLM or the USFS. A collaborative and multi-jurisdictional approach will be used, where possible, to jointly determine the desired future condition and management direction for the public lands. To the extent possible within legal and regulatory parameters, BLM and USFS decisions will complement decisions of other agencies and of State and local governments with jurisdictions intermingled with, and adjacent to, the planning area. When will public meetings be held? To provide the public with an opportunity to review the proposed project and the project information, as well as the proposed plan amendments, the BLM will host meetings in Casper, Douglas and Glenrock before June 30, 2014. The BLM will notify the

public of meetings and any other opportunities for the public to be involved in the process for this proposal at least 15 days prior to the event. Meeting dates, locations and times will be announced by a news release to the media, individual mailings and postings on the project Web site. What happens during the scoping process? The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, BLM and USFS have identified the following preliminary issues: Potential effects on air quality; historic trails; socioeconomic; vegetation; water resources; wildlife habitat, including Greater Sage-Grouse and Greater Sage-Grouse Core Habitat Areas. Possible use of hierarchical mitigation strategies, if applicable and appropriate to the project and potential amendment. Mitigation strategies include avoidance, minimization or compensation, for on-site, regional, and other mitigation strategies. Identification of areas appropriate for landscape-level conservation and management actions to achieve regional mitigation objectives (e.g. ACECs, priority habitat, etc.). The project will incorporate all elements of the present Greater Sage-Grouse planning efforts and decisions and look to further mitigate impacts of the project by monitoring and evaluations as the project is implemented. How will the comment process work? BLM and USFS will use and coordinate the National Environmental Protection Act (NEPA) commenting process to help fulfill the public involvement process under section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist BLM and USFS in identifying and evaluating impacts to such resources in the context of both NEPA and section 106 of the NHPA. Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's or USFS's decisions on this project, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency. How will comments be evaluated? The Forest Service will be operating under the new requirements in 36 CFR part 218 Subparts A and B for this project. Per these regulations, anyone submitting timely, specific written comments regarding a proposed project or activity during any designated opportunity for public comments will have standing to file an objection. This includes requests for comments during this initial scoping period as well as comments submitted during the 45-day comment period for the Draft EIS. It is the responsibility of persons providing comments to submit them by the close of established comment periods. Only those who submit timely and specific written comments will have eligibility (36 CFR 218.5) to file an objection under 36 CFR 218.8. For objection eligibility, each individual or representative from each entity submitting timely and specific written comments must either sign the comment or verify identity upon request. Individuals and organizations wishing to be eligible to object must meet the information requirements in Sec. 218.25(a)(3). Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Authority: 40 CFR 1501.7, 43 CFR 1610.2. Larry Claypool, Acting State Director, Bureau of Land Management Wyoming State Office. Phil Cruz, Forest Supervisor, United States Forest Service. [FR Doc. 2014-11423 Filed 5-15-14; 8:45 am] BILLING CODE 4310-22-P

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Mike Robinson
Planning and Environmental Coordinator/Project Manager

Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 12, 2014

Converse County Oil and Gas Project EIS
BLM Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Dr.
Casper, WY 82604
307-261-7520

Dear Mr. Robinson:

Thank you for taking the time to read my comments about the Converse County Oil and Gas Project proposed action. My comments are intended to support the direction the BLM is heading with the current proposed action, with some additional thoughts on the positive economic impacts and environmental issues.

First, the proposed action deserves credit for setting an ambitious goal of drilling 5,000 directional wells over the span of the coming decade. The operators who will be working on this project have been doing this work throughout the region for years in partnership with the BLM, thus establishing a track record that the public can be confident in.

Secondly, the economic impacts of this project could be truly a game changer for our region. Between the direct impacts of hundreds of really good jobs for folks throughout our region, and the indirect impacts of those good paying workers spending money at businesses all over the region, this project could be a vital project to the health of our region for a generation.

Thirdly, the environmental impacts will be minimized by both the experience of the operators involved, the work of the WOGCC with sound rules and regulations, and the vast number of wells that can be drilled from a single pad.

Lastly, I would encourage the BLM to consider changing the plan to include a waiver to allow the operators to drill year round, improving their effectiveness and reducing impacts to wildlife. I would also encourage the BLM to adjust the references to water resources to reflect acre-feet of water (not gallons) as this is the standard for water use—and providing a little context of other water users would also be helpful (i.e., agriculture uses xx acre-feet, municipalities use yy acre-feet, etc.). With these small adjustments, the BLM should proceed with a record of decision and get this project moving as quickly as reasonably possible.

Sincerely,



Mark Rabenberg

2660 Torrey Pines Ct
Cullette WY 82718

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

6/16/2014
Bureau of Land Management
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604

Comments re: Converse County Oil and Gas Project

To Mike Robinson, Project Director:

I was excited and encouraged to hear about this proposed development, which I feel will be a huge blessing to Wyoming and our region.

The Plan of Development that was linked on the project website detailed how the project would proceed, as well as the many preventive measures designed to protect the environment, including air, water, habitat, and surface vegetation.

I was surprised by how little actual surface area will be disturbed; out of more than 1.5 million acres, the plan projects that only about 50,000 will experience even short term disturbance. Technology, such as directional drilling, has a lot to do with that impressive number.

I would caution your agency, and specifically your office, to resist any efforts by certain special interest groups to try and curtail this important project, or to limit its scope. This would only limit its immediate economic benefits (jobs and revenue) and its wider positive effects (increased affordable domestic energy).

Specifically, I would ask the following of the BLM: please allow for year-round drilling and development; adopt, but do not exceed, the State of Wyoming's Sage Grouse conservation provisions; and reject disturbance caps outside the core Sage Grouse area, which are outdated given the advances in drilling technology.

I hope that you and your team see the logic and benefit of the proposed oil and gas development, as most residents and business owners in Southeast Wyoming do.

Yours Sincerely,

MATT REDDEN


1060 MEADOW LANE DOUGLAS WY 82633

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

Dunne, Chris

From: Robinson, Michael <m75robin@blm.gov>
Sent: Tuesday, July 01, 2014 9:40 AM
To: Dunne, Chris
Subject: Fwd: Converse County Oil and Gas Project

----- Forwarded message -----

From: Casper_WYMail, BLM_WY <blm_wy_casper_wymail@blm.gov>
Date: Tue, Jul 1, 2014 at 8:03 AM
Subject: Fwd: Converse County Oil and Gas Project
To: Michael Robinson <m75robin@blm.gov>

Lesley A. Elser

Public Affairs ❖ High Plains District Office

Office: 307-261-7603 ❖ Cell: 307-262-0716

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----- Forwarded message -----

From: krodell@upstreampm.com <krodell@upstreampm.com>
Date: Mon, Jun 30, 2014 at 9:53 AM
Subject: Converse County Oil and Gas Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

Mike Robinson

BLM - Casper Field Office

2987 Prospector Drive,

Casper, WY 82604

RE: Converse County Oil and Gas Project

Dear Mr. Robinson,

Please accept this e-mail in support of the Converse County Oil and Gas Project. My support for this project is based in part on the tremendous economic benefits that will be realized by the job creation inherent with the project's development and on the fact that we are confident that the operators are committed to pursuing this project in an environmentally safe manner.

The economic advantages for this project will be significant in the areas of job creation and economic growth. The activities associated with the new development will generate business for many local small business owners and could mean new families moving in to the region, spurring even more growth. The impact on the community from more income being spent locally will mean more jobs and a degree of financial security.

Even for the work that might be temporary and from other areas will be an economic for hotels, restaurants, retail, etc. and will have an economic trickle effect on those sectors which may not at all be energy related.

New jobs and more business being done means additional revenue generation for local and state governments, for fire protection agencies, and school districts. Hospitals and health care will also benefit from the economic growth generated by this project.

As far as the mitigation and prevention of environmental damage, one need look no further than the exemplary record and high standards that the industry has set for itself. These standards are spelled out clearly in the plan of development issued by the operating groups. The plan details the many protections that are in place and the procedures that will be followed to ensure that protection of the local ecology remains a top priority. Extensive pre-construction planning, proper siting of wells and well pads, strict adherence to standard industry practices such as installation and cementing of surface and production casing and disclosure of additives used in hydraulic fracturing, and impressive reclamation plans (including the pre-positioning and protection of soil for the task) all point to a commitment by these companies to protect and conserve that which, after all, they share alongside us.

Pursuant to the benefits and protections mentioned above, I would also request that the BLM approve a waiver of discretionary timing limitations on a programmatic basis so that construction and production activities can continue to occur all year. Refusal to grant this waiver will result in unnecessary shutdowns and resultant equipment moves, which will cause needless impacts to roads, wildlife, and surface. It is believed waiving the discretionary timing limitations will actually benefit wildlife in the long run. They time to complete operations will be longer but when it is complete, there will be minimal disruption to wildlife on an ongoing basis. If the discretionary timing limitations are not waived, operators will continually move in big equipment to drill and complete outside those timing periods which will be a large scale ongoing disruption.

In addition, the periodic shutdowns caused by these timing limitations will blunt some of the economic benefits of the project, as the temporary nature of the work will mean a more transient work force that will not contribute nearly as much to the growth of the region.

In summary, I support this project and request that your agency recognize the many economic benefits and low environmental risk that a programmatic, year-round approach will provide.

Thank you for your time and commitment to the wise management of our public lands.

Sincerely,

Kim Rodell

President

7000 S. Yosemite Street, Suite 290B

Englewood, CO 80112

Phone: 303-942-0506

Cell: 720-271-6657

krodell@upstreampm.com

www.upstreampm.com



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Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office

2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

Dunne, Chris

From: Dunne, Chris
Sent: Friday, June 13, 2014 10:07 AM
To: Dunne, Chris
Subject: FW: Converse County O&G Project

From: **Roland, Jacob T** <JTRoland@mtech.edu>
Date: Tue, Jun 10, 2014 at 8:27 AM
Subject: Converse County O&G Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

I won't be able to make one of the meetings, but I wanted to state my support for the Converse County O&G Project. Projects like this one just make sense when it comes to bringing jobs and further development to our part of the state.

Jacob Roland

921 East 21st St

Casper WY 82601

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

June 11, 2014

Converse County Oil and Gas Project
ATTN: Mike Robinson
BLM Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

Dear Mr. Robinson,

Thank you for the work that you and your team have put into the management of public lands in our region. Specifically, thank you for extending this opportunity to comment on the proposed Converse County Oil and Gas project.

I support the Proposed Action, which includes the drilling around 5,000 wells in the project area on a year-round basis. I believe that the year-round component of this proposal is crucial in order to maximize the potential benefits and minimize the environmental impact. To that end, I also support the Operating Group's (OG) request for a waiver from discretionary timing limitations which would put a halt to operations for a period of the year.

Waiving the timing limits, and allowing work to continue throughout the year, will have a number of economic and environmental benefits. Timing limitations would require that equipment (drilling rigs, frac pumps, wireline units, etc.) be unnecessarily moved off of location for the duration of the work ban. Each time this equipment is moved, there are unnecessary impacts and disturbances. Waiving the timing limitations would allow heavy equipment to remain on site for longer, thus minimizing its footprint. This would also facilitate more timely reclamation of unused portions of well pads.

Economically, year round operations allow for the benefits of development to be reaped throughout the year, not just seasonally. Making the development periodic runs the risk of creating a cyclic economic environment which will encourage a more transitory workforce as opposed to one which keeps workers and their families in the region.

The benefits of this development plan include the proliferation of many new, well-paying jobs in the region. This increase in employment, coupled with an injection of new income into the local economy, will benefit virtually every segment of society in the affected communities. Small businesses of all stripes – hotels, restaurants, gas stations, car dealerships, parts stores, and many others will see an increase in business.

Naturally, there will be some impacts, including some additional strain on transportation infrastructure. But, these impacts will be mitigated by the increase in revenue generated by

the activity, and especially by the new severance taxes that will be paid by the industry specifically for the purpose of paying for improvements on impacted infrastructure.

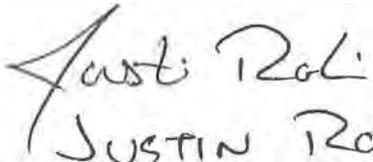
I ask the BLM to note carefully the many protections that are included in each stage of the process, from pre-planning to reclamation, and every stage in between. The OG has specifically spelled out the procedures and policies that it will follow – most of them standard industry practices – to make sure that the impacts are minimized and that valuable air, water, soil, and wildlife resources are not harmed.

In terms of water usage, it is also critical to remember that the oil and gas industry as a whole uses a relatively very small amount of water – the amount projected to be used for this project is much less than that used by, for instance, agriculture or for municipal use. This water usage should be placed in proper context by expressing it in terms of Acre-Feet, as it is customarily expressed in Wyoming, rather than barrels.

Finally, and on a more general note, I support the project because of its importance to American domestic energy independence. Responsible development of our natural resources will help to keep energy prices down for American families and businesses and keep us from needing to purchase energy from unstable, and often unfriendly foreign governments.

BLM has long held to a mandate of multiple use, and has traditionally encouraged development of mineral resources on public land, as one of the best and highest uses of this land. I hope that your agency will continue in this tradition.

Respectfully,


JUSTIN ROLISON

R & R SERVICES, INC.

P.O. BOX 51650
CASPER, WY 82605



services

CASPER WY 826

28 JUN 2014 PM 2 T



CONVERSE COUNTY OIL AND GAS PROJECT
ATTN: MIKE ROBINSON
BLM CASPER FIELD OFFICE
2987 PROSPECTOR DRIVE
CASPER, WY 82604

8260432968



6/15/14

BLM Contact: Mike Robinson
Casper Field Office
2987 Prospector Drive
Casper, WY 82604

Dear Sir(s) -

I am writing to weigh in on the BLM decision-making for the Converse County Oil and Gas Project ("Project") as part of the EIS process. Specifically, I would like to applaud the BLM's work to-date, and provide some specific feedback on a few minor issues that I believe could be improved.

The BLM has correctly sought to include a lofty goal of several thousand wells over the coming years (5,000 wells over ten years, to be precise) as a direct recognition of the agency's mission to develop natural resources for the benefit of the nation. The BLM has also recognized the benefits of directional drilling, and as a result the number of drill sites will be but a fraction of the number of wells drilled. These are all positive aspects of the current proposed action. I would ask that the BLM give strong consideration to offering the operators of the Project a waiver of the discretionary timing limitations and allow for year-round drilling. It is better for the workforce, better for the economy, and better for the environment.

On the issue of the environment, I would make a suggestion that the BLM consider changing the references to water resources in terms of acre-feet, not gallons. Acre-feet are the standard parlance for policymakers and citizens in this area and acre-foot discussions are more transparent. In this vein, it would also help if the BLM discussed the Project's water resources needs in context of available water, and/or other water consumers (e.g., domestic water use, agriculture water use, etc.). This small change will make the Project record of decision more easily understood and I'm sure appreciated by the communities in this region.

Thank you for allowing me to give my "two cents" on this Project and I would encourage the BLM to swiftly adopt a final record of decision that includes the core components of the proposed action, with a few improvements possible.

Best -

Kaleb Simpson
Kaleb Simpson

142 Hwy 59
Douglas WY 82633

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

June 10, 2014

Mike Robinson
BLM
Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

RE: Converse County Oil and Gas Project

Dear Mr. Robinson,

Please accept this letter of support for the Converse County Oil and Gas Project. My support for this project is based in part on the tremendous economic benefits that will be realized by the job creation inherent with the project's development and on the fact that we are confident that the operators are committed to pursuing this project in an environmentally safe manner.

In terms of the economic advantages, these will be brought about first by the creation of many new jobs and attendant economic growth. The activities associated with the new development will generate business for many local small business owners and could mean new families moving in to the region, spurring even more growth. The impact on the community from more income being spent locally will mean more jobs and a degree of financial security.

New jobs and more business being done means additional revenue being generated for local and state governments, for local fire protection agencies, and school districts. Hospitals and health care will also benefit from the economic growth generated by this project.

As far as the mitigation and prevention of environmental damage, one need look no further than the exemplary record and high standards that the industry has set for itself. These standards are spelled out clearly in the plan of development issued by the operating group. The plan details the many protections that are in place and the procedures that will be followed to ensure that protection of the local ecology remains a top priority. Extensive pre-construction planning, proper siting of wells and well pads, strict adherence to standard industry practices such as installation and cementing of surface and production casing and disclosure of additives used in hydraulic fracturing, and impressive reclamation plans (including the pre-positioning and protection of soil for the task) all point to a commitment by these companies to protect and conserve that which, after all, they share alongside us.

Pursuant to the benefits and protections mentioned above, I also request that the BLM approve a waiver of discretionary timing limitations on a programmatic basis so that construction and production activities can continue to occur all year. Refusal to grant this waiver will result in unnecessary shutdowns and resultant equipment moves, which will cause needless impacts to roads, wildlife, and surface.

In addition, the periodic shutdowns caused by these timing limitations will blunt some of the economic benefits of the project, as the temporary nature of the work will mean a more transient work force that will not contribute nearly as much to the growth of the region.

In summary, I support this project and request that your agency recognize the many economic benefits and low environmental risk that a programmatic, year-round approach will provide.

Thank you for your time and commitment to the wise management of our public lands.

Sincerely,


Todd Smith
1865 S Lennox Ave.
Casper Wyo 82601

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

06/17/14

Project Manager Mike Robinson
Converse County Oil and Gas Project EIS
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604

Dear Project Manager Robinson,

In reference to the EIS process of accepting public comments on proposed actions, please accept this letter as my comments for this project.

The Converse County oil and gas project is an exciting possibility for our region. It has the potential to bring in hundreds of jobs in order to drill the 5,000 wells called for over the upcoming ten years in the proposed action. Moreover, the jobs created will help all of the area businesses increase sales and service. The ripple effect of this business development will benefit nearly everyone in the region. New schools, new infrastructure, improved services—all of this is possible with a huge oil and gas project like the BLM has described for Converse County.

I'd further like to applaud the BLM for the Purpose and Need statement in the proposed action, as it speaks plainly to the need for developing gas wells consistent with the mission of the agency and the energy needs of the country. The BLM has done a good job of aligning this purpose and need with the proposed action for the project.

The BLM should also incorporate the means to allow for year-round drilling, as described in the Purpose and Need statement. The operators involved need the green light to develop and drill year-round in order to see this project hit its full potential. Thanks to the BLM for a solid EIS plan and proposed action.

Sincerely, 82633 Douglas Wj ~~1060 meador lane~~

Josh Taylor

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

June 25, 2014

Bureau of Land Management
Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Drive,
Casper, WY 82604

RE: Converse County Oil and Gas Project

Dear Mr. Robinson,

I am writing to voice my support of the Converse County Oil and Gas Project.

As a 35 year resident of the State of Wyoming, and a wildlife biologist, I find the Plan of Development for the project to be consistent with the resource values of the BLM, the wildlife resources of the State of Wyoming and the energy and economic wellbeing of the people of Wyoming and the United States, as a whole. The Plan of Development includes extensive protections for the land, air, and water, such as:

- Site specific analysis and inventory of the natural resources in the area;
- Use of existing roads where possible and construction of new roads only where absolutely necessary;
- Directional and horizontal drilling in order to drill as many wells from a single location as possible;
- Proper installation and cementing in of surface and grand production casing;
- A robust spill protection plan; and,
- A comprehensive, step-wise reclamation program.

As the Environmental Impact Statement for the project is drafted, I urge the BLM to develop action alternatives that will allow this project to go forward in a manner that not only protects the environment but provides for the reasonable and prudent development of the mineral resource, fully recognizing the correlative rights provided by mineral lease agreements with not only the federal government but also the State of Wyoming and private mineral owners. Further, I urge BLM not to overstep relative to surface owners rights on split estate land areas.

The alternatives should also allow this project to proceed year-round, rather than imposing limitations on drilling and completion at certain times of the year. Further, the alternatives should recognize and incorporate the Governor's Executive Order on sage grouse conservation and not dilute or exceed its provisions. Not only is year-round drilling consistent with long-term discussions relative to incentivizing the energy industry to embrace the Sage-grouse Core Area conservation strategy it promotes a strong, safe and stable workforce and subsequently stronger families.

Thank you for your efforts. I look forward to a Draft EIS that paves the way for this project!

Sincerely,


Renee C. Taylor

RECEIVED

JUN 26 2014

Bureau of Land Management
WHPD / Casper Field Office

Lee Taylor
Taylor Environmental Consulting LLC
Box 1734
Casper, WY 82636

Bureau of Land Management
Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Drive,
Casper, WY 82604

CASPER WY 826
JUN 21 2014 PM 2 T



Scarlet Tanager

8260432968



June 12, 2014

Converse County Oil and Gas Project EIS
BLM Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Dr.
Casper, WY 82604
307-261-7520

Regarding: Converse County Oil and Gas Project Environmental Impact Statement

Dear Manager Robinson:

Thank you for taking a moment to read my comments about the Converse County Oil and Gas project and the Proposed Action currently under consideration. The BLM's mission to develop these natural resources with a multiple use ethic in mind would support the current Proposed Action on its face, but the facts and details surrounding this action create an even more compelling case. It is for the following reasons that I support your Proposed Action and I encourage you to finalize this approach.

We know the importance of oil and gas development for economic development purposes. Families all across Wyoming--moreover nationally--that have benefitted from the good jobs provided by oil and gas development. These important jobs and economic development have improved over the past few years as the operators have improved technology and reduced their environmental footprint. But the BLM has a role to play supporting this ongoing development.

An important step forward in this particular project would be to allow for year-round drilling by the Operator Group in the Converse County Project Area. Year-round activity would reduce the arbitrary removal and redeployment of rigs during the year that intuitively will cause more impacts to the environment than if they just setup a rig and work until all the wells have been completed on that pad. A waiver of discretionary timing limitations would allow for this common-sense approach and continue the momentum of this project, and it will keep vital, family-supporting jobs going year-round as well.

Thank you for listening to my feedback and for supporting the Converse County Project, especially the needs of the operators to drill year-round. It's better for families and it's better for the environment.

Sincerely,



6 Swift St.
Gillette, WY, 82718

Carbon Copy: USFS Thunder Basin National Grasslands Field Office

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

6/12/2014

Attn: Mike Robinson, BLM
Converse County Oil and Gas Project EIS
Casper Field Office
2987 Prospector Dr
Casper, Wyo. 82604

Dear Mike Robinson,

When it comes to public input on public lands management issues, I feel it is important to give credit where credit is due. Kudos to the BLM for creating a sound proposed action for the Converse County Project Area oil and gas development plan. The proposal takes into consideration a number of important factors, such as industry efficiency needs, local economic development, and the like. I want to voice my support of the BLM's approach to these issues included in the proposed action. However, I want to speak more specifically to the environmental protections built in to the possible development of gas in this project.

First, there will be a conscientious approach to road construction. Roads, where needed, will be built with best practices and maintained by the operators. With both roads and drilling site construction, local materials will be used so as to avoid expensive and unnecessary transportation costs. The drilling of the actual wells will be done with the best practices in the industry, including the cementing and casing of wells to protect ground water. Hydraulic fracturing will be accomplished with full disclosure and using predominantly water and sand materials, in full compliance with WOGCC rules and regulations.

Secondly, water will be protected. But the BLM should amend the language in the proposed action to (1) use acre-feet which is consistent with water language throughout the West, and (2) put water use estimates into context by referencing other primary water users, like municipal and agricultural users. Wildlife could be protected by incorporating the Governor's executive order on sage grouse into the BLM's documentation. The air quality should be regulated as designed in the current regulatory framework, by the Wyoming Department of Environmental Quality. The BLM should not try and supplant or otherwise weigh in on a system that is already in place and working appropriately. This will give the operators a clear standard and single point of contact for accountability.

Thank you for taking my comments into consideration. It is my conclusion that this project proposed action is a sound one and with few edits should be adopted by the BLM.

W. Robinson
6-19-14

818 Belle Fourche
Cody, WY 82718

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

June 11, 2014

Converse County Oil and Gas Project EIS
BLM Casper Field Office
Mike Robinson, Project Manager
2987 Prospector Drive
Casper, Wyoming 82604
307-261-7520

Dear Mr. Robinson and CFO Staff,

I am writing to urge the BLM to support and approve the Converse County Oil and Gas Project.

I agree with and support the Purpose and Need Statement in the Plan of Development, which states in part that the "BLM's oil and gas leasing program encourages development of domestic oil and gas reserves, consistent with the BLM's multiple-use mandate." It further goes on to state, accurately, that the energy resources produced from this project "are needed to meet national domestic energy demand."

The 5,000 oil and gas wells that are planned for under this proposal will go a long way towards helping meet that need. As an agency of the federal government, it is part of the BLM's duty to see that nationally and strategically important natural resources are responsibly developed. The multitude of environmental protections built into this proposal all but guarantee that the development of these resources in Converse County will be done safely and with an eye to environmental protection. Considering all of the safeguards in place, from extensive pre-construction planning and studies, to proper well construction and testing, to safe drilling and fracturing practices, to ultimate reclamation, it would be irresponsible not to allow this development to go forward.

One of the key environmental safeguards is the directional drilling that allows multiple wells to be drilled from a single pad, thereby limiting the amount of surface disturbance and number of rig moves. This advantage is only realized in full if drilling is permitted to go on all throughout the year, without periods of suspension. If there are bans on drilling and other activity at certain times of the year, it will become necessary to rig down and move the equipment off location – only to move it back on again in a few weeks or months. This is not only a ridiculous waste of time and money, but exposes the roads and surrounding habitat and surface to more disturbance than it would if the rigs had simply been allowed to remain in place and do their work. This also naturally delays the amount of time that must pass until reclamation work can start.

For this reason, I not only support the project, but request that a waiver on timing limitations be lifted for it. Doing so will ensure that we garner the maximum economic benefits, with the best possible environmental protections.

Thank you for your consideration of my comments,



117 Commercial Dr. Wright WY 82732

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

June 15, 2014

Mike Robinson, Project Manager
Bureau of Land Management
Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

REF: Converse County Oil and Gas Project

Dear Mr. Robinson and Project Members,

I am writing to urge the Casper Field Office to support and ultimately approve the Converse County Oil and Gas Project.

Specifically, I am asking that the Alternatives in the Draft EIS allow the project to go forward and that you incorporate in the Alternatives a waiver from timing limitations, thereby allowing the project work to proceed on a year-round basis.

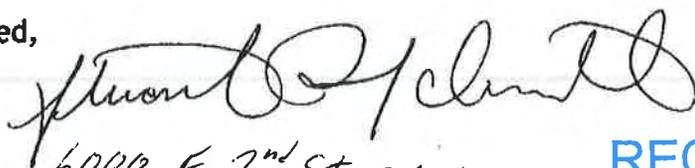
There are a number of reasons why year-round activity would be preferable. First, it maximizes the environmental benefits of directional drilling from pads by eliminating unnecessary heavy equipment moves, resulting from having to rig down, leave the area, and then return and rig back up after the suspension is lifted. Each rig move has unavoidable impacts on surface, roads, and habitat, and limiting them to extent possible, while still allowing them to work, is a good policy. That is the key ecological advantage of centralized well-pad drilling.

Second, allowing operations to continue year-round will maximize the economic benefits. Year round activity will keep businesses and workers in the area throughout the year, rather than forcing them to work elsewhere during the banned time. Year round activity will encourage workers and their families to move into the area, settle down, buy homes, and become contributing members of our community. Timing limitations risk turning the area into more of a 'transient' worker region, which is not what we want.

Finally, oil and gas development in general is beneficial to the local communities, the region, and the nation as a whole. Energy development, which has been safely and responsibly pursued for decades, brings good paying jobs and helps pay for good roads and other community improvements. It also provides the fuel that drives our economy, keeps us warm, and keeps the lights on.

Please keep all of this in mind as you draft the EIS for this critically important project.

Signed,



6000 E. 2nd St Suite 1000

Casper, WY 82609

6-18-14

RECEIVED

JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

UNIVERSITY OF WYOMING

Department of Agricultural and Applied Economics
P.O. Box 3354 • Room 205, Agriculture Building • Laramie, WY 82071-3354
(307)766-3598 • fax: (307)766-5544 • www.uwyo.edu/agecon

June 27, 2014

Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Drive
Casper, WY 82604.

To whom it may concern:

Thank you for the opportunity to submit scoping comments regarding the proposed Converse County Oil and Gas Project.

We are submitting these comments on behalf of the Upper Green River Conservation Exchange (UGRCE). The UGRCE is a collaboration of the Sublette County Conservation District, the University of Wyoming, the Wyoming Chapter of the Nature Conservancy, Environmental Defense Fund and stakeholders in the Upper Green River area of Wyoming. These organizations and individuals have worked together for the past three years to create a framework for a conservation exchange – a platform to facilitate the creation of mitigation projects on private land to offset impacts from oil and gas and other forms of development. Conservation exchanges entail a standardized process for the creation, quantification, verification, and monitoring of mitigation projects consistent with U.S. Fish and Wildlife Service (FWS) policies.

On May 22, 2014, the UGRCE submitted documentation to the FWS for review that would establish a conservation exchange in the Upper Green River area of Wyoming. In that submission, the UGRCE asked the FWS to also consider the proposal as the basis for creation of a statewide Wyoming Conservation Exchange (WCE). The UGRCE is currently building a statewide Board of Directors for the WCE and plans to incorporate the WCE later this year. We are attaching to these comments a summary paper that provides additional detail on the WCE.

We believe that the WCE can play an important role in helping to mitigate the habitat impacts of projects like the Converse County Oil and Gas Project. As proposed, the Converse County Oil and Gas Project would encompass a project area of approximately 1.5 million acres of land in Converse County on which approximately 5,000 oil and natural gas wells would be developed on 1,500 new multi-well pads over a 10-year period.

We assume that this development will be assessed against the backdrop of the Wyoming Greater Sage Grouse Core Area Strategy. We also assume that the agencies reviewing this development will apply the standard mitigation hierarchy for impacts in sage grouse habitat that prioritizes avoidance and minimization before off-site compensatory mitigation for unavoidable impacts.

If the state and federal agencies permit this development proposal, and if there are permitted impacts to sage grouse habitat or to the habitat of other critical species that cannot be avoided or further minimized, we expect that the state and federal agencies and the project proponents will look for opportunities to mitigate those impacts with off-site compensatory projects consistent

with BLM's interim Regional Mitigation Manual (MS 1794). By the time this project is developed, the Wyoming Conservation Exchange will be available for the standardized creation and quantification of mitigation credits on private lands and for the verification and monitoring of mitigation credits over time. We believe a programmatic approach to mitigation designed to produce net benefits will be a critical part of successful conservation of the sage grouse. The Wyoming Conservation Exchange also provides a way to engage in conservation the private landowners that in many cases manage the lands adjacent to public lands.

We also note that proximity to impacts should not be the only factor in identifying mitigation sites. Rather, priority should be given to sites that present the best locations for long-term sage grouse conservation within the surrounding landscape, regardless of whether these sites are located on private, state or federal land. This is consistent with the BLM Regional Mitigation Manual, as it states "mitigation sites, projects and measures should be focused where the impacts of the use authorization can be best mitigated and BLM can achieve the most benefit to its resource and value objectives" (page 1-6). We also note the adoption of a compensatory mitigation framework that ensures transparent and consistent mitigation at the landscape-scale would be consistent with the recent Secretarial Order "Improving Mitigating Policies and Practices of the Department of Interior" (Order No. 3330).

As you consider whether and under what conditions to permit the Converse County Oil and Gas Project, we ask that you factor the Wyoming Conservation Exchange into your considerations. We further ask that you allow for the use of the WCE as a tool for mitigation of impacts from the Converse County Oil and Gas Project that cannot be avoided or further mitigated.

If you have any questions, or if you would like additional information on the Wyoming Conservation Exchange, please do not hesitate to contact us directly.

Sincerely yours,



Kristi Hansen
Assistant Professor and Extension Water Resource Economist



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

JUN 30 2014

In Reply Refer To:
06E13000/WY2014-CPA-0115

Memorandum

To: State Director, Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming

From: Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming 

Subject: Review and scoping comments on proposed Converse County Oil and Gas Project administered by the Bureau of Land Management

Thank you for your Scoping Notice and attached project map dated May 16, 2014 and received in our office on May 16, 2014. The Bureau of Land Management is proposing to prepare an Environmental Impact Statement for the Converse County Oil and Gas project and requested the U.S. Fish and Wildlife Service (Service) provide comments on the proposed project. This project will include drilling approximately 5,000 oil and natural gas wells in Converse County, Wyoming on 1.5 million acres over 10 years.

You have requested information regarding species listed under the Endangered Species Act of 1973, as amended (ESA), 16 U.S.C. 1531 *et seq.* In response to your request, the Service is providing recommendations for protective measures for threatened and endangered species in accordance with the ESA. We are also providing recommendations concerning migratory birds in accordance with the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, and the Bald and Golden Eagle Protection Act (Eagle Act), 16 U.S.C. 668. Wetlands are afforded protection under Executive Orders 11990 (wetland protection) and 11988 (floodplain management), as well as section 404 of the Clean Water Act. Other fish and wildlife resources are considered under the Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 *et seq.*, and the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742a-742j.

The Service has transitioned to a new online program to deliver species lists: the Information, Planning, and Conservation (IPaC) system. To obtain a current list of endangered, threatened, proposed, and candidate species and their designated and proposed critical habitat that occur in

or may be affected by actions associated with your proposed project, please visit our website at <http://ecos.fws.gov/ipac/>. This website will provide you with an immediate response to your species list request. The response will also include information regarding other Service trust authorities.

Recommendations

The National Environmental Policy Act (NEPA)

NEPA analysis should disclose the full extent of proposed development, as well as the direct and indirect effects of all aspects of the project and the cumulative impacts of past, present, and reasonably foreseeable future actions regardless of who is responsible for those actions.

The purpose and need statement in the Plan of Development includes, “conduct drilling and development operations on a year-round basis.” While the companies can ask the BLM and FS to consider year-round drilling, this statement should not be included in the purpose and need statement of the EIS, because including it would preclude any alternative that might contain seasonal restrictions.

Migratory Birds and Eagles

The Converse County Oil and Gas Plan of Development (Project) includes a request to waive discretionary timing limitations to conduct year-round drilling. We do not support requests to waive all discretionary timing limitations for projects such as this, since there would be risk of violating the MBTA and/or the Eagle Act. We are providing additional information for your consideration.

Under the MBTA, the Eagle Act, and Executive Order 13186 (66 FR 3853; January 17, 2001), Federal agencies have an obligation to protect all species of migratory birds, including eagles and other raptors, which may occur on lands under their jurisdiction. Of particular focus are the species identified in the Service’s Birds of Conservation Concern 2008. In accordance with the Fish and Wildlife Conservation Act (16 USC 2912 (a)(3)), this report identifies “species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing” under the ESA. This report is intended to stimulate coordinated and proactive conservation actions among Federal, State, and private partners and is available at http://library.fws.gov/bird_publications/bcc2008.pdf.

The MBTA, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs, except as permitted by regulations, and do not require intent to be proven. Section 703 of the MBTA states, “Unless and except as permitted by regulations ... it shall be unlawful at any time, by any means or in any manner, to ... take, capture, kill, attempt to take, capture, or kill, or possess ... any migratory bird, any part, nest, or eggs of any such bird....” The Eagle Act prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing.

Removal or destruction of such nests, or causing abandonment of a nest could constitute violation of one or both of the above statutes. Removal of any active migratory bird nest or nest tree is prohibited. For golden eagles, inactive nest permits are limited to activities involving resource extraction or human health and safety. Mitigation, as determined by the local Service field office, may be required for loss of these nests. No permits will be issued for an active nest of any migratory bird species, unless removal of an active nest is necessary for reasons of human health and safety. Therefore, if nesting migratory birds are present on or near the project area, timing is a significant consideration and needs to be addressed in project planning.

In an effort to help ensure activities do not take nesting birds, their eggs, or immature birds, for many raptor species protected by the MBTA/Eagle Act, we recommend implementing voluntary spatial and seasonal buffer zones to protect individual nest sites. These include: (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining natural areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season territories (see the Wyoming Ecological Services website at http://www.fws.gov/wyominges/Pages/Species/Species_SpeciesConcern/Raptors.html). The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer.

For optimal conservation benefit, we recommend that no temporary or permanent surface occupancy occur within species-specific spatial buffer zones. These recommendations may be modified on a site-specific and project-specific basis based on field observations and knowledge of local conditions. For example, in those situations where raptors appear to have habituated to the current level of disturbance and human-induced impacts additional spatial and seasonal restrictions may not be necessary.

Power Lines

We recommend that power lines be buried through areas of high avian use areas (i.e., away from areas used for nesting, foraging, roosting or migrating), to minimize bird electrocution and collision potential. If the avian survey data available for the project do not provide the detail needed to determine normal bird habitat use and movements, we recommend collecting that information prior to determining locations for infrastructure.

Where power lines are constructed overhead, we recommend use of bird flight diverters in all areas identified as having high potential use of migratory birds and eagles. The diverters should be placed at 5 meter intervals (APLIC 2012) to reduce collision potential. We also recommend that all power lines, new or old construction, meet or exceed the recommendations contained in Suggested Practices for Raptor Protections on Power Lines: The State of the Art 2006 (APLIC 2006).

Agencies have at times recommended the use of perch discouragers on power poles to limit perching of raptors and corvids with the intent to reduce predation on sensitive prey species (e.g. greater sage-grouse, mountain plover, and black-footed ferret). Using perch discouragers on

power poles may reduce, but will not prevent, raptors from preying on species of concern (Slater and Smith 2010), and may increase electrocution risk for avian species (APLIC 2006). Perch discouragers may also increase nesting substrate for corvids, which could impact population demographics of sensitive prey species (Howe *et al.* 2014). Therefore, it is our position not to recommend the use of perch discouragers to reduce predation on sensitive prey species.

To minimize avian predation on sensitive prey species, we recommend that: (1) power lines are sited outside of sensitive prey species' habitat; (2) structures are designed to minimize perching and nesting (such as tubular instead of lattice structures), especially in areas of high resource value; and/or (3) where appropriate and feasible, lines are buried. Additionally, we do not recommend that perch discouragers be installed in place of raptor safe equipment and construction. If Service recommendations are not followed and perch discouragers are used, the Service recommends that they are installed and maintained to specifications which will minimize the likelihood of avian electrocutions.

Literature Cited

Avian Power Line Interaction Committee (APLIC). 2012. Reducing Avian Collisions with Power Lines: The State of the Art in 2012. Edison Electric Institute and APLIC. Washington, D.C.

Avian Power Line Interaction Committee (APLIC). 2006. Suggested practices for avian protection on power lines: The state of the art in 2006. Edison Electric Institute, APLIC and the California Energy Commission. Washington, D.C. and Sacramento, CA.

Howe, K.B., P.S. Coates, and D.J. Delehanty. 2014. Selection of anthropogenic features and vegetation characteristics by nesting Common Ravens in the sagebrush ecosystem. *The Condor* 116:35-49.

Slater, S.J. and J.P. Smith. 2010. Effectiveness of raptor perch deterrents on an electrical transmission line in southwestern Wyoming. *Journal of Wildlife Management* 74(5):1080-1088.

Environmental Contaminants

The exploration for and production of oil and natural gas impact the environment in a variety of ways. Seismic exploration for oil and gas can cause habitat destruction. The infrastructure (e.g. roads, pipelines, tank batteries, compressor stations) for oil and gas field development causes physical habitat destruction and results in habitat fragmentation. Drilling activity results in excessive noise and disturbance which can adversely impact sensitive species of wildlife. Air quality can be degraded by leaks, the venting of over-pressurized vessels, gas flaring, conditioning of natural gas (dehydration or removal of water from the gas), and emissions from drilling rigs and other machinery. Use of open-topped tanks or open earthen pits to store or dispose of fluids containing oil, other hydrocarbons, and chemicals can attract birds and other wildlife and cause their mortality. Spills or releases of oil, oilfield brines and harmful chemicals can adversely impact fish and wildlife resources, and water and soil quality. Each of these influences need to be addressed in the EIS.

Section 2.4.1.1 Wastewater Management

Reserve pit

The Service recommends pitless (closed-loop) drilling or the immediate closure of reserve pits after well completion. Pitless drilling has been found to reduce the amount of drilling waste, recycles drilling fluids, and reduces drilling costs (Rogers *et. al.* 2006a and b). Pitless drilling can reduce the volume of waste by 60 to 70 percent (Rogers *et. al.* 2006b). Pitless drilling also conserves water and prevents soil contamination. The use of earthen pits to contain drilling muds and fluids can contaminate soil, groundwater, and surface water with metals and hydrocarbons if not managed and closed properly.

Furthermore, as reserve pit fluids evaporate, water-soluble metals, salts, and other chemicals become concentrated. Precipitation, changes in shallow groundwater levels, and flooding can mobilize these contaminants into adjacent soils and groundwater. Liners most often do not adequately seal the drilling wastes, especially if they are torn. Beal *et al.* (1987) documented the migration of leachate 400 feet from reserve pits buried in 1959 in north-central North Dakota and groundwater contamination 50 feet below the buried reserve pits. Caustic soda, rig wash, diesel fuel, waste oil from machinery, and other refuse could be placed in reserve pits either deliberately or inadvertently. Reis (1996) states that “improper reserve pit management practices have created sources of benzene, lead, arsenic, and fluoride, even when these contaminants were not detected or were not present in the drilling mud system.”

Birds, including hawks, owls, and songbirds, are attracted to reserve pits by mistaking them for natural bodies of water. Reserve pits also can attract bats, insects, small mammals, and big game. Songbirds and mammals may approach oil-covered reserve pits to drink and can fall into the pits or they can become entrapped if the banks of the pits are oiled. The Service has also documented songbird mortality caused by the inhalation of hydrocarbons volatilizing off of a reserve pit during drilling. The birds attempted to “drink water” from the reserve pit and succumbed to the hydrocarbon vapors. A total of 116 dead songbirds were collected from the reserve pit. Insects entrapped in the oil can also attract songbirds, bats, and small mammals. Hawks and owls in turn become victims when they are attracted by the struggling birds or small mammals. The sticky nature of oil entraps birds in the pits and they die from exposure and exhaustion. Birds that do manage to escape die from starvation, exposure or the toxic effects of oil ingested during preening. Birds ingesting sublethal doses of oil can experience impaired reproduction.

Well stimulation chemicals, such as corrosion inhibitors and surfactants, disposed into reserve pits, pose additional risk to migratory birds. Surfactants allow water to penetrate through feathers and onto skin thus subjecting the bird to hypothermia (Stephenson 1997). Furthermore, loss of water repellency in feathers due to reductions in surface tension will cause the bird to become water logged and lead to drowning. Storage of hydraulic fracturing (frac) fluids in reserve pits can present a risk to migratory birds if the frac fluids contain hydrocarbons or surfactants. The longer the reserve pit is left on site after well completion, the greater the probability that aquatic birds will land on the pit. If the reserve pit contains oil, condensates, or other hydrocarbons or surfactants, the risk of bird mortality is very high.

If reserve pits must be used, the Service recommends removal of all fluids from the reserve pits immediately following well completion and removal and proper disposal of the remaining solids. Cost-effective technology exists to solidify pit fluids immediately following well completion. Solidification can add to the waste volume but prevents mobilization of potential contaminants into the soil and/or groundwater (EPA 2000). Additionally, flagging, strobe lights, metal reflectors and noise makers are **not** effective at preventing bird from entering pits but netting is (Esmoil and Anderson 1995).

Production Skim Pits

Earthen pits used to separate oil from produced water should be kept free of oil or sheens to prevent the mortality of migratory birds and other wildlife. If the pits cannot be kept free of oil, effective and proven wildlife deterrents or exclusionary devices (i.e., netting) should be used to keep migratory birds and other wildlife from accessing the pits.

Well Pads

Oak mats or prefabricated mats should be used for well pads and roads to minimize habitat alteration, particularly in sagebrush communities. Greater than 350 species of plants and animals, including greater sage-grouse (*Centrocercus urophasianus*), pygmy rabbits (*Brachylagus idahoensis*), and several species of migratory birds depend on the sagebrush ecosystem for some portion of their life history requirements (Connelly *et al.* 2004). Activities that result in the loss of sagebrush can negatively impact the sagebrush ecosystem and the species that depends on it. These activities contribute to habitat loss, increased fragmentation, spread of invasive plant species, and alteration in the distribution of predators (Connelly *et al.* 2004). Since 62 percent of the nearly 96,000 km² of sagebrush in Wyoming is under State or Federal management, the Service recommends that the Bureau analyze proposed actions for their effects to the integrity, connectivity, and quality of the sagebrush ecosystem and encourage project proponents to take measures necessary to avoid and/or minimize these impacts. Efforts taken now to conserve this ecosystem may preclude the need for related endangered species listings in the future.

Produced Water and Evaporation Ponds

The scoping notice states that produced water from gas wells would be stored in a tank on the well pad and transported by truck to an approved disposal site. The Bureau should assess the amount of formation water produced along with the natural gas or crude oil and determine if the existing commercial oilfield wastewater disposal facility (COWDF) located in the project area will be able to accommodate the additional produced water. If the existing COWDF cannot process the additional volume of produced water, the Bureau should assess the impacts of the expansion of existing COWDFs or the construction and operation of a new COWDF for produced water disposal.

COWDFs using large evaporation ponds for wastewater disposal can pose a risk to migratory birds if the ponds contain oil, sheens, other hydrocarbons, surfactants, or other well stimulation

chemicals. The following conditions make oil field wastewater disposal evaporation ponds a risk to the environment and migratory birds:

- accumulation of oil on the surface and berms of evaporation ponds;
- presence of visible sheens on the surface of evaporation ponds;
- oil and water separation occur in the main evaporation pond;
- skim ponds or open topped separation tanks are not equipped to prevent entry by birds and other wildlife; and
- concentrations of salts in the evaporation ponds may eventually cause hypersaline conditions which could pose a risk to migratory birds and cause mortality.

Migratory bird mortality has been documented in other oil field wastewater disposal facilities in the Wamsutter, Wyoming area due to the presence of oil, paraffin, and sheens in the evaporation ponds. High concentrations of salts can also pose a risk to migratory birds. Birds entering ponds with hypersaline water can ingest the brine and die from sodium toxicity. Salt toxicosis has been reported in ponds with sodium concentrations over 17,000 milligrams per liter (parts per million) (Windingstad 1987). Ingestion of water containing high sodium levels can also pose chronic effects to aquatic birds, especially if a source of freshwater is not available nearby, and these birds can be more susceptible to avian botulism (Cooch 1964). During cooler temperatures, sodium in the hypersaline water can crystalize on the feathers of birds landing in these waterbodies. The sodium crystals destroy the feathers' thermoregulatory and buoyancy functions causing the bird to die of hypothermia or drowning. Sodium intoxication can cause neurological impairment resulting in the bird's inability to hold its head upright (Meteyer *et al.* 1997).

Additionally, oil and gas production chemicals, such as corrosion inhibitors and surfactants, could be present in the produced water and could pose a risk to migratory birds. When a bird comes into contact with water containing surfactants, the surfactant will reduce the surface tension of the natural oils on the bird's feathers; thus, allowing water to penetrate through the feathers and onto the skin. This compromises the insulative properties of the feathers and subjects the bird to hypothermia (Lustick 1976). The loss of natural oils on the feathers will also cause the bird to become water logged and the loss of buoyancy will cause the bird to drown.

Birds, including hawks, owls, and songbirds, are attracted to wastewater evaporation ponds by mistaking them for natural bodies of water. These ponds also can attract bats, insects, small mammals, and big game. Songbirds and mammals may approach ponds to drink and can fall into the ponds or they can become entrapped if there is oil along the banks of the ponds. Insects entrapped in the oil can also attract songbirds, bats, and small mammals. Hawks and owls in turn become victims when they are attracted by struggling birds or small mammals. In Wyoming, Service personnel have found waterfowl, songbirds, bats, pronghorn, and deer in ponds and tanks. Birds ingesting sublethal doses of oil can experience impaired reproduction. Light sheens of oil on the surface can also coat the birds feathers and cause mortality from exposure or from the ingestion of the oil during preening. It is critical to avoid the presence of any visible sheens on the surface of evaporation ponds, particularly during the breeding season as female aquatic birds returning to their nests with oil on their feathers can inadvertently apply the oil to the eggs. Microliter amounts of oil applied externally to eggs are extremely toxic to bird embryos.

To prevent violations of the MBTA companies should take proactive steps to ensure that migratory birds do not come in contact with oil, sheens or hazardous materials. Examples of effective steps proven to prevent bird mortality include the installation of physical barriers such as netting or using closed containers that prevent birds from coming into contact with the oil.

If evaporation ponds will be used, then the document should discuss closure options considered for the ponds at the end of the project. The discussion should include how the salt remaining at the bottom of the ponds will be properly disposed of and take into account that there is the potential for significant concentrations of inorganic contaminants, such as arsenic, barium, boron, cadmium, copper, lead, selenium, and zinc, to accumulate in the salt from evaporation over the life of the project.

If there is the potential for the produced water to be used for dust abatement then the chemical quality of produced water must be analyzed prior to use and authorized in writing by the Bureau. The produced water should be analyzed for radionuclides, trace elements, metals, salinity, and basic water chemistry (pH, cations, anions).

Flow-back fluids

Flow-back fluids can contain surfactants and other chemicals used in the hydraulic fracturing fluid which can be detrimental to migratory birds landing in the pits. Flow-back fluids should be contained in closed tanks unless the operator can demonstrate that the fluids will not pose a risk to migratory birds and other wildlife.

2.4.1.3 Drilling and Completion

Stacks, Well Cellars, etc.

All stacks, well cellars, and other structures should be covered with wildlife enclosure covers to prevent entrapment of birds, small animals, such as reptiles, amphibians, and small mammals.

2.4.1.4 Hazardous Materials and Solid Waste Management

Spills

The Service requests the opportunity to review the Spill Prevention Control and Countermeasures (SPCC) Plan. Should a reportable spill occur or any migratory bird mortality is discovered, we request that you notify our office as soon as possible.

Literature Cited

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In accordance with section 7(c) of the ESA, we have determined that the following species or their designated habitat may be present in the proposed project area. We would appreciate receiving information as to the current status of each of these species within the proposed project area.

**Endangered, Threatened, Proposed, and Candidate Species
And Their Designated and Proposed Critical Habitat That Occur
In or May Be Affected by Actions in the Proposed Project Area**

June 2014

<u>Species/Critical Habitat</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Habitat</u>
<u>Platte River Species</u> • Least Tern (Interior Population), • Pallid Sturgeon, • Piping Plover, • Western Prairie Fringed Orchid, • Whooping Crane	<i>Sterna (Sternula) antillarum</i> <i>Scaphirhynchus albus</i> <i>Charadrius melodus</i> <i>Platanthera praeclara</i> <i>Grus americana</i>	Endangered Endangered Threatened Threatened Endangered	Riverine habitat downstream of Wyoming in the Platte River system
Platte River Species Critical Habitat	Designated for whooping crane in Nebraska in riverine habitat of the Platte River system (see 50 CFR 17.95(b))		
Preble's Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>	Threatened	Lush riparian vegetation or herbaceous understories of wooded areas near water
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened	Seasonally moist soils and wet meadows of drainages below 7,000 ft. elevation
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	Candidate	Sagebrush communities

Platte River Species: If the proposed action may lead to consumptive use of water or have the potential to affect water quality in the Platte River System, there may be impacts to threatened and endangered species inhabiting the downstream reaches of this river system. For more information on how to seek coverage under the ESA for water-related activities through the Platte River Recovery Implementation Program, please visit our web site at <http://www.fws.gov/platteriver>.

Preble's Meadow Jumping Mouse: Federal listing status under the ESA for Preble's meadow jumping mouse (*Zapus hudsonius preblei*) as a threatened species in Wyoming was reinstated on August 6, 2011 (76 FR 47490). Preble's meadow jumping mouse is a small rodent in the Zapodidae family and is one of 12 recognized subspecies of *Z. hudsonius*, the meadow jumping

mouse. This species has a body length of 3 to 4 inches, a bicolored tail 4 to 6 inches in length, large hind feet adapted for jumping, and a distinct dark stripe down the middle of its back bordered on either side by gray to orange-brown fur. Their diet consists of seeds, fruits, fungi, and insects. Preble's meadow jumping mouse is primarily nocturnal or crepuscular, but has been observed during daylight. Hibernation occurs from October to May in small burrows the mouse excavates several centimeters underground.

Preble's meadow jumping mouse exhibits a preference for lush vegetation along watercourses or herbaceous understories in wooded areas near water. The mouse occurs in low undergrowth consisting of grasses or forbs; in wet meadows and riparian corridors; or areas where tall shrubs and low trees provide adequate cover. The species uses upland habitats as far as 330 feet beyond the 100-year floodplain. In Wyoming, Preble's meadow jumping mouse has been documented in Albany, Laramie, Platte and Converse counties, and may occur in Goshen County. If a proposed project will disturb suitable habitat within any of these five counties, surveys should be conducted prior to any action. Due to the difficulty in identifying the Preble's meadow jumping mouse, surveys should be conducted by knowledgeable biologists trained in conducting these surveys.

Ute Ladies'-tresses: Ute ladies'-tresses (*Spiranthes diluvialis*) is a perennial orchid, 8 to 20 inches tall, with white or ivory flowers clustered into a spike arrangement at the top of the stem. Ute ladies'-tresses typically blooms from late July through August. However, it may bloom in early July or still be in flower as late as early October, depending on location and climatic conditions. Ute ladies'-tresses is endemic to moist soils near wetland meadows, springs, lakes, and perennial streams where it colonizes early successional point bars or sandy edges. The elevation range of known occurrences is 4,200 to 7,000 feet (although no known populations in Wyoming occur above 5,500 feet). Soils where Ute ladies'-tresses have been found typically range from fine silt/sand, to gravels and cobbles, as well as to highly organic and peaty soil types. Ute ladies'-tresses is not found in heavy or tight clay soils or in extremely saline or alkaline soils. Ute ladies'-tresses typically occurs in small, scattered groups found primarily in areas where vegetation is relatively open.

Many orchid species take 5 to 10 years to reach reproductive maturity; this appears to be true for Ute ladies'-tresses (FR 57 2048). Furthermore, reproductively mature plants do not flower every year. For these reasons, 2 to 3 years of surveys are necessary to determine presence or absence of Ute ladies'-tresses. Surveys should be conducted by knowledgeable botanists trained in conducting rare plant surveys.

Greater Sage-grouse: The greater sage-grouse is a candidate for listing under the ESA (75 FR 13910, March 23, 2010). Please see our recent *Federal Register* notice for detailed information concerning the status of the species; this notice is available at http://www.fws.gov/wyominges/Pages/Species/Findings/GrtSageGrouse_CandidateBulletin.html. Greater sage-grouse are dependent on sagebrush habitats year-round. Habitat loss and degradation, as well as loss of population connectivity have been identified as important factors contributing to the decline of greater sage-grouse populations rangewide. Therefore, any activities that result in loss or degradation of sagebrush habitats that are important to this species should be closely evaluated for their impacts to greater sage-grouse.

We recommend you contact the Wyoming Game and Fish Department to identify important greater sage-grouse habitats, recommended seasonal restrictions within the project area, and appropriate measures to minimize potential impacts from the proposed project. The Service recommends surveys and mapping of important greater sage-grouse habitats where local information is not available. The results of these surveys should be used in project planning to minimize potential impacts to this species. No project activities that may exacerbate habitat loss or degradation should be permitted in important habitats.

The State of Wyoming has adopted a “Greater Sage-grouse Core Area Protection” Executive Order 2011-5 to ensure greater sage-grouse conservation. The recommendations of the State Sage-grouse Implementation Team and State of Wyoming’s Greater sage-grouse “Greater Sage-grouse Core Area Protection” Executive Order 2011-5 state that development of any type in the identified core areas is done only when no decline to the species can be demonstrated. Executive Order 2011-5 further states the burden of proof for showing development does not affect sage-grouse rests with the industry or proponent in question, and any research they feel is necessary to convey this, should be conducted outside of core areas. If a proposed project is located in an area designated by the State of Wyoming as a core sage-grouse population area, we recommend you pursue additional consultation with the Wyoming Game and Fish Department on the core area strategy as appropriate.

A recent viability study done for BLM (Taylor *et al.* 2012) indicates that sage-grouse viability in the Powder River Basin (Management Zone I), where this project is proposed, is being impacted by multiple stressors including West Nile virus and energy development. Their results suggest that if development continues, future viability of the already small greater sage-grouse populations in northeast Wyoming will be compromised.

A recent assessment of conservation of greater sage-grouse produced by the Service and state agencies in the range of the greater sage-grouse is the Conservation Objectives Team (COT) report (USFWS 2013). This report delineates reasonable conservation objectives and measures, based upon the best scientific and commercial data available at the time of its release, for the conservation and survival of greater sage-grouse. We recommend utilizing this document to inform your management of greater sage-grouse for this project. A specific objective outlined in the COT report under energy development (pp. 43) states “Energy development should be designed to ensure that it will not impinge upon stable or increasing sage-grouse population trends.” Associated conservation measures we recommend for this project include:

- Avoid energy development in Priority Areas of Conservation (PAC) (Doherty *et al.* 2010). Identify areas where leasing is not acceptable, or not acceptable without stipulations for surface occupancy that maintains sage-grouse habitats.
- If avoidance is not possible within PACs due to pre-existing valid rights, adjacent development, or split estate issues, development should only occur in non-habitat areas, including all appurtenant structures, with an adequate buffer that is sufficient to preclude impacts to sage-grouse habitat from noise, and other human activities.
- If development must occur in sage-grouse habitats due to existing rights and lack of reasonable alternative avoidance measures, the development should occur in the least suitable habitat for sage-grouse and be designed to ensure at a minimum that there are

- no detectable declines in sage-grouse population trends (and seek increases if possible) by implementing the following:
- a. Reduce and maintain the density of energy structures below which there are not impacts to the function of the sage-grouse habitats (as measured by no declines in sage-grouse use), or do not result in declines in sage-grouse populations within PACs.
 - b. Design development outside PACs to maintain populations within adjacent PACs and allow for connectivity among PACs.
 - c. Consolidate structures and infrastructure associated with energy development.
 - d. Reclamation of disturbance resulting from a proposed project should only be considered as mitigation for those impacts, not portrayed as minimization.
 - e. Design development to minimize tall structures (turbines, powerlines), or other features associated with the development (e.g., noise from drilling or ongoing operations; Blickley *et al.* 2012).

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http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs.Par.46599.File.dat/GRSG%20Rangewide%20Breeding%20Density.pdf
- Taylor, R.T., D.E. Naugle, and L.S. Mills. 2012. Viability analysis for the conservation of sage-grouse populations: Buffalo Field Office, Wyoming. Final Report. 27 February 2012. Prepared for BLM. 46pp.
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For our internal tracking purposes, we would appreciate notification of any decision made on this project (such as issuance of a permit or signing of a Record of Decision or Decision Memo). Notification can be sent in writing to the letterhead address or by electronic mail to FW6_Federal_Activities_Cheyenne@fws.gov.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have questions regarding this letter or your responsibilities

under the ESA and/or other authorities or resources described above, please contact Lynn Gemlo of my office at the letterhead address or phone (307) 772-2374, extension 228.

cc: BLM, Endangered Species Program Lead, Cheyenne, WY (C. Keefe) (e-mail)
FWS, Project Planning Coordinator, Region 6, Denver, CO (M. Boroja)
WGFD, Interim Non-game Coordinator, Lander, WY (M. Grenier)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)

Dunne, Chris

From: Dunne, Chris
Sent: Friday, June 13, 2014 10:09 AM
To: Dunne, Chris
Subject: FW: Converse County EIS

From: **Steve W. Van Delinder** <SVanDelinder@ballardpetroleum.com>
Date: Wed, Jun 11, 2014 at 8:23 AM
Subject: Converse County EIS
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

I would like to voice my support for the Converse County Oil and Gas Project. I am totally opposed to the Federal Governments heavy handed manipulation of activities on privately owned surface through the loop hole they created in the APD process. These activities are tightly controlled by the surface owner through the Surface Use Agreement requirements in order to obtain both a State or Federal approved permit to drill. The Federal government is clearly a super-minority in the surface ownership of this project area. Therefore, the surface owners and the State should have supremacy over management and mitigation issues. However, the BLM refuses to allow the surface owner his or her rights to waive these requirements and put roads and drilling pads where they want them. The Greater Powder River Basin is probably one of the most scientifically over studied parcels of land on the North American continent. There are dozens of duplicated detailed biological and archeological inventories and assessments over the same tracts of land that repeat what the last report shows. To treat this area like some unknown wilderness is ludicrous and completely disingenuous.

Respectfully Submitted,

Steve Van Delinder

4168 Cedarwood Lane

Billings, Montana 59106

--

Mike Robinson
Planning and Environmental Coordinator/Project Manager
Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604
Office: (307)261-7520
Fax: (307) 261-7587

Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixation]

ATTN: Mike Robinson,
BLM Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604

RE: Converse County Oil and Gas Project EIS

Dear Mr. Robinson:

The above-referenced project deserves the support of the BLM and all stakeholders, and should be approved for the following reasons:

- a) The energy resource that will be developed by the project is necessary to the economic and national security of the United States, which makes the project an important national activity, well within the BLM's mandate to manage public lands for multiple use, and to encourage the development of America's national resources;
- b) The economic impacts on the region will be overwhelmingly positive, with the creation of hundreds of new jobs, small businesses benefitting directly and indirectly, and millions of dollars in new revenues going to governments at all levels to provide important public services;
- c) The overall amount of surface that will be impacted by this project is very small... less than 5% of the project area.
- d) All environmental concerns and potential issues have been adequately addressed in the development plan, including wildlife habitat, air quality, water usage, spill prevention, reclamation and more.

With these reasons for supporting the project in mind, I also offer the following recommendations:

- a) Water usage should be expressed in "Acre-Feet of Water", rather than "barrels"; Acre-Feet is a more commonly used unit of measure in Wyoming for water use, and is more reflective of comparable usage.
- b) The provisions of the Governor's Sage Grouse protection plan should be included in the RMP revisions, and those provisions should not be superseded.
- c) A waiver should be provided by your agency to allow for year round drilling. This will spread the financial benefits out over the whole year, and prevent having to move rigs unnecessarily.

I believe that the above outlined reasons for supporting the project make a strong argument in favor of it, and that the recommendations listed will bolster the positive effects of the activity.

Regards, *Sam Whitton / Sam Water*
1060 Meadow Lane
Douglas, WY

June 16, 2014

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office



Scott Heimer

6300 Hitt Blvd. · P.O. Box 368 · Gillette, WY 82717-0368
Phone: (307) 686-1747 · Fax (307) 687-0408

June 19, 2014

Mike Robinson
BLM Casper Field Office
2987 Prospector Drive,
Casper, WY 82604

RE: Converse County Oil and Gas Project

Dear Mr. Robinson,

Thank you and the BLM for this opportunity to comment on an important economic project for Converse County. We fully support the Converse County Oil and Gas Project as described in the Plan of Development and agree with the Purpose and Need Statement. The reasons are simple: this is a critical piece of our region's economic development puzzle, and can be done with minimal impact to the environment or to the health of the community. We have many years of experience working with oil and gas operators in this County and the industry as a whole has 60-plus years of institutional memory and experience in plying their trade while posing little to no risk to their surroundings and other resources.

We specifically support a year-round drilling program which we believe will not only spread out the economic benefits of the activity over the year, but will prevent the type of transitory workforce that stipulations restricting activity to certain times of year tend to produce.

Annual drilling suspensions create a climate where our region will become a temporary workplace for the people employed directly or indirectly in the drilling, rather than a home. We would much prefer to see these workers move here with their families, put their children in school here, and become contributing members of our community, rather than just visit for a few months while the drilling is permitted. One cannot ask people to move here and participate in our community and economy if the job that pays their bills is going to disappear for a few months every year.

There is no justifiable reason for limiting drilling to only a few months. Advances in technology, particularly in the field of directional drilling, have allowed these operators to drill several wells from a single pad. The advantages of this is obvious, both economically and environmentally. It is, of course, much cheaper to not have to tear down and move a rig for every well. It's also worth considering the environmental impacts of moving a rig unnecessarily. Unnecessary moves mean more truck trips, more heavy equipment rolling up and down roads and bridges, and more disturbance on lease roads. If drilling is suspended for even a few weeks or a couple months, rigs will have to move, when otherwise they might be able to stay in the same place to finish a pad. It does not make sense from any angle to force the movement of this equipment more than is required.

We would also like to point out other factors that we believe are critical to bear in mind as you develop your EIS. The area in question is an historic oil and gas producing region, and has supported such activity for decades. Drilling is nothing new to the area. Impacts have been minimal, with the exception of the socio-economic benefits. And, as noted above, the technology

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has developed at such a rate over those decades that what relatively minor negative impacts there were, they are being eliminated or mitigated. Having worked with many of the operating companies, and being familiar with their procedures, we are well aware of how much preliminary work goes into a well pad. Many hours of preparation go into planning a well pad, preparation that ensures that everything from siting the pad to eventual reclamation is considered. This level of dedication to stewardship and responsibility is emblematic of today's oil and gas industry and we feel that these extensive efforts need to be strongly taken into consideration.

In addition, as per the details spelled out in the Development Plan, each stage of development will be completed using best practices as designed over years of industry experience, which will further mitigate any potential impacts.

As a final point, we would encourage the BLM to incorporate the provisions of the Governor of Wyoming's Executive Order on Sage Grouse and to not exceed those well-thought-out provisions which provide a needed degree of flexibility which will benefit not only the industry and the local economy which that industry supports, but the Sage Grouse as well.

In closing, we urge the BLM to strongly consider the many economic benefits of responsible oil and gas development, as outlined in this proposed program, juxtaposed alongside the great advances in technology and operating practices that allow those benefits to be obtained without harm to the environment. We also strongly urge your agency to permit this program to be carried out year-round in order to not negate those economic and environmental benefits.

Thank you again for the opportunity to comment and for your consideration of our views.

Sincerely,

A handwritten signature in cursive script that reads "Connie Heimer". The signature is written in black ink and is positioned below the word "Sincerely,".

Connie Heimer

Water System Drilling, Inc.



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

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June 30, 2014

WER 2419.03

Bureau of Land Management
Casper Field Office

Notice of Intent to Prepare an
Environmental Impact Statement and Amendments to the
Casper Resource Management Plan and
Thunder Basin National Grasslands Land and Resource Management Plan
Converse County

Kathleen Lacko
Converse County Oil and Gas Project
Bureau of Land Management
Casper Field Office
2987 Prospector Drive
Casper, WY 82604-2968

Dear Ms. Lacko:

The staff of the Wyoming Game and Fish Department (WGFD) has reviewed the Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Amendments to the Casper Resource Management Plan and Thunder Basin National Grasslands Land and Resource Management Plan. We offer the following comments for your consideration.

Terrestrial Considerations:

Sage-Grouse

The project area encompasses both non-core and core sage-grouse habitat. In non-core sage-grouse habitat there are 13 occupied leks within the project area boundary, several leks within 2mi of the project area boundary, and several new leks discovered in 2014. Non-core area No Surface Occupancy (NSO) buffers and seasonal use stipulations should be considered and analyzed in the forthcoming EIS.

The project area overlaps three sage-grouse core areas as defined by the State of Wyoming Greater Sage-Grouse Core Area Protection Executive Order 2011-5. These core areas are North Glenrock, Thunder Basin, and Douglas. For the portions of the North Glenrock and Thunder Basin core areas encompassed in the project area, we recommend considering digitizing current surface disturbance to provide a baseline density/disturbance analysis to determine where these areas are in terms of Executive Order 2011-5 density/disturbance thresholds (i.e., 5% and 1/640),

which may guide alternative development. Executive Order 2011-5 process and stipulations for development as outlined in Attachment B should be incorporated into the analysis in the forthcoming EIS.

A plan of development for oil and gas has been agreed to and is being implemented in the Douglas core area by operator Chesapeake Energy. We recommend this plan of development is considered and analyzed in the forthcoming EIS.

Big Game and Hunting Access

The project area supports yearlong and winter-yearlong habitat for elk, mule deer, and pronghorn. Aside from impacts to big game habitat, we recommend the forthcoming EIS analyze impacts to hunting access and related issues. Publicly accessible land is limited in the project area and increased oil and gas development has the potential to impact what little access does exist. The ability of sportsmen to access big game is an important issue for the WGFD and influences the Department's ability to meet population objectives. Additionally, the impacts of oil and gas development on big game species and their habitats also can affect the Department's ability to meet population objectives. These issues should be considered and analyzed.

Other related issues that should be analyzed are related to an increase in the number of non-public roads that have created more trespass issues in recent years (maintained non-public roads can be easily mistaken for public roads when not properly signed) and oil field-related poaching. We recommend specific measures that minimize trespass and poaching concerns are developed and incorporated into a preferred alternative.

Non-Game Wildlife

The project area overlaps an identified key non-game wildlife area delineated in the vicinity of the Thunder Basin National Grasslands. This area supports a number of Species of Greatest Conservation Need (SGCN) as identified by the WGFD in the 2010 State Wildlife Action Plan. We recommend impacts to shrubland and grassland SGCN are analyzed in the forthcoming EIS, and mitigation measures are developed as appropriate.

Roads, Traffic, and Noise

The proposed development will result in hundreds of miles of new roads, associated traffic, and development-related noise. The impacts of these factors on wildlife species and habitats should be considered and analyzed in the EIS. Additionally, we recommend a traffic plan (e.g., approved routes and speed limits) is developed for the project area and mitigation measures developed as appropriate.

Siting

Project siting is an important factor in minimizing habitat disturbance and impacts to wildlife. The project area may offer many opportunities for co-locating new disturbance with existing disturbance given that the Operator Group's Plan of Development identifies +1,000 inactive or plugged and abandoned wells. We recommend protocols for project-level siting are developed that encourage co-location of new disturbance features with existing disturbance features to the extent practical to reduce habitat loss and fragmentation. Infrastructure line of sight to occupied sage-grouse leks should be considered as a mitigation measure. Also, placement and construction specifications for water impoundments should be evaluated in terms of West Nile virus risk. If not already done, unitization should be considered to allow for more siting flexibility.

Vegetation, Reclamation, and Restoration

The forthcoming EIS should include a detailed reclamation plan with an implementation time table and clear criteria for successful reclamation in the various habitat types that will be impacted.

Additionally, a weed prevention and control plan should be developed and implemented during all stages of the proposed development. Preventing the establishment of and control of noxious weeds, cheatgrass, and bulbous bluegrass should be a high priority as these species can quickly degrade the quality of habitats and rangelands.

The EIS should analyze the number of acres for specific habitat types that will be impacted by the proposed project. We suggest any loss of sagebrush habitat should be analyzed as a long-term disturbance, despite interim reclamation, as it may take decades for this type of habitat to re-establish and become functional again.

Cumulative Impacts

The forthcoming EIS should include a cumulative impacts analysis with a large analysis area for wildlife resources. Adjacent to the project area there is already extensive oil and gas development, existing and expanding in-situ uranium development, three large industrial wind farms with additional projects in the permitting stage, and expanding residential development. These existing developments in conjunction with the proposed project will likely constitute significant impacts to wildlife on a landscape scale.

Development Alternatives

A range of alternatives for the EIS should be developed in coordination with Cooperating Agencies. We recommend consideration is given to a resource protection alternative that

Kathleen Lacko
June 30, 2014
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minimizes the amount of surface disturbance in the project area, clusters development in sensitive habitats, and applies all appropriate seasonal and distance stipulations for wildlife. We would also suggest consideration for a phased development alternative to prevent a situation where areas with no timing stipulations are exhausted in the first few years of development thereby increasing the likelihood of pressure for exception requests and timing stipulation waivers in the latter years of development. As suggested in the Operator Group's plan of development and at the public scoping meetings, year-round drilling is a priority for this project. An alternative that balances year-round drilling with enhanced protection for important habitats should be considered.

Aquatic Considerations:

The proposed Environmental Impact Statement will need to address the following aquatic concerns:

- Ensure that sediment does not reach ephemeral, intermediate, and perennial waterways.
- Minimize impacts to reptiles and amphibians.
- Prevent the spread of aquatic invasive species. Equipment that has been in contact with surface water or surface water is not moved from one 4th level (8-digit Hydrological Unit Code) watershed to another.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Amanda Withroder, Staff Biologist, at (307) 473-3436 or Rick Huber, Staff Aquatic Biologist, at (307) 777-4558.

Sincerely,


A- John Kennedy
Deputy Director

JK/mf/gb

cc: USFWS
Willow Hibbs, WGFD, Casper Region
Justin Binfet, WGFD, Casper Region
Martin Grenier, WGFD, Lander Region
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne
Al Conder, WGFD, Casper Region

Kathleen Lacko
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Paul Mavrakis, WGFD, Sheridan Region



June 30, 2014

Casper Field Office, BLM
Attn: Mike Robinson, Planning and Environmental Coordinator
2987 Prospector Drive
Casper, WY 82604

Via email to blm_wy_casper_wymail@blm.gov

Scoping comments on the Converse County 5,000-well project

Dear Mr. Robinson:

The following are the scoping comments of WildEarth Guardians and Prairie Hills Audubon Society on the proposed 5,000-well project in Converse County. As outlined below, we are concerned about the direct and cumulative impacts to wildlife and sensitive habitats, air quality, climate change, public recreation, surface and groundwater quality, and human health resulting from the approval of this 5,000-well project. Please address the issues raised in these comments as you work your way through the NEPA process.

Many of the potentially significant impacts of this project are site-specific in nature as discussed below. For sage grouse, nesting birds of prey, key habitats for BLM Sensitive Species such as black-tailed prairie dogs, and crucial big game winter ranges, the actual locations of wells, roads, overhead powerlines, pipelines, compressor stations, and other facilities approved under this project will determine whether environmental impacts are significant or not, and the magnitude of significant impacts. This is true for impacts to public recreation on the Thunder Basin National Grassland as well. BLM must disclose and fully map actual locations for infrastructure in order to assess the direct and cumulative impacts of this project on sensitive lands and resources. In the past, BLM has pursued a “shell game” approach in some circumstances, giving blanket approval for large numbers of oil and gas wells under an Environmental Impact Statement without assessing site-specific impacts until Applications for Permit to Drill (APDs) are sought, at which time individual APDs are approved under Environmental Assessments (EAs) with Findings of No Significant Impact (FONSI). Under such circumstances, the significant site-specific impacts of locating project facilities in sensitive areas never occurs, in violation of NEPA. BLM must not write a blank check for these 5,000 wells, because the

significance of site-specific impacts to sage grouse habitats and other sensitive lands and resources is now well-understood.

It will be important for BLM to design this project to minimize all of its myriad impacts on the environment, taking into account every possible aspect. We expect BLM to thoroughly analyze, objectively evaluate, and fully disclose all proposed mitigation measures, wildlife protections, and plans, examining a range of different measures under the various alternatives so that the best set of protections can be put in place in the final project.

We also urge the BLM to examine a range of action alternatives to satisfy NEPA's requirements. These should include at least one action alternative under which the project moves forward will full recovery of fluid mineral resources with the lowest possible impact on all aspects of the human environment (including wildlife, air and water quality, human health and safety, and climate change), and at least one action alternative that requires the cessation of activities if and when Clean Air Act violation(s) occur.

BLM must also completely and comprehensively analyze the direct and cumulative impacts on the human environment. In this context, we expect BLM to assess the cumulative impacts of all BLM-permitted (and other) human activities on sensitive resources such as sage grouse habitats or human-induced climate change, including coal mining, livestock grazing, existing vehicle traffic and road networks, existing fences, and existing and reasonably foreseeable patterns of human habitation and subdivision across the project area. BLM must consider and disclose alternatives for getting product produced to market, including potential impacts to the environment for spills, train derailments, and other reasonably foreseeable events. In order to perform this legally required analysis, it will be critical to gather comprehensive baseline information on each and all of these, for both public and private lands.

Impacts to Sensitive Wildlife

Fluid mineral development can have myriad impacts on sensitive wildlife species. These potential impacts include direct loss of habitat, habitat fragmentation, displacement of sensitive wildlife from adjacent habitats not directly affected by surface disturbance, disturbance of wildlife resulting in stress and/or decreased inclusive fitness for wildlife remaining in proximity to development, direct mortality due from multiple activities (including vehicle collisions, bird incineration in burners, poaching mortality), noise impacts, dust pollution resulting in reduced vegetation productivity, and dust and/or hydrocarbon pollution resulting in stress or decreased health and inclusive fitness. BLM should analyze the impacts of each alternative considering each of these factors in the forthcoming EIS.

The project proponents propose that waivers of timing limitations and/or other protections for wildlife become part of the project. We do not support the waiver of timing limitations, which are minimally intrusive for the Operator and the least that BLM can do for wildlife. But we propose a compromise – No Surface Occupancy in and around all sensitive wildlife habitats – including within 5.3 miles of sage grouse leks, within 2 miles of ferruginous hawk nests and within 1 mile of other raptor nest sites, within 0.25 mile of active prairie dog colonies. If this NSO requirement is applied in the form of Conditions of Approval for this project without the possibility of waiver or exception, then waivers of timing limitations can be considered.

Based on WOGCC data, Operators report 1,144 active oil, gas, or coalbed methane wells in the Project Area. Each of these wells is served by an access road, and presumably product pipeline. The forthcoming EIS should analyze the level of development and spatial extent and distribution of these impacts as part of the baseline information analysis, necessary to project cumulative impacts on wildlife. BLM should analyze for each species how much habitat is already in the zone of significant impact for that species today, and how much habitat will be in this zone of impact as a result of the additional impact of this project. For example, sage grouse are significantly impacted on lands within 1.9 miles of main haul roads or wellpads (Holloran 2005), and therefore the habitats within this distance of these features should be flagged as significantly impacted directly and/or cumulatively. For sagebrush obligate passerines, lands within 100 m of roads and also near pipelines for sparrows, significant impacts occur (Ingelfinger 2001).

Sage Grouse

The Project Area encompasses the Douglas Core Area, parts of the Thunder Basin Core Area complex, and additional sage grouse habitats on the Thunder Basin National Grassland that are of such importance to the Forest Service that this agency has proposed to manage them using Core Area prescriptions in order to meet its species viability requirements under NFMA. This project will need to consider the NFMA viability requirements for Forest Service lands and ensure that any alternative that is adopted complies with these requirements. In addition, the greater sage grouse is a BLM Sensitive Species as well as a Candidate Species under the Endangered Species Act. Accordingly, this project must be compatible with maintaining and increasing viable populations of sage grouse, lest it contribute to the need to list the species as threatened or endangered under the Endangered Species Act.

The BLM must apply strong protections to breeding and display areas (leks) the nesting habitats that surround these leks within 5.3 miles (Doherty et al. 2010), early- and late-brood-rearing habitats, and wintering habitats, as each of these habitats is critical to the life cycle of sage grouse and are necessary to ensure its survival and recovery. BLM must map these habitats in detail and apply protections that will ensure that sage grouse use of these habitats remains unimpaired by project facilities and/or activities. We remain unconvinced that the measures proposed by BLM for implementation in the Wyoming Greater Sage-grouse RMP Amendment Draft EIS will prevent significant impacts to sage grouse and their habitats or maintain viable populations of this BLM Sensitive Species over the long term.

Impacts from Infrastructure

Holloran et al. (2007) found that yearling female sage grouse avoided nesting within 930m of oil and gas infrastructure. For each alternative, please disclose how much existing and proposed infrastructure would be within 930m of potential nesting habitat, as defined by Doherty et al. (2010). Your preferred alternative should reduce this acreage with regard to new infrastructure to zero.

Holloran (2005) found that during drilling, wells sited within 3 miles of an active lek had a significant negative impact on the breeding population at the lek. This must be prevented by prohibiting drilling within 3 miles of active leks during the breeding and nesting season, without exception. Holloran (2005) also found that post-drilling, producing wells had a negative impact

when sited within 1.9 miles of leks. BLM needs to disclose how many wells, both existing and proposed in this project, are sited within 1.9 miles of active leks. The agency's preferred alternative should reduce the number of new wells in this radius to zero.

Holloran (2005) found that roads serving 5 or more wells within 1.9 miles of active leks resulted in significant lek population declines, even if the roadway was rendered invisible from the lek due to intervening topography. The same study also documented that greater amounts of traffic resulted in greater impacts to the birds. BLM should examine the acreage of sage grouse habitat currently within 1.9 miles of such roads, including county roads that are equivalent, and the additional acreage that would be this close to major gravel roads under each alternative. The preferred alternative should reduce this new acreage to zero.

Numerous scientific studies (Holloran 2005, Doherty 2008, Walker et al. 2007, Tack 2009, Taylor et al. 2012, and Copeland et al. 2013) have established that one wellpad per square-mile section is the threshold at which significant impacts from excessive well density begin to occur. Please disclose the acreage at which this density is already exceeded by current development, and the extent to which this threshold will be exceeded, both inside Core Areas and in sage grouse habitats outside Core Areas, by the additional wells in this project. The agency's preferred alternative should not allow wellpad density in excess of one per square-mile section in order to prevent impacts to sage grouse and other wildlife.

Knick et al. (2013) found that 99% of active leks in the western half of the species' range were surrounded by habitat with less than 3% surface disturbance per square mile, and in most cases, much less. BLM should disclose which square-mile sections in the project area already exceed the 3% threshold for surface disturbance, which equates to significant negative impacts to sage grouse. The agency's preferred alternative should require that cumulative surface disturbance (existing plus proposed) be kept below the 3% threshold, on a per-square-mile basis.

Overhead powerlines are used by raptors for perching, and are avoided by sage grouse. Nonne et al. (2011) found that raven abundance increased along the Falcon-Gondor powerline corridor in Nevada both during the construction period, and long-term after powerline construction activities had ceased. Braun et al. (2002) reported that 40 leks with a power line within 0.25 mile of the lek site had significantly slower population growth rates than unaffected leks, which was attributed to increased raptor predation. Dinkins (2013) documented sage grouse avoidance of powerlines not just during the nesting period but also during early and late brood-rearing. In the Nevada – Northeastern California Greater Sage-grouse RMP Amendment Draft EIS, BLM documented negative effects to 4 miles from powerlines and beyond. BLM should require all electrical distribution lines to be buried inside and within 0.25 mile of all sage grouse seasonal habitats in order to prevent significant impacts to sage grouse. While Slater and Smith (2010) recorded partial effectiveness of raptor perch inhibitors in the context of large transmission lines (although they were least effective for ravens and golden eagles, the two most significant sage grouse predators), Prather (2010) empirically examined the effectiveness of perch inhibitors on smaller distribution lines and found them completely ineffective. In this EIS, the BLM should analyze and disclose the acreage of sage grouse habitat within 4 miles of existing and proposed powerlines, and the preferred alternative should reduce the acreage newly within 4 miles of grouse seasonal habitats to zero.

Impacts from Noise

Noise can have a major negative impact on sage grouse, causing disturbance and displacement of birds from preferred habitat and drowning out the mating calls of males during the lekking season. Blickley and Patricelli (2012) found that low-frequency noise from oil and gas development can interfere with the audibility of male sage grouse vocalizations:

We found that noise produced by natural gas infrastructure was dominated by low frequencies, with substantial overlap in frequency with Greater Sage-Grouse acoustic displays. Such overlap predicted substantial masking, reducing the active space of detection and discrimination of all vocalization components, and particularly affecting low-frequency and low-amplitude notes. Such masking could increase the difficulty of mate assessment for lekking Greater Sage-Grouse.

These researchers went on to state, “Ultimately, increased difficulty in finding leks or assessing males on the leks may lead to lower female attendance on noisy leks compared with quieter locations. Males may also avoid leks with high levels of noise if they perceive that their vocalizations are masked.” Noise also causes stress to sage grouse. According to Blickley et al. (2012b:1),

We found strong support for an impact of noise playback on stress levels, with 16.7% higher mean FCM [fecal corticoids, an index of stress] levels in samples from noise leks compared with samples from paired control leks. Taken together with results from a previous study finding declines in male lek attendance in response to noise playbacks, these results suggest that chronic noise pollution can cause greater sage-grouse to avoid otherwise suitable habitat, and can cause elevated stress levels in the birds who remain in noisy areas.

They went on to note, “Noise at energy development sites is less seasonal and more widespread and may thus affect birds at all life stages, with a potentially greater impact on stress levels.”

According to Blickley et al. (2010), “The cumulative impacts of noise on individuals can manifest at the population level in various ways that can potentially range from population declines up to regional extinction. If species already threatened or endangered due to habitat loss avoid noisy areas and abandon otherwise suitable habitat because of a particular sensitivity to noise, their status becomes even more critical.”

A newly available scientific study conducted within the Lander Field Office evaluates the impacts of development-related noise on sage grouse (Patricelli et al. 2012). Patricelli also recommends that noise be limited to 10 A-weighted decibels above the ambient noise level, but points out that 39 decibels is not the appropriate ambient noise level for their Lander Field Office study site (and generally), but instead that 20 to 22 decibels is the actual background noise level measured at sage grouse leks. To achieve these levels, these researchers recommend: “Therefore to avoid disruptive activity in areas crucial to mating, nesting and brood-rearing activities, we

recommend that roads should be sited (or traffic should be seasonally limited) within 0.7-0.8 miles from the edge of these areas.” *Id.*

Blickley et al. (2012a) played back recorded continuous and intermittent anthropogenic sounds associated with natural gas drilling and roads at leks. For 3 breeding seasons, they monitored sage grouse abundance at leks with and without noise. Peak male attendance (i.e., abundance) at leks experimentally treated with noise from natural gas drilling and roads decreased 29% and 73%, respectively, relative to paired controls. Decreases in abundance at leks treated with noise occurred in the first year of the study and continued throughout the experiment. Intermittent noise had a greater effect than continuous noise. Female attendance averaged a decrease of 48%; male attendance averaged a decrease of 51%. Road noise leks decreased by 73% versus control leks; drilling noise leks decreased 29% versus control leks. There were residual effects of noise after the treatment ceased. These researchers concluded that sage grouse do not habituate to noise impacts over time.

The Preferred Alternative should require that noise be limited to 30-32 dbA, the absolute threshold recommended by Patricelli et al. (2012). It is notable that in the Upper Green River Valley, the background noise was determined to be 15 dbA (Ambrose and Florian 2014), which would translate to a maximum allowable noise of 25 dbA under the Patricelli et al. (2012) recommendations. This may actually be more reflective of Converse County, which may have less wind (and thus natural background noise) than the Wind River Basin site examined by Patricelli et al. BLM should consider a range of noise restrictions, up to and including a 25 dbA noise restriction within 0.6 mile of the lek (the loafing area for males) in at least one alternative.

Cumulative Impacts

Taylor et al. (2012) concluded that the combined impacts of existing fluid minerals development and West Nile virus would likely result in the functional extirpation of the species with the next West Nile virus outbreak. The approval of an additional 5,000 wells under this project will exacerbate the problem. As a term and condition of project approval, operators should be required to fund and complete the breaching of each and every coalbed methane wastewater detention and/or infiltration reservoir in the Powder River Basin as offsetting mitigation for the project, as a means of neutralizing the compounded threats of fluid mineral development with West Nile virus outbreaks. This is a reasonable alternative mitigation measure, and we expect the BLM to consider it in detail under at least one action alternative.

Livestock grazing can have a significant negative impact on sage grouse, particularly through the removal of adequate grass cover to hide breeding, nesting, and brood-rearing grouse from predators. Connelly et al. (2000) recommended that a residual stubble height of 7 inches be left behind during these crucial seasons to provide hiding cover for grouse. This threshold was subsequently empirically demonstrated to be a key difference between habitats used by sage grouse and those avoided or unoccupied (Hagen et al. 2007, Prather 2010). As part of the baseline information analysis, BLM should survey sage grouse habitats on both public and private lands to determine the extent to which at least 7 inches of residual grass stubble remains

during the breeding, nesting, and brood-rearing seasons. The impacts of livestock grazing would be expected to be cumulative with the impacts of the developments approved under this project.

BLM should consider the potential impacts of climate change of greater sage grouse in the project area (*see, e.g.,* Neilson et al. 2005), and how the approved industrial developments may exacerbate these impacts in a cumulative way and/or whether and how mitigation measures required under various alternatives might ameliorate these impacts and make long-term grouse viability more likely.

Mountain Plovers

Mountain plover nesting habitat is found in the project area. This species is rare and declining in the Powder River Basin, and we expect BLM to map all known plover nesting habitats, and prohibit surface occupancy within 0.5 miles of such habitats, as a Condition of Approval for the project. The Mountain Plover is a BLM Sensitive Species, recently listed under the Endangered Species Act, and BLM must not permit this project in such a way that contributes to the need to re-list this bird.

Birds of Prey

Golden eagles, merlins, red-tailed hawks, burrowing owls, Swainson's hawks, bald eagles, northern harriers, and other raptor species nest and/or roost in the project area. We expect BLM to undertake a spatially explicit analysis by alternative of how much infrastructure is located within one mile of these sensitive habitats, and the preferred alternative should reduce infrastructure located in such areas to zero. Furthermore, to the extent that timing stipulations are relied upon to provide protections for raptor nests and bald eagle roost sites, these stipulations should be rigorously enforced and not subject to waiver or exceptions.

Ferruginous hawks are among the most sensitive of all raptor species, and are prone to nest abandonment if disturbed (Parrish et al. 1994). Nest abandonment, egg mortality, parental neglect, and premature fledging are common results of disturbing ferruginous hawk nests (White and Thurow 1985). Smith and Murphy (1978) noted that increased human access is a primary threat to the viability of ferruginous hawk nest success. For their central Utah study, these researchers found that "in all instances of nesting failure where the cause could definitely be determined, humans were at fault" (p. 87). White and Thurow (1985) found that walking disturbance and vehicle use had the greatest effect on ferruginous hawk nest success, while vehicle use had the greatest flushing distance. Instead of becoming habituated, most hawks in this study increased their flushing distances with repeated disturbance (*ibid.*). In addition, disturbed nests averaged one less offspring fledged per nest when compared to undisturbed control nests. Oakleaf et al. (1996) pointed out that the cumulative effects of oil and gas development may impact large areas of ferruginous hawk habitat. We recommend a 2-mile No Surface Occupancy buffer to be applied as a Condition of Approval around all ferruginous hawk nests.

Black-tailed Prairie Dog

The black-tailed prairie dog is a BLM Sensitive Species and is a keystone species upon which a wide variety of other wildlife (including burrowing owls, swift foxes, golden eagles, ferruginous hawks, and black-footed ferrets) depend for their survival. In addition to directly impacting prairie dogs and their habitats through bulldozing of habitats and vehicle collision mortality, oil and gas fields indirectly increase prairie dog mortality by expanding vehicular access on public (and private) lands for recreational shooting and poisoning. BLM should prevent new significant impacts from this project to prairie dogs from occurring, by placing all lands within 0.25 mile of active colonies under No Surface Occupancy restrictions as a Condition of Approval for this project. Please note that as a part of its direct and cumulative impacts analysis requirements for this project under NEPA, BLM will need to evaluate the magnitude and cumulative impact of non-project activities deleterious to prairie dogs, including recreational shooting and poisoning.

Other Sensitive Species

We are concerned that the proposed project will have a significant negative impact on swift fox, Preble's meadow jumping mouse, sage sparrow, Brewer's sparrow, sage thrasher, chestnut-collared longspur, McCown's longspur, and northern leopard frog. Please undertake a complete evaluation of these species' occurrence within the project area, and adopt measures to reduce impacts of this project to zero for these species and their habitats. The endangered black-footed ferret has a Recovery Area of 50,000 acres designated under the Thunder Basin Grassland Plan; surface occupancy for additional oil and gas development should not be allowed within this area.

Elk

BLM undertook a scientific literature review of the potential impacts of development and roads to the nearby Fortification Creek Elk Herd (BLM 2007). This report concluded that elk avoided using habitat within 1.7 miles of wellsites and within 0.5 miles of roads, and also cited additional studies that further underscored these findings. Sawyer and Nielson (2005) also found that elk avoid roads by 0.5 miles in his Red Desert study area, which is similarly open and lacking in cover to the project area. Importantly, elk also migrate from Laramie Peak out to the Thunder Basin National Grassland, migrating through and potentially using as critical habitat some of the lands in the project area. BLM must spatially identify migration corridors and seasonal ranges used by this herd, disclosing for each alternative how many wellpads and miles of road will be added within key habitats and migration pathways. Under no circumstances should BLM allow development on the surface within 0.5 mile of elk ranges or migration corridors.

Mule Deer

Oil and gas development has been shown to have a negative population-level impact on mule deer (*see, e.g.,* Sawyer et al. 2006). We are concerned that the Wyoming Game and Fish Department has failed to comprehensively map and identify crucial winter ranges, parturition areas, and migration routes for mule deer in this project area, so we call upon BLM to undertake its own mapping of these key mule deer habitats, so that appropriate protections can be applied. Once identified, no surface disturbing activities should be allowed within 0.5 mile of key ranges or migration corridors.

Impacts to Important Recreational Lands

The project area may include parts of the following Forest Service roadless areas: Downs, Cow Creek Butte, Miller Hills, and Red Hills. These are important recreational lands, and industrial incursions should not be permitted within these areas as a part of this project. Industrial development ruins the wild nature of these rare remaining roadless fragments of native High Plains grassland, and their preservation should be a primary goal in the context of this project.

Impacts to Historical, Cultural, and Paleontological Features

Important historical and cultural sites (as well as Native American Traditional Cultural Properties) may occur within the project area. BLM should identify all of these sites, including but not limited to Paleoindian archaeological sites and Expansion Era trails, homesteads, or features, and ensure that these sites and their settings are not degraded by project-related activities. We are also concerned that irreplaceable fossil finds will be destroyed during the course of this project. The project area should be classified using the Probable Fossil Yield classification system, and important archaeological and cultural sites should be disclosed. The locations of these key features are site-specific, so significance of impact cannot be analyzed without detailed disclosure of the locations of all human impacts to be approved under this project. The project should require lands proposed for surface disturbance to be field-cleared by separate experts in both archaeology and paleontology, prior to the onset of surface-disturbing activities. We are concerned that priceless artifacts will be lost forever, and never be cataloged, if BLM leaves compliance up to Operators whose field personnel are untrained in identification and recovery of important artifacts.

The BLM Must Address the Climate Impacts of the Proposed Oil and Gas Drilling and Fracking

In analyzing and assessing the impacts of the proposed oil and gas drilling, the BLM must disclose the total greenhouse gas emissions that will be associated with the project, including both the direct greenhouse gas emissions associated with drilling, fracking, and production (including future workovers and other maintenance activities) and indirect emissions associated with related activities and downstream combustion of the produced oil and gas.

Direct emissions are likely to result from methane emissions from leaking equipment and other venting activities, as well as from carbon dioxide-emitting combustion activities, including drilling rig operation, compressor engine operation, and flaring.

In disclosing methane emissions, the BLM must ensure that it addresses their global warming impacts based on the best available science. To this end, although the U.S. Environmental Protection Agency has identified that methane has a global warming potential that is 25 times greater than carbon dioxide over a 100 year period (i.e. is 25 times more potent as a greenhouse gas) (*see* 78 Fed. Reg. 71904, 71909 (Nov. 29, 2013)), the Intergovernmental Panel on Climate Change (“IPCC”) has assigned methane a global warming potential of 28 over a 100-year period and 84 over a 20-year period. *See* IPCC, *Climate Change 2013: the Science Basis. Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press (2013) at 731, available at <http://climatechange2013.org/>.

We request the BLM assess total carbon impacts associated with methane emissions on both a 20-year and 100-year scale.

Indirect emissions of methane and/or carbon dioxide are likely to result from truck traffic, compressor station operations, refining, and the ultimate combustion of oil and gas downstream of processing and refining facilities.

In assessing the significance of these direct and indirect greenhouse gas emissions, we request the BLM conduct a cost-benefit analysis that gives due consideration to the social cost of carbon estimates that have been released by the federal government. The social cost of carbon is “an estimate of the economic damages associated with a small increase in carbon dioxide (CO₂) emissions, conventionally one metric ton, in a given year.” See U.S. Environmental Protection Agency, “The Social Cost of Carbon,” website available at <http://www.epa.gov/climatechange/EPAactivities/economics/scc.html>. The carbon cost figure “also represents the value of damages avoided for a small reduction (i.e. the benefit of a CO₂ reduction).” *Id.* A social cost of carbon estimate has been used by federal agencies for many years and in 2013, the Interagency Working Group on the Social Cost of Carbon proposed to update social cost of carbon estimates. See Interagency Working Group on the Social Cost of Carbon, United States Government, *Technical Support Document: Technical Update on the Social Cost of Carbon for Regulatory Impact Analysis – Under Executive Order 12866* (May 2013, revised November 2013), attached as Exhibit 1. Their proposal indicates that by 2020, carbon costs could be as high as \$128/ton of carbon dioxide.

The climate impacts associated with the proposed oil and gas drilling and fracking do not appear to be insignificant matters. Based on BLM estimates in other NEPA documents, direct emissions resulting from the drilling of 5,000 wells could be one million metric tons of CO₂ annually.¹ This is the equivalent of the annual emissions from 210,526 passenger vehicles.² Indirect emissions could be as high as 392 million metric tons of CO₂ annually. Indeed, industry estimates that oil wells in the area produce 500 or more barrels of oil daily. See Kays, H., “Wyoming oil production continues to increase,” *Buffalo Bulletin* (Nov. 13, 2013), available at http://www.buffalobulletin.com/news/article_139d34f8-4c78-11e3-97dd-001a4bcf6878.html. The EPA estimates that CO₂ emissions from oil combustion amount to 0.43 metric tons per barrel. See <http://www.epa.gov/cleanenergy/energy-resources/refs.html>. This means that, when all proposed 5,000 wells are producing, indirect CO₂ emissions from oil combustion could be

¹ The BLM has estimated that single oil and gas wells in Wyoming release 0.0002 million metric tons of CO₂ annually. See BLM, Environmental Assessment for Samson Resources Company Scott Field Development Project, WY-060-EA-067 (Sept. 2013) at 60, available at <http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA/cfodocs/scott-field.Par.42269.File.dat/EAfinal.pdf>. 5,000 wells, as proposed by BLM, would thus produce one million metric tons of CO₂ annually.

² Based on EPA’s greenhouse gas equivalency calculator, <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>.

more than one million metric tons daily, or 392 million metric tons a year. This would be equivalent to the annual CO₂ emissions from 100 coal fired power plants.³

This indicates that potential carbon costs could be enormous, potentially more than \$50 billion annually.

Although social cost of carbon has normally been utilized in the promulgation of federal rules, there is no indication that the social cost of carbon approach to assessing the significance of carbon impacts is not appropriate for project-level decisions. Indeed, a federal judge recently overturned a U.S. Forest Service and BLM approved coal lease modification and exploration plan in Colorado on the basis that the agencies arbitrarily rejected the social cost of carbon approach to addressing climate impacts associated with expanded coal mining. *See High Country Conservation Advocates v. U.S. Forest Service*, Docket no. 1:13-cv-01723-RBJ, slip op. (June 27, 2014), attached as Exhibit 2.

In analyzing and assessing the potentially significant impacts of greenhouse gas emissions and climate change, we request the BLM give thorough consideration to alternatives that reduce or eliminate greenhouse gas emissions. To this end, we request the BLM rigorously explore and objectively evaluate the following alternatives either collectively or individually as part of other action alternatives:

- An alternative that requires carbon-neutral drilling, fracking, and production activities. This alternative would stipulate that drilling could only proceed if the operator eliminates potential carbon emissions or otherwise secures enforceable offsets that ensure no net increase in carbon emissions. Such an alternative could mandate, for example, that Anadarko or other operators in the area reduce carbon emissions from their other operations elsewhere in Wyoming, such as by centralizing compression operations, reducing methane emissions, or eliminating carbon-intensive equipment.
- Require measures to directly mitigate methane emission impacts, including, but not limited to:
 - Centralized Liquid Gathering Systems and Liquid Transport Pipelines
 - Reduced Emission Completions/Recompletions (green completions)
 - Low-Bleed/No-Bleed Pneumatic Devices on all New Wells
 - Dehydrator Emissions Controls
 - Replace High-bleed Pneumatics with Low-Bleed/No-Bleed or Air-Driven Pneumatic Devices on all Existing Wells; and
 - Electric Compression
 - Liquids Unloading (using plunger lifts or other deliquification technologies)
 - Improved Compressor Wet Seal Maintenance/Replacement with Dry Seals
 - Vapor Recovery Units on Storage Vessels
 - Pipeline Best Management Practices; and

³ Based on EPA's greenhouse gas equivalency calculator, <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>.

- Leak Detection and Repair

Many of these mitigation measures are detailed by the BLM in its assessment of BMPs to protect air quality and would have the added benefit of reducing criteria and other toxic air pollutants, in addition to greenhouse gases. *See* BLM, “Air Resource BMPs” (May 9, 2011), available at

http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/bmps.Par.60203.File.dat/WO1_Air%20Resource_BMP_Slide_show%2005-09-2011.pdf. Furthermore addressing methane emissions is critical for

BLM to ensure compliance with waste minimization requirements. Indeed, the Mineral Leasing Act of 1920 (“MLA”) provides that “[a]ll leases of lands containing oil or gas ... shall be subject to the condition that the lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land...” 30 U.S.C. § 225; *see also* 30 U.S.C. § 187 (“Each lease shall contain...a provision...for the prevention of undue waste...”) BLM rules further require that “all [oil and gas] operations be conducted in a manner which protects other natural resources and the environmental quality, protects life and property and results in the maximum ultimate recovery of oil and gas with minimum waste and with minimum adverse effect on the ultimate recovery of other mineral resources.” 43 C.F.R. § 3161.2 (emphasis added). The lease owner and or operator is, similarly, charged with “conducting all operations in a manner which ensures the proper handling, measurement, disposition, and site security of leasehold production; which protects other natural resources and environmental quality; which protects life and property; and which results in maximum ultimate economic recovery of oil and gas with minimum waste and with minimum adverse effect on ultimate recovery of other mineral resources.” 43 C.F.R. § 3162.1(a) (emph. added).

Waste is defined as “(1) A reduction in the quantity or quality of oil and gas ultimately producible from a reservoir under prudent and proper operations; or (2) avoidable surface loss of oil or gas.” 43 C.F.R. § 3160.0-5. Avoidable losses of oil or gas are currently defined as including venting or flaring without authorization, operator negligence, failure of the operator to take “all reasonable measures to prevent and/or control the loss,” and an operator’s failure to comply with lease terms and regulations, order, notices, and the like. *Id.* Thus, BLM isn’t just authorized to explore and implement methane reduction mitigation measures in analyzing and assessing alternatives, it is mandated by law.

Air Quality Impacts Must be Analyzed and Assessed

The BLM must analyze and assess air quality impacts and take steps to limit air quality impacts in accordance with the Federal Land Policy and Management Act, which requires the agency to, “provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards[.]” 43 U.S.C. § 1712(c)(8).

We are particularly concerned over the impacts of the proposed oil and gas development to pollutants for which the EPA has established National Ambient Air Quality Standards. These pollutants include ground-level ozone, nitrogen dioxide, particulate matter (both PM₁₀ and PM_{2.5}), sulfur dioxide, and carbon monoxide.

To ensure an effective analysis and assessment of impacts, we request that the BLM at least use modeling to address ozone, nitrogen dioxide, and particulate matter impacts. Dispersion modeling to address nitrogen dioxide impacts, particularly on a one hour basis, has been utilized by the U.S. Forest Service in analyzing and assessing the impacts of oil and gas development, including most recently on the Fishlake National Forest. *See* U.S. Forest Service, “Fishlake National Forest Oil and Gas Leasing Final Environmental Impact Statement, Supplemental Air Quality Modeling Report: 1-hr NO₂ and 1-hr SO₂” (Sept. 2012), attached as Exhibit 3. It is critical that modeling be utilized to ensure that an accurate analysis is completed and that the BLM ensure that future impacts are appropriately disclosed and mitigated.

The need to model ozone impacts is especially critical because the EPA is proposing to lower the level of the NAAQS from 0.075 parts per million over an eight-hour period to between 0.060 and 0.070 parts per million. The EPA’s Clean Air Scientific Advisory Committee in fact reaffirmed that from a scientific standpoint, there is no basis for retaining the current standard of 0.075 parts per million as it is not sufficiently protective of public health. *See* EPA Clean Air Scientific Advisory Committee, “CASAC Review of the EPA’s Second Draft Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards” (June 26, 2014), attached as Exhibit 4. To this end, the BLM cannot simply assess ozone impacts in the context of whether pollution levels will maintain compliance with the current National Ambient Air Quality Standards. Given the public health risks of ozone concentrations as low as 0.060 parts per million, the BLM must assess potentially significant health impacts on the basis of whether ozone levels will be maintained at or below 0.060 parts per million.

Range of Alternatives and Alternative Mitigation Measures

The BLM must consider a full range of reasonable alternatives for the implementation of this project. We expect the agency to consider the requirement of a range of possible protections to ensure that sensitive lands and resources are not needlessly degraded, and to fully examine and disclose the expected effects on development in consideration of the mitigation measures required under each alternative. In the context of this project, Operators propose wellpads with between 1 and 16 wells. Why only 16? On the Pinedale Anticline, operators have already clustered as many as 72 wells on a single pad.

Like the Converse County project, Alaska’s Alpine Field was developed as a largely horizontal play for oil. The Alpine Field was once heralded as the largest onshore oilfield discovered in North America in its decade (Phillips Petroleum 2002), with a subsurface reservoir variously estimated at 40,000 acres (Sutter 1997, Conoco-Phillips 2013) and 25,000 acres (Redman 2002). The Alpine full-field development project was designed to drain the entire field from two well pads with a total of 36 wells (Redman 2002). For this project, “[h]orizontal wells were selected over vertical wells based on higher expected productivity and improved recovery efficiency compared to vertical wells” (Redman 2002). The total surface disturbance from these two well pads and related facilities ultimately totaled only 97 acres (Phillips Petroleum 2002, Conoco-Phillips 2013). Sutter (1997) noted, “We expect that this minimal footprint should reduce our development cost of this field by 30% as compared to other North Slope fields.” The Alpine Field began production in 2000 and averaged 52,820 barrels of oil per day in 2001 (Phillips Petroleum 2002), ultimately increasing to 30 MBD (Conoco-Phillips 2013). Since Phillips

Petroleum could achieve full development of this 40,000-acre mineral deposit from only two wellpads in the year 2000, it is reasonable to expect project proponents to do the same under much less challenging conditions in Wyoming more than 14 years later, and in the process site those few wellpads that are necessary a safe distance away from sensitive lands such as sage grouse Core Areas or nesting habitats surrounding active leks outside designated Core Areas.

In the context of the Normally Pressured Lance project in western Wyoming, EnCana has announced at a Sage Grouse Implementation Team meeting in April that it intends to drill the entire project with a maximum wellpad spacing of 4 pads per square mile outside sage grouse key habitats, and one wellpad per square mile inside Core Areas. In addition, all wellfield equipment will be concentrated at a maximum of 11 sites throughout the project area, meaning that wellpads will contain only well trees, there will be little or no need for regular vehicle traffic to or human activity on wellpads, and wellpads and their access roads could be almost fully reclaimed back to native vegetation, thereby reducing the impacts of vehicle traffic and human activity on wildlife. The fact that EnCana is proposing such an alternative makes such an alternative a *de facto* reasonable one for this project, and the BLM should consider requiring this in at least one alternative.

The BLM has convened a National Technical Team, which has published recommendations (NTT 2011) based on the best available science for managing fluid mineral extraction and its appurtenant infrastructure to reduce impacts to the greater sage grouse. Implementing these recommendations in full as Conditions of Approval for this project is not only reasonable but potentially legally required in light of BLM's Sensitive Species requirements, the requirement that the agency refrain from approvals that result in undue and/or unnecessary impacts to sage grouse or their habitats under FLPMA, and NEPA's scientific integrity requirements. BLM should also consider the findings of Manier et al. (2013). The NTT recommendations represent BLM's expert opinion on what is required to minimize impacts to sage grouse, which are on the threshold of Endangered Species Act listing. BLM should be conscious of the fact that this project (and others like it across the range of the sage grouse) represent additional and continuing threats to the persistence of sage grouse populations, both locally and cumulatively across its range. The agency would therefore be wise to refrain from approving projects such as this one in a manner that is incompatible with maintaining, and indeed recovering to secure population levels, sage grouse populations that inhabit the project area.

BLM should consider at least one alternative that requires the use of closed-loop drilling. This obviates the need for reserve pits, which expand the surface footprint of wellpads unnecessarily, and represent a health and safety hazard for avian and terrestrial wildlife. In addition, Operators report that wellpads will be up to 12 acres in size; it is our understanding that wellpads already approach or exceed 20 acres in size in the Project Area. Please examine and fully disclose your analysis of this discrepancy.

BLM should consider at least one alternative that forbids the venting or flaring of methane or other products. Venting of methane unnecessarily contributes to climate change, as methane is 23 times as potent a greenhouse gas as carbon dioxide, degrades into carbon dioxide over time, and thus makes an immediate and long-term contribution to climate change without any human benefit in the form of energy. Flaring of natural gas results in carbon and other pollution (some

of it a significant health hazard to people and wildlife) while wasting this potential energy resource and denying local, state, and federal entities the mineral royalties to which they would otherwise be entitled. The environmental impacts and energy waste of these two practices are readily preventable through requiring 'green completions,' under which all fossil fuels are captured and recovered, for later use.

It also would be reasonable to apply comprehensive moratoria for project-related vehicle traffic and human activities (except in emergencies) in sensitive wildlife habitat such as sage grouse seasonal habitats, big game crucial winter ranges or migration corridors, and within 2 miles of ferruginous hawk nests or one mile of other raptor nests, during their key season of use for the wildlife species in question. The Bill Barrett Corporation committed to similar measures for their Big Porcupine Coalbed Methane Project on the Thunder Basin National Grassland, adjacent to the current Project Area, therefore demonstrating that such an alternative is reasonable. *See* Exhibit 5. BLM should consider at least one alternative that requires these measures to be applied, without exception, for this project.

Conclusions

We have deep reservations about the approach that appears to be evolving for this project. Failure to disclose wellsite locations and road alignments, as well as other facilities, will make it impossible for BLM to fully evaluate the significant impacts to the human environment that will certainly result from a fluid minerals project of this magnitude.

According to an article from Mother Jones magazine, BLM data indicates that Converse County, Wyoming is one of the trouble-spots where BLM has not been inspecting oil and gas wells.⁴ BLM has no business permitting additional wells in this area until it fully and regularly inspects the wells it has already permitted.

Respectfully yours,



Erik Molvar

Signing on behalf of

Nancy Hilding
President
Prairie Hills Audubon Society
P.O. Box 788
Black Hawk, SD 57718
nhilshat@rapidnet.com

⁴ <http://www.motherjones.com/environment/2014/06/uninspected-oil-gas-wells-map>, site last visited 6/30/14.

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6/14/14

Attention: Mike Robinson, BLM
Project Manager
Converse County Oil and Gas Project EIS
Casper Field Office
2987 Prospector Drive
Casper, WY 82604

Dear Mr. Robinson,

Thank you for the opportunity to weigh in on the BLM's work as it relates to scoping the Converse County Oil and Gas Project Proposed Action and the Purpose and Need Statement. This letter is to support the BLM's work on this project thus far and, with few exceptions, to encourage the BLM to adopt a final record of decision that reflects the components of the current Proposed Action.

The Purpose and Need Statement is to be commended as it captures the right spirit of multiple use and the need for our country to develop the plentiful and accessible resource of natural gas.

The Proposed Action appropriately recognizes the need to drill some 5,000 wells over the coming ten (10) years. The way to accomplish this most effectively is to allow for year-round development by granting a waiver of discretionary timing limits. This year-round development of the resource will dramatically improve the operators' ability to efficiently deploy drilling rigs without unnecessary disruption of either jobs or the environment.

The whole premise behind being able to reduce the footprint of development is by minimizing surface disturbance. This is accomplished in part through the amazing new technological break-throughs allowing many, many wells drilled from a single pad. This is a fantastic method for reducing the footprint of development. But this directional drilling is only part of the upside for limiting disturbance. If the rigs are allowed to finish all the wells on a pad without having to shut down arbitrarily to meet timing requirements from a bygone era, the disturbance can be limited even further. Again, this has the two-fold benefit of year-round jobs (avoiding seasonal lay-offs or local workers traveling out of state) and environmental stewardship.

Thank you for allowing me to include my comments on this important project.

With respect,

Timothy Uttenhouse III S. Riverbend, Apt. 132, Douglas, WY 82633

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JUN 23 2014

Bureau of Land Management
WHPD / Casper Field Office

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VIA ELECTRONIC MAIL

July 18, 2014

Mr. Mike Robinson
Planning and Environmental Coordinator
United States Bureau of Land Management
Casper Field Office
2987 Prospector Drive
Casper, WY 82604
blm_wy_casper_wymail@blm.gov

Re: MWELC and WRA Scoping Comments on the Proposed Converse County Oil and Gas Project (Converse County, WY)

Dear Mr. Robinson:

On behalf of the Mountain West Environmental Labor Coalition (“MWELC”) and the Western Ranchers Alliance (“WRA”), (collectively the “Organizations”), undersigned counsel hereby submits the following written scoping comments on the above-referenced Converse County Oil and Gas Project in Converse County, Wyoming. The Organizations respectfully request that the Bureau of Land Management (“BLM”) accept and consider these scoping comments outside the scoping comment period in furtherance of BLM’s goal “to develop a well-informed EIS.”

The MWELC is a not for profit organization with a business address of 2870 Janitell Road, Colorado Springs, CO 80906, that seeks to ensure a balance between rapid population growth, labor interests and the preservation of the natural environment in the Western region. MWELC provides a voice for workers and unions to engage their neighbors and public officials on pressing environmental issues such as the air quality and global implications of electric utility and natural gas projects. MWELC seeks to unite labor leaders, union members, environmental activists and other concerned local citizens in the Western region to fight for good jobs and a clean environment in furtherance of the laudable goals of the Blue/Green Alliance. Members of MWELC live, work, or recreate in the area of the proposed Converse County Oil and Gas Project and will be directly affected by decisions of the BLM.

WRA is a not for profit organization with a business address of 142 Via Vista Circle, Durango, Colorado 81303. WRA advocates for the interests of ranchers and property owners to promote and ensure safe and good quality construction of new and existing pipelines in the Rocky Mountain region and to engage public officials and stakeholders on issues relating to the construction of pipeline projects such as the proposed Converse County Oil and Gas Project. Members of WRA live, work, or recreate in the area of the proposed Converse County Oil and Gas Project and will be directly affected by decisions of the BLM relating to this proposed project.

According to BLM documents, the Proposed Action involves drilling approximately 5,000 oil and natural gas wells in Converse County in an area encompassing approximately 1.5 million acres over a 10-year period. The proposed project area is located on approximately 88,000 surface acres (six percent of the project area) and 965,000 subsurface mineral acres (64 percent of the project area) which are public lands administered by the BLM. The USFS DRD manages approximately 64,000 acres of surface (four percent of the project area). The remainder of the project area consists of State of Wyoming (seven percent) and private surface (83 percent) and mineral ownership (36 percent or 537,000 acres). The project would be developed using directional, vertical, horizontal and other drilling techniques, as well as oil and gas production infrastructure including: well pads, roads, pipelines, power lines, compressor and electrical substations, and ancillary facilities such as water supply wells and water disposal facilities. The project proponents have requested full-season exceptions (year-round drilling) to multiple timing limitation restrictions which serve to protect several wildlife species in the area.

The Organizations assert that the potential for substantial harm to public lands resulting from failure of natural gas gathering lines may be significantly reduced by requiring compliance with PHMSA regulations on public lands as a condition for authorization to proceed with the proposed Converse County Oil and Gas Project. Specifically, the Organizations assert that the BLM should consider and evaluate in the draft EIS how pipeline safety will be addressed by requiring the Converse County Oil and Gas Project to comply with federal transmission pipeline safety standards set forth at 49 C.F.R. Parts 190 through 199, intrastate gas pipeline safety requirements contained in Wyoming Statute, Title 37, Chapter 2, W.S. § 37-2-131, and Chapter IV of the Wyoming Public Service Commission Rules and Regulations, and applicable industry standards including, but are not limited to: API 5L, API 6D, ASME 31.8 and other pipeline material standards (i.e., ANSI, ASTM). The BLM has in the past required as a condition precedent for receiving a right-of-way through public lands compliance with PHMSA conditions such as in the Environmental Assessment for the Dead Horse Lateral Right-of-Way Amendment for a Natural Gas Pipeline,¹ Appendix D.²

¹ file:///C:/Users/Susan%20Eckert/Downloads/DHL_EA_FinalDraft072413.pdf.

² file:///C:/Users/Susan%20Eckert/Downloads/Appendix_D-E.pdf.

The Organizations request that the BLM evaluate as part of the draft EIS the inclusion of proposed language as follows to ensure a high level of pipeline safety:

The design, materials, construction, operation, maintenance, and termination practices of the pipelines would meet or exceed safe and proven engineering practices, industry standards, and would comply with all applicable requirements. While these gathering lines will not be regulated, the pipelines would be designed and constructed to meet and exceed federal and industry standards that would be applied to a similar transmission pipeline. The Federal government establishes minimum pipeline safety standards under 49 CFR, Parts 190 through 199. The Wyoming Public Service Commission regulates and inspects pipelines, and enforces intrastate gas pipeline safety requirements contained in Wyoming Statute, Title 37, Chapter 2, W.S. § 37-2-131, and Chapter IV of the Wyoming Public Service Commission Rules and Regulations. Applicable industry standards include, but are not limited to: API 5L, API 6D, ASME 31.8 and other pipeline material standards (ANSI, ASTM).

Absent compliance with these PHMSA conditions for gathering lines on public lands, the Converse County Oil and Gas Project may have significantly greater environmental and safety impacts that should be evaluated by the BLM in the draft EIS including, but not limited to: pipeline security, neglect, aging, exposure to harsh weather conditions and that the right-of-way needs to be safe for used by hunters, recreational vehicles, equestrians, and other recreational users of the federal lands.

The Organizations request that the BLM consider the following important issues relating to pipeline safety and construction/operation in the draft EIS: precautions that will be taken during construction to ensure that there is inspection of pipe segments before installation, inspection of welds as the pipeline is fabricated, the ability of the pipeline to respond to thermal expansion or hydraulic events, ability to withstand any external impact, how pipeline pressure will be monitored and controlled, types of corrosion protection that will be utilized, procedures that will be followed to ensure public safety during routine maintenance, procedures to be utilized in the case of a rupture or other emergency, a pipeline safety risk management plan including evacuation plan, and spill response procedures.

*Letter to Mike Robinson (BLM)
MWELC and WRA Scoping Comments
The Proposed Converse County Oil and Gas Project
July 18, 2014
Page 4 of 4*

Thank you for consideration of the Organizations' comments.

Very truly yours,

/s/

Joseph M. Santarella Jr.
Susan J. Eckert
Counsel for the Organizations

Cc: Misty Hays (US Forest Service) (via e-mail)

June 27, 2014

Mr. Mike Robinson, Project Manager
Converse County Oil and Gas Project
BLM Casper Field Office
2987 Prospector Drive
Casper, WY 82604

Dear Mr. Robinson:

As a second-generation Wyomingite with deep roots in central Wyoming, I would like to express my support for development of domestic oil and gas resources in our state. I believe that the benefits of allowing the proposed development to move forward far outweigh the potential impacts. As you and your team prepare the Environmental Impact Statement for the Converse County Oil and Gas Project, please bear in mind the following:

1. The socio-economic benefits of permitting this project to go forward on a year round basis are potentially enormous; hundreds of well paying, long-term, full time jobs will be created, which would benefit to the economies of the various communities within and adjacent to Converse County. These jobs also help Wyoming to attract and retain young people in our communities.
2. The development of these oil and gas resources would result in millions of dollars of new tax revenues, generated from severance, property, income, and sales taxes. These tax revenues would be of great benefit to our state.
3. The proposed development is well-thought out and well planned. Every stage of development is considered, and the potential impacts have been accounted for and can be mitigated.
4. The 5,000 well and 1,500 well-pad figures are only educated estimates, as are the projected number of wells drilled annually. The actual figures will depend on a number of factors outside the operators' control – including market conditions, weather, regulatory changes, technological improvements and others.

Please know that I support this project, as do a great many others in the region. I believe that judicious development of our domestic resources strengthens our nation by reducing our dependency on imported oil. Further, the impacts resulting from the proposed development can be mitigated.

Respectfully,



Michael J. Evers, P.G.
President

/mje

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Wyoming
DEPARTMENT OF Agriculture

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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

May 30, 2014

Mrs. Kathleen Lacko, Assistant Field Manager
Bureau of Land Management
Casper Field Office
2987 Prospector Drive
Casper, WY 82604

Dear Mrs. Lacko:

Following are the Wyoming Department of Agriculture (WDA) scoping comments pertaining to the Casper Bureau of Land Management Field Office's (BLM) and United States Forest Service, Douglas Ranger District (FS) proposed Environmental Impact Statement (EIS) and amendments to the Casper and Thunder Basin National Grasslands Land and Resource Management Plans (RMPs) in relation to the proposed Converse County Oil and Gas Project (project).

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed project could affect our industry, citizens and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

The following issues, specific to livestock grazing permittees, should be analyzed during the EIS process by the BLM and FS: decreased Animal Unit Months (AUMs) and the associated economic impact to permittees, increased off- and on-road traffic as well as an increased number of speeding vehicles which could pose a threat to livestock in the area and affect permittees ability to manage livestock, construction of new roads and modification of existing roads which could impact permittees, cut fences, opened gates, damaged range improvements, decreased palatability of forage due to road dust and development activities, unsuccessful reclamation and the associated impact to forage availability, introduction and spread of noxious weeds, "drift" or run-off of herbicides and the associated impacts on near-by forage, and the overall economic impact this project may have on permittees and their ability to maintain a viable operation.

Communication is a key component and the BLM/FS and oil and gas companies (O&G Companies) should talk with permittees early and often to ensure existing management practices experience minimal conflict and develop a plan to mitigate any identified conflicts. We also strongly encourage, and support, compensatory mitigation between affected grazing permittees and O&G Companies. We encourage O&G Companies and the BLM/FS to explore all possible alternatives to reduce conflicts affecting livestock, permittees and O&G Companies operations and personnel. This may include, but is not limited to: movement of livestock to other allotments, construction of range improvement and/or development of additional water wells on public or private land, voluntary paid non-use of allotments, and purchase or lease of additional grazing land to replace lands no longer available to grazing.

Reclamation is a key component of any project. Reclamation guidelines must be complete, realistic and fully implemented. Reclamation and mitigation requirements and the consequences of failure on the part of O&G Companies should be clearly stated and enforced by the BLM/FS.

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Many EISs are deficient in regard to identifying or analyzing social and economic impacts to grazing permittees imposed by development. We strongly suggest the EIS include a full and thorough social and economic impact analysis. Specifically, since grazing on public lands represents as vital economic value to agriculture producers and local communities, we recommend the analysis includes impacts upon livestock grazing and management in and adjacent to the planning area. This may include, but is not limited to: the value of one AUM, cost of reductions in AUMs or animal numbers to permittees, cost of failed reclamation and cost of changes in the vegetative composition or seral stage of the forage in the project area. In addition to its economic value, grazing represents irreplaceable environmental and social values, contributing to the preservation of open spaces, the scenic views and visual beauty of the area, and the traditional image of the historic rural landscapes of Wyoming and the West. BLM/FS should include any loss of these values to permittees, members of the community and visitors in the analysis.

Congressional mandates, federal statutes, and implementing regulations call for multiple use, and should be an integral part of the assessments. Moreover, the EIS should evaluate the impact of this project upon the intent expressed in the Federal Land Policy and Management Act of 1976 to manage public lands *"in a manner...that will provide food and habitat for fish, wildlife, and domestic animals."* (FLPMA, Sec. 102 (8)). The impact upon food and habitat for fish and wildlife are usually well documented in NEPA documents. The consequences of this project upon food and habitat for domestic animals deserve the same degree of study and documentation. Grazing is an essential tool to achieve desired environmental objectives in the planning area, including obtaining positive effects upon food and habitat for both wildlife and livestock. The EIS needs to include 1) positive effects of livestock grazing upon the environment and managed grazing as a tool to achieve environmental objectives and 2) the impacts of this project on limiting the ability of livestock grazing to achieve these positive effects.

We strongly encourage BLM/FS, and the O&G Companies to work closely and consistently with affected grazing permittees to address their concerns and recommendations. Moreover, it is imperative BLM/FS officials continuously inform all livestock grazing permittees who are directly or indirectly affected of the issues, decisions, and resulting actions regarding this proposal.

Peer-reviewed science should underlie BLM/FS's decisions. The BLM/FS must identify the science supporting their decisions and planning regarding this project. Decisions in the proposed plan should allow BLM/FS officials, grazing permittees and O&G Companies the opportunity to work cooperatively. BLM/FS should provide flexibility to ensure the best site-specific, case-by-case decisions are made throughout the life of this project.

In conclusion, we thank you for the opportunity to comment and look forward to reviewing the future EIS.

Sincerely,



Jason Fearneyhough
Director

JF/jb

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation

Wyoming Game and Fish Department
Wyoming State Grazing Board
Wyoming Stock Growers Association

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Wyoming
DEPARTMENT OF AGRICULTURE
2919 CAREY AVENUE CHEYENNE, WY 82002

CHEYENNE WY 820

29 MAY 2014 5:11

Mrs. Kathleen Lacko
Bureau of Land Management
Casper Field Office
2987 Prospector Drive
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Converse County Oil and Gas Project
BLM Casper Field Office
Attn: Kathleen Lacko
2987 Prospector Drive
Casper, WY 82604

June 27, 2014

Re: Scoping Comments for the Converse County Oil and Gas Project Environmental Impact Statement

Dear Ms. Lacko:

Please accept these scoping comments from the Wyoming Outdoor Council regarding the environmental impact statement (EIS) for the above-referenced project (hereinafter Converse County Oil and Gas Project) that the Bureau of Land Management (BLM) is preparing. The Wyoming Outdoor Council is the state's oldest independent conservation organization. We've worked for more than four decades to protect Wyoming's environment and quality of life for future generations.

The following comments will highlight issues and concerns that should be fully addressed and considered in the forthcoming EIS for the Converse County Oil and Gas Project.

I. BLM ENJOYS EXTENSIVE RETAINED RIGHTS IN AREAS IT HAS LEASED FOR OIL AND GAS DEVELOPMENT, ALLOWING IT TO FULLY REGULATE THE TIME, PLACE, AND MANNER OF DEVELOPMENT.

Included as Exhibit 1 is a article prepared by a Wyoming Outdoor Council attorney which addresses the degree of "retained rights" the BLM enjoys in areas it has leased for oil and gas development. Under applicable statutes, regulations, and other policy, the BLM has a great deal of authority to regulate the time, place, and manner of oil and gas development on the public lands. An oil and gas lease is made "subject to" applicable laws (statutes), the terms and conditions of the lease and attached stipulations, BLM or Department of the Interior regulations

or formal orders, and reasonable measures that may be specified to minimize adverse environmental impacts.¹

These retained rights give BLM a great deal of authority to regulate oil and gas development. Among other things, development can be conditioned by regulating the timing of operations, the siting and design of facilities, and specification of the rates of oil and gas development and production. The BLM also has authority to suspend oil and gas operations in the interest of conservation and can even prohibit development if impacts are substantially different or greater than normal. BLM retains the right to prevent “adverse impacts” by requiring “reasonable measures,” which can be used to limit all types of environmental harm. Furthermore, these reasonable measures are by no means limited to just the limits mentioned in the “200-meter 60-day rule.”² The 43 C.F.R. § 3101.1-2 regulation itself states that these measures are “a minimum” of what is consistent with lease rights, and when BLM adopted the 3101.1-2 regulation it stated, “the authority of the Bureau to prescribe ‘reasonable,’ but more stringent protection measures is not affected by the final rulemaking.” 53 Fed. Reg. 17340, 17341 (May 16, 1988). Consequently, the “200-meter 60-day rule” does not limit BLM’s retained rights allowing it to fully regulate oil and gas development so as to protect the natural environment.

We also note BLM Information Bulletin (IB) No. 2007-119, “Existing Surface Management Authority for Oil and Gas Leases.” This IB reiterates many of the points made in Exhibit 1. For example, the IB states, “The Secretary has broad authority and discretion under the [Mineral Leasing Act] to administer oil and gas leasing and operations of those leases.” Accordingly, we also ask the BLM to fully consider IB 2007-119 as it moves forward with developing the Converse County Oil and Gas Project EIS.

As Exhibit 1 and IB 2007-119 make clear, the BLM can and should put in place any needed conditions of approval (COA) or best management practices (BMP) for the Converse County Oil and Gas Project that are needed to protect resources and resource values such as golden eagles, ferruginous hawks, big game crucial winter range, important cultural resources such as historic trails, private residences, etc. We therefore again ask the BLM to carefully read Exhibit 1 in full and to carefully apply the well-documented legal authorities that it identifies that are retained by the agency despite having issued oil and gas leases.

¹ See BLM Standard Lease Form (Form 3100-11) and 43 C.F.R. § 3101.1-2 (making the lease “subject to” these conditions).

² *Yates Petroleum Corp.*, 176 IBLA 144 (2008). Discussing the 43 C.F.R. § 3101.1-2 regulation (which includes the “200-meter 6-day rule”), the Interior Board of Land Appeals (IBLA) in *Yates* held that the regulation permits broad regulation: “[This] constrained interpretation of a ‘reasonable measure’ [that the appellant claimed would only allow imposition of the 200-meter 60-day limits mentioned in the regulation] is at odds with the plain language of the regulation, which describes what measures ‘at a minimum’ are deemed consistent with lease rights, and does not purport to prohibit as unreasonable *per se* measures that are more stringent.” *Yates*, 176 IBLA at 156. Given this, the IBLA held that BLM was allowed to impose conditions of approval (COA) that protected sage-grouse even though stipulations allowing such regulation were not in place. Likewise, with the Converse County Oil and Gas Project the BLM should not feel constrained to only put in place limitations provided for in stipulations attached to the relevant lease. BLM has much greater authority than just that.

II. THE BLM SHOULD ENSURE “DOING IT RIGHT” PRINCIPLES ARE APPLIED TO THE CONVERSE COUNTY OIL AND GAS PROJECT AS BMPs, STIPULATION REQUIREMENTS, OR COAs.

Appendix 1 to these comments presents a report the Wyoming Outdoor Council has developed that discusses numerous practices that can be required of oil and gas development projects so as to ensure the BLM and the operator are “doing it right” when it comes to oil and gas development. We ask the BLM to consider these doing it right principles and to require relevant provisions as BMPs, COAs, or stipulation requirements before approving development in the Converse County Oil and Gas Project area. Again, this will help ensure important resources such as golden eagle nesting and foraging areas and big game crucial winter ranges, as well as the private homes and lives of local citizens, are adequately protected.

III. BLM HAS AN OBLIGATION TO MINIMIZE THE ADVERSE ENVIRONMENTAL IMPACTS OF OIL AND GAS DEVELOPMENT IN THE CONVERSE COUNTY OIL AND GAS PROJECT AREA.

A wide array of BLM regulations and policies require the BLM to minimize the impacts of oil and gas development or to ensure that the environmental impacts of such development are greatly reduced. Ensuring these regulations and other authorities are fully abided by is necessary if the BLM is to meet its National Environmental Policy Act (NEPA) obligations relative to an EIS.

The following authorities require the BLM to minimize the impacts of this project or to reduce its environmental impacts to the maximum extent possible, and we ask the BLM to ensure each of the following provisions is fully considered in its NEPA analysis for this project, and in the BMPs, COAs, and stipulations it requires for the project in its decision document. Fully implanting these provisions is necessary to meet the Council on Environmental Quality (CEQ) NEPA requirements, as well as the mandatory provisions of the regulations.

1. The 3101.1-2 Regulation.

Any rights granted in a lease are made “subject to” stipulations attached to the lease, and restrictions deriving from specific, nondiscretionary statutes. 43 C.F.R. § 3101.1-2. Moreover, any lease rights are also “subject to” “reasonable measures” that may be required by the BLM authorized officer, with such reasonable measures being as needed to “minimize adverse impacts to other resource values, land uses or users not addressed in the lease stipulations at the time operations are proposed.” *Id.* BLM is given the right, consistent with lease rights granted, to modify the siting or design of facilities, the timing of operations, and can specify interim and final reclamation measures; however, reasonable measures “are not limited to” these actions.³ *Id.*

³ See footnote 2 above discussing the “200-meter 60-day” rule in the 3101.1-2 regulation and the limited effect this provision has on BLM’s ability to require BMPs and COAs pursuant to IBLA precedent.

2. The Standard Lease Form.

Section 6 of BLM's standard lease form (form 3100-11) requires the lessee to conduct operations in a manner that "minimizes" adverse impacts of well development to a host of environmental resources. Reasonable measures "deemed necessary by lessor" (i.e., BLM) must be taken by the lessee to accomplish this intent. Again, the BLM can modify the siting or design of facilities, the timing of operations, and specify interim and final reclamation measures to achieve these needs, but its specification of reasonable measures "are not limited to" these actions.⁴

3. Leasing, Permitting, and Easement Regulations.

BLM's regulations for leases, permits, and easements also require BLM to minimize environmental impacts. Among several other provisions, these regulations require that every land use authorization contain terms and conditions which shall "[m]inimize damage to scenic, cultural and aesthetic values, fish and wildlife habitat and otherwise protect the environment." 43 C.F.R. §2920.7(b)(2).

4. Other BLM Regulations.

BLM's oil and gas operations regulations contain many other protective provisions. The authorized officer is "directed" to, among other things, "require that all operations be conducted in a manner which protects other natural resources and the environmental quality" 43 C.F.R. § 3161.2. The authorized officer is also required to determine that "the proposed plan of operations is sound from a technical and environmental standpoint" before approving operations on a leasehold. *Id.* Operators must ensure operations "protect[] other natural resources and environmental quality." *Id.* § 3162.1(a). "The operator shall conduct operations in a manner which protects the mineral resources, other natural resources, and environmental quality." *Id.* § 3162.5-1(a). Moreover, the operator "shall exercise due care and diligence to assure that leasehold operations do not result in undue damage to surface or subsurface resources" *Id.* § 3162.5-1(b). And even where the regulations state that an *operator* bears a responsibility to protect the environment, there is no doubt *BLM* has an obligation for enforcing and ensuring these obligations are met. *See id.* §§ 3161.2, 3164.3(b) (stating the authorized officer is "required" to ensure compliance with lease terms and regulations; and "the authorized officer is responsible for approving and supervising the surface use of all drilling, development, and production activities on the leasehold.").

5. Onshore Oil and Gas Order No. 1.

Onshore Oil and Gas Order No. 1 provides that, "[t]he operator must conduct operations to minimize adverse effects to surface and subsurface resources, prevent unnecessary surface

⁴ Furthermore, pursuant to Section 4 of the standard lease form BLM reserves the right to specify the rates of development and production on a lease and can require participation in lease unitization agreements; and under Section 7 BLM reserves the right to deny lease operations if impacts would be substantially different or greater than normal.

disturbance, and conform with currently available technology and practice.” Onshore Order No. 1 § IV. In approving an Application for Permit to Drill (APD), BLM must attach conditions of approval that reflect necessary mitigation measures, including reasonable mitigation measures to ensure that operations “minimize adverse impacts to other resources” *Id.* § III.F.a.3. Onshore Orders have the effect and force of regulations. 43 C.F.R. §§ 3164.1(a)-(b).

6. The Gold Book.

While not a regulation, the BLM’s Gold Book makes a number of provisions that require BLM and operators to minimize environmental impacts. Some of these provisions can be found on pages 2, 15, and 37 of the Gold Book.

7. Statutory Provisions.

The Mineral Leasing Act provides that, “[t]he Secretary of the Interior . . . shall *regulate* all surface-disturbing activities conducted pursuant to any lease . . . and shall determine reclamation and other actions as required in the interest of conservation of surface resources.” 30 U.S.C. § 226(g) (emphasis added). The Federal Land Policy and Management Act (FLPMA) has a policy that the public lands “be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition” 43 U.S.C. § 1701(a)(8). And of course, under FLPMA the Secretary of the Interior must “take any action necessary to prevent unnecessary or undue degradation of the public lands.” *Id.* §1732(b).

8. Summary.

Clearly the BLM bears strong obligations to ensure environmental protection is required when an oil and gas project is developed. Merely accepting an operator’s proposed plans does not meet these obligations. At a minimum more stringent provisions need to be *considered* in the EIS, and possibly adopted as BMPs, COAs, or stipulations for this project, in order to meet BLM’s regulatory, statutory, and NEPA obligations. The BLM has a wide range of options at its disposal to regulate the siting or design of facilities and the timing of operations. And as emphasized by Exhibit 1, BLM’s “retained rights” allow and even obligate it to fully regulate the time, place and manner of oil and gas development, up to and including suspending oil and gas operations in the interest of conservation, prohibiting development if impacts are substantially different or greater than normal, specifying the rates of oil and gas development and production, and preventing “adverse impacts” by requiring “reasonable measures,” which can be used to limit all types of environmental harm.

And as we also mentioned above, in addition to the above authorities that mandate that BLM at least *consider* means to reduce environmental impacts, IB No. 2007-119 reemphasizes this authority and these obligations. “The Secretary has multiple authorities to base his or her decision to mitigate impacts stemming from oil and gas operations.” IB No. 2007-119 at 2. The IB goes on to mention in addition to the authorities cited above the National Historic

Preservation Act, Endangered Species Act, Clean Water Act, and Clean Air Act as providing authority to impose mitigation measures. More generally, this IB reemphasizes the legal authorities we have mentioned above that mandate that the BLM fully consider minimizing the impacts associated with the infrastructure of oil and gas development.

IV. HYDRAULIC FRACTURING.

Hydraulic fracturing (fracking) has become the norm for well completions at this point in time. It is likely that virtually all of the oil and gas wells that will be drilled in Converse County will be fracked. Given this, the BLM must ensure that it fully considers the environmental impacts of hydraulic fracturing in the Converse County Oil and Gas Project EIS, and means to mitigate those impacts.

The need to fully consider the environmental impacts of fracking during a NEPA analysis was made clear in *Center for Biological Diversity v. Bureau of Land Management*, 937 F. Supp. 2d 1140 (N.D. Cal. 2013) where the court held that an environmental assessment (EA) BLM had prepared for an oil and gas lease sale did not meet the requirements of NEPA because it had not considered fracking. While here BLM has gone past the EA level of NEPA analysis to the full EIS level of analysis, it nevertheless must ensure it complies with the requirements outlined in *Center for Biological Diversity*.

Having decided to prepare an EIS, the BLM has already made a determination that the environmental impacts of this project could significantly affect the human environment. That is, the agency has already determined that the context factor and one or more of the ten intensity factors specified in the CEQ NEPA regulations rise to the level of creating significant environmental impacts, unlike in *Center for Biological Diversity* where BLM felt impacts were not significant and only an EA was needed. Nevertheless, BLM is still under an obligation to ensure that it fully considers the potential environmental impacts of fracking.

Under *Center for Biological Diversity*, BLM cannot leave an analysis of these impacts to the development (APD) stage, claiming that not enough is known at this point to address impacts and that any impacts will be addressed when drilling is proposed. BLM must consider “all reasonably foreseeable environmental effects” that have “a “reasonably close causal relationship” between the agency’s action and the environmental effect. 937 F. Supp. 2d at 1155 (citations omitted). There is a prognostication requirement that attaches to a NEPA analysis of fracking. When BLM argued in *Center for Biological Diversity* that at the leasing stage the exact scope and extent of drilling were unknown, so no NEPA analysis of fracking was needed until there was a site specific proposal, the court responded:

But “the basic thrust” of NEPA is to require that agencies consider the range of possible environmental effects before resources are committed and the effects are fully known. “Reasonable forecasting and speculation is thus implicit in NEPA, and we must reject any attempt by agencies to shirk their responsibilities under NEPA by labeling any and all discussion of future environmental effects as ‘crystal ball inquiry.’”

Id. at 1157 (citations omitted). Under *Center for Biological Diversity* the BLM must fully consider the potential environmental impacts of fracking in this EIS, even if particular wells are not proposed to be drilled at this time.

In an attempt to comply with *Center for Biological Diversity*, and as part of the EAs that it prepares for oil and gas leases sales, the BLM has recently attached a “Hydraulic Fracturing White Paper” as an appendix to the lease sale EAs. But the BLM cannot rely on this White Paper as fully meeting its NEPA obligations relative to fracking for this Converse County Oil and Gas Project and EIS. To a significant degree the White Paper says that the impacts of fracking are unknown at this time and any impacts will be considered if and when development is proposed, exactly the claims for not analyzing fracking impacts which were rejected in *Center for Biological Diversity*. For example, the White Paper says:

- “The total volume of emissions from the equipment used (trucks, engines) will vary based on the pressures needed to fracture the well, and the number of zones to be fractured.” White Paper at 2.
- “Communication of the induced hydraulic fractures with existing fractures potentially allowing frac fluid migration into usable water zones/supplies. The potential for this impact is likely dependent on the local hydraulic gradients where those fluids are dissolved in the water column. To date, this is an unproven theory.” White Paper at 7.
- “If HF of oil and gas wells result in new fractures connecting with established natural fractures, faults, or improperly plugged dry or abandoned wells, a pathway for gas or contaminants to migrate underground may be created posing a risk to water quality. The potential for this impact is currently unknown but it is generally accepted that the potential decreases with increasing distance between the production zone and usable water zones. This potential again is dependent upon the site specific conditions at the well location.” White Paper at 8.
- “Under either completion process, wastewaters from HF may be disposed in several ways. For example, the flowback fluids may be stored in tanks pending reuse; the resultant waste may be re-injected using a permitted injection well, or the waste may be hauled to a licensed facility for treatment, disposal and/or reuse.” White Paper at 2-3.
- There are eight potential, but purportedly unknown, sources of waters that could be used for drilling and fracking, such as irrigation water and reused or recycled drilling water. White Paper at 4-6.
- There are five different, but purportedly unknown, scenarios that can lead to impacts on groundwater resources, such as contamination of aquifers through spills or drilling problems, and communication of induced fractures with existing fractures. White Paper at 7.
- These five scenarios leading to groundwater contamination could be brought about due to eight different, but purportedly unknown, processes such as improper casing and cementing of wells, the presence of abandoned wells in an area, and flowback fluid recovery practices. White Paper at 7-11.

- There is also a potential for induced seismic activity (earthquakes) occurring due to fracking but “[t]he potential for induced seismicity cannot be made at the leasing stage.” White Paper at 11.

But under *Center for Biological Diversity* the BLM cannot rest on these claimed unknown environmental impacts. It must investigate them to the extent possible. It cannot wait until the development stage to fully consider these issues.

Where there is incomplete or unavailable information relative to significant adverse impacts, an EIS must seek to include the information in the EIS when such information is essential to a reasoned choice among alternatives and the costs of obtaining it are not exorbitant. 40 C.F.R. § 1502.22(a). And if the costs are exorbitant or the means to obtain the information are unknown, the CEQ regulations provide that the agency nevertheless “shall include *within the environmental impact statement*” (not the White Paper): (1) a statement that the information is incomplete or unavailable, (2) a statement of the relevance of the information to evaluating reasonably foreseeable significant adverse impacts on the human environment, (3) a summary of existing scientific evidence relative to environmental impacts, and (4) “the agency’s evaluation of such impacts based on theoretical approaches or research methods generally accepted the scientific community.” *Id.* § 1502.22(b)(1) (emphasis added). This includes environmental impacts that would be catastrophic even if their probability is low so long as there is credible scientific evidence to support the analysis. *Id.* Overall the BLM must “insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements.” *Id.* § 1502.24. The BLM must ensure that it meets these requirements relative to fracking in order to comply with the decision in *Center for Biological Diversity*, and it cannot rely on the White Paper standing alone as meeting its NEPA obligations relative to fracking.

Finally, the BLM will soon release its final regulations that will govern hydraulic fracturing on the public domain and mineral estate. These rules have been proposed in the Federal Register and have been through an intensive public and agency review process. 78 Fed. Reg. 31636 (May 24, 2013). It is our understanding the Office of Management and Budget will approve publication of the final rules in September, 2014. The BLM should ensure that full compliance with this rule is required by the record of decision (ROD) for the Converse County Oil and Gas Project, and that the mitigation measures that will be a component of these rules are fully recognized and implemented.

**V. COMPLIANCE WITH THE DEPARTMENT OF THE INTERIOR
MITIGATION STRATEGY. THE NEED FOR A CUMULATIVE
IMPACT ANALYSIS OF THE “MEGA FIELD” OIL AND GAS
PROJECTS.**

In April 2014 the Department of the Interior released “A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior.” This policy outlines a number of policies and practices that agencies in the Department of the Interior will implement to improve mitigation of the environmental and social impacts of projects that the agencies

propose and pursue, on a landscape-scale level. The BLM should ensure that it fully complies with this new policy as it develops the Converse County Oil and Gas Project EIS.

The BLM indicates in the Federal Register notice for this EIS that it intends to comply with this new mitigation policy. It states that possible “hierarchical mitigation strategies” are an issue of concern. 79 Fed. Reg. at 28539. These mitigation strategies include avoidance, minimization, or compensation, the mitigation measures prescribed by the CEQ regulations. 40 C.F.R. § 1508.20. It will likely consider “areas appropriate for landscape-level conservation and management actions to achieve regional mitigation objectives . . .” 79 Fed. Reg. at 28539. We encourage the BLM to follow through on these statements in the Converse County Oil and Gas Project EIS.

This new mitigation policy requires the BLM to “incorporate landscape-scale approaches into all facets of development and conservation planning and mitigation” and to “[u]tilize the full mitigation hierarchy in project planning and review.” The full mitigation hierarchy includes avoidance and minimization of impacts, as well as compensation for them. And the new Mitigation Strategy emphasizes that avoidance and minimization must receive priority, not just compensation for impacts. *See* Mitigation Policy at 7 and 10 (stating that greater attention should be given to avoidance, and projects must be more effectively designed to avoid and minimize impacts).

We ask the BLM to ensure it complies with this policy for the Converse County Oil and Gas Project. This will require the BLM to adhere to the guiding principles for landscape-scale mitigation that are specified in the Mitigation Strategy, and to abide by the landscape-scale mitigation strategy implementation provisions specified in the Mitigation Strategy (including the use of oil and gas master leasing plans). Several near-term deliverables are specified in the Mitigation Strategy, and these should be met (in particular, BLM must finalize its “Interim Draft Regional Mitigation Manual Section 1794,” as provided for in the Mitigation Strategy, and ensure that it complies with this additional new policy).⁵

In other sections of these scoping comments we discuss the extensive level of “retained rights” that BLM enjoys allowing it to fully protect the environment despite having issued oil and gas leases. We also discuss various mitigation measures (“doing it right” principals) that BLM can require to better protect the environment from oil and gas development, and BLM’s obligation under a number of its regulations to “minimize” the environmental impacts of oil and gas development. We believe these concepts tie in with BLM’s new obligations under the Department of the Interior Mitigation Strategy. We urge the BLM to consider those other sections of these comments as means to ensure that it meets the requirements of the Mitigation Strategy.

⁵ Under the Mitigation Strategy deliverables, BLM is also to initiate development of a handbook for implementing its Regional Mitigation Policy and is to convene a policy forum of scientists and policy experts to “share methods for identifying potential landscape-scale conservation and development priorities and to discuss how those methods may be better integrated into BLM Resource Management Plans and U.S. Forest Service Forest Plans.”

Finally, to meet the “landscape-level” mitigation direction evident in the new Mitigation Strategy, it seems apparent that BLM should fully consider the cumulative impacts of the large number of massive oil and gas projects it is moving toward approving in Wyoming, all of which are in the midst of NEPA compliance through the development of EISs. BLM is well aware of these “mega fields.” There is the Hiawatha project (4,208 wells), Moxa Arch project (1,861 wells), Continental Divide-Creston project (8,950 wells), Normally Pressured Lance project (3,500 wells), LaBarge Platform Project (838 wells), Bird Canyon project (348 wells), and the Moneta Divide project (4,250 wells). And now there is the Converse County Oil and Gas Project (5,000 wells). This represents 28,955 wells, a massive cumulative impact. Yet as far as we know, nowhere, ever, has BLM fully considered the cumulative impacts of these projects together. This needs to be corrected, either in the Converse County Oil and Gas EIS or in another NEPA analysis that is done as part of the approval process for the Converse County Project.

As BLM is well aware, it must consider the cumulative impacts of various projects such as these numerous oil and gas development projects. *See* 40 C.F.R. § 1508.7 (defining cumulative impact as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions . . .” and providing that cumulative impacts “can result from individually minor but collectively significant actions . . .”). “Effects” include cumulative impacts. *Id.* § 1508.8. And in defining the scope of a project BLM must consider actions, alternatives, and impacts. *Id.* § 1508.25. In considering both actions and alternatives to determine scope, the cumulative nature of these effects must be considered. *Id.* §§ 1508.25(a)(2) and (c)(3). Moreover, “connected actions” and “similar actions” contribute to the scope of a project, and there is little doubt these other oil and gas fields constitute either connected actions or similar actions. In addition, the CEQ regulations make provision for preparing multiple EISs for broad actions, providing for analysis in the following ways. By geographic area where actions occur in the same general area such as a region. *Id.* § 1502.4(c)(1). Or generically, “including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter.” *Id.* § 1502.4(c)(2). There is little doubt but that these various oil and gas projects have a number of these similarities, so it is clear they should be analyzed in conjunction in a NEPA document. Clearly BLM must do a cumulative impacts analysis of all of the “mega fields,” together, in one NEPA document.

VI. ADDRESSING METHANE EMISSIONS FROM OIL AND GAS WELL DEVELOPMENT IN THE CONVERSE COUNTY PROJECT AREA.

Pursuant to President Obama’s “Climate Action Plan Strategy to Reduce Methane Emissions,” the BLM has been charged with proposing regulations to “reduce the loss of natural gas through the venting or flaring of methane produced from Federal and Indian oil and gas leases” by later this year. This rulemaking is to modify Onshore Order No. 9, which governs royalties on natural gas that is vented or flared as well as “avoidably lost” (wasted) natural gas; although we understand this Onshore Order has been replaced by Notice to Lessee (NTL) NTL-4A. The BLM should ensure the upcoming Converse County Oil and Gas Project fully complies with these pending regulations, and the ROD for this EIS should so provide.

As the President's Strategy recognizes, 28 percent of methane emissions in the United States were attributed to the oil and natural gas sectors in 2012. Approximately 31 percent of methane emissions came from production sources. Some recent studies are indicating even greater emission of methane from oil and gas operations. Methane, of course, is a very powerful greenhouse gas, 86 times more potent than carbon dioxide on a 20-year basis, and contributes significantly to global warming. For this reason there is an important need to reduce methane emissions from oil and natural gas development. Vented, flared, and wasted natural gas (methane loss) must be reduced from the Converse County Project to the maximum practicable extent. The President's Strategy recognizes there are many practical means that can be used to reduce methane emissions from oil and gas development, including equipment upgrades or replacements and operational and processes changes.

We also note that in addition to the forthcoming BLM rulemaking, under the President's Strategy the EPA and the Department of Energy will also be engaging in many efforts to reduce methane emissions from the oil and gas sector, including the very important Quadrennial Energy Review which will evaluate methane abatement opportunities from the processing, transmission, storage, and distribution segments of the natural gas supply chain. The BLM should be fully cognizant of these efforts as it develops the Converse County Oil and Gas Project EIS and seek to compliment them.

The BLM recently held forums where it gathered public input on this forthcoming rulemaking. These "listening sessions" were held in Golden Colorado, Albuquerque, New Mexico, Dickinson, North Dakota, and Washington, D.C. As a result of these meetings, the Wyoming Outdoor Council and a number of other organizations submitted comments to the Department of the Interior and BLM regarding items and issues we felt should be incorporated into the pending rulemaking. We would encourage the BLM Casper Field Office to get those comments from the Secretary of the Interior's office and to consider them during development of the Converse County Oil and Gas Project EIS.⁶ We anticipate that the proposed rule will be published in the Federal Register this fall. That is, there is a strong likelihood a final regulation will be in place before the ROD for the Converse County Oil and Gas Project is prepared, so BLM should ensure the ROD fully complies with the new regulations governing venting, flaring, and waste of methane from Federal oil and gas leases.

VII. POTENTIAL AMENDMENTS OF THE BLM CASPER RESOURCE MANAGEMENT PLAN AND THE FOREST SERVICE THUNDER BASIN NATIONAL GRASSLAND LAND RESOURCE MANAGEMENT PLAN.

In the Federal Register notice for this project the agencies announce that a component of the EIS could also be land use plan amendments. The BLM's Casper Resource Management Plan (RMP) and the Forest Service's Thunder Basin National Grassland Land Resource Management Plan may be amended. 79 Fed. Reg. at 28538. No specifics are provided regarding what amendments might be pursued. Below we will address issues and concerns we have with these possible amendments with respect to the Casper RMP.

⁶ These comments were submitted to Secretary of the Interior Jewell on January 27, 2014 and May 30, 2014.

Appendix M to the Record of Decision and Approved Casper Resource Management Plan presents surface disturbance and reasonable foreseeable actions estimates. In Table M-1 of the appendix BLM predicts there will be 16,285 acres of short-term disturbance due to oil and gas development in the planning area and 4,996 acres of long-term disturbance. Casper RMP ROD at M-3. Table M-2 in the appendix projects there will be 1,813 new Federal oil and gas wells drilled in the planning area during the planning period and 815 new non-Federal wells will be drilled. *Id.* at M-8.

Obviously the 5,000 oil and gas wells that could be approved for the Converse County Oil and Gas Project greatly exceed these estimates. In addition, the 50,000 acres of initial surface disturbance and 20,000 acres of disturbance for the life of the project that are predicted greatly exceed the disturbance estimates in the RMP.⁷ Amending the RMP to accommodate this greater level of development and disturbance seems possible.

However, even if the Casper RMP is amended in this fashion it should not be amended so as to reduce the numerous environmental protections that are provided for in the current plan. For example, directional drilling is to be required on a case-by-case basis to protect other resource values. Casper RMP ROD at 2-16. Many areas in Converse County have a visual resource management (VRM) classification of VRM II or III. *Id.* at Map 10. National Historic Trails receive special protection. *Id.* at 2-47 to -48 and Map 17. Best Management Practices (BMP) are to be used. *Id.* at 2-53. Many other examples could be provided. These protections must be maintained even if the RMP is amended relative to the disturbance levels that can be approved. If this is not done, the BLM would likely be looking at an RMP revision, not an RMP amendment.

One important amendment that BLM may be considering is allowing for year-round drilling where timing limitation stipulations (TLS) protecting wildlife during certain seasons could be waived. 79 Fed. Reg. at 28539. This issue is also addressed in another section of these comments below. The BLM would likely move to waive the TLS that prohibits drilling in big game crucial winter ranges between November 15 and April 30. Casper RMP ROD at 2-25. TLS protecting Greater Sage-Grouse (*Centrocercus urophasianus*) could be lost. *Id.* at 2-27. As we discuss in the TLS section of these comments below, this should only be done cautiously and in a limited way, if at all. Converse County contains extensive big game crucial winter ranges, *Id.* at Map 6. It also contains important sage-grouse habitats. *Id.* at Map 8. There is no need to grant these blanket TLS exemptions because the RMP already provides for granting exceptions, modifications, and waivers to stipulations. *Id.* at Appendix F. The BLM can use the provisions in the existing plan to create flexibility to allow drilling during otherwise prohibited time periods.

⁷ We would note that BLM's estimates of 5,000 wells being drilled with 50,000 acres of initial surface disturbance would mean that each well will disturb 10 acres. This seems like an extreme disturbance level per well, far more than estimates we have seen in the past, which are more like 5 acres per well. We ask the BLM to consider whether this is an accurate estimate, especially if the use of directional drilling and other surface disturbance minimization techniques is maximized.

Another important area that might be the subject of RMP amendment could relate to the “categorical exclusion” (CE) provisions in the Energy Policy Act of 2005 that allows for exclusions from NEPA compliance for oil and gas well drilling. 42 U.S.C. § 15942. The BLM should not seek to utilize these CE provisions in the Converse County area. To do so would eliminate important environmental review for a great deal of oil and gas development. The Casper RMP and other BLM documents such as the hydraulic fracturing White Paper are built around an assumption that there will be environmental review at the well-drilling (APD) level. They explicitly state this will be the case. If this project level NEPA review is eliminated through the use of CEs, a great deal of environmental impact will simply be ignored. The Converse County EIS will not provide a site-specific analysis of environmental impacts. As BLM says so often, it does not know what the environmental impacts are at the leasing stage, or even at this project level stage when no specific wells are proposed to be drilled, it only will know what those impacts could be at the APD stage. If this is true, the BLM must ensure that NEPA analysis is provided at the well drilling stage, and not eliminate NEPA analysis through the use of the Energy Policy Act CEs. To invoke the Energy Policy Act CEs would be to abandon many promises the BLM has made to the public, and itself, about environmental review taking place when wells are proposed to be drilled.

Finally, the BLM has begun a review of its planning process and is looking to make changes in that process. http://www.blm.gov/wo/st/en/info/newsroom/2014/May/nr_04_24_2014.html. One of the goals of this review will be to engage in landscape scale planning that defines boundaries for different types of decisions. This effort is seen as being complimentary to the new Department of the Interior Mitigation Strategy, which was discussed above. As a result of this review there will likely be changes made to the BLM planning regulations and its planning Handbook. The Casper Field Office should remain abreast of these changes as it pursues any amendments to the Casper RMP as part of the Converse County Oil and Gas Project EIS.

VIII. BLM SHOULD ENSURE COMPLIANCE WITH ANTICIPATED UPDATES TO WYOMING’S FLARING, SETBACKS, AND BONDING RULES.

The state of Wyoming is working to review and update the Wyoming Oil and Gas Conservation Commission’s (WOGCC) rules on flaring, setbacks and bonding. The updated rules regarding setback distances are expected to be finalized in 2014, with flaring and bonding rule reviews likely to be taken up and finalized before the end of 2015.

BLM should be aware that these newer WOGCC rules will likely be in place by the time any development for the Converse County Oil and Gas Project could commence and any development should therefore be ready to comply with the revised rules.

BLM should also be sure to consider the public concerns regarding setback distances, flaring, and bonding amounts, which have become more apparent in recent years, especially in and near the area of the proposed Converse County Oil and Gas Project.

In particular, citizens have demonstrated concern with the proximity that oil and gas development has been permitted to occur from their homes. Concern has also been expressed regarding the volumes of associated gas flaring permitted from oil wells. Also, historically, bonds that were either insufficient to properly plug and abandon a well or on which idle well bonds were not posted at all have resulted in thousands of abandoned coal bed methane wells, which threaten groundwater supplies. To ensure this problem does not reoccur, the BLM should consider adequate bond amounts necessary to properly plug and abandon (including surface reclamation) these newer, likely deeper, wells associated with the proposed Converse County project.

At 5,000 wells, the proposed development within the Converse County Oil and Gas Project would be significant relative to other oil and gas projects in the state. This further emphasizes the importance for the BLM to ensure any development is done right, that flaring is minimized, and sufficient setbacks and adequate bonding requirements are implemented.

IX. ISSUES RELATED TO GRANTING TIMING LIMITATION STIPULATION EXEMPTIONS, SAGE-GROUSE, AND RECLAMATION.

1. Timing Limitation Stipulations.

There are currently a number of timing limitation stipulations (TLS) in place within the boundaries of the Converse County Oil and Gas Project development area. Due to the sensitive nature of these species and the extent of habitat fragmentation currently present within the project area boundary, it would be inappropriate to seek area-wide or blanket exceptions from these restrictions. Processes exist by which exceptions may be granted on a case-by-case basis, making area-wide exceptions unnecessary. In the case of Raptors of Conservation Concern (U.S. Fish and Wildlife Service, 2008)⁸ and sage-grouse, conservative planning should be considered to maintain the implementation of regulatory mechanisms for management of these species that are needed to preclude the need for listing under the Endangered Species Act.

Allowance of waivers from the discretionary TLS on a programmatic basis should be very carefully considered in identified big game winter concentration areas. Research conducted in western Wyoming on the Pinedale Anticline Project Area, where exemptions have been permitted from TLS, indicated mule deer avoided areas with higher levels of traffic. Should year-round drilling and operations be allowed within the Converse County EIS project area, potential negative impacts on ungulates are possible, as documented in western Wyoming (Sawyer et al. 2006; Sawyer et al. 2009).⁹ We advise that allowances for year-round activity in sensitive winter concentration areas be very carefully considered, and only on a case-by-case basis.

⁸ U.S. Fish and Wildlife Service. (2008). Birds of Conservation Concern 2008. United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, Virginia. 85 pp.

⁹ Sawyer, H., R. M. Nielson, F. G. Lindzey, and L. L. McDonald. (2006). Winter habitat selection of mule deer before and during development of a natural gas field. *Journal of Wildlife Management* 70:396-403.

2. Greater Sage-Grouse.

While we understand that management decisions on sage-grouse management will be determined in part by the Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (the “9-Plan Amendment,” which has not yet been released in final form), appropriate flexibility in the Converse County EIS should be written into the document to meet or exceed the management policies outlined in the 9-Plan Amendment.

In the *Notice of 12-month Findings for Petition to List the Greater Sage-Grouse as Threatened or Endangered* the U. S. Fish and Wildlife Service (USFWS) stated, “[i]n many areas existing mechanisms (or their implementation) on BLM lands and BLM-permitted actions do not adequately address the conservation needs of greater sage-grouse, and are exacerbating the effects of threats to the species” (USFWS 2010, p. 13979).¹⁰ The lack of regulatory mechanisms for managing sage-grouse populations and habitat is identified as a primary reason for listing the species as warranted but precluded under the Endangered Species Act. Given that 54% of the remaining sage-grouse occur in Wyoming and that the majority of sage-grouse habitat in Wyoming is on federal land, the Wyoming BLM and U.S. Forest Service (USFS) bear a critical responsibility in managing sagebrush habitats.

Additionally, waivers for TLS during breeding season in areas with active and undetermined leks would be inappropriate. We recommend only allowing waivers on a case-by-case basis when it can be proven that waivers will not cause declines in sage-grouse populations. This is especially important in areas of Converse County where population numbers are low (such as in the Douglas Core Area) and surface disturbance is near or exceeding 5% of viable habitat. Consultation with the Wyoming Game and Fish Department, and completion of the Density and Disturbance Calculation Tool analysis should be incorporated into the planning process to ensure the least disturbance to populations of sage-grouse.

3. Reclamation.

Appropriate consideration should be given to reclamation methodology and application in the planning and permitting process. Reclamation should be considered when identifying well locations, and any ecological concerns such as soil salinity, erosion potential, Ecological Site Descriptions, and annual precipitation must be included in the reclamation planning to make appropriate revegetation recommendations for the most time and cost effective reclamation process. Reclamation plans should be carefully considered when identifying mitigation strategies with concern to wildlife habitat.

Sawyer, H., M. J. Kauffman, and R. M. Neilson. (2009). Influence of Well Pad Activity on Winter Habitat Selection Patterns of Mule Deer. *Journal of Wildlife Management*, 73(7), 1052-1061.

¹⁰ USFWS. (2010) Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage- Grouse (*Centrocercus urophasianus*) as Threatened or Endangered. 50 CFR Part 17. U.S. Department of Interior, Fish and Wildlife Service. *Federal Register*, 75(55), 13910-14014

X. BLM MUST REDUCE AIR POLLUTION FROM THE CONVERSE COUNTY OIL AND GAS PROJECT AND ENSURE COMPLIANCE WITH THE CLEAN AIR ACT.

The following comments on air quality issues have also been submitted to BLM under separate cover by Environmental Defense Fund, which developed them. The Wyoming Outdoor Council adopts and incorporates these comments as part of these scoping comments.

The BLM, Forest Service, and the Environmental Protection Agency have entered into a memorandum of understanding (MOU) that guides the air quality impacts analysis in NEPA documents related to oil and gas development projects. The BLM should ensure careful compliance with this MOU as it moves forward with the Converse County Oil and Gas Project. For example, the MOU requires modeling of air quality impacts if a proposed action will cause a substantial increase in emissions or will materially contribute to potential adverse cumulative air quality impacts, and the project is in close proximity to a Class I area or an area where compliance with National Ambient Air Quality Standards is threatened. We believe that the terms of the MOU require careful, quantitative modeling of air quality impacts of the Converse County Oil and Gas Project.

The addition of as many as 5,000 new oil and gas wells in Converse County over the next ten years, with similar projected development trends in Campbell County and perhaps Laramie County over the same time period, comprises a significant new source of potentially damaging emissions. This is especially true in light of the fact that these counties are in the portion of the state of Wyoming where the state's least stringent air quality rules apply.

We urge BLM to fully consider air quality impacts of the proposed development activity. In light of a 2009 technical report in which the Air Quality Division of the Wyoming Department of Environmental Quality attributed high ozone levels in the Upper Green River Basin to local oil and gas operations¹¹ the agency must accurately forecast emissions associated with leaks, venting and flaring of natural gas from wells and equipment used to produce, process, store, or transport oil or gas, wastewater disposal and operational truck traffic, and evaluate effective mitigation and reductions measures as a part of this EIS. BLM should also consider emissions from sources on new and existing leases and rights-of-ways used and permitted to facilitate infill under FLPMA and MLA authority. The NEPA analysis should consider and install as required lease stipulations, COAs, or BMPs measures that will mitigate emissions from oil and gas development.

The magnitude of emissions from oil and gas sources on Federal lands and mineral estate and the associated pollution reduction potential are significant. The Government Accountability Office ("GAO") found in 2010 that between 4.2 and 5 percent of all natural gas produced onshore on Federal lands was vented, flared, or lost to fugitive emissions – enough to heat about 1.7 million homes each year.¹² Of the total gas lost, a large proportion consists of gas that is

¹¹ See <http://deq.state.wy.us/aqd/Ozone%20Main.asp> for access to this report and other information on high ozone levels in the Pinedale area.

¹² Gov't Accountability Office, GAO-11-34, *Federal Oil and Gas Leases: Opportunities Exist to Capture Vented and Flared Natural Gas, Which Would Increase Royalty Payments and Reduce Greenhouse Gases* (Oct. 2010).

simply vented or leaked to the atmosphere – a form of waste that causes the greatest harm to the climate and public health. In addition to methane, upstream oil and gas facilities emit other harmful co-pollutants including carcinogens, such as benzene, and smog-forming volatile organic compounds. Volatile organic compounds contribute to ground-level ozone formation and cause a range of human health issues, including heightened risks of cancer, respiratory disease, and developmental disorders in children. Therefore, health effects of increased emissions on impacted communities and wildlife should be considered in complying with NEPA (40 CFR 1508.8), and any needed mitigation should be required.

Further, recent studies suggest that methane emissions in certain production basins could be much higher than even these inventories would suggest. A recent study by the National Oceanic and Atmospheric Administration (NOAA), sponsored in part by Environmental Defense Fund (EDF), found unexpectedly high emissions from oil and gas operations in the Denver-Julesburg basin based on measurements of local methane concentrations.¹³ According to the NOAA study, between 2.6 and 5.6% of gas produced in the Denver-Julesburg basin is lost to the atmosphere—nearly three times the amount estimated using data from EPA inventories. These results are consistent with prior “top down” studies from the Denver-Julesburg and Uinta Basins – which notably include lands under BLM’s jurisdiction – finding that existing inventories are likely underestimating actual emissions from oil and gas development.

Many common-sense and cost-effective technologies are available to reduce methane emissions across the oil and gas supply chain, and many of these technologies would actually save the industry money over time. A recent report that EDF commissioned from the independent consulting firm ICF International shows that approximately 40 percent of methane emissions from the nation’s oil and gas sector could be eliminated by 2018 at a total cost of just one penny per thousand cubic feet of gas produced in the country.¹⁴ Nearly all of the methane-reducing measures highlighted in the report could be feasibly applied to thousands of well sites, gathering and processing facilities, and transmission compressor stations on Federal leases and rights-of-way under BLM’s jurisdiction in the Converse County Oil and Gas Project area. The dramatic pollution reduction potential of these controls, and their extreme cost-effectiveness, should be considered as the BLM moves forward in considering the Converse County Oil and Gas Project.

XI. BLM HAS AN OBLIGATION TO FULLY ANALYZE AND TO MINIMIZE THE SOCIO-ECONOMIC AND POLITICAL IMPACTS OF OIL AND GAS DEVELOPMENT IN THE CONVERSE COUNTY OIL AND GAS PROJECT AREA.

According to the the 2010 United States census, Converse County has a population of 13,833 with a population density of 3.3 persons per square mile. The largest employment sectors

¹³ Gabrielle Petron et al., *A new look at methane and non-methane hydrocarbon emissions from oil and natural gas operations in the Colorado Denver-Julesburg Basin*, J. GEOPHYSICAL RES. ATMOSPHERES, DOI: 10.1002/2013JD021272 (May 2014).

¹⁴ ICF Int’l, *Economic Analysis of Methane Emission Reduction Opportunities in the U.S. Onshore Oil and Natural Gas Industries* (Mar. 2014) [hereinafter ICF Report].

are government, retail, mining and services. The principal economic activities in the county are ranching, coal and oil production, railroad and other transportation, and tourism. Thus, Converse County has a robust and diverse economy with each sector contributing significantly to the economic well-being and sustainability of the County.

It is with this in mind that we ask the BLM to fully analyze and to minimize the socio-economic impacts of concentrated oil and gas development in the Converse County Oil and Gas Project area. The BLM should answer the following questions within the context of the EIS and any RMP revision or amendment:

- 1) How will socioeconomic impacts be addressed in the EIS and plan? Will the BLM work as an 'honest broker' with the state and county to fully account for these impacts?
- 2) How do EIS and plan decisions affect the local economy (e.g., restrictions on existing uses that provide economic benefit, restrictions on potential uses that could provide economic benefit)?
- 3) How do EIS and plan decisions affect the historic/traditional uses or the areas in which they occur?
- 4) How will social benefits of recreational activities be identified and compared to fiscal and social impacts of competing uses?
- 5) How will the BLM's RMP revision or amendment and the EIS decision affect neighboring property owners?

To this last point in particular, we note that Converse County differs from many other Wyoming counties in some very important ways. Surface ownership is as likely to be private as it is public, split estate (mineral and surface) ownership is also more common. Additionally, large tract ownership is not as common in Converse County implying that neighbor to neighbor issues may be disruptive to the social well-being of the county.

The BLM should consider not only the direct socio-economic impacts to Converse County but also to neighboring Natrona County as well; this is true because Natrona County serves as an important economic (retail, etc.) adjunct to Converse County. For example — decisions made by the BLM that may impact an economic sector in Converse County may also have a 'ripple' effect on economic (e.g. retail) activities in Natrona County. Moreover, Campbell County is expected to sustain considerable increased oil and gas development that is related to the expanded development expected in Converse County, so this too should be considered.

Given that the area of potential development for the project as proposed will be proximate to both rural and urban development, it is crucial that the BLM appropriately account for these impacts as well and in particular from a political perspective. The BLM can learn important lessons, we believe, from the impacts that projects of similar scale have imposed on the Front Range communities of Colorado. In response to what is perceived by many to be

inadequate and improper planning, local citizens in those communities have successfully petitioned ballot initiatives that will, if approved by the voters, have profound implications for Colorado's oil and gas industry, its political structures, and perhaps even oil and gas development rules/regulations and development state-wide. By contrast, Wyoming's people and political leaders take great pride in the state's traditional ability to 'work through' various issues in respectful and responsible ways. That said, inadequate or improper planning could profoundly disrupt that tradition.

XII. BLM MUST ENSURE ADEQUATE INSPECTION OF OIL AND GAS WELLS.

There have been a number of press reports recently documenting that the BLM had not done an adequate job of inspecting the oil and gas wells it permits relative to compliance with environmental and safety requirements. The Government Accountability Office has prepared a report that documents that 57 percent of "high priority" wells needing inspections at the drilling stage were not inspected during this stage of development. <http://www.gao.gov/products/GAO-14-238>. Between 2009 and 2012, 3,486 wells were drilled on Federal and Indian lands, but many wells at high risk for pollution were not inspected. It is critical that inspections occur during well drilling, not subsequently, if potential environmental and safety problems are to be detected.

With respect to this problem, as Mother Jones reported, "Wyoming led the nation with the highest proportion of uninspected wells." <http://www.motherjones.com/environment/2014/06/uninspected-oil-gas-wells-map>. As the map and chart in this report show, while Converse County had relatively few uninspected wells, adjacent Campbell, Natrona, and Johnson Counties had very high numbers of uninspected wells. During the period 2009 to 2012, 45 percent of new, high priority wells were not inspected in Wyoming.

The BLM must ensure that similar problems are not repeated as the 5,000 wells anticipated to be drilled in Converse County are developed. The BLM must ensure in the Converse County EIS and any related RMP amendment that adequate provision is made for well inspections. It must ensure that adequate numbers of personnel are in place to accomplish this. Lack of adequate staffing is the documented reason for the inadequate number of well inspections that are occurring. If adequate staffing is not available to do timely inspections (i.e., during the well drilling stage), the pace of development in the Converse County Oil and Gas Project area should be adjusted accordingly.

XIII. CONCLUSION.

We appreciate the BLM's consideration of these scoping comments from the Wyoming Outdoor Council for the Converse County Oil and Gas Project environmental impact statement. We look forward to remaining engaged in this process.

Sincerely



Bruce Pendery

Enclosure

Dunne, Chris

From: Dunne, Chris
Sent: Friday, June 13, 2014 10:08 AM
To: Dunne, Chris
Subject: FW: Converse County O&G Project

From: **Wyatt, Angela** <Angela.Wyatt@anadarko.com>
Date: Tue, Jun 10, 2014 at 2:19 PM
Subject: Converse County O&G Project
To: "blm_wy_casper_wymail@blm.gov" <blm_wy_casper_wymail@blm.gov>

To Whom It May Concern:

As a resident of the state of Wyoming living in Natrona County and an employee in the Oil & Gas Industry, I support the Converse County O&G Project. It is consistent with the BLM's multiple use mandate and supports the development of Oil & Gas to continue sustaining the State of Wyoming. I work in an oil field that is more than 100 years old and it continues to support my way of life along with many; while providing jobs and state revenue. Thank you for considering these public comments.

Sincerely,

Angela Wyatt

Angela Wyatt

Regulatory Analyst II

Anadarko Petroleum Corporation

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[Click here for Anadarko's Electronic Mail Disclaimer](#)

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Mike Robinson
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Plan fixation is the most vexing disease and often the most fatal. It is akin to the fighter pilot's target fixation that causes him to fly into the target. [http://en.wikipedia.org/wiki/Target_fixatio

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June 18, 2014

SUBMITTED ELECTRONICALLY VIA E-MAIL TO: blm_wy_casper_wymail@blm.gov

Converse County Oil and Gas Project
BLM Casper Field Office
Attn: Mike Robinson
2987 Prospector Drive
Casper, WY 82604

Re: YATES PETROLEUM CORPORATION'S COMMENTS ON THE NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT AND AMENDMENTS TO THE CASPER RESOURCE MANAGEMENT PLAN AND THUNDER BASIN NATIONAL GRASSLANDS LAND AND RESOURCE MANAGEMENT PLAN, CONVERSE COUNTY, WY

Dear Casper Field Office:

The following comments are submitted on behalf of Yates Petroleum Corporation (Yates). Yates has been leasing and operating in the Rocky Mountain West for over 35 years. Yates appreciates the opportunity to comment on the *Notice of Intent to Prepare and Environmental Impact Statement (EIS) and Amendments to the Casper Resource Management Plan (RMP) and Thunder Basin National Grasslands Land and Resource Management Plan (LRMP), Converse County, WY* (hereinafter NOI), also referred to as *Converse County Oil and Gas Project*, during the scoping period.

Yates has reviewed the NOI for the *Converse County Oil and Gas Project* and has identified several issues and points of emphasis for BLM to consider when conducting this environmental analysis. Yates urges BLM to consider the following comments when evaluating the proposed project and determining the scope of the environmental analysis.

Again, thank you for the opportunity to comment on the NOI.

Respectfully submitted,

Shay Westbrook
Regulatory and Governmental Affairs Professional
Gene R. George & Associates, Inc.

Copies: Tim Barber, Yates; Stan Smith, Yates

NOI for the Converse County Oil and Gas Project [Comments]

Support for Converse County Oil and Gas Project

COMMENTS:

Yates is supportive of oil and gas development in Converse County, WY as proposed in the *Converse County Oil and Gas Project*. Specifically, Yates supports the proposal to develop approximately 5,000 oil and natural gas wells on 1,500 new multi-well pads within the proposed *Converse County Oil and Gas Project* area over a 10-year period.

Scope of Analysis

COMMENTS:

In the NOI BLM has identified a number of “preliminary issues” including: potential effects on historic trails, air quality, vegetation, water, Greater Sage Grouse; identification of areas for landscape-level conservation and management actions (e.g. ACECs, priority habitat); possible use of hierarchical mitigation strategies. This list is certain to expand during the scoping process.

As the Casper RMP was completed in 2007 and is relatively new, Yates requests BLM limit the scope of the EA and any amendments to the RMP to those necessary and specifically warranted by the authorization of the *Converse County Oil and Gas Project*.

Protection of Valid Existing Lease Rights and Correlative Rights

COMMENTS:

Yates requests BLM to consider and respect existing lease rights.

If BLM determines that authorization of this proposal (i.e. *Converse County Oil and Gas Project*) requires amendments of the 2007 Casper RMP or the 2001 Thunder Basin LRMP because resource impacts will likely exceed those analyzed in the existing plans, Yates urges BLM to recognize and protect Valid Existing Rights as provided in the NOI.

The Federal Land Policy and Management Act of 1976 (FLPMA), in addition to many other Federal environmental statutes contain valid existing lease right (VER) clauses which prevent BLM from relying on the authority granted therein to effectively preclude exploration and development activities on Federal oil and gas leases issued prior to the effective date of the statutes.

Yates urges BLM to recognize that any new stipulations or restrictions proposed in the RMP Amendment must be enforceable without infringing upon VER. US DOI BLM oil and gas leases generally grant the exclusive right to extract all of the oil and gas in the lands described. Under any proposed revision this right must be protected. Otherwise, such stipulations are an illegal infringement upon Yates, and other operators, valid existing lease rights.

As the lease is issued “granting the exclusive right to drill for, mine, extract, remove and dispose” these minerals, preventing offset drainage and protection of correlative rights is a fundamental right established in the lease. Infringement upon this valid existing lease right raises concerns with offset drainage and protection of correlative rights if offsetting acreage is in a better position to drain the subject lease due to lease restrictions. BLM must not adopt lease restrictions that infringe upon this right.

As such, Yates urges BLM to refrain from making any revisions to the Casper RMP that infringe upon VER, or at the very least clearly state that restrictions proposed in the RMP will not apply to lands already under oil and gas lease and will not infringe upon valid existing lease rights. Moreover, it must be made clear that BLM has no authority to impose restrictions through Conditions of Approval (COA) on applications for permit to drill (APD) if they would abrogate the valid existing lease rights. Once a lease has been issued, stipulations may not be legally modified absent voluntary agreement by the lessee. Therefore, in accordance with 43 CFR 3101 and Federal case law, we recommend that BLM clearly disclose its limited authority to add conditions of approval to a drilling permit (i.e. conditions must remain consistent with the terms of the issued lease).

Least Restrictive Stipulations

COMMENTS:

Long-standing BLM policy provides that *"the least restrictive stipulation that effectively accomplished the resource objectives or uses for a given alternative should be used."* Additionally, Section 363 of the Energy Policy Act of 2005 also requires federal land management agencies to ensure that lease stipulations are applied consistently and to ensure that the least restrictive stipulations are utilized to protect many of the resource values to be addressed. As such, it is necessary for BLM to demonstrate that less restrictive measures were considered but found insufficient to protect the resources identified.

Yates urges BLM to adhere to this “least restrictive” policy when preparing amendments to the Casper RMP, if in fact BLM determines that amendments are necessary. For example, State of Wyoming Executive Order 2011-5 (EO 2011-5) provides BLM with a GSG habitat management strategy has been found sufficient to protect GSG habitat by a number of experts in the field of wildlife biology (e.g. Wyoming SGIT and USFWS). As a result, GSG habitat management decisions and stipulations more restrictive than what is required under EO 2011-5 violate BLMs “lease restrictive stipulation” policy.

Greater Sage Grouse Stipulations

COMMENTS:

The NOI states that “[T]o the extent possible within legal and regulatory parameters, BLM and USFS decisions will complement decisions of other agencies and of State and local governments with jurisdictions intermingled with, and adjacent to, the planning area.” Yates supports Federal land management decisions consistent with State and local governments. As such, Greater Sage Grouse (GSG) management decisions and stipulations contained within the Environmental Analysis and RMP Amendments should be consistent with EO 2011-5.

In numerous RMP Amendments and Revisions previously conducted throughout Wyoming, BLM has stated that compliance and consistency with state agency plans, policies and laws are a priority and the purpose of the RMP and EIS. Yates supports this approach. Accordingly, BLM should strive to adopt and implement GSG management policies and stipulations that are consistent with the State of Wyoming GSG management strategy, Wyoming Governor’s EO 2011-5 (Core Area Strategy). Consistent and cooperative management of GSG habitat between state and federal agencies on all land throughout Wyoming will improve efficiency, effectiveness and predictability of such management. Consistent management across the state is a practical approach that will illustrate Wyoming’s dedication to protecting GSG and help prevent the GSG from being listed as threatened or endangered under the Endangered Species Act (ESA) in 2015.

There are several reasons why a GSG habitat management strategy on federal lands in Wyoming that is consistent with EO 2011-5 is warranted:

- First, a team of highly qualified professionals, the Wyoming Sage Grouse Implementation Team (SGIT), spent significant time and resources developing and refining EO 2011-5 to establish a policy that would effectively protect GSG from potential impacts of oil and gas development operations. This process was subject to public input as well as input from relevant state and federal agencies.
- Second, EO 2011-5 has been endorsed by the United States Fish and Wildlife Service (USFWS). In a letter to Wyoming Governor Matt Mead (June 24, 2011), Mark Sattelberg, USFWS field officer in Wyoming, stated that “if fully implemented, we believe the EO can provide the conservation program necessary to achieve your goal of precluding listing of the GSG in Wyoming.” Mr. Sattelberg also stated that “the core population area strategy (EO 2011-5) is a sound framework for a policy by which to conserve greater sage grouse in Wyoming...and has set the stage for similar conservation efforts across the species range.”
- Third, BLM Wyoming State Office (WYSO) issued a revised GSG Habitat Management Policy, WYSO 2012-019, in February 2012 that applies EO 2011-5 and this WY IM provides guidance to BLM WY Field Offices regarding current management

consideration of GSG habitats for proposed activities until land use planning updates are completed. The BLM also has a Memorandum of Understanding (MOU) with the State of Wyoming for use and implementation of EO 2011-5 on federal projects.

- Fourth, the GSG Conservation Measures produced by the Sage-grouse National Technical Team (NTT) (*A Report on National GSG Conservation Measures, December 21, 2011*) (NTT Report) acknowledge EO 2011-5 as an effective GSG habitat protection strategy. While several of the specific conservation measures and stipulations are different (e.g. 4-mile NSO and 3% surface disturbance cap), the NTT Report adopts a GSG habitat management strategy that is similar in overall structure and concept (utilizing lek buffers, timing stipulations, identifying GSG priority habitats, etc.).

Adoption of and support for EO 2011-5 by the Wyoming SGIT, Wyoming Game and Fish Department (WGFD), BLM Wyoming, NTT, and USFWS definitively establish that the policies, procedures and strategies provided within EO 2011-5 are adequate and effective to protect GSG habitat. As such, GSG conservation measures that are inconsistent with and extend beyond EO 2011-5 are unnecessary and have not been justified by BLM.

The *BLM National Greater Sage-grouse Land Use Planning Strategy* (BLM IM No. 2012-044) does not conflict with, nor prohibit BLM from adopting GSG management policies and procedures consistent with EO 2011-5 in the Draft RMP and EIS. Additionally, the conservation measures provided in Attachment 1 (*Goals and Objectives, National Technical Team*) of BLM IM No. 2012-044 should not supersede the conservation measures provide for by EO 2011-5. BLM IM No. 2012-044 provides that all BLM State and Field Offices that contain GSG habitat must *consider and analyze* the conservation measures developed by the NTT, as appropriate, through the land use planning process (i.e. incorporate into one or more alternatives for analysis). It also provides that adjustments may be made to the conservation measures in order to address local ecological site variability, implementation of any of the measures must be consistent with applicable statutes and regulations, and individual plans may develop goals and objectives that differ and are specific to individual planning areas (BLM IM No. 2012-044, pg. 1). BLM IM No. 2012-044 merely establishes a policy and process for the *consideration* of GSG conservation measures in one or more alternatives during the land use planning process. It does not suggest preferred conservations measures or require the adoption of any particular conservation measures. In the Draft RMP and EIS that Alternative is Alternative B. As such, the adoption of conservation measures and policies provided by EO 2011-5 would be consistent with the process and strategy in IM No. 2012-044.