

SECTION 4:

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

SECTION 4 - COMMENT LETTERS RECEIVED ON THE DRAFT EIS

4.1 INTRODUCTION

The following comment letters were submitted by the public and interested agencies on the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Draft EIS. The 45 day comment period was February 14, 1997 through April 1, 1997.

Of the 65 comment letters on the draft EIS, 11 were received after the comment period. In the draft EIS, the BLM stated comments received after the comment period may be considered in preparing the final EIS but may not be included in the set of comments reproduced for the final EIS. But because several of the comments received after April 1, 1997 were substantive in nature, we decided it was in the public's best interest to reproduce all the letters. Responses were prepared to comments in the letters received after April 1 (letters numbered between 55 and 65) that were new and specific to suggested changes, sources or methodologies. Those comments that were similar in nature as other comments received are referenced back to similar comments and responses in this section of the document.

All 65 comment letters received have been reproduced in this section. Each letter is given a unique identifying number. Substantive comments requiring a response are identified by comment number associated with heavy vertical lines in the margin of each letter. For instance, comment No. 3-2 is the second comment on comment letter No. 3 requiring a response. All responses are presented in the following Section 5. Each response identifies the letter and comment number that it is associated with.

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Tanner
1909 East Brooks
Casper, WY 82601



LYLE E. WOELICH
1110 Kentucky Street
Green River, WY 82935
307-575-7490

February 21, 1997

Ms. Kate Padilla
B.L.M. Team Leader
Cave Gulch Natural Gas Dev. Project EIS
B.L.M. Platte River Resource Area Office
P.O. Box 2420
Mills, WY 82644

Dear Ms. Padilla,

After review of the draft EIS pertaining to Cave Gulch-Bullfrog-Waltman development project I wish to submit the following comments for consideration. As a long time resident of Wyoming and concerned with future development in our state, I feel it is imperative that this project be approved as proposed by the operators. The proposed alternatives as presented in the EIS will hinder the project to the point of non feasibility.

The project as presented will not have a long term impact on raptors or wildlife contrary to other opinions. Although there may be some short term displacement of wildlife and raptors in the initial stage of operations, the inhabitants will return as they become acclimated to the activity. As many of us are aware even though there is a great deal of vehicular activity on our highways, the raptors and wildlife continue to congregate nearby. The area encompassed by the project is a relatively small area of disturbance, (less than eight hundred acres), nearly fifty percent of the required disturbance will be reclaimed to original or better than original habitat.

Many in our society want to protect the resources, to the point of non use. While they advocate restricting others from using public land, they protest any regulations restricting their use of the land. I feel it is in the best interests of all concerned to approve this project as original proposed, since there are already many mitigation measures in place. The buffer zones are more than adequate, and increasing them will only hinder the project.

Respectfully Submitted,

Lyle E. Woelich
Lyle E. Woelich

BLM
Casper District Office
1701 East "E" St.
Casper, WY 82601

Thank you for the copy of
Environmental Impact
Statement on
Cave Gulch - Bullfrog -
Waltman -
Bob Tanner

1-1

3-1

3-2



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4078



REPLY TO
ATTENTION OF
Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, Wyoming 82009

Bureau of Land Management
Casper District Office
Attn: Kate Padilla
1701 East "E" Street
Casper, Wyoming 82601

Dear Ms. Padilla:

This is in response to your agency's January 30, 1997 Draft Environmental Impact Statement for the Cave-Bullfrog-Waltman Natural Gas Development Project located in Townships 36 and 37N, Ranges 86 and 87W, Natrona County, Wyoming

The Corps of Engineers regulates the discharge of dredged and fill material into waters of the United States (including wetlands) as authorized primarily by section 404 of the Clean Water Act (33 U.S.C. 1344). Project implementation, including temporary construction activities, may result in discharges into jurisdictional waters of the U.S. as indicated in the draft EIS.

A review of the draft document indicates that activities associated with this type of project will likely be allowable under the Nationwide Permit process, provided all terms and conditions of the permits are satisfied. Prior to undertaking any activities which will result in discharges of dredged or fill material into waters of the U.S., authorization or verification of authorization needs to be accomplished to avoid potential noncompliance with the Act. It is suggested that all companies conducting development activities in the affected area be directed to contact this office to determine specific permit needs.

If you have any questions concerning this matter, please contact Chandler Peter at (307) 772-2300. Your file number is 199740027.

Sincerely,
Matthew A. Blodeau
Matthew A. Blodeau
Program Manager
Wyoming Regulatory Office



Mike Wilkison Trucking, Inc.
281 Lester Dr
Rock Springs, WY 82901

Feb 25, 1997

Kate Padilla
Casper District Office
1701 East "E" St.
Casper, WY 82601

Dear Ms. Padilla:

I am writing this letter in support of the Cave Gulch-Bullfrog-Waltman Natural Gas Development Area. We have studied the Draft EIS and believe that the concerns for wildlife, raptors and air quality have been adequately addressed. Industry has taken on the challenge to coexist with the environment and are going above and beyond standard measures to assure compliance. We view the idea that the few raptors that nest in the area will be disturbed to be false and misleading. Our company has been hauling oil field equipment in Wyoming for the past 20 years. On numerous occasions we have witnessed many species of raptor continuing to nest in developed areas. Never have I personally seen the birds abandon eggs or chicks due to equipment or activity. We have photos of raptors nesting on de-highs and have seen nests on tank batteries.

The positive socio-economic impact that the project will have on the adjacent areas will far outweigh any assumed adverse impact on wildlife.

It is our hope that common sense will prevail so that the final EIS and the record of decision will be issued and subsequently signed by the state director.

Thank you for accepting this letter.

Sincerely,
Mike Wilkison
Mike Wilkison
President

2-1

4-1

4-2

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

2-12-97
Casper District
1701 East E Street
Casper, WY 82601
307-237-8774



Feb. 24, 1997

Dear Kate:

My husband Larry and I live in Rock Springs. We both work in the oil field. Larry has for 30 some years. We need our jobs and so do a lot of other folks here.

Oil field is what keeps this area going. Wyoming needs depends on revenues from projects such as Cave Gulch.

I don't think anyone would like to see what Wyoming's economy would be if we don't keep projects like the Cave Gulch/Bullfrog/Waltman going.

Thank you for your help.

Lallita Lemrock

March 11, 1996

Department of Interior Bureau Land Management
Casper District Office
1701 "E" Street
Casper, WY 82601

To whom it may concern:

The Cave Gulch Development Program has contributed 40% in Cameron's revenue for the month of February 1997.

The overall operation of this development has helped support employees at the Casper, Wyoming facility. Which includes four shop & service personnel, two office administrators and one manager.

Cameron greatly supports the Cave Gulch operators.

Respectfully,

Tom Muir
Territorial Manager

5-1

7-1

Marketing & Rental Services



Weatherford Enterra U.S., Inc.
8400 West Yellowstone Highway
Casper, Wyoming 82604

307-237-1222
1-800-827-7510

March 11, 1997

Bureau Of Land Management
1701 East E Street
Casper, Wyoming 82601

To: Whom it may Concern,

I am writing this letter to express my concerns over the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project and what it means to Weatherford Enterra and our employees.

In the past six months this Natural Gas Project has generated approximately \$575,000.00 to our company. Weatherford Enterra has 23 employees stationed in Natrona County, which in terms of compensation adds approximately \$85,000.00 to \$100,000.00 per month to the local economy, not to mention the vendors we do business with each and every day.

As an employer my concerns are for these 23 people who are dependant upon projects like this to support their families and enjoy a better way of life in Wyoming. We all need to do our part in protecting the environment and being sensitive to these raptors, however if someone or something has to be moved I believe these raptors can be moved with little or no impact. We have seen birds move on and build a new nest everyday without any problems. Without this project it can mean whether or not these people will continue to have jobs and stay in Natrona County contributing to the economy or being dependant on unemployment. This project alone has ensured 23 people had jobs with Weatherford Enterra. My question to you is "Can we afford not to develop these resources"?

In Wyoming we depend on the use of federal lands for our livelihood and not allowing development for six months every year is unacceptable in my point of view.

Thank you,

[Signature]
Rich Mahyer
District Manager
Weatherford Enterra

cc: Governor's Office
Natrona County Commissioners
Paul Fischer

Bureau of Land Management
Casper District
1701 East "E" Street
Casper, Wyoming 82601

COMMENT SHEET FOR THE
CAVE GULCH-BULLFROG-WALTMAN AREA EIS

NAME	FRED C. KREIN	DATE	3.11.97
COMPANY	NONE	PHONE NO.	307 237 8774
ADDRESS	BOX 2711	CITY	CASPER
STATE	WY	ZIP CODE	82602
<p>I HAVE NO VESTED INTEREST IN GAS PRODUCTION - DON'T EVEN USE IT! I'M JUST CONCERNED THAT THIS TYPE OF STUMBLING BLOCKS PLACED IN FRONT OF HONEST ENERGY DEVELOPERS WILL ONLY MAKE THE AVERAGE AMERICAN HAVE TO PAY MORE BUT WILL GUARANTEELY STOP ALL DEVELOPMENT OF OUR NATURAL RESOURCES. I FEEL THE SAME ABOUT COAL, OIL, TIMBER AND OTHER MINERALS. I AM A RETIRED INDIVIDUAL AND IN MY GRAND KID WILL ENJOY THE PROBLEMS I'VE HAD FOR TO YES.</p> <p><i>[Signature]</i></p>			

6-1

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Cave Gulch Flasco.....
\$250,000.00 to write a redundant book filled with half truths, speculation and innuendoes.

This is not old growth forest land with a "Spotted Owl" perched in every other tree but fairly barren country that is not really attractive to hunting type birds who desire lofty perches rather than trying to cruise all day looking for prey.

I doubt that "raptor" birds will look twice at artificial nests altho a great deal of money was spent building one near Franby Lake which was used one season and has never been used since.

Millions of dollars will be lost for this county which could be used for the betterment of many projects that make living worth while in Wyoming.

Loss of potential revenue from taxes not only affects Natrona County but the State of Wyoming as well.

Explain to me the difference between a "National Bird Park" and a "Powder River Draw Key Raptor Area" - Either way it is government operated which sounds Federal to me.

A representative of the BLM on television recently looked right into the camera and stated that the BLM was charged with the concept of the best multiple use of our land for the people of the land - not birds or animals.

It is time for the "silent majority" to start becoming vocal and let our elected officials know where we stand and demand that our stewards of the land should be more concerned about the rights and welfare of human being rather than those of the lower order.

Respectfully submitted:

Fred C. Klein, Box 2711, Casper, WY 307.237.8774

★ **USA TRUCKING** ★
P.O. Box 246
Casper, Wyoming 82602-0246
★ 307-266-3093 ★

March 11, 1997

Bureau of Land Management
Cave Gulch DEIS - Comments
1701 East E Street
Casper, WY 82601

Dear Sirs,

There is no basis to closing operation of the Cave Gulch-Bullfrog-Waltman fields for six months each year. It will cause undo hardship on the service companies of Natrona County and their employees without offering a direct benefit to the raptors. The direct proof that raptors are not adversely affected by drilling activity is shown by their continued existence.

A boom/bust cycle negatively impacts the economy by pushing the workforce into claiming unemployment and collecting federal food stamps. Because people of Natrona County must survive - they must be able to generate money preferably through working rather than relying on government entitlements.

A company must be able to insure steady employment in order to maintain experienced personnel with good moral. It doesn't take an environmental impact statement to know safety is directly related to experience and attitude. Moral improves when an employee can work in an area close to home and have the opportunity to spend time with his family.

Procedures are in place to insure the continued prosperity of the raptors through management of drilling activity. What procedures are in place to insure the continued prosperity of the people of Natrona County?

I am writing to request the BLM allow drilling throughout the year. The proposed six month shut down is unfounded and unnecessary.

Sincerely,

Rick Legerski
Rick Legerski
USA Trucking

cc: Governor Jim Geringer
Natrona County Commissioners
Senator Craig Thomas
Senator Mike Enzi
Representative Barbara Cubin

Bureau of Land Management
Casper District
1701 East E Street
Casper, Wyoming 82601

COMMENT SHEET FOR THE CAVE GULCH-BULLFROG-WALTMAN AREA EIS

NAME	Roy H. Guess	DATE	3/11/97
COMPANY	Consulting Geology	PHONE NO.	237-9444
ADDRESS	PO Box 3039	CITY	Casper
STATE	WY	ZIP CODE	82602

This BLM is trying to make criminals out of good law-abiding people with thousands of rules & regs. No one can work on BLM land without violating some rule somewhere. There is no appeal. The administrative judge is a joke. No habeas corpus - no trial by jury for a criminal charge. You are making the state into a "Police State". Confiscation of property without cause - rules so broad, any interpretation is possible. Arrest and felony charge for the slightest infraction or no infraction at all. You are destroying the country. This is a part of other govt - bureaucracies which are all trying to use felony charges to enforce silly unnecessary regs.

8-1

10-1

Wyoming State Legislature

213 State Capitol / Cheyenne, Wyoming 82009 / Telephone 307/777-7881
<http://legisweb.state.wy.us>



March 11, 1997

House of Representatives

REPRESENTATIVE CHARLES R. "PAT" CHILDERS
House District 50
Park County
28 Equine Drive
Cody, Wyoming 82414
Committees:
Revenue
Minerals, Business and Economic Development
Transportation of Oil, Gas and Minerals

Kate Padilla, Team Leader
Platte River Resource Area
Bureau of Land Management
P.O. Box 2420
Mills, WY 82644

Re: Cave Gulch/Bullfrog/Waltman Natural Gas Development Project
Draft Environment Impact Statement (DEIS)

Dear Ms. Padilla:

My name is Pat Childers. I am a resident of Park County, Wyoming, and live near Cody. At your scoping meeting for this project on April 17, 1996, I spoke to you representing Wyoming Resource Providers Coalition, a state-wide multiple use association representing individuals in many working sectors in Wyoming. Tonight, I am speaking to you as a freshman representative for the state of Wyoming. My views as to the part that the state and local communities should take in any federal actions are as strong now as they were last year.

At the scoping meeting, I posed to the BLM that all involved agencies should be working in partnership with the state and county in developing this EIS since the court statements during the recent Nye County, Nevada, case on land issues strongly suggested joint jurisdiction on the public (federal) lands. I also noted that the state and county officials were in a better position to evaluate and provide the socioeconomic impacts (positive or negative) of this gas development project on the citizens of Wyoming and Natrona County, in particular.

While the DEIS does imply some cooperation on this issue, the BLM never officially accepted the state's part in the NEPA process and even rejected the County Commissioners' official request for cooperating agency status. I would like to provide additional information that the BLM improperly handled this issue and, for the record, recommend that this agency acknowledge both the state and county as to their legal status in the NEPA process for the completion of this document.

First, I would like to emphasize NEPA does not need to be a confrontational process. When Congress passed the National Environmental Policy Act (NEPA) in 1969, they stated - "Sec. 101. (a) The Congress, recognizing the profound impact on man's activity

9-1

11-1

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Page 2
March 11, 1997

Richardson Trucking

3280 E. Yellowstone
Casper, Wyoming 82509
307-265-0012
1-800-331-3041

YOUR FULL SERVICE TRUCKING COMPANY

March 11, 1997

on the interrelations of all components of the natural environment, ... declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Further, in October, 1975, the State BLM Director and the Governor of Wyoming signed a Memorandum of Understanding (MOU) in which the parties intended that "the State of Wyoming and the BLM should endeavor to work together to develop coordinated action programs of land and natural resource use and management..." The MOU between Wyoming and the BLM further states on page 3, Section II.C. "The Bureau of Land Management will: Cooperate with the State in negotiations for supplemental cooperative agreements between the Bureau of Land Management District Offices and local governments ... when needed in the conduct of special or local data gathering or in the land use and resource planning and management implementation process." This MOU simply documents what the court in the Nevada case was stating, the BLM, State, and local governments should work together and efficiently to address the needs of the citizens.

Now, providing you copies of this MOU and the 1969 act - NEPA, I simply ask that this agency live up to what was agreed to in 1975 and placed into law in 1969.

Thank you,

Representative Pat Childers
Representative Pat Childers
House District 50
Park County, Wyoming

enclosures

cc: Governor Jim Geringer
State Director Al Pierson
Senator Craig Thomas
Senator Mike Enzi
Congresswoman Barbara Cubin

NOTE: The following attachments were provided with this letter and can be reviewed at the Casper District Office:

Memorandum of Understanding between the Governor of Wyoming and the United State by and through the State Director, Bureau of Land Management, Wyoming, USD1 (October 28, 1975).

The National Environmental Policy Act of 1969, as Amended (August 9, 1975).



Rice Enterprises General Contractors
Box 1548 Dubois, WY 82513 307-455-3405
March 10, 1997

Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, WY 82601

Attn: Kate Padilla, Team Leader

Ref: Cave Gulch DEIS - Public Comment

Ms. Padilla,

I have reviewed your DEIS for the Cave Gulch Project and have the following comments:

1) I believe your preferred alternative of not allowing drilling or construction activities in the field for six months of the year to be overly restrictive. I really feel that most activities could go on year round without any major concerns to the raptor population. We see many cases of raptors nesting along major highways and close to dwellings to place restrictions like this is not necessary.

2) To "set aside" 6,252 Acres outside the project area for "special management of raptors" is also uncalled for. This is then going to restrict use of that area for salable minerals and that is not necessary. Especially when your DEIS concludes that "the ability of the ERA to support additional raptor territories is in question." That additional area has tremendous gas and oil potential. Why lock it up?

I travel the state a lot. I've averaged over 50,000 miles per year for the last 13 years traveling Wyoming in my pickup. I see raptor populations at an all time high. I see no reason to lock this 6,252 acres up and to put it off limits to oil and gas exploration at all.

Our Wyoming economy depends heavily on multiple use of our federal lands. Responsible and prudent development of our natural resources provides much for our state. Let's use it. We need to constantly explore for new sources to replace existing reserves or our country is going to be in serious trouble. These companies have in the past shown that they can carry on responsible development so I urge you to allow them to do just that and allow this project to go forward.

Sincerely,

James Douglas Rice
James Douglas Rice



C.C. Cave Gulch/Waltman Operator

11-1
(cont.)

13-1

Bureau of Land Management
1701 East "E" Street
Casper, Wyo. 82601

Attention: Kate Padilla, Team Leader

Ms. Padilla

Our company would be greatly affected by the six month shutdown of drilling at Cave Gulch. We are just a small company but in the last year we recognized \$270,000.00 in revenue working at Cave Gulch.

All of this revenue earned in Hotone County. It would affect many companies and families tremendously by shutting this project down for six months each year.

Please take all these facts into consideration, the economic impact for the people of Wyoming and Natrona County, before your final decision.

Thank You,
Kris Richardson
Kris Richardson
Richardson Trucking

49 STATE ICC AUTHORITY



P.O. BOX 2384

CASPER, WYOMING 82502

PHONE 237-3615

March 10, 1997

Bureau of Land Management
Casper District Office
Attn: Kate Padilla - Team leader
1701 East E Street
Casper, Wyoming 82601

Subject: Cave Gulch DEIS
"Comment"

Hello,

My name is Randy Hollis. I am General Manager for Totem Construction Company, located in Casper, Wyoming. Our nature of business is location building, roustabout services and pipeline construction.

Over the past several years, we have supplied the operators in the affected Waltman area of Cave Gulch with our services on an as needed basis. Recently, we have been involved in the majority of well hookups for Chevron, U.S.A. Production Company in the Cave Gulch area. Since about July of 1996, we have employed full time around 6-8 people on this particular project.

If the BLM and the outdoor council have their way, they would limit the amount of time any contractor or operator could work in the Cave Gulch area by as much as 6 months a year. Most work being performed in the fall and winter months from August to February; all concerns over a handful of birds. If they, the BLM succeeds in shutting down drilling, construction, completion operations during the months of February through July, this will put full time hardworking family men out of work during the 6 month shut down. Basically, during the 6 month shut down, if I haven't got other work for my 6-8 affected employees, they will be put on part time or on call. Nobody needs to be unemployed all over a couple of nesting birds. Also, if memory serves me right, an expert that has dealt with raptors noted to the public that these birds will adjust very easily to another nesting environment if their prior nests have been disturbed. So, will the BLM and Tom Throop of the Wyoming Outdoor Council reimburse these employees for wages that would have been earned during this prime time construction season? I think not. And of course, you think not, because your jobs aren't affected by this. So, you do not feel our concerns. When the Government ran out of money last year and the government workers were sent home, boy did we ever hear the lion roar! We are roaring too, but nobody cares to listen to our wants and needs.

14-1

12-1

COMMENT LETTERS RECEIVED ON THE DRAFT EIS



W. A. MONCRIEF, JR.

CASPER BUSINESS CENTER
SUITE 601
122 WEST FIRST STREET
P.O. BOX 2673
CASPER, WY 82602

TELEPHONE 307-237-8641
TELEFAX 307-237-2201

P.O. BOX 2264

CASPER, WYOMING 82605

PHONE 337-3833

March 12, 1997

Let's be civil about this and realize that we shouldn't let a couple of birds stand in the way of progress. Nobody benefits if Alternative "A" or "B" are selected. Schools lose, city and county governments lose, grocery stores lose, clothing stores, etc. etc. So on and so forth the rippling domino affects everybody. In a town of Casper that has already seen 1 major restaurant shut down, major oil companies leave town, who is going to fill those shoes? The ranchers? I don't believe so!

So many good people have left Wyoming because of the sour employment picture. What good help a company is clinging onto is about to be withered away due to a raptor situation. I have lost numerous people because of major companies leaving Wyoming, all because of government, Sierra Clubs and out door councils have stirred up a hornets nest. Those affected birds out there don't give a damn about me, the BLM, Outdoor Council, etc. The birds just wake up the next morning with their wing over their face and start with a new morning with no remembrance of yesterday. They deal with life one day at a time! I have to face the employees day after day, pay my bills month after month. We don't need to be isolated 6 months out of every year - neither does the economy.

I have kids in school and I want them to have the very best education money can buy. Shutting down Cave Gulch 6 months a year takes away a large volume of money that the school district can use. Our county roads need to be upgraded and better maintained. You shut down, they also lose. This just isn't a one way street. The BLM will also lose out on revenues if this project doesn't get off the ground and with guidelines that everybody out there can live with and work together.

This isn't going to be an Alaskan gold rush situation or a "boom" by any means. I personally don't see 10 or 30 rigs as an example in the air, year after year at the same time. I believe oil companies will continue to search for proven wells int hat area on a conservative manner. Using 1 or 2 rigs at any time. Keeping a minimum of disturbance down.

As an employee and family man, I ask that you please take into consideration what is to be lost inthe ways of well being for families and contractors. Choose the "No action plan" and let's make Wyoming a far better place to work and live.

Thank you for the opportunity to speak my mind.

Randy Hollis

[Signature]

Bureau of Land Management
Casper District Office
Attn: Ms. Kate Padilla
Team Leader
1701 East "E" Street
Casper, WY 82601

Re: EIS, Cave Gulch - Waltman Area
Natrona County, Wyoming

Dear Ms. Padilla:

Mr. W. A. Moncrief, Jr. filed an APD and ROW in July and August 1995 to drill our No. 32-1 Federal well in the SW/4SE/4, 558' FSL and 1813' FRL, Section 32, T37N-R86W on Federal lease WYW-37977. We are still awaiting approval of that Application.

Based on the referenced EIS completed February 1997, we reluctantly agree with Alternative "B" and request your approval of our APD for the No. 32-1 Federal well as soon as possible after August 1, 1997, your proposed date for issuance of your ROD, to permit Moncrief time to drill and complete said well before February 1, 1998.

Thank you for your help in this matter.

Very truly yours,

W. A. MONCRIEF, JR.

By: [Signature]
G. L. Kutchins
Joint Operations Manager

cc: Mr. W. A. Moncrief, Jr.

14-2

16-1

Joe Kirm
CONSULTING GEOLOGIST

1645 COURT PLACE, SUITE 201
DENVER, COLORADO 80202
(303) 622-5115

March 7, 1997

BLM
Casper District Office
Atten: KatePadilla
1701 East "E" Street
Casper WY 82601
Re:Cave Gulch DEIS
Dear Ms. Padilla:

In regards to the Cave Gulch DEIS,if drilling is to be allowed for only 6 months or 50% of the year, the lifetime of the oil and gas leases involved should be lengthened an equal amonut of time to put them on aquequal basis with other federal oil and gas leases, i.e. a 10 year lease should become a 20 year lease.

Also, it seems entirely unnecessary and unprecedented to to set aside the 6,252 acres in the Powder River Drwa KRA. This area is totally unexplored for oil and gas and it is entirely unknown what resources underlie the area.

If given a chance, I believe the raptors will be able to cope with oil and gas development. After all, they are known to exist quite vell in urban environments which are a lot more disruptive than oil and gas fields.

Very truly yours,

[Signature]
Joe Kirm

15-1

17-1

★ USA TRUCKING ★
P.O. Box 246
Casper, Wyoming 82602-0246
307-296-3093

March 11, 1997

Bureau of Land Management
Cave Gulch DEIS - Comments
1701 East E Street
Casper, WY 82601

Dear Sirs,

There is no basis to closing operation of the Cave Gulch-Bullfrog-Waltman fields for six months each year. It will cause undo hardship on the service companies of Natrona County and their employees without offering a direct benefit to the raptors. The direct proof that raptors are not adversely affected by drilling activity is shown by their continued existance.

A boom/bust cycle negatively impacts the economy by pushing the workforce into claiming unemployment and collecting federal food stamps. Because people of Natrona County must survive - they must be able to generate money preferably through working rather than relying on government entitlements.

A company must be able to insure steady employment in order to maintain experienced personnel with good moral. It doesn't take an environmental impact statement to know safety is directly related to experience and attitude. Moral improves when an employee can work in an area close to home and have the opportunity to spend time with his family.

Procedures are in place to insure the continued prosperity of the raptors through management of drilling activity. What procedures are in place to insure the continued prosperity of the people of Natrona County?

I am writing to request the BLM allow drilling throughout the year. The proposed six month shut down is unfounded and unnecessary.

Sincerely,

[Signature]
Rick Legerski
USA Trucking

cc: Governor Jim Geringer
Natrona County Commissioners
Senator Craig Thomas
Senator Mike Enzi
Representative Barbara Cubin

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Bureau of Land Management
Casper District
1701 East "E" Street
Casper, Wyoming 82601

Bureau of Land Management
Casper District
1701 East "E" Street
Casper, Wyoming 82601

**COMMENT SHEET FOR THE
CAVE GULCH-BULLFROG-WALTMAN AREA EIS**

**COMMENT SHEET FOR THE
CAVE GULCH-BULLFROG-WALTMAN AREA EIS**

NAME <i>Bob Tronzo</i>	DATE <i>3-12-97</i>
COMPANY	PHONE NO. <i>307-234-1678</i>
ADDRESS <i>1404 Eastbrook Ave</i>	CITY <i>Casper</i>
STATE <i>Wyoming</i>	ZIP CODE <i>82601</i>

Thank you for inviting me to the meeting at the agricultural building on March 11, 1997.

After reviewing the EIS and listening to the testimony on 3-11-97, I would support the following:

The highest and best use for this land is the development of the minerals - Oil, coal and natural gas. I should say is not necessary to support either the wildbirds, Quail, raptor or raptor population of the area.

It is my belief that the economic benefits that can be derived from the development of the natural gas field should prevail.

NAME <i>HOWARD L. EWART</i>	DATE <i>3/15/97</i>
COMPANY	PHONE NO. <i>307/237-1923</i>
ADDRESS <i>980 STAFFORD</i>	CITY <i>CASPER</i>
STATE <i>WYOMING</i>	ZIP CODE <i>82609</i>

I HAVE REVIEWED THE PLAN AND ATTENDED THE OPEN HOUSE AND PUBLIC MEETING IN CASPER. I FEEL THE BLM SHOULD RECONSIDER THEIR ORIGINAL AND DECLARE THIS PROJECT "FONSI". I CAN'T SEE WHERE IT WOULD HAVE ANY SIGNIFICANT IMPACT ON THE RAPTORS.

IF YOU DO NOT CHOOSE TO DO THIS, I WOULD SUPPORT A REVISED ALTERNATE B THAT WOULD DROP THE NO ACTIVITY RESTRICTION FOR 6 MONTHS AROUND THE NEST SITES. THIS ONLY ADDS TO THE COST OF THE GAS AND HAS SOME TERRIBLE IMPACTS ON THE PEOPLE WORKING IN THE AREA.

Thanks
Howard L. Ewart

18-1

20-1



DRILEX SYSTEMS, INC.

1283 North Derrick Drive
Casper, Wyoming 82604
P.O. Box 1750
Mile, Wyoming 82644
Tel: (307) 234-8888
Fax: (307) 234-8884

Kate Padilla, Team Leader
Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, Wyoming 82601

Ms. Kate Padilla
Team Leader
Bureau of Land Management
1701 East "E" Street
Casper, WY 82601

March 19, 1997

Dear Kate,

Re: Draft EIS-Cave Gulch-Waltman

After reading through the volumes of biological, sociological, geological and environmental "data" contained in the draft document, I can see that a great deal of work, time and taxpayer's money has been spent trying to "protect" animals that don't really need protection.

Since 1981 I have been attempting to keep human beings employed in the oil and gas drilling business here in Natrona County. I have had to lay off men with families because there wasn't enough work for them and the company couldn't afford to keep them employed. I have seen other companies do the same thing to many of my friends. I have had to send employees to Alaska, China, Venezuela, Texas and Oklahoma to keep them working because there wasn't work for them in this area. And all this time the BLM and the environmentalists didn't give a hoot about the eagles, ferruginous hawks, red tailed hawks, prairie falcons, etc.

Now we have an opportunity to put people to work 50 miles from their homes. The raptors have been coexisting with industry for decades. This draft EIS provides no concrete proof that the raptors are disturbed by any of the operations in Cave Gulch. Indeed, the raptors are probably benefiting from the operations in the area.

If you insist on recommending Alternative B as written in the Draft EIS, I urge you to modify the recommendation to allow year-round access to the field. Weather alone will limit drilling operations sufficiently to allow the raptors some time off. I also strongly object to the set aside of any acreage for a Key Raptor Area, (KRA). This is only an attempt at empire building for the BLM, and will in no way improve the life of the raptors involved. The BLM can't even guarantee the raptors will take up residence in the area, or if moved there, would remain.

The significant impact of this project is not focused on the right species of animal. The true negative impact, if the project is limited, is on the families of Natrona and other counties in Wyoming. The positive impacts to our schools, our economy, our work environment, and quality of life, can't be discounted because of 7 pairs of raptors who are already interacting with the operations. It isn't the money that Chevron, Barnett Resources and the other operating partners might make that is important in this situation. It is what we as residents of Natrona County and the State of Wyoming will lose if the Bureau of Land Management ignores the voices of those people directly affected by the project.

Respectfully submitted:

Jeffrey Barnett
Jeffrey Barnett
Region Manager
Western USA

19-1

19-2

19-3

21-1

After have receiving a copy of the Draft EIS for the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project I have concluded that we have taken one step forward and two steps back. The preferred alternative proposed by the BLM is outrageous. This six month period, February 1 - July 31 is approx. 50% of the ideal window for construction in Wyoming because of our long winter months. By enforcing these regulations the BLM will have to assume the responsibility for unnecessary damage caused by a larger portion of excavation being done during that period in which frost is present. These "Key Raptor Areas" that will have to be avoided during this period of time by the development of saleable (sic) minerals sounds to be a block to only those with an interest in oil & gas development and mining interests. This sounds to be discriminative against these individuals who wish to do nothing more than develop our natural resources in a responsible manner while feeding the economy, in which they live, millions of dollars in revenue for the good of the communities.

In my experiences in the field of several different oil & gas fields as well as mining operations I can assure you that these "Birds of Prey" along with any other wildlife are not very concerned with the day to day activities of the workers in that area. I have photos of hawks that have built nests on the dehydrators and separators at several locations and they do not take flight when people are in the area and are not directly harassing them. The individuals that we are referring to as "workers" in these areas have the utmost respect for the wildlife and enjoy viewing them as much as the next person does. By past experience I have confidence in knowing that if there was a serious problem with the wildlife in the areas of operation occurring, the field hands are the first to point it out.

I hope that the BLM does not continue this relationship with the developers and the general public by allowing hopes to be built while burning bridges somewhere else. People will not put up with this for long before they make that decision to look elsewhere to raise a family and make a living. The Casper area needs this project very badly and was sincerely supported by your county commissioners and county treasurer who surely know what financial gain it would be to an economy that has been hurting for some time.

I support the development of Natural Gas in the Cave Gulch/Waltman areas and hope that the BLM will support it also. We all know of the responsibility we have as humans to protect our environment and wildlife, we have been doing it while developing oil, gas, coal and trona for years. A vast majority of mitigation and wildlife management funding is generated by these

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

21-1
(cont.)

companies and the individuals who work in these fields are also hunters, fisherman and outdoorsman alike. Please help to see that this project is allowed to proceed without stipulations that cause more grief and dissolves the relationship that we have been working to build. I believe that all involved will profit by the approval of this project in the Casper area and it would be approved if socioeconomic played a larger role in the decisions being made by the BLM.

Thank you,

Timothy A. Kauno
Timothy A. Kauno
President, Southwest Wyoming Mineral Assoc.

23-1

March 14, 1997

Dear Kate,

I am writing in support of the Cave Gulch-Bullfrog-Waltman natural gas area. I think the concern for the raptors that are nesting in the area is unwarranted. I hear that there are birds in the birds nesting into the area, which I guess means that they are not disturbed by the development that is already going on there. The pasted socio-economic impact that the project will have on the area is unquestionable. Thank you for reading my letter.

Sincerely,

LaVita Pinnick
LaVita Pinnick
156 Luster Drive
Rock Springs, WY
82601

Bureau of Land Management
Casper District
1701 East "E" Street
Casper, Wyoming 82601

COMMENT SHEET FOR THE
CAVE GULCH-BULLFROG-WALTMAN AREA EIS

1131 W. 60TH STREET
CASPER, WY 82601
MARCH 21, 1997

BUREAU OF LAND MANAGEMENT
CASPER DISTRICT OFFICE
ATTN: KATE PADILLA, TEAM LEADER
1701 EAST "E" STREET
CASPER, WYOMING 82601

SUBJECT: CAVE GULCH-BULLFROG-WALTMAN NATURAL DEVELOPMENT PROJECT DEIS

DEAR KATE:

PLEASE UTILIZE A COMMON SENSE APPROACH TO THE DEVELOPMENT OF THE CAVE GULCH/BULLFROG-WALTMAN NATURAL GAS DEVELOPMENT PROJECT FOR THE BENEFIT OF THE CITIZENS OF NATRONA COUNTY AND THE STATE OF WYOMING.

THE OIL AND GAS COMPANIES DEVELOPING THESE RESERVES HAVE PROVEN THEY CAN ACT RESPONSIBLY WITH PROPER GUIDANCE OF THE BLM. ALLOW THIS AREA TO BE DEVELOPED INTO A MULTIPLE USE AREA.

I HAVE REVIEWED THE DEIS DOCUMENTS AND IT IS MY OPINION THAT RAPTORS AND ALL WILDLIFE ARE IMPORTANT TO OUR ECOSYSTEM AND I ENJOY SEEING THEM. IT APPEARS THERE ARE ADEQUATE NUMBERS OF RAPTORS IN THE AREA SINCE RANCHERS ARE SUSTAINING LOSSES FROM PREDATION ON LIVESTOCK.

THE 6 MONTH TIME LIMIT CONSTRAINTS ON DRILLING AND CONSTRUCTION SEEMS EXCESSIVE TO ME AND SHOULD BE AT LEAST HALVED TO 3 MONTHS, DURING PRIME NESTING PERIODS, THEREBY ALLOWING 9 MONTHS MINIMUM OF DEVELOPMENT IN THE AREA.

THE 6,252 "SET ASIDE" ACRES ALSO SEEMS EXCESSIVE AND SHOULD BE DECREASED BY AT LEAST HALF TO 3,125 ACRES TO ALLOW THE OPPORTUNITY TO DEVELOP SENSITIVE PRIME RAPTOR HABITAT WITH POSSIBLY DIRECTIONAL DRILLING METHODS.

IT IS ALSO MY OPINION THAT THE BUREAU OF LAND MANagements MAIN FOCUS SHOULD BE ON AN ACCURATE ACCOUNTABILITY OF ALL PRODUCTION/SEVERANCE TAXES SO THAT ALL TAXES ARE COLLECTED FAIRLY AND TIMELY TO PREVENT LENGTHY AND COSTLY COURT BATTLES OF ACCOUNTING METHODS ETC.

I HOPE LONG LASTING POSITIVE WORKING RELATIONSHIPS WILL BE ENJOYED BY ALL INVOLVED. WE ARE WYOMING.

THANK YOU

Dave Orndorff
DAVE ORNDORFF

22-1

NAME	Terry L. Burke	DATE	MAR. 19, 1997
COMPANY	ARR Vetco Gray	PHONE NO.	307-789-4220
ADDRESS	Box 1786	CITY	EVANSTON
STATE	Wyoming	ZIP CODE	82951

After attending the BLM Open House public meeting on March 11th 1997, I would like to comment on the Cave Gulch EIS. After listening to all the speakers it is my opinion that we need to be allowed to drill and produce this area with some restrictions year around. I am employed by a service company in Evanston, WY. We feel the effects of the on off restrictions in Uinta County as well. It is my opinion that the Oil Companies and the Birds can co-exist in this area. As the BLM people can clearly see the Cave Gulch-Waltman area has great economic potential that this great state depends on. I hope you will take into account the lives of the people that depend on the oil and gas industry for our livelihood.

Thank you
Terry L. Burke

24-1

24-2

24-3

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Charles J. Sparlock
793 Woodbine Drive
Lander, WY 82520

24 March 1997

March 13, 1997

Kate Padilla
Bureau of Land Management
1701 East "E" Street
Casper, WY 82601

Bureau of Land Management
Casper District Office
Attn: Kate Padilla, Team Leader
1701 East "E" Street
Casper, WY 82601

To: Cave Gulch-Bullfrog-Waltman Natural Gas Development
Draft EIS Team Leader and Area Manager

From: Dr. Mayo W. Call, Raptor Ecologist

RE: Cave Gulch DEIS Comment

Dear Ms. Padilla:

25-1

I believe that it is blatantly unfair to restrict development for six months in the vicinity of raptor nests and to set aside 6,252 acres for the special management of raptors. If Wyoming is to survive economically, there has to be a more realistic balance between growth and wildlife management. It is extremely impractical to restrict oil and gas development if wildlife, apparently any species, is present in such low numbers.

It is my sincere opinion that the proposed course of actions will not help the raptors, they will only help to further alienate many citizens from their government and weaken the BLM's overall objectives.

Respectfully,

W.J.S.
Charles J. Sparlock

27-1

I appreciate receipt of a draft copy of the subject EIS and the opportunity to comment on it.

Since I am one of the primary advocates of the use of ANBs for ferruginous hawk management in appropriate situations, I would like to make the following comments relative to their use as they relate to PH nesting behavior:

1. The writer(s) of the EIS did a good job in portraying the usefulness of ANBs in this particular project area, as stated on pp. 4-80 and 4-81 of the EIS. If desired, additional information can be obtained from my report on "Nesting Ecology of the Ferruginous Hawk" on file with Robin Smith and Jennifer Head in their respective Casper offices.
2. ANBs have been very efficient in attracting ferruginous hawks to nest away from various kinds of human disturbances and for moving their nests off man-made structures where human disturbances could cause nest abandonment.
3. I recognize that some people would much prefer to keep various kinds of wildlife habitats as undeveloped as possible, and this is appropriate for some species and in certain situations. However, in situations such as this one, where other natural resources in the same area have extremely high values, this would be inappropriate. The disruption and/or displacement of the raptor nests involved here could not justify it, especially since the potential loss of nests of the most critical raptor species in this area, the ferruginous hawk, can probably be effectively mitigated.
4. The raptor of primary concern in this area is the ferruginous hawk because of its relatively small range-wide population (only 10,000 to 15,000) and because of its relatively high intolerance to human disturbance. All other raptor species involved have higher tolerance to humans and some would continue to nest in the project area in the face of intensive drilling operations and the associated disturbances. Also, these other species all have much higher continental population levels. Ferruginous hawks might also attempt to nest in the face of intensive development but would be less likely to succeed.
5. Ferruginous hawks frequently change nest sites from year to year. This is demonstrated by the fact that the primary nests occupied in the project area in 1995 were nest nos. 3 and 25, while nest nos. 34 and 56 were occupied in 1996. None of these nests, nor any of the other nine ferruginous hawk nests within the GRUA produced any young in 1995 or 1996 (Table 5-5). I suspect this was more likely the result of an inadequate prey base, especially ground squirrels and cottontail rabbits, than it was from effects of human disturbances. It is also possible that increased predation from aerial and terrestrial predators occurred on these nests because of lack of other prey for the areas' predators. The elevated ANBs provide greater protection from predators and have been found to produce more young per nest than nests on natural substrates. In any case, this demonstrates that it may not be as critical as some believe to give special protection to the nests occupied in a prior year if there are several other suitable nest sites available.

Bureau of Land Management
Casper District
1701 East "E" Street
Casper, Wyoming 82601

**COMMENT SHEET FOR THE
CAVE GULCH-BULLFROG-WALTMAN AREA EIS**

NAME <i>Nina Ewart</i>	DATE <i>3-15-97</i>
COMPANY _____	PHONE NO. <i>307-237-1823</i>
ADDRESS <i>980 Stafford</i>	CITY <i>Casper</i>
STATE <i>Wyoming</i>	ZIP CODE <i>82609</i>

26-1

I would support changing the project classification to "having no significant impact" (FONSI). On a minimum, alternate B should be amended to drop the 6 month restriction of activity in the vicinity of the nest sites. This will prevent causing undue hardships for workers.

Nina Ewart

27-1
(cont.)

6. I am reasonably certain that a few ANBs would be utilized by ferruginous hawks for nesting the first year available. Several more would probably be occupied during the next two or three years after construction. The number or percentage of ANBs occupied in any given year will be largely dependent on the total number of ANBs erected. In my opinion, the construction of ANBs outside the project area, or at some distance from proposed drilling within the project area, is the most practical method for minimizing conflicts between gas drilling and raptor nesting.
 7. In my opinion, the establishment of the "Key Raptor Area" (KRA) is not necessary. It is my understanding that very little development would take place in that area in the near future and, if significant development should be proposed in future years, it can be managed at that time. In any case, production from ferruginous hawks and their total nesting population within the Greater Raptor Analysis Area (GAAA) can probably be maintained through the use of properly placed ANBs over what would be produced if the entire area were maintained in a natural state. This is because of much higher nest destruction of nests on natural substrates because of their greater accessibility to terrestrial predators. The life of the gas field is estimated to be from 30-40 years. After the natural gas extraction is completed, area roads could be closed, and ANBs could then be removed, if desired. The other raptor species nesting in the proposed KRA, like those in the project area, could probably continue to nest successfully even if confronted with light to moderate activity and disturbances. While golden eagles, prairie falcons, and red-tailed hawks are all protected under Federal and/or state laws (as are all raptors), these species are all doing very well in their respective breeding ranges and do not require the special management attention needed by ferruginous hawks. If we provided all of their active nests the same kind of protection and management that we try to provide for ferruginous hawks, most other uses of the public lands would be seriously curtailed.
 8. Page 4-71 states that the mitigation proposals "should reduce potential impacts to raptors to non-significant levels". I completely agree.
 9. Each Alternative calls for establishing a 1/4 to 1/2 mile buffer zone around all "active" nests. In my opinion, there would be much less conflict and disruption of nesting from proposed gas drilling operations if managers would put more effort into enticing the birds to nest away from development areas. Production of raptors, especially ferruginous hawks, would be maintained or increased, while gas drilling and production could proceed in a timely and responsible manner. Alternative A calls for a one-mile buffer around active ferruginous hawk nests. This large a buffer zone is unnecessary in almost any situation.
- It is important that land and resource managers permit and integrate as many legitimate uses of the public lands as possible. One use should not exclude other uses so long as they are "reasonably" compatible, or if adversely affected resources are renewable and if potential damages can be reasonably mitigated.

Thank you for this opportunity to comment on the draft EIS.

Mayo W. Call
Mayo W. Call
P.O. Box 863
Alton, WY 83110-0663

COMMENT LETTERS RECEIVED ON THE DRAFT EIS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OHAWA DISTRICT
216 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4976
March 21, 1997

PLANNING DIVISION

Ms. Kate Padilla, Team Leader
Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, Wyoming 82601

Dear Ms. Padilla:

Thank you for the opportunity to review the DEIS for the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project, Natrona County, Wyoming. Potential effects on waters of the US, including wetlands, have been more than adequately addressed.

Sincerely,

Candace Thomas
Candace M. Thomas
Chief, Environmental Analysis
Planning Division

28-1

30-1

Printed on Recycled Paper

Dear Sirs:

In regard to the seasonal restrictions placed upon the Cave Gulch - Waltman - Bullfrog areas. I am a full time employee in the oil field services. I would like to point out that these areas have represented at least 50% of my income. I'm more than just a little bitter over the possibility of moving to another state for work over an unsubstantiated claim that we are hampering the nesting abilities of raptors. When we minerals development people have all moved on to other states, where will your tax money come from? If it weren't for minerals, where would this state be now? I believe these things should more carefully be considered before restrictions like this devastate our ability to feed the "kids". I understand that there now an endangered mouse on the list. How many families will have to move on over that, I wonder. If the claims of raptor nesting problems are fully investigated and found to be true, then I'm all for these restrictions. Until then I can't help but be another bitter pawn in what appears to be a political game.

Willard Frank

Willard Frank

29-1

Ralph Myers - Oil Production Facilities
(307) 472-1150 · 800 Warner Court · Suite 268 · Casper, WY 82601

March 26, 1997

Kate Padilla, Team Leader
Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, WY 82601

Re: Cave Gulch-Bullfrog-Waltman Natural Gas Development Project EIS

Dear Mrs. Padilla:

After listening to State Senator Charles Scott's presentation and all the other presentations, questions and answers about raptors at the Casper hearing on March 11, 1997, I have to agree with Senator Scott. Senator Scott probably knows more about Wyoming's raptors than anyone in Wyoming and definitely more than anyone about raptors in Natrona County. His statement about raptors being smart and adaptable to changing nesting areas in the thousands of square miles of suitable habitat surrounding the Cave Gulch Field was right.

After the discussion about the law regarding disturbing nesting raptors and how this led to a six month drilling and construction period, I came to these conclusions:

1. The BLM should allow drilling and construction at any time of the year when raptors are not physically nesting at the time the operations start near any given nest. The activity in progress should cause the raptors to find another nesting area. If raptors nest within 1/4 to 1/2 miles of the activity, it will prove that they are not bothered by the drilling and construction.
2. The recent U.S. Supreme Court ruling regarding endangered species definitely states that hardships on people must be considered as well as the propagation of the endangered species. Many small businessmen testified at the hearing that they had to lay off employees due to the six months of field work restrictions imposed by the BLM. County officials testified about increased welfare costs caused by the layoff of Cave Gulch workers. The BLM's rulings on raptors has definitely placed hardships on some people.

My experience of working on a five year gas development project in a mountain area where raptors were fairly abundant is similar to what is being experienced in Cave Gulch. Each year 35 to 45 wells were drilled, 30 to 40 miles of gas gathering lines and 30 to 45 miles of road were constructed. Due to weather constraints, the construction activity was limited from April 1 to November 1. Each year, construction was delayed until the raptors nested in different project areas. Empty nests were monitored every two weeks. May 15th was the earliest date that approval was given to start construction near an empty nest and June 1st was the latest time.

Less than 15% of the nests were eventually occupied and less than 2% were used after April 1. The costs associated with the delays amounted to hundreds of thousands of dollars each year for contract changes, work change orders and operating costs. This inefficient operation hurt everybody, taxpayers as well as companies, for no real gain in raptors. I addressed this issue at the 1996 hearing in Casper.

Other than raptors, there is no reason presented in the DEIS to prevent year round development in the Cave Gulch Area. The land is like the thousands of square miles of Wyoming's vast arid wastelands with: poor soil, vegetation, no running streams, deep eroded draws and gullies, no real scenic or recreational value, no unusual hunting value, and unless something is uncovered in the development of the field, no Paleontologic value. It is blessed with relative isolation and natural gas that should be developed without unreasonable constraints. The gas produced here will help decrease air pollution in more congested areas and provide good jobs for people in Wyoming.

The well sites and surface facilities should be located based on state laws and economics instead of "scenic value". Directional drilling should not be mandated by the BLM, especially in the Key Raptor Area (KRA). Unsold leases in the Key Raptor Area will have no value to companies that do not have leases surrounding the unsold leases and have extremely less value to present lease holders. BLM personnel stated that the Key Raptor Area had little or no commercial gas value. The proposed regulations for the KRA almost insure this. The BLM has the power to increase the costs by imposing unrealistic regulations and unwarranted Environmental Impact Statements. After reading the Cave Gulch DEIS and making a tour of the covered roads, facilities and pipelines, I found nothing that required an EIS! The development should have been handled with "Master Plans of Development's" and APD's. BLM and company field personnel could have worked out well site locations, road and pipeline routes in the normal manner.

There has been enough time and money wasted on the Draft EIS. Cancel any further work on the final EIS and work with the field operators for sensible responsible development.

Sincerely yours,

Ralph W. Myers
Ralph W. Myers, P.E.

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

ROBERT STANLEY LOWE
87 PRIMROSE
CASPER, WYOMING 82404
OFFICE: 307/257-0301
RESIDENCE: 307/256-1886

Cave Gulch DEIS Comments
12 March 1997
Page 3

MEMORANDUM

TO: Bureau of Land Management, Casper District Office, Attn. Ms. Kate Padilla
FROM: R. Stanley Lowe, 87 Primrose, Casper, WY 82404
DATE: 12 March 1997
SUBJECT: Cave Gulch - Bullfrog - Waltman Natural Gas Development Project Draft Environmental Impact Statement

Thank you for this opportunity afforded me to comment from a personal standpoint on the above-captioned subject. I had intended to speak at the public meeting conducted last night, Tuesday, 11 March 1997, but I ran out of time and, besides, what I had to say at that time had mostly been stated by other speakers. For that reason, I thought it best to submit my comments in writing.

I am an attorney, having been admitted to practice law in Wyoming in 1949. I first practiced in Newcastle, having gone there in the days of the oil boom in order to practice my specialized field, oil and gas law. After the boom subsided, I moved to Rawlins and practiced there until 1967 when my family and I temporarily moved to Chicago on an assignment there during which we maintained our legal residence in Wyoming. Returning to Wyoming in 1974, I resumed the practice as a corporate attorney to practice my specialty, oil and gas law, once again.

My hobbies include skiing, both alpine and cross country, and mountaineering. I am a Life Member of the National Ski Patrol System, Inc., and while I am no longer actively patrolling on the mountain here at Casper, as of two years ago, I remain active with the patrol and am an instructor in avalanche and mountaineering. In the latter capacity, I have participated in training patrollers in winter survival on Rogwote Pass and in other Wyoming mountains. In addition, I have hiked, backpacked and camped in every principal mountain range in Wyoming as well as in its National Parks.

With this explanation of my background, here are my comments:

- 1. As stated before, I agree with what was said by the

Cave Gulch DEIS Comments
12 March 1997
Page 2

speakers Tuesday night, 11 March 1997. Particularly, I concur with Senator Charles Scott's comments about the bird population. I have known the Scott family for years. The late Dr. Scott, father of Senator Scott, and the senator himself, are probably persons who have developed the most expertise regarding Wyoming's birds of anyone in this region of the United States. I am confident they are far more experienced than am I or, for that matter, anyone else who has been or is involved in the subject under discussion. Nonetheless, based on my observations while living and engaging in outdoors activities in every part of this state for nearly fifty (50) years, I wholeheartedly agree with Senator Scott's statements regarding the bird population in the state and the fact the lands involved in this study are only minimally populated to a point of being insignificant.

2. There may be some people involved in this Project DEIS who were not as interested as I was in the National Environmental Policy Act of 1969 when it was enacted by Congress. After its enactment, I followed the development and frequent distortion of the intent of that law and spoke on it several times. I have always been amazed at how many of its purposes have been forgotten, either intentionally or inadvertently. At last evening's meeting, State Representative Pat Childers (HD 50) reminded everyone of the policy of NEPA enunciated in §101(a). There it is said "... it is the continuing policy of the Federal government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." That section then goes on to provide that the federal government is to use "all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may ... (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;" (emphasis supplied)

This language of NEPA is further reinforced in §102 where it is said, "The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of United States shall be interpreted and administered in accordance with the policies set forth in this Act. ..." (emphasis supplied) I don't recall Representative Childers mentioning this significant

31-2 (cont)

31-3

31-4

31-5

reinforcing language found in §102, but I personally feel it important enough to keep in mind that Congress felt it was important regarding what it intended, and that is, NEPA should be utilized in a balanced manner to allow Americans (that is people, not birds and other wildlife) to enjoy "high standards of living and a wide sharing of life's amenities;" (emphasis supplied)

3. The six-month limitation on operations is a gross violation of the balance required by NEPA, and it directly conflicts with NEPA's requirements regarding "high standards of living and a wide sharing of life's amenities." worse yet, it flies directly in the face of that part of the policy language of §101(a) utilizing "the general welfare" clause borrowed from the Preamble of the Constitution of the United States of America, as Congress does in many of its Acts not clearly within the authority given it by the constitution, in order to lend some constitutional legitimacy to the law.

4. The refusal to include the County Commissioners of Natrona County in the processes of this DEIS once again is contrary to the mandate in §101(a) that requires cooperation with State and "local governments." That refusal was not only contrary to Congressionally mandated policy and therefore an affront to Congress, but it is an insult to the county in which these BLM lands are located and the people of this county. I find this shocking and deplorable but after what I have been witnessing over these past nearly 30 years, not surprising.

5. The FOWSI that was signed in May 1995 after the BLM had conducted a site specific analysis under the Barrett Cave Gulch EA, has not been shown to me to be otherwise than entirely sufficient to permit operations to continue under it. The later rescission of the FOWSI in 1996 was unjustified inasmuch as neither have I had anything shown me yet that required this action be taken nor supports the rescission logically. As a matter of fact, I have yet to see any new convincing facts to support this action by the BLM nor have I been made aware of any scientifically supported basis for it. For example, what measuring device was used, or are we once again dealing with possibilities or probabilities supported only by someone's theoretical meandering and hypothetical postulations? Moreover, what assurance have we that some other "new information" may not later come along that throws this whole thing into another study that once again is only an expensive exercise in frustration?

6. The "Questions and Answers" handout given me as I arrived at the meeting last evening, 11 March, spoke about an area

Cave Gulch DEIS Comments
12 March 1997
Page 4

31-6

designed as a Key Raptor Area (KRA) adjacent to the project area and described it in a cavalier fashion as being an area in which the "potential for oil and gas is low." What is the scientific evidence to support that assertion? What is the source of that scientific evidence and just how reliable is it? What documentation exists? Is it deserving of our trust? What drilling has been carried out there previously, if any? What seismic work has been done there?

31-7

7. Still on the subject of the KRA, if the BLM can set aside large acres of land as a Key Raptor Area, why can't it likewise set aside the project area as a Key Development Area? We must remind ourselves constantly that NEPA speaks in terms of "balance between population (once again, that's people, not birds) and resource use."

8. The cost of this entire exercise is another example of how this project is completely out of control. Not only is it in conflict with the clearly enunciated policy provisions of NEPA, it even directly conflicts with the administrative policy recently adopted by Secretary Babbitt regarding streamlining the permitting processes as recommended by the Green River Basin Advisory Committee. Why does the BLM insist on acting completely inconsistent with every kind of government policy that exists including that adopted by the head of its own Department of the Interior? Too, in these times when everyone in government is striving to cut spending, how can the BLM possibly justify this extravagance?

In conclusion, therefore, I earnestly hope this matter can be resolved sensibly in order to stop wasting public funds and enable the producers to move forward with the development of this area in a sound, practical manner with due regard for the provisions of NEPA that encourage a balanced approach to the perceived problems.

31-1

31-2

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

DOUG SAMUELSON
SENIOR BIOLOGIST
SAMUELSON & ASSOCIATES
1117 HEREFORD RANCH RD.
CHEYENNE, WYOMING 82007

Wyoming State Legislature

215 State Capitol | Cheyenne, Wyoming 82002 | Telephone 307/777-7881



House of Representatives

REPRESENTATIVE CAROLYN PASSENAUX
House District 38 - Natrona County
P.O. Box 82
Casper, Wyoming 82602
Committees:
Revenue
Travel, Recreation, Wildlife
and Cultural Resources

March 17, 1997

Kate Padilla
Bureau of Land Management
1701 East "E" Street
Casper, WY 82601

Re: Cave Gulch DEIS

Dear Ms. Padilla:

The BLM's preferred alternative on the Cave Gulch DEIS is not acceptable to the well being of this State and I strongly urge you to not close our precious natural resources to drilling activities for six months of every year. Raptor nesting has been the excuse used for this restriction and it is not a valid excuse.

Raptor populations have been increasing at a rate of eight to ten percent a year for the last twenty years because of their terrific adaptability and the elimination of indiscriminate killing that went on in the past. The BLM and I know that off-site nests can be built for raptors that will mitigate any disturbance that the raptors may encounter. Raptors are being used as a sword to stop gas development but these beautiful birds are extremely adaptable and will easily move to mitigation nests if the effort is made to build them. The few pairs that currently are being used to disrupt our economy are only a very small percentage of a large healthy raptor population that resides in central Wyoming.

The school children of Wyoming and working families desperately need this economic stimulus in our state. A few pairs of common raptors are not more important than our economy. Please listen to the people who have made Wyoming great and allow year round jobs and development.

Sincerely,

Doug Samuelson
Doug Samuelson

Bureau of Land Management
Casper District
1701 East "E" Street
Casper, WY 82601

COMMENT SHEET FOR THE CAVE GULCH-BULLFROG-WALTMAN AREA EIS

NAME	DATE
Murie Audubon Society	March 31, 1997
COMPANY	PHONE NO.
P. O. Box 2112	Casper
ADDRESS	CITY
Wyoming	82602
STATE	ZIP

The Murie Audubon Society commends the Bureau of Land Management for their mitigation efforts to minimize the affects on raptors during the development of the Cave Gulch-Bullfrog-Waltman Area as reflected in the draft EIS.

While not all of our concerns have been included, Alternative B, provides less disturbances for the raptor pairs. Alternative B reduces the number of wells, provides for ANSE and establishes the Key Raptor Area while allowing continued development of the area.

We will be watching the field development and anticipate that if adjustments are necessary, appropriate action will occur.

Respectfully Submitted
Bob Younts
President - Murie Audubon Society

April 1, 1997

Bureau of Land Management
Casper District Office
Attention: Kate Padilla, Team Leader
1701 East "E" Street
Casper, WY 82601

Dear Ms. Padilla:

Enclosed are my comments in response to BLMs request for comments on the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Draft Environmental Impact Statement (DEIS). I write comments to the DEIS as a legislator representing HD 38 within which the Natural Gas Project is being developed. Thank you for the opportunity.

I commend you for keeping the DEIS on schedule. Monies from this project have helped the county, schools within the state and state government. The project will continue to provide a sustainable economy for our schools as well as state and county government in the future also. The stability factor of prosperity over time is important because it enhances the welfare of the people.

As a state legislator I am vitally interested the socioeconomic aspects of the DEIS. Wyoming is a state that has depended upon its natural resources base to finance government at all levels through the mineral industry since 1865 when the name WYOMING was first used to refer to the area known as the Cowboy State. Today, as yesterday, the mineral industry provides a major source of employment for our citizenry and through taxes, pays for most of government services at all levels. Although tourism and agriculture are number two and number three in bringing dollars to the state, combined they cannot provide the tax base needed to ensure the viability of the state of Wyoming.

Tourism is an integral part of Wyoming's economy. Recreation and tourism have great potential for growth in Wyoming, but a lack of available dollars both from the state and the federal government has prevented significant expansion of outdoor recreation. As with many other aspects of the state's economy, when oil and gas were booming, recreational facilities were funded and built, but when the mineral industry declined, so too did the expansion of recreation. According to the 1990 State SCORP report recreation does not pay its own way. This paragraph is a part of my comments due to page 3-70 of the DEIS which addresses the Cave Gulch area: "A very important use of the project area is scenic tourism. . . (H)eaviest use appears to occur during the June through August "tourist season". The latest SCORP report compiled from a survey by the Wyoming Department of Commerce and issued in 1996, reported that in Natrona County the number one need was money/funding. 72.4 % of respondents wanted to participate in boating or boating related activities, and 88.8% felt that public parks and public recreation areas were important to their lives. It appears there is not much interest in the sage brush covered Cave Gulch area for recreation other than a few uncounted tourists over the summer and hunters in the area at a certain time of the year.

Page 2 - Cave Gulch DEIS - Pasenaux

Governor Geringer, in 1995, stated that the Secretary of Interior has more to say about the economic well-being of the State of Wyoming than he does as Governor. That is a sobering thought in light of the upcoming Special Session on Education in the Wyoming State Legislature expected to convene in June, 1997. Education consultants assert that from a low of \$31million to a high of \$322 Million additional dollars will be needed to bring Wyoming's education system to a state of equality as mandated by the Wyoming Supreme Court. Without the mineral industry Wyoming cannot meet the needs of its citizens or its education system.

More than one half of Natrona County is held by the government with the BLM being the largest landlord by far. There are 3,434,069 total acres within Natrona County and the BLM controls 1,449,800 of those acres. Total private acres is just barely more than BLMs total at 1,548,596. This fact clearly shows that decisions made by the BLM heavily impact all aspects of Natrona County, especially the socioeconomic elements.

Natrona County has an opportunity to become a wealthy county, one in which an opportunity has been created by the gas industry to provide well-paying jobs, where production continues year after year improving the socioeconomic base of the county and the state. Understand that this is a concept of wealth, not riches. A rich county such as Teton is fleetingly rich. It has many rich individuals who live there, but the infrastructure is built upon tourism. Natrona County is wealthy because it is socioeconomically sound. Natrona is a county where its citizens have an infrastructure that takes care of their needs, and none of it at the expense of beast or bird. We live in an era where technology is the best it has ever been and industry has the ability to conduct world class environmentally sensitive production and reclamation.

The gas industry provides above average paying jobs. According to WESTRENDS, a publication of the Council of State Governments, the West has seen the fastest job growth in the nation, but the growth is in disproportionately lower paying jobs. That publication says that "looking at the period from 1977 to 1994, the growth in real income in the West lagged behind that of the nation. And, that for weaker regional economic growth has resulted in weaker state and local revenues and expenditure areas, notably education. The West continues to grow faster than any other region, and that growth gives the strong appearance of growing prosperity. In fact, prosperity has not accompanied growth in the West, and that has increased the stress on government. Economic performance in a free market economy is affected by government decisions . . . policy makers must be able to identify which jobs help a state or county's economy and which ones don't".

The Cave Gulch gas project will positively help the economy of Natrona County and the State of Wyoming, bring well-paying jobs to the area and increase the tax base of the county and state.

Natrona County Commissioners have continued to ask for Cooperator Status under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations throughout the Scoping and DEIS process. Such status has not been awarded to the Commissioners even though precedence has been set in

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37-1

36-1

37-2

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Page 3 - Cave Gulch DEIS - Paseneaux

Page 5 - Cave Gulch EIS - Paseneaux

37-2
(cont.)

other states for counties to receive cooperator status. Additionally, such status is supported in a recent Draft document by the Bureau of Land Management's Washington, D. C. office. It is local policy makers upon whose backs rest the welfare of the people living in their jurisdiction. By law County Commissioners are responsible for the fiscal affairs of the county and for the general well-being of the people under Article 12 of the Constitution of Wyoming and Title 18 of the Wyoming Statutes.

Under NEPA socioeconomic is the area of greatest concern in the decision making process for counties because of their "special expertise" in that arena. Counties deal with the social, economic and general welfare aspects of their jurisdiction on a daily basis.

Council on Environmental Quality Regulations:

CEQ Sec. 101 (a) "The Congress... declares that it is the continuing policy of the Federal government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. (emphasis added) The county's involvement as a cooperating agency would have addressed the concern of this section of the regulations. See also: CEQ Regulations: 1508.5 Cooperating Agency; This regulation and all following regulations address the special expertise of the county (local government) in socioeconomic matters as per this DEIS: 1500.5 (b); 1501.1 (b); 1501.5 (b) (c) (f); 1501.6; 1503.1(a) (1); 1503.2; 1503.3 (c); 1506.5 (e).

37-3

CEQ Sec. 102 (2) is the "action-forcing" section of the CEQ regulations that ensure federal agencies (BLM) act according to the twin forces of the letter and the spirit of the law. The DEIS must comply with both the letter of NEPA and the spirit of NEPA. The spirit of the law balances nature with people needs. The DEIS is one sided, recognizing environmental needs, but not the needs of the human environment. I agree with Senator Charles Scott in his testimony at the oral comment period on March 11, 1997, that the Cave Gulch bird population is minimal to the extent of being insignificant. Many regard Senator Scott and his immediate family as lay "experts" about birds and bird populations within Wyoming, and Natrona County in particular. The Scotts have been engaged in the business of bird counting in this region for a very long time, perhaps longer than any other person(s) involved with this project.

A second aspect of the spirit of the law, in balancing nature with people needs, is the significant adverse impact on workers due to mitigation, which includes non drilling for six months of the year and the subsequent seasonality of the work force. This creates a significant hardship on families as well as on the businesses that must try to find skilled labor every six months. This type of mitigation pits human beings against the birds—a situation that is totally unnecessary and unacceptable.

Page 4 - Cave Gulch DEIS - Paseneaux

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NEPA was written to declare a national policy that would encourage productive and enjoyable harmony between man and his environment, and to stimulate the health and welfare of man as well as to prevent or eliminate damage to the environment. If the seasonal restrictions are kept in place the health and welfare of many gas field businesses will not be stimulated, but thwarted. In addition, I believe there is a way to encourage productive and enjoyable harmony between man and his environment. Where the thoughts and energy of the BLM are placed, that is where the answers will be found. If the agency looks for a cooperative way to work with the gas industry to protect the environment and reduce the seasonal restrictions at the same time, both will become realities. See also CEQ Regulation 1508.14 Human Environment: Environment is the total environment, not just the natural environment. The human environment must be discussed in socioeconomic terms.

National Environmental Policy Act:

NEPA - Part 1500: Purpose, Policy, and Mandate

1500.2 (e), (f) policy BLM has not identified and assessed reasonable alternatives to proposed actions that will avoid or minimize adverse effects of the actions upon the quality of the human environment. Nor has BLM used all practicable means to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment. Socioeconomic impacts of the seasonal mitigation will be significant to numbers of oil field workers and their families as well as to the companies that hire these individuals. Additionally, there is significant income to the counties that will be delayed during the seasonal mitigation period. The time line continues to go forward while the monies to the county are halted, thus creating a null or dead zone of time for the welfare of the county and its citizens. Economically speaking those monies can never be recaptured. Additionally, the DEIS does not address the positive impact to Natrona County for the added assessed valuation due to Cave Gulch. These issues should be addressed under 1508.8 (a), (b) Effects - Direct and Indirect and under 1508.27 (a) (b) Significantly.

Department of Interior:

37-5

Part 516 Department of the Interior Departmental Manual (DM) Consideration of Environmental Values, Chapter 1 Protection and Enhancement of Environmental Quality: 516 DM 1.3D--1.4 (A) (1) Consideration of Environmental Values in Departmental Management says that "In the management of the natural, cultural, and human resources under its jurisdiction, the Department must consider and balance a wide range of economic, environmental, and social objectives at the local, regional... not all of which are quantifiable in comparable terms." This departmental guide clearly states that economic and social objectives at the local level must be addressed. BLM has disregarded their own set of regulations in regard to economic and social objectives at the local level.

Federal Land Policy Management Act:

43 U.S.C.A. 1701 et sec FLPMA, 1702 (b) says that a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, water-shed, wildlife and fish and natural scenic, scientific and historical values is needed. FLPMA provides for many uses, ensuring a stable economy for local areas. The Cave Gulch field is an historical use of the area.

Conclusion:

In conclusion, I urge that the Natrona County Commission be awarded "Cooperating Agency" status for their special expertise in socioeconomic matters, that "seasonal mitigation" be dropped as it is scientifically questionable that the Cave Gulch area is a key raptor area and the Record of Decision (ROD) date will be August 1, 1997 so the Cave Gulch-Bullfrog-Waltman gas project will go forward in a timely manner for the well-being of Natrona County and the State of Wyoming.

Sincerely,

Representative Carolyn Paseneaux

cc Governor Geringer
Natrona County Commissioners
Al Pierson, Director State BLM
Petroleum Association of Wyoming

37-6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
800 16th STREET - SUITE 506
DENVER, COLORADO 80202-2480

Ref: 8EPR-EP

MAR 31 1997

VIA FACSIMILE AND MAIL

Kate Padilla, Team Leader
Bureau of Land Management
Casper District Office
1701 East E Street
Casper, WY 82601

Re: Cave Gulch, Bullfrog, Waltman
Draft EIS

Dear Ms Padilla:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), Region VIII of the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Cave Gulch, Bullfrog, Waltman Natural Gas Development Project.

The EPA review has identified several areas of concern with the potential environmental impacts of the proposed project and with the discussion contained in the DEIS. Specifically, EPA raises questions and offers suggestions on the DEIS analysis for air quality, ground water, soil, and water resources. The detailed comments (copy attached) are offered for your consideration in preparing the Final Environmental Impact Statement (FEIS).

Based on the procedures EPA used to evaluate the DEIS and the potential environmental impact of the gas development project, the DEIS will be listed in the Federal Register as category EC-2 (Environmental Concerns, Insufficient Information). This rating indicates that EPA has identified areas of concern that should be addressed in the FEIS. Since this project is planned for implementation in a regional ground water recharge area, it is important to develop site-specific ground water data and define the selected protection measures, including the surface casing program for injection wells, requirements for disposal/reserve pit lining, and inspection/maintenance programs for the pit liners. EPA recognizes that numerous potential mitigation measures have been discussed in the DEIS. The FEIS should disclose the selected mitigation measures that will be implemented in the approved project.

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COMMENT LETTERS RECEIVED ON THE DRAFT EIS

If you have any questions, please call me at (303) 312-6340, or the Project Review Coordinator, Mike Strieby, at (303) 312-6002.

Sincerely,



Carol L. Campbell, Director
Ecosystem Protection Program
Office of Ecosystem Protection & Remediation

Enclosure

cc: Mike Strieby, EPA
Robert Edgar, EPA
Rich Muza, EPA
Kris Jensen, EPA
Dave Ruitter, EPA
Elaine Surlano, EPA OFA

38-2
(cont.)

REGION VIII COMMENTS
Cave Gulch, Bullfrog, Waltman
Natural Gas Development
April 1, 1997

Air Quality

Section 3.2.1, Climate, Precipitation, and Winds

1. In Figure 3-2, there are no velocity units for the wind rose and wind speed classes. It is recommended that units be listed in either miles per hour, kilometers per hour, or meters/sec.
2. This Section does not discuss the incidence of hazardous weather. It is recommended that the Section include a discussion on the incidence of tornadoes, severe thunderstorms, lightning strikes, and high winds.

Section 3.2.2, Air Quality

1. The first sentence of this Section mentions a "Cumulative Impact Study Area". It is recommended that this area be defined in this Section, and a map of the area be included.
2. In Table 3-4 and the first paragraph of section 3.2.2, there are no references noted for WAAQS and NAAQS. It is recommended that references be included in both the first paragraph and in Table 3-4.
3. In Table 3-4, it is recommended that the column labeled "Concentration" be changed to "Background Concentration" for clarification.
4. In Table 3-4, the footnote "a" states that short-term period concentrations reflect the maximum concentration. The last paragraph of Section 3.2.2 states that ozone data represents the 90th percentile maximum 1-hour value. It is recommended that these statements be revised to avoid the apparent contradiction between the statements.

In addition, the "Air Quality Technical Support Document for Moxa Arch and Fontenelle EISs", uses the 95th percentile maximum 1-hour concentration to establish a background level. For consistency, it is recommended that the 95th percentile maximum 1-hour value be used in the Cave Gulch EIS.

Section 4.2.1, Introduction

The first paragraph of this section states that "Individual well sites would be permitted following a 180-day start-up period." Please provide a reference for this statement. Please note that the Wyoming Air Quality Standard Section 21 (a)(iii) states a "120 day start-up period" for sources not subject to Section 30.

Section 4.2.2, Impact Significance Criteria

In the first paragraph of this Section, the last sentence mentions Table 3-3 and PSD increments. Table 3-3 is a description of the Oil and Gas Fields (approximate depth, status, etc.), and it does not list PSD increments. It is recommended that this reference be corrected. If Table 3-3 is suppose to be Table 3-4, then Table 3-4 should be expanded to incorporate PSD increments and reference the source of the increments.

Section 4.2.3, Direct and Indirect Impacts

1. In the first paragraph of page 4-9, please provide the source of "EPA "significant" levels (2,000 $\mu\text{g}/\text{m}^3$ 1-hour, and 500 $\mu\text{g}/\text{m}^3$ 8-hour)". In what context are these levels significant, i.e. are these levels a significant change for an area currently in attainment with National Ambient Air Quality Standards?
2. In the first paragraph of page 4-10, the calculated maximum potential ozone concentration is 147 $\mu\text{g}/\text{m}^3$. If the 95th percentile maximum value (as used for Moxa Arch and Fontenelle EIS's) for Pinedale is used for background, what would the new maximum potential ozone concentration be and how would it compare to the ozone NAAQS?
3. The second to last paragraph on page 4-8 states that "A 50 percent control efficiency would be achieved ... at an assumed application rate of 0.02 gallons per square yard". The word "rate" implies that time is included in the units for amount per square yard. It is recommended that time be incorporated such as "gallons per square yard per hour" or whatever time is correct. This time factor should also be incorporated in Section 4.2.5 - Mitigation Summary. Please incorporate a reference for the control efficiency at the assumed application rate of water.
4. The second sentence of the third paragraph on page 4-9 states "This (2 g/hp-hr) reflects the current WDEQ/AQD Best Available Control Technology (BACT) requirements." Please provide a reference for this statement.
5. The fourth paragraph on page 4-9 states "Alternate NOx emission control measures ...". Since the previous paragraph has not suggested any type of control measure, it is recommended that the sentence be changed to "Possible ...".
6. In the last sentence of the first paragraph of page 4-10, it is recommended that the statement "Cumulative Impact Area" be defined.
7. Page 4-10. If ethylene glycol is emitted from dehydrators, it is recommended that these emissions be included in Table 4-1 as a hazardous air pollutant. Note: The quantity of ethylene glycol emitted may be estimated using a model developed by the Gas Research Institute called GRI-CALC.
8. The second paragraph on page 4-10 references "State Acceptable Ambient Concentration Levels". Please provide a reference for these concentration levels.
9. The second paragraph on page 4-10 states that "Potential HAP impacts were predicted using the ISCST3 model and an 8-hour averaging time, ...". The AAQIs for benzene (30 $\mu\text{g}/\text{m}^3$ in Texas) is based on a 30 minute or 1 hour averaging time. It is recommended that averaging time for the modeled HAP concentrations be the same averaging time for the individual AAQIs.
10. In the last paragraph on page 4-10, a reference for (EPA, 1997) is noted. This reference is not noted in the "References Cited" Section. Please include the reference in the "References Cited" Section.
11. Does the projected HAP emissions discussed on page 4-10 assume emission controls for VOCs? If so, it is recommended that these controls be discussed along with the Wyoming regulations that require controls. These controls should also be mentioned in Section 4.2.5 - Mitigation Summary.
12. In the last paragraph on page 4-10, the sixth sentence from the top mentions a "1e-06 threshold". Recommend that a reference be noted for this "threshold" number and that a sentence be added to discuss what the significance of this threshold is, i.e. what is a significant increased latent cancer risk.
13. The first paragraph on page 4-11 states that "Under Alternative C (No Action), development would occur at the same or higher level as the Proposed Action, ...". This statement is not supported by Chapter 2, Section 2.5 titled "Alternative C - No Action". It is recommended that this sentence be rewritten to reflect the meaning of the "No Action" alternative as described in Section 2.5.
14. PSD increments are discussed in Section 4.2.2. It is recommended that a comparison of modeled results with PSD increments be discussed in Section 4.2.3

Section 4.2.5, Mitigation Summary

The last sentence of this Section states that "No further mitigation or monitoring measures are proposed." It is recommended that this Section also address the mitigation measures proposed to achieve BACT for the control of NOx emissions from natural gas-fired

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COMMENT LETTERS RECEIVED ON THE DRAFT EIS

compressors, and the measures proposed to reduce VOC emissions.

Water Quality/Non-Point Source

Section 1.5.1, Conformance With Land Use Plan

According to discussion on page 1-11, the Natrona Management Framework Plan (MFP) established a policy of requiring leases with "No Surface Occupancy" (NSO) in a situation where potential impacts from oil and gas development could not be reduced or eliminated by mitigation measures. Please provide a listing of the lease segments in the project area which are subject to this policy.

38-3
(cont.)

Section 3.5.2, Waters of the U. S.

The 4th paragraph on page 3-44 concludes that the impoundments constructed on swales are not waters of the U. S. This would have to be determined on a case by case basis. For example, if these impoundments are used by migratory waterfowl, then they would be considered jurisdictional waters of the U. S. The definition of "Waters of the U.S." does not require the presence of flowing waters.

Section 4.3.2, Impact Significance Criteria, Soils

In the first bullet of the management directives, reference is made to a possible need for an intensive watershed management plan. EPA recommends that BLM request input from the Wyoming Department of Environmental Quality (DEQ), Nonpoint Source Program in the development of watershed management plans.

38-3

Section 4.3.5, Mitigation Summary, Soils

EPA fully concurs with the use of temporary as well as long-term surface runoff and sediment control measures to minimize erosion and off-site sedimentation. We encourage the full adoption and implementation of all mitigation measures described on pages 4-29 and 4-30.

38-4

Section 4.4.1, Introduction, Water Resources

The last sentence of the first paragraph should be revised to indicate that E.O. 11990 is the "wetland protection" Executive Order. E.O. 11988 is the "floodplain protection" order. This sentence should indicate that the selected alternative will comply with both Executive Orders. It is recommended that similar correction be made throughout the document.

Section 4.4.3.1, Proposed Action, Water Resources

1. It is noted in the first paragraph on page 4-35 that the project area occurs in an important ground water recharge area. EPA recommends that, in addition to lining disposal/reserve pits, BLM develop and implement a liner maintenance and inspection schedule for the project. Additional, contingency plans should be developed to address potential lining failure. Please provide reference to reclamation measures for reserve pits.
2. On page 4-35, reference is made to pollution prevention measures for construction and storage of petroleum products. In order to ensure compliance with the Pollution Prevention Act of 1990, the Executive Order on Pollution Prevention in 1993 (12856), the Spill Prevention Control Plan under the Clean Water Act and the CEQ Guidance regarding pollution prevention and NEPA, EPA recommends that BLM review all the alternative action proposed for this project to include pollution prevention measures designed to avoid or reduce adverse impacts. It is recognized that there are a number of mitigation measures already outlined in the DEIS. However, the mitigation summaries throughout the document only seem to indicate that the measure "should" occur. It is assumed that the FEIS will state all of the mitigation measures that will be implemented to minimize environmental impacts.
3. In reference to On-shore Oil and Gas Order No. 2, as cited on page 4-35, the FEIS should disclose the corrective measures that will be implemented should the casing and cementing program fail to adequately protect usable ground water resources.

38-5

Section 4.4.3.2, Alternative A, Water Resources

Under Alternative A, 3rd paragraph, the potential construction disturbance to the watershed is indicated to range from 4.9 to 6.4%. EPA recognizes that the stated threshold value is 10%. However, due to the sensitive nature of soils in the area, and the low potential for reclamation, we recommend that site-specific studies be conducted to define usable reclamation techniques or to be used as a basis to avoid areas with low reclamation potential. In areas similar to this project, there has been considerable problem with road closures and reclamation due to continued recreational usage.

Section 4.4.5, Mitigation Summary, Water Resources

EPA strongly supports the mitigation measures outlined in this Section, and, in particular, urges the development of a watershed management plan for the Cave Gulch drainage as described in the last bullet. This is especially important because of the long project duration, multiple use objectives, and future oil and gas development.

EPA suggests that all drainage crossings should be constructed in no-flow periods. The DEIS has documented the potential for increased delivery of sediments to natural channels and the numerous mitigation measures necessary to reduce that potential. It would seem that construction in flowing streams would receive the highest degree of concern. Given

the arid nature of the project area, it should not be disruptive to construction scheduled to require that the stream bed is dry before undertaking any construction activities.

Section 4.5.2, Impact Significance Criteria, Vegetation and Wetlands

EPA is concerned with the use of an increase in weedy species of up to 20% as acceptable (see 7th bullet on page 4-43) for this project. Given the apparent explosion of weeds in the west, EPA requests a justification for this criteria, and evidence that an introduction of weeds to an area will not result in an increase after the project is complete. As has been noted in similar projects, pipeline disturbances have the ability to introduce weeds along corridors that become the focus for further invasions.

Section 5.6.1, Introduction, Vegetation and Wetlands

Please provide a reference/rationale for the selection of the 10% significance criteria noted in the bullet on page 5-14. EPA recommends that a much smaller value is appropriate given the very rare occurrence of aquatic habitats in the project area.

Ground Water

Section 2.2.2.3, Drilling Operations

In the first paragraph on page 2-18, please provide a description of the regulatory authorities that apply to the permitting and oversight of the disposal of produced water from drilling and production operations. The Wyoming Oil and Gas Conservation Commission has been delegated primary enforcement authority by EPA to implement the Underground Injection Control (UIC) program for Class 2 wells, as authorized by the Safe Drinking Water Act (SDWA). The Wyoming Department of Environmental Quality has been delegated primary enforcement authority by EPA for Classes 1, 3, 4, and 5 wells as authorized by the SDWA.

Section 2.2.2.6.1, Completion and Testing Operations

In the first paragraph on page 2-22, please provide a description of the process that will be used to determine the appropriate depth to be used for surface casing. EPA recommends that the surface casing should isolate the various aquifers and the production zone (s). Since no project-specific ground water information is provided, it is difficult to determine an adequate depth for completion of surface casing. Since the conceptual model defines the project area as a recharge zone for the regional aquifers, maximum protection should be used in the area. EPA recommends that the FEIS establish the requirement for surface casing sufficient to protect all usable ground water resources in the area.

Section 3.4.3, Ground Water

The ground water discussion on pages 3-38 and 3-39 lacks project-specific ground water data. The conceptual model for ground water is based solely on the information provided in regional reports. Depths to potential aquifers, water quality data, and locations of seeps and springs are not provided. This data is important in evaluating the potential impacts to the ground water resources and the water sources for local wildlife. Without this information, a determination of impacts to ground water from the development cannot be made. EPA recommends that this data gap be filled prior to completion of the FEIS.

Pollution Prevention Wildlife Protection

Section 4.7.5, Mitigation Summary

EPA strongly supports all wildlife mitigation measures outlined in this Section, including the removal of hydrocarbons from reserve pits and the netting of all produced water pits in the project area. EPA's preference for raptor mitigation measures is complete avoidance of all active nesting areas. Although we question the potential effectiveness of Artificial Nesting Structures for raptors and the establishment of the Powder River Draw Key Raptor Area, there seems to be some merit to these measures. It is assumed that the FEIS will specify plans for mitigation of potential impacts to wildlife and the actual monitoring of these measures.

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

TRINITY PETROLEUM EXPLORATION, INC.

GENESEE CENTER I
602 PARK POINT DRIVE, SUITE 110
GOLDEN, COLORADO 80401
(303) 526-4719



PHILLIPS PETROLEUM COMPANY

HOUSTON, TEXAS 77251-1667
BOX 1067

NORTH AMERICA
EXPLORATION AND PRODUCTION

BELLAIRE, TEXAS
4330 WEST LOOP SOUTH
PHILLIPS BUILDING

March 31, 1997

April 1, 1997

Bureau of Land Management
Platte River Resource Area
P. O. Drawer 2420
Mills, Wyoming 82644-2420

ATTN: Kate Padilla

RE: DEIS - Cave Gulch, Bullfrog, Waltman Area
Natural Gas Development Project

Dear Ms. Padilla:

Trinity Petroleum Exploration, Inc. (TPEX) with partners George Dolezal and Dwight Ingram have leased several thousand acres of Federal Oil and Gas mineral leases near the area of the EIS and obviously have a vested interest in Natural Gas development.

We object to the following two (2) items:

39-1 A. Six (6) months suspension of activity for various economic reasons such as unemployed service industry people, loss of taxes, obvious accompanying social issues as well as losing several key operating months in Wyoming. A six (6) month suspension of activity is not warranted given implementation of other raptor mitigation measures

39-2 B. Object to the 6252 acre Raptor "setaside". A large portion of the "setaside" are Federal Oil and Gas leases which have been legally leased to various entities. The BLM needs to honor the lease obligation and not effectively "take away" the rights of the lessors under the auspices of another NEPA document. Also, an ardent bird-watching friend has told me that typical "human activity" does not bother raptors. We consider ourselves common sense environmentalists (who happen to be in the Oil and Gas business) as opposed to extremists who hide behind an environmental label.

Page -2-

Bureau of Land Management
DEIS - Cave Gulch, Bullfrog, Waltman Area

39-3 The Federal Land Policy and Management Act of 1976 provides that public lands remain under the stewardship of the Federal Government, unless disposal is in the national interest, and that their resources be managed under a Multiple-Use concept that will best meet present and future needs of the American People.

We have cooperated with the BLM on other projects and have found that confrontation works against all parties best interests. Two decision dates regarding the proposed EIS have come and gone with the decision being to "further study" and postpone a decision. Enough is enough! Quit wasting taxpayers money.

Sincerely,

Reginald S. Y. Lee

Dwight A. Ingram

George Dolezal, Jr.

RSYL:lg

Mailed and transmitted via fax
(307) 234-1525

Bureau of Land Management
Casper District Office
Attn: Kate Padilla, Team Leader
1701 East "E" Street
Casper, WY 82601

Re: Comments on Draft Environmental Impact
Statement, Cave Gulch-Bullfrog-Waltman
Natural Gas Development Project,
Natrona County, Wyoming

Dear Ms. Padilla:

Phillips Petroleum Company (Phillips) welcomes this opportunity to respond to the Bureau of Land Management's (BLM) request for comments on the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Draft Environmental Impact Statement (DEIS). Phillips owns leasehold interests in Section 6 in Township 36 North, Range 86 West, and in Sections 30, 31 and 32 in Township 37 North, Range 86 West. As a lease owner with plans to participate in future development in the area, we are vitally concerned that the DEIS represents a fair, even-handed assessment of the impact, both positive and negative, of the proposed activity.

40-1 We have reviewed the comments of the Petroleum Association of Wyoming (PAW) and of Barrett Resources Corporation (Barrett) and detect in their letters the frustration both have endured, to date, in this process. At this point, we would conclude that the DEIS is seriously flawed and does not properly state the facts on a number of matters such as local school and county officials and citizen support for the project and the lack of cooperation from the BLM in allowing operator involvement in the process. For the record, please be advised that Phillips is generally supportive of the comments provided by the PAW which we incorporate by reference herein.

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Page 2

40-2 Phillips shares PAW's concern that the BLM has proceeded without operator input to fabricate exact well locations in the DEIS contrary to the generally accepted practice of incorporating a conceptual approach to field development. In doing so, the BLM analysis allows for no flexibility when well locations are changed as will be the case. The result is that future delays become inescapable in order to accommodate further environmental review for changed locations. We agree with PAW that development must not be delayed because the BLM refuses to understand how the oil and gas industry operates. The geology in the area is complex and the siting for future development wells will change as each well is drilled and our expertise and knowledge of the geology in the area increases.

40-3 PAW notes that nowhere in the DEIS does it state the raptors will be "significantly and/or adversely impacted." Phillips' review of the DEIS leads us to the conclusion that even in the event of an impact on raptor populations, which we believe can be generally mitigated by the use of artificial nesting structures (ANS), the BLM's proposed alternatives would be far more costly in terms of negative socio-economic impact. PAW points out that public comments made during the DEIS public meeting provided testimony that the proposed six-month stipulation would have significant adverse impacts on service companies. During the six-month nesting period, companies/individuals are prohibited from supplying construction and drilling labor and are forced to look elsewhere for work. Many of these individuals have no alternative except to collect unemployment during the February 1 to July 31 six-month stipulation period. Phillips concurs with PAW's recommendation for a permanent waiver of the six-month stipulation—it cannot be justified scientifically, technically or economically.

40-4 Another concern set out in PAW's comments is the BLM's failure to seek the Natrona County Commissioner's expertise and input related to the socio-economics of this area. Phillips fully supports PAW's position that Natrona County's elected officials have a lawful place at the table in these proceedings. To disregard or ignore the citizens of the county and its elected officials in the process is unacceptable.

40-5 Phillips would make one final point that has been overlooked in the DEIS; that is, the importance of allowing prompt and orderly development so that competing lease owners have the opportunity to protect correlative rights. The BLM must not structure a program which might give one leaseholder a development advantage or disadvantage over a neighboring leaseholder.

We appreciate this opportunity to express our views on the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project DEIS. Phillips is confident that development of the area can be accomplished in an environmentally sound manner for the benefit of the citizens of Wyoming. We look forward to working with the BLM in correcting existing deficiencies in the DEIS.

Very truly yours,

V. R. Chamberlain, Jr.
Manager, North America Partnership Operations

COMMENT LETTERS RECEIVED ON THE DRAFT EIS



City of Casper

Incorporated 1889
Casper, Wyoming 82601



262 Lincoln Street, Lander, Wyoming 82520
(307) 332-7031

March 19, 1997

VIA FAX to (307) 284-1525 and U.S. MAIL

April 1, 1997

Bureau of Land Management
Casper District Office
1701 E. "E" Street
Casper, WY 82601-2167

Kate Padilla, Team Leader
Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, WY 82601

Re: Cave Gulch-Bullfrog-Waltman Natural Gas Development Area of Central Wyoming

Re: Wyoming Outdoor Council's Comments on the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project Draft EIS

Dear Sirs:

Dear Ms. Padilla:

Thank you for the opportunity to comment on the draft environmental impact statement on the referenced project. The Casper City Council, acting on behalf of the citizens of Casper, is officially opposed to two Agency Preferred Alternatives. These are: establishing a buffer zone for raptors adjacent to the project area and the extensive seasonal stipulation on development of leases within the project area.

Thank you for the opportunity to comment on the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project (Cave Gulch) Draft Environmental Impact Statement (EIS). As you know, the Wyoming Outdoor Council (WOC) has a strong interest in, and has been an active participant in, the planning of oil and gas development at Cave Gulch. Throughout our participation, it has been our goal to see that as much resource protection as possible can be attained while development proceeds in the area. The industrialization of the Cave Gulch area will overwhelm the area's other resources. Our comments regarding this development are colored by our grave concerns that oil and gas development is proceeding at a neck-breaking speed throughout the state without adequate consideration or understanding of its impacts. We believe that the BLM must keep in mind the overall long term cumulative impacts of this and all other oil and gas developments that will undoubtedly have far reaching very detrimental effects on Wyoming's environment.

We question the need for such an extensive buffer zone. It is our opinion that the scientific facts are not present to support a non-development area this large in this particular part of Natrona County. With regard to the seasonal stipulations, it is also our opinion that drilling and development should be subjected to a much shorter moratorium. This area is not a wildlife refuge and there should be no attempts to create such a refuge. The prey base does not seem sufficient to support extraordinarily large numbers of raptors. We sincerely question the seemingly out-of-balance and disproportionate attention given to raptors in this area. The contention that up to seven raptor pairs would be displaced does not seem to be fully supported by evidence presented within the EIS.

We fully support the BLM in its attempts to mitigate the environmental damage of oil and gas development. However, we believe that given the extent of the proposed oil and gas development and its impacts, mitigation and monitoring for all other resources must be taken to the fullest possible extent. It is incumbent on both the BLM and industry to take all feasible steps to reduce the impacts of development. Consequently, WOC submits the following, suggestions, comments and concerns for your consideration in preparing the Final EIS (FEIS):

In order to establish balance between resource development and resource protection, it would seem reasonable to allow the development activities discussed in the proposed action. It seems that the so-called preferred alternative is excessive.

The cities and towns within Natrona County face uncertain futures regarding minimal revenues needed to support local government in a manner that meets our basic responsibilities. New developments such as proposed at Cave Gulch offer reasonable potential for managed economic growth. We earnestly solicit your partnership in helping this growth occur.

Wyoming Conservation Action Since 1967

I. AIR QUALITY IMPACTS

Additional Air Monitoring Needed.

The EIS, at 3-14, acknowledges the lack of current and complete monitoring data for ambient air quality in the cumulative impact study area, yet assumes that air quality is in attainment for all State of Wyoming ambient air quality standards (WAAQS). This assumption is based on data collected in "similar locations" such as Pinedale, Riley Ridge, Lost Cabin Gas Plant, and the City of Casper. Knowledge of background pollutant concentrations is necessary to accurately project impacts to air quality from the proposed action and alternatives. Air quality samples collected from these disparate locations across Wyoming is hardly reflective of atmospheric conditions in the Cave Gulch area. To obtain accurate background air quality data, we suggest the establishment of an EPA-sanctioned weather station in the Cave Gulch field. This would allow BLM and Wyoming DEQ to field check and validate its assumptions regarding existing atmospheric conditions and background pollutant concentrations.

Cumulative Impacts Underestimated

EIS Figure 1-1 shows the location of the Cave Gulch-Bullfrog-Waltman Project Area, and several other oil and gas projects in the vicinity. (Figure 1-1 should specifically identify these projects). The cumulative effects of emissions of atmospheric pollutants from these projects need to be considered in the analysis. For example, the EIS notes, at 1-14, that a field development EA is currently being prepared by BLM for the Cooper Reservoir Unit, located about 1 mile south of the Cave Gulch project area, but it appears that emissions from this project are not considered in the EIS, other than a general recognition that it will cause cumulative impacts to air quality and other resources. Emissions from Wild Horse Butte, Boone Dome, Clark Ranch, Cedar Ridge (State and Federal wells) and Okie Draw were not considered.

Cumulative Impacts Study Area

Why doesn't the EIS contain a map showing the cumulative impacts study area (CISA)? The BLM should also explain how the area was identified, including, specifically, the factors BLM considered in identifying the CISA.

Figure 1.1 in the Technical Support Document reveals that the cumulative impacts analysis ignored all sources in Fremont County, including major oil and gas developments on the Wind River Reservation, in the East Pavilion area, and at Lost Cabin. Pollutant emissions from these activities have a cumulative effect on air quality in the Wind River/Bighorn Basin, and should be considered in the analysis.

In addition, the Technical Support Document, at 2.4, indicates that only NOx and SO2 from permitted sources were considered. The analysis completely ignores the cumulative effects of VOCs, CO, TSP, and PM 10, as well as NOx and SO2 from small and mobile sources.

41-1

42-1

42-2

42-3

42-4

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Page 2

Again, thank you for the opportunity to comment.

Sincerely,

Kathleen B. Dixon, Mayor

Owen Jones, Councilman

Ed Opella, Councilman

Rich Wilson, Councilman

George H. Parks, Councilman

Sandra K. Larimore, Councilman

Carol Crump, Councilman

Dr. Tom Walsh, Councilman

Tim Monroe, Councilman

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Impact Significance Criteria

42-5

Section 4.2.2. should be amended to include as significance criteria levels of acceptable change (LAC) established by the Forest Service for visibility and other air quality related values in Class 1 and 2 wilderness areas. See Letter from Regional Foresters Elizabeth Estill and Dale Bosworth to Dennis Hemmer, Director, Wyoming DEQ, October 28, 1996 (on file with BLM). According to the Forest Service, the LAC for water chemistry in aquatic ecosystems varies by the sensitivity of the water body. For those water bodies where the acid neutralizing capacity (ANC) is greater than 25 micro-equivalents per liter, the LAC is a 10% change in ANC. For those extremely sensitive water bodies where the ANC is less than 25 micro-equivalents per liter, the LAC is no greater than one micro-equivalent per liter. The LAC for plume visibility impairment is a 5.0% change in contrast. The limit of acceptable change for haze visibility impairment is 0.5 change in deciview. Changes that exceed these established levels of acceptable change are and should be considered significant impacts.

Volatile Organic Compounds

42-6

The EIS ignores the effects of volatile organic compounds on visibility impairment. The EIS, at 5-5, claims that "NO₂ is the only pollutant of concern" with respect to visibility impacts in designated wilderness areas. This is far from true. Volatile organic compounds (VOC) are emitted in large amounts from gas production facilities. VOCs react photochemically in the atmosphere forming ozone and aerosols, which cause visibility impairment. VOCs emitted from oil and gas operations include compounds such as benzene (a carcinogen), toluene, xylene, hexane, heptane, and alcohols.

Dr. Scott Copeland, a USDA Forest Service air quality expert, has suggested that Wyoming oil and gas project EISs incorporate a percentage VOC to aerosol conversion. See Letter from BTFN and Shoshone Forest Supervisors Sandra Key and Kevin Elliott to Bill McMahan, Rock Springs BLM, May 28, 1996. Dr. Copeland recommends (and EPA Region VIII agrees) that a "conservative" 11% VOC to aerosol conversion factor should be used, noting that if even 1% of certain VOCs convert to aerosols, the impact to visibility would be an additional factor of 1.15 to 1.30. Until VOCs are factored into the visibility analysis, we regard the EIS's analysis and impact conclusions deficient and scientifically insupportable.

Visible Plumes.

42-7

The EIS claims, at 5-5, that "discrete, visible plumes are not likely to be created." This claim is contrary to our own observations in developing oil and gas fields, where we frequently see large open fires emitting huge amounts of smoke that form very large, discrete plumes. Whether or not this practice (the open burning of pits, and open

3

flares) is authorized or not, the EIS should acknowledge that it is a common occurrence, and provide an analysis of its impacts.

Particulate emissions.

42-8

The EIS, at 4-8, 11, assumes that "water and/or chemical dust suppressants" will be applied to reduce by 50% TSP and PM 10 fugitive dust emissions. Because this level of control is unrealistic and arbitrary, and to our knowledge not being achieved in any gas field in Wyoming, the EIS should analyze impacts to air quality from dust assuming a lower level of control. Further, unless a specific control level is required, either as BLM-imposed mitigation or as part of the proposed action, the EIS should not assume that such control will be accomplished, particularly when the operators themselves have admitted that 50% control is unrealistic.

There is absolutely no basis in fact to support the assumption that 50% control efficiency will be achieved. The project proponent has not committed to this control level, and unless this level is specified in the Record of Decision as a binding and enforceable mitigation measure, an environmental analysis based on 50% control is invalid and scientifically insupportable. The EIS, at 2-30, states merely that "When an air quality, soils loss, or safety problem is identified as a result of fugitive dust, immediate abatement will be initiated." This language a typical BLM vacuous platitude that sounds good but means nothing. Who, exactly, is responsible for identifying whether a "problem" exists, and what exactly would qualify as a "problem." If the analysis of air impacts is based on a 50% control efficiency, then the public is entitled to assurances and proof that that level of control is being implemented. Until these conditions are met, we regard the EIS's analysis and conclusions as nothing more than hollow, baseless claims.

We are incredulous that BLM believes no further mitigation or monitoring measures are needed. EIS at 4-11. The BLM must perform effectiveness monitoring to determine whether the assumed 50% control efficiency is being met and to validate its analysis and conclusions in the EIS. This is especially important given BLM's inability to cite to any gas field in Wyoming to support its claim that 50% control efficiencies can be achieved.

Visibility Impacts in Wilderness Study Areas

42-9

The EIS ignores impacts to air quality and visibility in several BLM-wilderness study areas in the Bighorn Basin, including Fuller Peak, Copper Mountain, Lysite Badlands, and Lysite Mountain. Although the EIS correctly states there are no specific deposition or visibility protection regulations for BLM designated WSAs, the BLM nonetheless must manage these special areas "so as not to impair the suitability of such areas for preservation as wilderness. . . ." FLEMA Section 603(c). Only by assessing impacts to air quality related values in these WSAs can the BLM determine whether it is meeting its responsibility to prevent impairment.

4

42-9

The proper method for measuring visibility impacts in BLM-administered WSAs is, of course, 1.0 deciview, the level of change recommended by the Grand Canyon Visibility Transport Commissions and Wyoming BLM. A change of 1.0 or greater is considered significant, and would therefore be considered inconsistent with BLM's responsibility to manage WSAs under a nonimpairment standard. See, generally, Interim Management Policy for Lands Under Wilderness Review, H-8550-1.

Air Quality Mitigation and Monitoring

In view of the very substantial economic benefits accruing to the operators from the proposed action, one would reasonably expect and hope that more effort would be directed toward mitigating the adverse effects of the proposed action. Nowhere is this complete disregard for the environment and the multiple use of the public lands more glaring than in the area of air quality impacts. Other than complying with basic federal and state requirements for BACT on major sources, the operators have proposed absolutely nothing to reduce the impacts of their operations.

42-10

Emissions from oil and gas production and transmission activities are significant sources of atmospheric pollutants including NO_x and VOCs such as benzene and toluene, known carcinogens. In southwestern Wyoming, emissions from oil and gas operations are causing or have the potential to cause acidification of sensitive alpine lakes and significant visibility impairment in nationally-significant wilderness areas. Emissions from the Cave Gulch development will also adversely impact air quality. These significant adverse impacts from natural gas development are the industry's dirty little secret that WOC is now beginning to expose to the public. What WOC finds most troubling is not that the gas industry has been involved in a coordinated national campaign designed to deliberately misrepresent to the public the benefits of natural gas by concealing the negative effects, but rather the complete disregard of the range of options industry has at its disposal to reduce the environmental impacts of its operations. That major companies like Chevron and Barrett, equipped with both the financial means and technical wherewithal to implement anti-pollution policies, do not take aggressive steps to reduce their impacts is disgraceful.

Specific Recommendations

42-11

Given the existing level of gas development in the Cave Gulch area, the gross lack of environmental baseline data is inexcusable. Even more egregious is the BLM's position that no further mitigation or monitoring measures are needed. EIS at 4-11. The following should be implemented in the ROD.

- Ambient air quality stations should be installed in the project area near major sources of NO_x, SO₂ and VOCs. With such information, the BLM and Wyoming DEQ could determine whether emissions are meeting national and Wyoming ambient air quality standards. Without this information, all that is available is untested assumptions.

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42-12

- Additional ambient air quality stations should be installed for hazardous air pollutants such as benzene, toluene, xylene, n-hexane, etc. Dehydrator units and condensate tanks are major sources of these hazardous air pollutants. Employees and the public should be made aware of the risk of exposure to hazardous air pollutants (HAP).

42-13

- Permits and best available pollution control should be required on all sources of volatile organic compounds (VOC) and HAPs, not merely those that emit in excess of 50 TPY VOC and 25 TPY HAP. The DEQ's existing policy excepting these smaller sources results in significant emissions that could easily be controlled by readily available pollution control technologies. It is possible and feasible to eliminate VOC and HAP emissions from oil and gas production operations. If the gas industry truly wants to develop a reputation as a provider of a clean energy source, it should clean up its own mess in Wyoming and other gas producing states. Until that happens, we will regard all the hype coming from the gas industry about the environmental benefits of natural gas as blatant greenwashing.

II. IMPACTS TO RAPTORS

The impact of this project on raptors is one of our main concerns. Cave Gulch provides outstanding raptor nesting habitat. According to the Raptor Technical Report (RTR), at 2, the following raptor species occur in the project area: red-tail hawks, Swainson's hawks, ferruginous hawks, rough-legged hawks, golden eagles, prairie falcons, American kestrels, great horned owls, burrowing owls, short-eared owls, and northern harriers. Five species nest in the area: golden eagles, ferruginous hawks, red-tailed hawks, prairie falcons, and great horned owls. It is likely that northern harriers, kestrels and short-eared owls also nest in the area. RTR at 2.

42-14

Federal law protects eagles from being disturbed or molested: See 16 U.S.C. §§ 668 & 668c. Similarly, the Migratory Bird Treaty Act, 16 U.S.C. § 703, protects all migratory birds including raptors. Violation of these Acts is a criminal offense. Thus, the BLM has a statutory duty to prevent harm to the Cave Gulch raptors and other migratory birds. Given this legal mandate, the BLM must change the threshold for significant impacts on raptor breeding or nesting activities. EIS at 4-53 § 4.7.2. Significance must be reached before reproductive success is decreased, threatened or damaged. The FEIS must set a significant impact threshold criteria for disruption that is triggered before the damage is done.

Under all the development scenarios, the raptors will be severely impacted and likely displaced. The natural populations of raptors will be converted to dependence on artificial habitats and means of support. Ferruginous hawks may be declining because of their abandonment of historical nest sites due to development. See Nongame Bird and Mammal Plan, Wyoming Game and Fish Department, October 1996 at 60. According to the WGF, habitat alteration which reduces nest site

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COMMENT LETTERS RECEIVED ON THE DRAFT EIS

- 42-14 (cont.) availability is one of the main threats to ferruginous hawks. Id. Other threats include increased human activity which severely reduces nesting and productivity, direct mortality, and habitat alteration which decreases prey abundance. Id. It is our view that every possible step to avoid threats to raptor populations, to protect the raptors, and to remedy the impacts on raptors must be taken. We offer the following suggestions:
- Additional studies and surveys required.**
- 42-15 The BLM should coordinate with Wyoming Game and Fish Department and the U.S. Fish and Wildlife Service to develop a comprehensive raptor study and management/monitoring plan. Studies should document the effectiveness of the Artificial Nesting Structures (ANS), buffer zones, the Key Raptor Area and other selected mitigation measures. Studies should monitor the response of the birds to the development in their natural nesting habitat. Studies should monitor the success, or lack of success of the ANS, buffers zones, and the Key Raptor Area. Overall, there should be a comprehensive monitoring plan, with surveillance using remote sensors and remote photo sensing to monitor the behavior of the birds, the success or failure of natality, the success or failure of all mitigation measures, and the raptors' reaction to development in their natural nesting habitat. There must be a backup mitigation plan for providing nesting habitat if the Key Raptor Area, ANS, buffer zones, and other mitigation measures fail.
- Harm to birds must be avoided.**
- 42-16 All pits, ponds and open tanks associated with oil and gas development must be netted to prevent any bird use of, or exposure to, the pits. The nets must be monitored regularly to ensure that they do not fail. Any other potential dangers to the birds, such as electrocution, exposure to hazardous substances, etc. must be precluded. See EIS at 4-62. WOC fully supports the removal of hydrocarbons from reserve pits. Any "take" of a bird must be immediately reported to the USEFWS as a violation of the Migratory Bird Treaty Act.
- Raptor Protection Areas must be fully protected from development**
- 42-17 In order for the Key Raptor Protection Area to provide long term mitigation, oil and gas development in the raptor area must be more severely limited than is described in the EIS. The EIS, at 2-42, describes the potential for development of oil and gas leases in the raptor area. WOC recommends that, rather than 1/4 to 1/2 mile seasonal buffers around nests, the FEIS require at least 1 mile buffers year round. Any development of existing leases must be subject to the most stringent stipulations and conditions of approval for raptor protection.
- The BLM should not issue any future leases in the interior of the raptor area. Potential future leases along the perimeter of the raptor area should be completely covered by NSO stipulations. Management of the raptor area must prioritize raptor
- 7
- 42-24 management above and beyond all other uses. The FEIS must include an alternate plan to provide the same level of mitigation for raptors if the raptor area does not accomplish raptor protection and alternate and equivalent nesting habitat. Clearly, the BLM must develop a long term monitoring plan for the raptor area.
- Buffers must be larger.**
- 42-18 Ideally, development in Cave Gulch would completely avoid all active nesting areas. While this may not be possible we believe that the buffers should be at least 1 mile wide. The Green River RMP sets raptor buffers at 1 mile. The BLM should be consistent in its approach to raptor protection. One quarter or one half of a mile is not sufficient; especially for ferruginous hawks which is very sensitive to human disturbance. The FEIS should include further consideration of buffer zones and a justification for varying from the Green River RMP.
- Remote operation should be required versus daily operator visits.**
- 42-19 The EIS, at 2-22, states that the wells will be manually operated requiring daily site visits. Why doesn't the EIS discuss remote operation as an alternative? The FEIS should analyze the possibility of operating the wells remotely and thereby eliminating the disturbance to the raptors of daily visits.
- Compensation for raptor habitat loss.**
- 42-20 The BLM should establish and manage a fund to compensate for raptor habitat loss. We suggest funding a raptor specific position with the Wyoming Game and Fish Department or with the U.S. Fish and Wildlife Service. In addition, money from the fund can be used to purchase and protect other threatened raptor habitat.
- Artificial Nesting Structures**
- 42-21 WOC supports the BLM's plan to place ANSs in strategic locations to offset raptor displacement. We agree that the efficacy of these structures must be closely monitored. The BLM should prepare a backup plan for placing more ANSs or moving ANSs to different locations if monitoring reveals that the ANSs are not as effective as planned.
- Prey Base**
- 42-22 Raptor nesting attempts and success is related to available prey populations. RTR at 17. Oil and gas development not only displaces sensitive raptor species but affects their prey base as well. The FEIS should incorporate plans to prevent detrimental impacts to the prey base populations as well as mitigation measures for these populations. The FEIS should establish a monitoring program for the prey base populations. Rather than solely considering the impacts of development in terms of numbers of acres of habitat lost, the BLM should study the full range of impacts of
- 8
- 42-22 (cont.) development on the prey populations. These studies should include the impacts of noise, vibrations, increased vehicular traffic, exposure to toxic substances, etc. The FEIS should assess all development plans as to how they will affect the prey base and how they can be modified to have the least impact on the prey base.
- III. OTHER WILDLIFE IMPACTS**
- In general the EIS's discussion of impacts to wildlife is woefully inadequate. The BLM based its determinations on inadequate, nonspecific data. Species specific surveys and studies for all of the species listed below must be completed and included in the FEIS. Field development must not proceed until these studies and surveys are complete.
- Threatened and Endangered Species, including candidate species must be fully surveyed and studied.**
- The BLM has a statutory duty to protect and encourage the success of endangered, threatened and candidate species. The FEIS must include much more substantial treatment of this duty than does the EIS. The FEIS should include the Endangered Species Act (ESA) Section 7 determinations on consultations with U.S. Fish and Wildlife Service (FWS). The EIS insufficiently concludes that no impacts to the black-footed ferret or mountain plover are expected. Additionally, the EIS assures us that mitigation procedures will prevent any adverse impacts to the swift fox. The BLM does not support these determinations with specific studies. Instead, the BLM relies on surveys for other species, very broad species diversity databases, anecdotal evidence, and the supposed lack of suitable habitat to support its conclusions that these protected species are not in the area and will not be impacted by the industrialization of the area. The BLM has thus failed to perform its duties under the ESA. The FEIS must include much more specific, reliable studies, surveys and findings that fulfill the requirements of the ESA. The FEIS must contain complete analyses of the cumulative effects of oil and gas development on the swift fox, black-footed ferret and mountain plover. The FEIS must also consider indirect effects of oil and gas development on these species. The BLM should consult with the FWS on these matters. See generally, letter to Mr. Grah from Charles Davis, October 9, 1996.
- 9
- Mountain Plovers**
- The FEIS must include a specific mountain plover survey performed by an avian biologist. According to the FWS, listing of the mountain plover may be imminent. The BLM's determinations that use of the project area by mountain plovers is unlikely (EIS at 3-69), and that no adverse impacts to this species are expected (EIS at 4063) are not based on a mountain plover survey. Rather, these determinations are based on a supposed lack of preferred habitat, anecdotal evidence from other wildlife surveys, and no documented sightings in very broad wildlife databases. This lack of
- observation is not surprising since mountain plovers are highly secretive and very quiet.
- We agree with the FWS recommendation that a detailed mountain plover specific survey of all disturbance areas must be performed. See letter to Mr. Grah from Charles Davis, October 9, 1996. According to the Nongame Bird and Mammal Plan prepared by the Wyoming Game and Fish Department, October 1996, there is a statewide need to determine the locations of mountain plover breeding habitat. The Plan recommends coordinating efforts to conduct surveys for the bird and to coordinate efforts to ensure that mountain plover surveys are standardized. Given these recommendations, the BLM should coordinate a mountain plover survey of the project area with the Wyoming Game and Fish Department as well as with other agencies interested in the birds. WOC requests a copy of the survey once it is accomplished.
- Swift Fox**
- The Wyoming Game and Fish Department alerted the BLM to the presence of swift fox in the project area during scoping for this EIS. The BLM admits that swift foxes are likely found in the project area. Given this likelihood, the presence of swift fox must be conclusively determined. We support the BLM's plans to conduct a formal swift fox survey and plans to consult with the FWS on treatment of the foxes. However, the BLM must require rather than recommend a swift fox specific survey and study to determine the fox's use of the area. The survey and studies should be performed by expert wildlife biologists. The FEIS should contain plans for swift fox management and mitigation. The FEIS should emphasize and incorporate protection of the fox in any and every development plan. WOC requests a copy of the survey once it is complete.
- Black-footed Ferret**
- Again, specific surveys for prairie dogs and black footed ferrets must be performed and incorporated into the FEIS.
- Mule Deer and Pronghorn herds**
- Mule deer and pronghorn herds are well below their optimum numbers throughout the project area. The FEIS should incorporate specific studies of how the project will affect these herds and how any detriment to the herds can be avoided. Specifically, measures to prevent vehicle collisions with big game must be developed, described, and required. Steps to eliminate the potential for poaching and general harassment of antelope must be identified and required. Cumulative effects of all current and proposed activities of the project on individual pronghorn and deer herds should be quantified and discussed.
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COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Sage Grouse

The FEIS must incorporate specific surveys and studies for sage grouse. The EIS, at 3-59, identifies sage grouse as the predominant and most important game bird within the project area. The project area contains good sage grouse habitat. See EIS at 3-39 § 3.5. However, the EIS indicates that sage grouse have declined significantly in recent years in the project area. EIS at 3-59 § 3.7.2.2. The BLM must quantify the current status of sage grouse before a determination of the project's impacts on sage grouse can be determined. The FEIS must establish a monitoring program to determine the effects of the development on the grouse. The FEIS must develop a mitigation program for the grouse.

42-30
(cont.)

Under Alternatives A and B the highest concentrations of wells will be in the northern part of the project area. The EIS identifies this region as the best sage grouse habitat in the project area. EIS at 3-59. Oil and gas development in occupied sage grouse habitat will most likely meet even the EIS's low threshold for significant impact. EIS at 4-53. Significant impacts are defined as disruption of grouse or raptor breeding or nesting activities to the extent that reproductive success of the population of any species is decreased, threatened or damaged. EIS at 4-53 § 4.7.2. In our view, this threshold is much too low and violates the BLM's legal duties (see our discussion of raptors). The threshold for significant impact should be set at a level that can avoid damage, not triggered after the damage is done.

42-27

Sage grouse leks need better protection in the FEIS. Who will conduct the formal sage grouse lek surveys to be conducted in spring of 1997? Will these surveys be required or are they only recommended? March and early April are the best times to conduct lek surveys. Have these surveys been done this spring? Will the FEIS wait for the results of these surveys so that they may be incorporated into the FEIS? WOC believes that these surveys must be accomplished before the FEIS can adequately determine the impacts of this project on sage grouse. Field development should not proceed before these surveys are complete.

42-31

The cumulative impacts analysis concerning sage grouse contradicts the earlier discussions of sage grouse in the EIS. Please explain the discrepancies between the finding at 5-20 § 5.8.3. that there is no good sage grouse habitat and no evidence that sage grouse occur in the project area and the earlier statements that sage grouse are the predominant and most important game bird in the project area. EIS at 3-59 § 3.7.2.2. Contrary to the assertion that there is no good sage grouse habitat, the EIS describes the vegetation cover in the project area as 85.5% mixed desert scrub with big sagebrush as the largest component.

The BLM's findings that there is no evidence that sage grouse nesting or leks occur in the project area and that cumulative impacts to the species are not expected, are premature given that the BLM has not performed any sage grouse surveys or studies. This conclusion misleads the public and misuses the NEPA process. Before

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concluding that cumulative impacts to sage grouse are not expected, the BLM must provide data to support and document this statement.

In its sage grouse surveys and studies, the FEIS must discuss how previous oil and gas development in the area may have contributed to the recent decline of the sage grouse in the area. The FEIS must discuss how further and extensive development will further impact the populations.

The impacts of noise on wildlife must be analyzed.

42-28

The FEIS must analyze the impacts of noise on wildlife. Will the noise and vibrations affect sage grouse? Will the noise and vibrations affect mule deer and pronghorn? Will the noise and vibrations affect fossorial animals including all the raptor prey base species?

Oil field workers should be educated and trained in wildlife awareness and protection.

42-29

The FEIS should include a strategy to educate and train the oil field workers on wildlife issues. Workers should be aware of the wildlife in the area, should be adept at identifying wildlife species. They should be trained in wildlife protection so that each species' requirements and habits are well known to them. Emphasis should be on appreciating the wildlife, understanding their needs, and knowing how best to protect them in the oil field environment.

IV. TRANSPORTATION PLANNING

42-30

According to the EIS, approximately 66 miles of new roads will be constructed in the project area. EIS at 2-6. This new construction combined with the existing 174 miles of roads in the project area will profoundly affect the environment, including further fragmenting wildlife habitat, degrading aesthetic resources and limiting recreational opportunities, destroying cultural and paleontological resources, and increasing sedimentation and erosion thus impacting water quality. Given the significance of these effects, the FEIS should include a road development plan that clearly sets out specific aspects of the road plan including, the environmental impacts of the roads, the road locations, the design, construction, quality control, and maintenance standards, road densities, reclamation plans, etc. The FEIS should explain how many miles of roads will be collector roads, local roads or resource roads. Will these roads be temporary or will be added to a permanent transportation system? How many will be reclaimed? The FEIS should discuss a full range of transportation alternatives and evaluate their impacts. In general, the FEIS should enable the public to comment specifically on the transportation plan.

All roads must avoid sensitive areas and important wildlife habitat. The FEIS should analyze roads in terms of their proximity to and effect on raptor nests and sensitive soils.

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The FEIS also needs to further discuss sources of road construction such as gravel pits. See EIS at 2-11. The development and use of gravel pits is a connected and cumulative action. Will the existing, operational gravel pits near the project area be able to provide all the gravel for the project area? The FEIS should discuss the location of the pits, whether new or exclusively existing pits will be used, the impacts of the gravel pits, and the cumulative impacts of the pits.

V. WATER QUALITY IMPACTS

Surface Water

Pursuant to the Clean Water Act, 33 U.S.C. §§ 1251 to 1387, the BLM must comply with state water quality standards. The Cave Gulch area has numerous intermittent and ephemeral streams, seeps and springs, and livestock ponds and reservoirs. Technical Report at 32. The northeast extent of the project area is within the boundary of the Cave Gulch sensitive drainage. Id. The area straddles the divide between headwater tributaries of the Powder River and the Wind River. Id.

Development activities associated with oil and gas are a significant source of both point and nonpoint water pollution. Cave Gulch is especially vulnerable to water pollution because most of the project area has soils with high infiltration and permeability rates. Id. Consequently, all possible preventative measures must be taken to prevent seepage and other contamination of surface and groundwater. Specifically, all of the pits associated with oil and gas development therefore must be fully and impermeable lined.

There is no surface water quality data available for the project area. TR at 36. The FEIS must provide water quality data for the area.

WOC supports the water resources mitigation measures outlined in section 4.4.5 of the EIS. As suggested in the last paragraph of section 4.4.5, the BLM should develop a watershed management plan for the Cave Gulch drainage. A watershed management plan and the implementation of protective measures are clearly needed because of the sensitive nature of the soils in the area, the project's relatively long duration, the extent of the development and the difficulty of reclaiming this area. All construction activities in stream beds must be done when drainages are dry.

Although the streams in the project area do not support trout, they are capable of supporting other aquatic life. The FEIS should include a survey of aquatic species found in the streams, a study of the development's impacts on aquatic life and a mitigation plan to avoid significant impacts on aquatic life.

The FEIS should discuss the potential effects of water quality impacts on fisheries, migratory birds, and federally listed threatened or endangered species. The analysis

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should describe the project activities that may affect water quality or that have the potential to expose fish and wildlife to hazardous substances (e.g. wastewater discharges, transportation of hazardous materials, spills, and evaporation ponds). The FEIS should analyze the project's potential to mobilize selenium and cause bioaccumulation in the food chain.

According to the EIS, at 3-37, there are no point sources of pollution in the project area. We find this hard to believe. Many of the activities associated with oil and gas development, including discharges of produced water and hydrostatic testing, are point sources of pollution. The FEIS must explain how, with more than 40 wells in the area, there are no point sources. If there are in fact point sources, the FEIS should identify each one and describe the NPDES permitting process that accompanies each source.

Groundwater

Groundwater resources include deep and shallow, confined and unconfined aquifers. Technical Report at 37. The project area is in a recharge area for two groundwater regions and several groundwater basins. Id. The EIS states that the project area occurs in an important ground water recharge area. EIS at 4-35. Thus sources of groundwater pollution from the project must be isolated from all groundwater sources. Maximum protection of groundwater source should be stressed throughout the project area.

Again no project-specific ground water information is provided in the EIS. This lack of data is surprising given the extensive drilling in the area. Why, has this drilling not resulted in extensive ground water data? The FEIS must provide complete groundwater information, including depths to potential aquifers, water quality data, locations of seeps and springs, etc. WOC recommends that the BLM develop site-specific groundwater data for the FEIS. How can the BLM, other agencies, or the public determine to what depth the gas well should be cased to isolate the aquifers without this information?

The BLM must establish a comprehensive ground water monitoring for the project area. Monitoring wells must be developed around and throughout the project area.

The FEIS should define the selected groundwater protection measures, including a surface casing program for injection wells, requirements for pit lining (disposal or reserve pits), and monitoring/inspection and maintenance programs for pit liner

All pits must be lined and netted

Not only should all pits be lined but the BLM must establish an inspection schedule for the pits for the lifetime of the project. All pits must be constantly monitored for leaks. Contingency plans must be prepared to address potential pit lining failure.

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other words, the BLM must take every precaution to insure that there will be no leaks into the ground water.

As mentioned in our comments on raptors, all pits must be fully netted to avoid damage to wildlife. The nets must be constantly monitored to avoid collapse or other types of failure. Flagging is inadequate to protect wildlife and should not be considered as an alternative to netting. EIS at 2-17.

Pit closure plans

42-35

The FEIS should include detailed pit closure plans. Venting of equipment and drain lines to the pit at well locations can cause air emissions of hazardous air pollutants and can cause contamination of the soil. Contaminated soil is a hazardous waste and must be disposed of properly. The soil around the pits must be tested before they are closed and backfilled. The BLM should look to the Colorado and New Mexico Oil and Gas Commission's for guidance in developing detailed pit closure plans.

42-32
(cont.)

Drill casing

All drill holes should be fully cased and cemented. It is crucial that no foreign material including minerals, oil and gas, or foreign water be introduced into any groundwater aquifer. All aquifers should be completely isolated from the production zones. The BLM must insist on complete protection of the groundwater by requiring full casing and cementing of all drill holes. Each hole should be monitored to assure that there is no inter-aquifer mixing. "State-of-art" drilling methods that insure there is no degradation of groundwater quality and no mixing must be required and outlined in the FEIS. See EIS at 4-35. The FEIS must outline how the requirements of the "On-Shore Oil and Gas Order No. 2" will be met rather than appear to be met. EIS at 4-36.

Wetlands

Under section 404 of the Clean Water Act, the Fish and Wildlife Coordination Act, and Executive Orders 11990 (wetland protection) and 11988 (flood plain management), the BLM must avoid or mitigate any wetland losses. Executive Orders 11990 and 11998 prohibit construction in wetlands and flood plains respectively. The FEIS must provide assurance that the BLM will meet these mandates for this project. Wetlands must be identified in the FEIS. The FEIS must outline how wetlands will be avoided and how any wetland loss will be mitigated. If wetlands in the project area may be impacted, the FEIS must include an inventory and full description in terms of the wetlands' function and values. Acreage of wetlands, by type, should be disclosed and specific actions outlined to avoid, minimize, and compensate for unavoidable wetland impacts.

42-36

42-33

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The BLM must determine, on a case-by-case basis which waters within the project area are "waters of the U.S." Any waters used by migratory waterfowl are considered jurisdictional waters of the U.S.

42-37

The EIS, at 5-14 § 5.6.1, establishes significance criterion for cumulative disturbance within each vegetation type to more than 10 percent of a given cover type in the project area. This figure is much too high for wetland vegetation. Aquatic habitats are very rare in the project area and a loss of 10 percent of these habitats before a disturbance threshold is met is inexcusable. The FEIS should discuss this criterion and set it at a much higher threshold for wetland vegetation.

The Section 404 process under the Clean Water Act should be integrated into the FEIS as should all the public comment opportunities provided by water protection laws and orders.

Use and disposal of water for the drilling process

At 2-19, the EIS explains that water will be taken from local water sources near the project area. The FEIS must identify these water sources. Are they on public or private lands? What is the quality of the water to be used? How far will the water need to be trucked? Has this water hauling been included in the transportation plan? If unneeded water is to be disposed of by dumping onto undisturbed land or into an established drainage channel, will an NPDES permit be required under the CWA? If the unneeded water is to be disposed of in this manner, the FEIS must discuss the effects on the hydrology of the area including effects on vegetation, wetlands and potential for causing erosion.

42-38

42-34

Produced water may be used to hydrostatically test new pipeline. The CWA § 402 requires an NPDES permit for discharge of this water. The FEIS must incorporate this permitting process. Similarly, the NPDES process for disposal of Fort Union and Lance Formation water must be integrated into the FEIS. The public comment opportunities provided for these permitting processes should be made available in the FEIS.

It is very difficult to comment on disposal of produced water is methods will vary with each operator. The FEIS must clearly set forth which method will be used by which operator. The FEIS must discuss how any underground injection will comply with the federal underground injection control program. All disposal methods must include complete monitoring plans. The FEIS should much more fully discuss the potential impacts of disposal of produced water.

42-39

There are 16 surface water right permits within the project area. The FEIS should explain how these water rights will be affected and how the rights holders will be compensated for any damage to their water rights.

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VI. SOILS, EROSION, NOXIOUS WEEDS AND RECLAMATION

The soils in the Cave Gulch area are primarily sensitive, susceptible to erosion and difficult to reclaim. See Soil Map Units and Sensitive Soils, Soils, Water, and Vegetation Resources Technical Report at 28 & Exhibit 5. Many soils, especially east of Natrona County Road 104, are very susceptible to surface runoff and water erosion. See Exhibits 7 & 8. Soil Map Units and Sensitive Soils, Soils, Water, and Vegetation Resources Technical Report. Almost the entire area is highly or severely susceptible to wind erosion. See Exhibit 9. Soil Map Units and Sensitive Soils, Soils, Water, and Vegetation Resources Technical Report. In general, these soils are very difficult to reclaim. See Exhibit 10. Soil Map Units and Sensitive Soils, Soils, Water, and Vegetation Resources Technical Report. WOC agrees with the Technical Report, at 28, that sensitive soils should be totally avoided. See also EIS at 4.3.3.1. Due to these conditions, the FEIS should incorporate every possible mitigation measure to prevent erosion and damage to the soil resource.

WOC supports the BLM's intention to require lining of all pits, EIS at 4-14. However, we urge the BLM to step up their requirements from minimizing potential leakage to precluding leakage given the relatively high permeability rates of soils in the Project area. EIS at 4-15 & 4-30 § 4.3.5. Similarly, off-road vehicle use should be more than restricted, it should be prohibited. Id. The FEIS must require special erosion control and soil stabilization measures in sandy soils to prevent wind erosion. DEIS at 4-18.

Alternative B, the preferred alternative, will potentially cause the most damage to soils and will have the poorest reclamation potential of all the alternatives. If Alternative B is chosen in the FEIS, the BLM must incorporate the most stringent soil protection, erosion prevention and reclamation enhancing measures possible. See DEIS § 4.3.5. In general, no matter which alternative is selected, the FEIS must require all the mitigation measures described in § 4.3.5 to protect the soil resource.

Weeds

A threshold criterion of a 20 percent increase in weedy species is much too high and is unacceptable. See DEIS at 4-43 § 4.5.2. The FEIS must justify this criterion in the light of the explosion of weeds in the West and the detrimental effects of noxious weeds.

Reclamation seed mixtures must be required in the FEIS not merely recommended. Seed mixes must be comprised of specific quantities of native grassed, forbs and shrubs.

VII. IMPACTS TO CULTURAL RESOURCES

Cave Gulch is rich in cultural resources including areas eligible for listing in the National Register of Historic Places. The DEIS describes Cave Gulch as an area of

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high archaeological sensitivity due to a moderate to exceptionally high cultural site density. The DEIS does not include specific information addressing potential Native American sacred sites or Traditional Cultural Properties in the project area. These areas must be addressed in the FEIS. Has the BLM met the requirements of NHPA calling for consultations with Native American tribes to identify any areas of potential concern to the tribes? The FEIS should explain the consultation process and how it has been accomplished. Have Class III surveys of the project area been conducted?

The DEIS, at 5-28, stated that cumulative impacts to cultural resources would be minimized through cultural resources inventories in advance of proposed surface disturbance, avoidance of known sites during the layout of specific projects, and mitigation through data recovery of significant sites. The FEIS must discuss cumulative impacts more thoroughly and must examine additional mitigation measures. Additional measures could include training oil field workers in cultural resource protection, complete mapping of cultural sites, developing a general discovery plan in advance of specific project approval, etc.

In general, all NHPA processes must be integrated into the FEIS. See 40 C.F.R. § 1502.25.

Paleontological resources

The FEIS should lower the guideline for significant impacts to paleontological resources. See DEIS at 4-2 - 3. A significant impacts threshold should be set at when the fossils are discovered, not at when they are destroyed. At the point of discovery fossils should be properly collected, catalogued and preserved. See DEIS at 4-5.

VIII. MITIGATION AND MONITORING PLANS

All aspects of the project must include long term monitoring plans. As we have emphasized throughout these comments, the full impacts of this project on all resources must be fully understood and mitigated to the greatest extent possible. Without adequate monitoring impacts will go unchecked and unmitigated. It is the responsibility of the BLM and the operators to insure that every consequence of the development of Cave Gulch is studied and recorded. The monitoring must continue long after the lifetime of the gas field. The BLM must incorporate long term monitoring plans for reclamation effectiveness. The BLM must guarantee that the operators meet all reclamation requirements such as stabilizing soils and returning the area to previous uses.

The DEIS mentions throughout the pollution prevention and mitigation measure proposed for this project. However, the mitigation summaries are suggested and speculative. WOC insists that the FEIS state all of the mitigation measures that will be implemented to minimize environmental impacts. Without this specific information our comments cannot be fully educated or specific.

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IX. CUMULATIVE IMPACTS

42-40

Oil and gas development potentially may encompass a huge area in and around Cave Gulch. Many other areas near Cave Gulch, such as Cooper Reservoir, Cedar Ridge, Teepee Flats, Okie Draw, Boone Dame, Clark Ranch and Wild Horse Butte, are slated for varying levels of oil and gas development. Potentially, oil and gas development could straddle highway 20/26 from the southern Bighorn Mountains towards the Rattlesnake Range. WOC is extremely concerned about the cumulative impacts the combined oil and gas development in this region will have on air quality, wildlife, water quality, visual resources, cultural resources, recreation etc. The FEIS must consider the impacts of future oil and gas development on this scale. The BLM should be considering the impacts of Cave Gulch in light of the maximum potential oil and gas development in the area. The FEIS should include a maximum oil and gas development scenario. The boundary for the Cumulative Impacts Analysis Area should extend to the north to Cedar Ridge and the southern Bighorns and to the south to at least Wild Horse Butte.

Consideration of the Cooper Reservoir Unit should be incorporated into the FEIS. Why didn't the BLM include the Cooper Reservoir Unit analysis in this EIS in the first place? Even if it is "geologically separate," the Cooper Reservoir area is within a few miles of Cave Gulch and the air quality impacts, water quality impacts, and impacts on wildlife, to name just a few are undoubtedly connected and cumulative. Clearly the Cooper development, just on the other side of highway 20/26, will add to the cumulative effects of the Cave Gulch development beyond the brief coverage in the DEIS.

We are extremely concerned that this piece-meal coverage of oil and gas development in the general Cave Gulch area is how the BLM plans to proceed. Not only was the analysis of the Cooper Reservoir development not included in the Cave Gulch DEIS, the BLM did not notify the public regarding scoping opportunities on the Cooper Reservoir Environmental Assessment. We remind the BLM that as far back as December 13, 1995, we have consistently requested that the BLM send us scoping notices, EAs, EISs, notices of staking and APDs. WOC urges the BLM take a careful look at NEPA's requirements concerning public involvement, connected actions and cumulative impacts. We insist that complete analysis of the Cooper Reservoir Field Development Project be incorporated into the Cave Gulch environmental analyses

X. CONTINUED OPPORTUNITY FOR PUBLIC COMMENT

42-41

According to the EIS at 1-11 § 1.4, this EIS provides sufficient analyses to allow the BLM to use administrative determinations and categorical exclusion reviews to determine if specific surface disturbing proposals should be approved. We disagree. All future disturbance in the project area will require public participation and comment. Not only NEPA requires public participation. The National Historic

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Preservation Act (NHPA) § 106 process, the Clean Water Act § 404 process and Executive Order 11990, all require public participation. These laws require the BLM to provide site-specific analyses and the opportunity for public involvement on all future surface disturbance in the project area.

The FEIS must integrate all other permitting and analysis processes

42-42

NEPA requires federal agencies, to the fullest extent possible, to integrate all other surveys and studies related to a project. 40 C.F.R. § 1502.25. NEPA specifically requires the process under the Fish and Wildlife Coordination Act, the National Historic Preservation Act and the Endangered Species Act to be incorporated into an EIS. Id. Additionally, all studies and surveys from all other environmental review laws and executive orders must be integrated. Id.

Therefore, all the permits, studies, surveys and public input opportunities for this project required by all other environmental laws must be integrated into the FEIS. Specifically, the BLM must incorporate all Clean Air Act permits and processes, all Clean Water Act permits and processes, all National Historic Preservation Act process, etc., into the FEIS. All connected actions must also be considered in the FEIS. For example, the analyses for the liquid gas processing plant and the transportation plan, including analyses of gravel pits to be used in road construction, must be included in the FEIS.

XI. MISCELLANEOUS

42-43

In the FEIS please provide a map of all leases including the lessees and stipulations for each lease.

The FEIS should discuss the Natrona Management Framework Plan policy of requiring No Surface Occupancy (NSO) stipulations on leases where potential impacts from oil and gas development could not be reduced or eliminated by mitigation. Are there leases in the project area to which this policy applies? Which leases or lease segments in the project area which include NSO stipulations? If so have they been waived? Please provide a list of all leases with NSO stipulations in the FEIS.

How many wells will require work stoppages during raptor nesting seasons? The FEIS should clearly identify those wells that will be subject to seasonal restrictions.

Concerning the Liquid Processing Plant, the FEIS should discuss alternative sites especially the potential to place the plant on private land. The FEIS must fully disclose the impacts of the plant and the long and short term mitigation measures for the plant. All the permits required for the plant must be integrated into the FEIS.

42-43

(cont.)

WOC requests that the BLM send us copies of all APDs in the area from the southern Bighorn Mountains to the Rattlesnake Range so that we may review and comment on them during the 30 day period provided under FOGLRA.

Thank you for providing this opportunity to comment on the Cave Gulch Draft EIS. Please notify us of all future comment opportunities and of the availability of the FEIS and ROD.

Sincerely,

Dan Heilig
Dan Heilig
Associate Director

Caroline Byrd
Caroline Byrd
Program Director

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J.A. ROHN CONSULTING
Regulatory Services for the Oil & Gas Industry

April 1, 1997

Bureau of Land Management
Attn: Kate Padilla
1701 East E Street
Casper, WY 82601

RE: Comments to Draft Cave Gulch EIS

Dear Ms. Padilla:

Barrett Resources Corporation, offers the following comments on the Draft EIS for the Cave Gulch - Bullfrog - Waitman Natural Gas Development Project. We have attempted to limit our comments to those which we feel are substantive in nature, and have recommended changes where appropriate. We have also attempted to avoid repetitious comments, trusting BLM will recognize where each is applicable.

Executive Summary

Page S-1, last para. Be advised there is an implication that the operators were involved in the development of the DEIS alternatives and participated in the selection of site specific well locations. The operators were in fact excluded from participation in the alternatives development process, and were unwilling and unable to recommend projected locations for wells, access roads and pipelines without the benefit of geologic data from wells which have yet to be drilled.

Barrett has always disagreed with the more site specific approach BLM insisted on using. In addition to wells, BLM told us they would also be selecting specific locations for roads and pipelines, which we see no evidence of in the DEIS. The primary reason we object to this approach is that any projection of specific locations for wells, access roads and pipeline tie-ins will in reality have to be changed significantly as the field is developed over the next several years. The extremely complex geology of the Cave Gulch area further complicates the normal need for changes which occur in all oil and gas field development projects. It is important for BLM to understand this very important function of field development and how it affects operator decisions.

The illusion that the more site specific approach allowed BLM to develop comprehensive mitigation measures is inaccurate. The measures which came out of this document are representative of the kind of measures which come out of virtually every oil and gas development EIS (ref. Greater Wamsutter II, Fontenelle/Lincoln Road and Moxa Arch EIS's, which used a conceptual approach). In the Platte River Resource Area saying the remainder of the BLM offices in Wyoming, including the State Office, should not have been using or allowed to be used a conceptual approach on these EIS's?

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It is also incorrect to state that the more site specific description of the proposal made it possible to perform a comprehensive economic analysis. The comprehensive economic analysis was not affected by hypothetical well locations, the real reason such a comprehensive economic analysis was performed is because Natrona County and it's citizens insisted on it. Barrett recommends this paragraph either be deleted or restated accurately.

43-7

On page S-2, several statements cause concern. In the 1st para, Barrett never relied on the WRMG's preliminary report to estimate levels of development. The map we used was for illustration purposes only. In the 3rd para, the operators proposed and paid for use of the GPS for nest identification so that accurate data could be obtained. Given the scale of the maps in the DEIS, it is unclear how this very accurate data has benefited the analysis.

When BLM states "The level of detailed analysis in this DEIS is reflective of the scale of development, but does not constitute a commitment for specific drilling or development proposals.", it tells us BLM recognizes their well locations will not specifically be drilled. This conflicts directly with the statement on pg. 1-11, 1st para (see below).

In the 5th para, there is a statement that long term significant impacts to raptors are predicted without implementation of mitigation measures. As will be seen later in our comments, the document does not, in Barrett's opinion, support that conclusion.

43-1
(cont.)

Page S-6, Agency Preferred Alternative. What is the biological basis for the KRA functioning as a "dissemination area from which to populate or repopulate other areas in the GRRRA where future disturbances may cause temporary depletions in raptor populations", when the DEIS concludes "Although better habitat conditions are likely represented in the KRA because of the increased density of nests there, the ability of the KRA to support additional raptor territories is in question." (pg.4-67). The Greater Cave Gulch Raptor Analysis Area was proposed by the operators only to place the project in perspective. It is not representative of some biological continuum, it is not a special area, it's boundary was selected to include open space and topographical features and areas of other oil and gas development. It represents nothing more or less than what it is, a very small part of Wyoming which we hoped would be at least somewhat representative of raptor distribution patterns.

43-8

BLM plans to provide via the KRA "a core or refuge area where long-term reproductive opportunity for raptors of multiple species would be insured". The DEIS doesn't identify the other uses of the KRA. Half of the surface estate in the KRA is non-federal. Is BLM planning on controlling non-mineral development activities on private and state lands? Has BLM advised the private landowners of their plans for this area? BLM's RMG concludes up to 13 wells would be drilled in the KRA. What if many more than 13 wells are needed?

43-9

On page S-6, next to last paragraph, it should be noted that the primary mitigation for raptor impacts in the Cave Gulch EA was also the construction of ANS's, as it is in this DEIS. It is untrue that ANS's could not be constructed and/or were not sufficient to prevent significant impacts under the EA. They could have been constructed anywhere, Barrett volunteered to do so, and they would have prevented significant impacts (if one accepts there will be significant

43-10

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impacts) just as they are proposed to function in this DEIS. It is obvious once again the Cave Gulch EA decision record and FONSI should not have been vacated. BLM hurt themselves by losing the ability to require raptor data gathering for 1997 since the raptor management plan was tossed out. BLM also projects now the public image of an agency which can at any time and for any and no valid reason, reverse prior decisions without regard for the economic impacts of a reversal. BLM has set a very dangerous precedent.

43-11

Chapter 1

On page 1-10 4th para is another incorrect statement that the operators were included in the development of the alternatives. Barrett requests BLM either correct this statement wherever it occurs throughout the DEIS, or eliminate all references to operator involvement. BLM needs to own up to and be held accountable for their actions. Barrett prefers that BLM publicly own up to their exclusion of the operators from the alternatives development process. We believe that BLM managers, as are managers in the private sector, must be held accountable for their actions and the actions of their employees. Since BLM had numerous opportunities to include the operators, we believe it fair to state that it was a conscious decision on BLM's part. Had the operators been included in the process, the DEIS would be stronger and the recommendations more defensible.

43-2

43-12

Page 1-11 1st para. Barrett takes issue with the statement that most actions will be able to be approved without further site specific analysis. The well locations selected by the BLM may or may not be locations proposed by the operators. There is no analysis of specific road and pipeline locations in the DEIS. We contend that further site specific analysis will be needed for virtually all the proposals.

43-3

Page 1-15. Why is there a discussion of the Chevron 43 well in this document? It serves no purpose we can see. They merely traded for another well approved for interim development.

43-4

Page 1-20. What should be an important opportunity for the BLM and other agencies is access to the wealth of scientific data which has been and will continue to be collected on raptors in the area. It provides an excellent opportunity for BLM management to learn about this resource they are obligated to manage. Without industry support and funding this data would never be collected and analyzed.

43-5

43-13

Chapter 2, Alternative Selection Process

Page 2-32 2nd para. The only "site specific" information provided by BLM for the proposed action and the alternatives involved well locations. No projections were made for roads, pipelines, and other ancillary facilities. Secondly, it is incorrect to say the alternatives include "natural gas development alternatives that better address potential impacts to raptors and their habitats". The alternatives do not address potential impacts to raptors and their habitats, the DEIS analysis process accomplishes this. The alternatives in this case serve primarily to describe additional raptor mitigation measures.

43-6

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Chapter 2, Proposed Action

Page 2-5 1st para. Detailed engineering design plans are not proposed, this appears to be a carryover from the Moxa EIS.

Page 2-6 1st full para. Appx. 320 acres of new disturbance would result from 66 miles of new road construction, rather than the 256.02 acres identified.

Page 2-25 Fig 2-9. Location needs to include 2 dehyds and 2 separators.

Page 2-27 Fig 2-11. Some of the data here has changed from when this figure was included in the Cave Gulch EA. Why are two wellbore diagrams needed?

Page 2-29 1st para. Barrett does not propose fertilizing.

Page 2-21. Barrett does not propose mulching or fertilizing.

Page 2-34 Cultural Resources. Add bullet that operators conduct intensive literature and field inventories prior to any ground disturbance.

Chapter 2, Alternative A

Centralized production facilities at Cave Gulch are not practical or operationally feasible. With 4 to 8 wells per central facility, an estimated 5 to 15 acres of additional surface disturbance would result per facility. With up to 28 central facilities, this would result in an additional 140 to 420 acres of new surface disturbance which is not identified as an impact of this alternative. Reclamation of a larger portion of well pads would return more acreage in the long term.

Central facilities would not reduce traffic, as each well must be visited daily by the pumper regardless. Nowhere in this "more site specific description" is a discussion of the practical aspects of locating four 5 to 15 acre size pads per section in the topographically constrained portions of the project area. Based on Figure 2-12, pg 2-37, the location of central facilities would be further restricted by the year-round nest buffers. The impacts of these restrictions on the operators, in the form of additional pipelines needed, higher construction costs per well to accommodate both a well pad and a central facility, are not identified in the DEIS.

Will BLM force the operators to tear up the existing individual well production facilities and re-route lines to a central facility? Does BLM have authority to require such a measure, and if so, what is the regulatory citation?

There is already a great deal of approved activity in the northern central development area. Barrett questions whether the analysis (in Chapter 4) supports no impacts to nesting raptors with implementation of Alternative A. We interpret the analysis to conclude that ferruginous hawks are very sensitive as a species to human intrusions, and doubt that the current level of intensive development is conducive to ferruginous hawk nesting. What exactly will restrictions on this

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activity achieve, other than a delay of the inevitable, which is the eventual displacement of several pairs of raptors?

Small and non-contiguous leases in the development area will preclude locating a central facility every 160 acres with all related disturbance (access roads and pipelines) on-leases. Is BLM planning to force the operators to go off-lease and obtain RW's in order to maintain a central facility layout? And is BLM planning to require multiple operators to share central facilities? Is BLM aware that individual company safety and legal considerations will not in most cases allow for such a situation?

The discussion of casual use restrictions on page 2-38 raises many questions. Although BLM can and does control the timing of cultural resource inventories, BLM does not have authority to restrict the actions of surveyors. For clarification, a definition of "extensive and significant maintenance activities" is needed here. We suggest BLM stick to the regulations and restrict only those subsequent well operations as defined in Onshore Order 1 over which BLM has prior approval authority. If BLM feels differently, please provide the regulatory basis for restricting activity which requires no prior approval.

The casual use restriction covers activities "within the occupied nesting territories of active pairs in the area for the year". This implies data must be collected each year on territory boundary definition. When the operators hired a biologist in 1995 to conduct monitoring for the purpose of establishing territory boundaries, six weeks of daily monitoring (excluding weekends) was required by BLM at a cost of \$500 per day (total cost appx. \$15,000). Only three raptor pairs were observed, requiring one biologist. Monitoring of seven pairs, more or less, would likely require two biologists, at a cost of \$1,000 per day, or \$30,000. Is it BLM's intent to require this expenditure of time and money each year that casual use is proposed? Additionally, to obtain six weeks of data and include the ferruginous hawk, which does not arrive in the area until around March 15, means the birds will all be down on nests by the end of April when territory boundaries have been defined. Why then, is casual use even an issue, when BLM's proposal for "managing" casual use will not allow it to take place?

Please provide a concrete definition of "field development" as it will be applied to Cave Gulch and the surrounding area.

Please provide the scientific biological rationale for the selection of the 11 nests to be protected with year-round buffers. The only reference to criteria for nest selection appears on page 4-64 and states: "Criteria used in selecting these nests include: species of raptor, past activity status, condition of the nest and the potential for use in the future." In the apparent absence of consultation with raptor experts, Barrett questions BLM's ability to use science rather than emotions in selecting these nests. Barrett also questions BLM's level of expertise in the area of raptor science, given BLM's refusal to listen to the advice of at least three very reputable raptor experts. How does BLM propose to control the non-oil and gas "casual users" from impacting the protected nests?

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43-13 (cont.) What is the basis for the permanent NSO boundaries around the 11 nests? Was line of sight used? Was a line of sight determination for each nest made in the field, or was a topographic map the basis for these lines? Assuming the top of the derrick on a drilling rig constituted the highest point of human disturbance, did BLM take into consideration the different derrick heights between smaller and larger rigs?

43-14 Is this DEIS the appropriate instrument for use in making a resource area wide requirement for NEPA analyses of year-round buffers, increased seasonal buffer, etc. on all field development proposals? Is there a biological basis for this requirement, and if so, please provide the details along with specific references to published literature. The Cave Gulch DEIS does not, as far as we can see, provide data which can be used to reach such a conclusion.

43-15 Please identify where the deep well locations and their associated acreage disturbances have been incorporated into this alternative.

Chapter 2, Alternative B

By including the KRA as an alternative, and by selecting it as the preferred alternative, BLM has expended the EIS analysis area without describing the affected environment in the additional area and without providing a valid analysis of the impacts to the additional area. Such action, or lack thereof in this case, constitutes an important flaw in the DEIS.

43-16 Who are the affected oil and gas lessees in the KRA? Who are the other affected users of the KRA and what are the current uses of the KRA? What resource values, other than raptor nesting habitat, are present in the KRA? Who are the private surface owners of the 2,000+ acres of fee lands in the KRA? Have they been notified of this proposal? Why is there no figure depicting surface and mineral ownership in the KRA? What are the socioeconomic impacts to the oil and gas lessees in the KRA of having this area set aside for raptor management? What are the socioeconomic impacts to the grazing lessees in the KRA of having this area set aside for raptor management?

Where in the DEIS is the biological analysis which identifies the KRA as a unique area for raptor nesting, one which justifies the issuance of NSO stipulations on all oil and gas leases? What is the biological basis for the assumption that activity outside one-half mile of an active raptor nest is detrimental to the nesting raptor pair? If activity outside one-half mile disturbs the birds, then why was Barrett authorized to drill and complete the Cave Gulch 16 on a year round basis? If activity outside one-half mile does not disturb the nesting raptors, how does BLM justify placement of NSO stipulations on entire leases within the KRA? (please reference discussions below on Chapter 4, Raptors).

If BLM is comfortable with setting aside an area for special management of raptor habitat, why is BLM not comfortable with setting aside an area for special management of mineral or energy development? Isn't that done for strip mines and wind farms? What happens to recreational, visual and wildlife values on those projects?

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Please identify where the deep well locations and their associated acreage disturbances have been incorporated into this alternative.

Barrett does not concur that Alternative B is a reasonable or valid alternative and requests it be withdrawn and relegated to the list of alternatives considered but not analyzed in detail.

Chapter 2 Alternatives Discussion

The alternative analyzing impacts of no seasonal stipulations (page 2-48) should have been analyzed in detail in the DEIS once it was realized that a multitude of raptor mitigation measures would be considered, i.e. when BLM finalized alternatives A and B in November 1996. BLM's failure to carry this alternative through analysis is a significant flaw in the DEIS.

43-17 BLM's stated justification for removing this alternative from consideration cannot be supported. USFWS routinely issues permits to cover nests, and to move both active and inactive raptor nests. Later in the DEIS are references to the displacement of raptors in the northern part of the project within 2-3 years even with all the mitigation proposed in this document. If the raptors are prevented or otherwise discouraged from using any nest or potential nest site, does that constitute a taking under the Migratory Bird Treaty Act? In order to achieve field development as proposed, won't some kind of general taking permit from USFWS be required, since there appears to be consensus the raptors will leave the area?

Chapter 3, Soils

The following statements appear to conflict with each other, please explain.

Page 3-15. Less than 1% of the project area has a slope greater than 25%. Page 4-13. To access the natural gas reservoir in a feasible manner, project facilities would likely be located in areas of sensitive soils, soils with poor and very poor reclamation potential, and areas containing slopes in excess of 25%.

43-18 Page 3-23 Most of the soils are well drained. Most of the soils have slow to moderate permeabilities. Page 3-36 High infiltration and permeability rates restrict the soil's suitability for unlined reserve pits. Soils with high permeability rates can lead to reserve pit seepage and possible contamination of surface and groundwater if such pits are unlined.

Page 3-23. Appx 39% of the area is comprised of soil map units with a poor or worse reclamation component. Page 3-29. Sensitive soils include appx. 65% of the project area and have rapid to very rapid surface runoff, severe water and wind erosion, and poor reclamation potential. Page 3-31. Appx. 61% of the project area has a fair or better reclamation potential.

Page 3-29 Most disturbances observed in the project area showed effective revegetation. Page 3-31. Application of fertilizer would be needed to compensate for nutrient deficiencies and for establishment and growth of native grasses. Based on observations of successful revegetation efforts in the project area, adequate revegetation and reclamation are feasible. (We question

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43-18 (cont.) why these native species need us to add fertilizer to soil in which they already grow and in an area where reclamation without the application of fertilizer has been adequate. The goal of reclamation is to return stability to the surface and re-establish forage species, not to try to create something that was never there in the first place. No matter how much fertilizer is added to the soil, moisture is necessary for it to work.

43-19 What are the locations of the 18 groundwater right permits on file with the State Engineer's Office? Are they within the project area or some distance from it?

43-20 Table 3-8 on page 3-30 provides a summary of existing disturbances in the project area. Please note that of the 462 acres of total disturbance, 342 acres, or 76% of the existing disturbances, are non-oil and gas. This table conflicts directly with a statement on page 3-50 which says, "Review of the Platte River Resource Area ROW records shows the project area as having a considerable amount of surface activity, most of which is gas and oil related." Which one is correct?

Chapter 3, Wildlife

43-21 Page 3-59 last paragraph. This is an inaccurate statement, as BLM did not initiate the increase in the size and extent of the raptor monitoring and inventory area. The operators started internal discussions months before we (not the BLM) proposed that a larger area be evaluated for the DEIS to put the project in perspective. BLM concurred with our recommendation.

Page 3-65. Would it be appropriate for the KRA to be discussed here, since lands within the KRA would be directly affected under the BLM preferred alternative? If not, please explain.

Why is there no discussion of the 1994 and 1995 raptor data, or the conclusion reached for 1993? It seems relevant to point out the absence of nesting raptors in the portion of the project area which was inventoried and studied during 1993, 1994 and 1995, especially since human activity levels have increased each year.

To state that "Field observations during 1996 were not extensive enough to document fledging success or cause of nest failure," is misleading. Unless a biologist sits by each nest 24 hours a day and never sleeps from the time the chicks hatch until they fledge, the cause of nest failure will likely never be determined.

Chapter 3, Recreation

43-22 Page 3-69 last paragraph, and page 3-70. "Although data on recreation visitations to the project area are not available (emphasis added), overall recreation use levels in the area are generally low. There may be occasional use of the area for hiking, wildlife observation, geologic observation, and nature photography. A very important use of the project area is scenic touring." The conflicts between these sentences are very obvious, please explain.

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Chapter 3, Visual Resources

43-23 Page 3-73. "The project area itself receives some use by recreationists, primarily big game hunters in the fall. The quality of the visual resource is typically an area of concern for this user group... Grazing permit holders would also be affected by changes to the visual resource." The recreation section stated there was no use data available. Please provide the studies which demonstrate that big game hunters are concerned about visual intrusions as they pursue their prey. Please discuss exactly how a grazing permittee would be affected by a change to the visual resource.

Chapter 4, Air Quality

43-24 We find no reference to the Air Quality Technical Report.

Page 4-9, delete the word 'alternate' in the heading Alternate NOx emission control measures include...

Page 4-11 last paragraph. No discussion is provided on the flares for emission controls currently in use by the operators. The operators will not be exceeding the opacity standard all the time as this discussion implies. Dust suppression measures will be taken only when a 20% opacity level has been reached, which is standard operating procedure.

Chapter 4, Soils

43-25 Page 4-15. Barrett has constructed 12 reserve pits in Cave Gulch, all of which were lined with drilling mud, and none of which had any problems holding water for periods of several years. Each reserve pit is 10 feet deep, and in our experience we have not encountered sandy soils. Additionally, all the components of reserve pit fluids are non-toxic and biodegradable. MSDS's for each of the mud system additives, which require fresh water to work properly, are provided by the service companies and are available at the rig during drilling operations. For these reasons, Barrett strongly disagrees with the recommendation for the exclusive use of poly liners on all reserve pits and feels any such requirement coming out of this DEIS is unreasonable and unacceptable.

Page 4-29. The first bullet under Mitigation Summary is standard operating procedure for the operators and is BLM policy, therefore should not be stated here. The second bullet is standard operating procedure for the BLM and should not be included here. The third bullet is also SOP by operators and BLM. The recommendation to use mulching (fifth bullet) cannot be justified (based on the adequacy of existing reclamation measures which did not use mulch and were still successful, even on the sensitive soils) and is not acceptable to Barrett.

Page 4-30. The first bullet recommending treatment of disturbed areas immediately following construction is not "real world" mitigation for oil and gas, and especially not at Cave Gulch. Up to half of the well pads are projected to be expanded at some point in time to accommodate an additional wellbore. It is not practical to undertake reclamation activity until the surface

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(cont.)

disturbing activity has abated. Spreading and removing topsoil several times increases significantly the potential for mixing with the subsoil. Additionally, it is a waste of effort. The third bullet limiting construction activities to periods when soil materials are dry is not practical. The large cuts on locations always encounter moist soils, and moisture aids in compaction along access roads and on the well pad surface. The recommendation for poly liners (fifth bullet) on all reserve pits is not acceptable, as stated above.

Chapter 4. Water Resources

Page 4-34. In the first full paragraph, suggest "Total water demand including hydrostatic testing for this alternative would be 230.4 ac ft."

Page 4-35. It is erroneous to state that oil based mud is a hazardous waste. Rather, it is a hazardous substance which is handled appropriately.

Page 4-36, third para. There is no mention of Barrett's produced water disposal pit at the Bullfrog 1-6 location.

43-26

Page 4-40, 41 and 42. As with many of the mitigation measures listed under the soils section, the majority of the mitigation measures listed here are exactly the measures proposed by the operators in conjunction with standard BLM practices. It is not appropriate to re-state them under the guise of document generated mitigation.

Page 4-44. While it sounds prudent to say that sensitive soils should be avoided, and if they cannot be avoided certain measures must be taken; in reality, development at Cave Gulch cannot avoid impacting sensitive soils. Based on Figure 3-3, page 3-17, the majority of the primary development area (40 acre spacing) is located on sensitive soils. Interestingly, of the 14 wells BLM authorized for interim development, it appears only one or two did not fall on sensitive soils, a fact of which we are sure BLM was not aware at the time, for no special measures were required.

Chapter 4. Wildlife

Barrett does not believe the DEIS supports the contention of significant impacts to raptors, based on the impact threshold criteria on page 4-53 and the analysis in Chapter 4.

Page 4-57. "Nest desertions and/or reproductive failure caused by project related disturbances" as a principal potential impact of the proposed action is not supported by the continued imposition of seasonal restrictions.

"Increased public access and subsequent human disturbance resulting from new road construction" should be placed in perspective. Studies by and the personal experiences of raptor experts indicate nesting birds tend to be flushed off a nest not by the passage of vehicles along a linear route, but generally by humans who stop and/or get out of a vehicle and walk around. It is correct that more roads will be built and traffic will increase (initially). But the

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43-27

Industry employees, contractors and sub-contractors travel the roads to get to specific well locations, where they stop and exit their vehicles. They do not generally stop along the roads and wander around. That activity is more likely to be done by BLM employees, recreationists, curious onlookers, etc.

That "temporary reductions in prey populations" would result is questionable. As noted on page 4-54, there would be some direct mortality and displacement of small mammals from construction sites, and a slight increase in mortality from increased vehicle use of roads. First, displacement is not a population reduction. Second, road kill provides an important food source for many raptors. Third, freshly disturbed ground provides ideal habitat for burrowing mammals. Disturbed topsoil uncovers seeds for consumption by rodents. Construction activities and vehicle traffic flush small mammals from hiding, making them more accessible to hunting raptors.

Please define the "zone of influence" of raptor nests. If this is the same as the 1/4 to 1/2 mile seasonal buffer zones, which are applicable to the proposed action and all the alternatives, then why would there be a "potential for these impacts"? And if this potential would be greatest during the first 10 years during the construction phase, then why isn't a consolidation or compression of the construction phase (i.e. encourage accomplishment of almost all of the drilling in the first 2-3 years) a potential mitigation measure? And, "As intensive development gives way to the less intensive production and maintenance phase, some raptor pairs are likely to re-use the project area." (page 4-59), isn't there even more incentive to complete the construction/drilling phase as soon as possible so the more tolerant individuals may begin returning (subject to the other conditions necessary for recolonization)?

The use of the seasonal buffer zone concept around active raptor nests has been predominant for some time, particularly by the BLM on federal oil and gas leases in Wyoming. As is correctly pointed out on page 4-59, this measure cannot provide long term protection, or even any more than one year of protection, "since facilities may be constructed near formerly productive nests outside of the exclusionary area". This statement, however, appears to conflict with the mandates of the Migratory Bird Treaty Act. Can BLM actually authorize a well to be drilled immediately adjacent to a raptor nest (any raptor nest, regardless of condition or species) without violating the MBTA? Is there a violation of the MBTA if the nest is not used the first year, or the second, but is used the third year, or at some point in the future while the well is present? The USFWS issued BLM a written warning in 1995 of a potential taking when BLM authorized the Cave Gulch Unit No. 9 well virtually adjacent to ferruginous hawk nest #6.

The DEIS concludes (page 4-59, 60) "the implementation of temporal and spatial buffer zones alone, may not be enough to sufficiently offset impacts to local raptor populations under the Proposed Action, and impacts could reach significant levels without implementation of additional mitigative measures". Barrett believes BLM has not demonstrated that impacts could reach significant levels. On page 4-59 the DEIS states "an estimated 3 to 7 potential territories will be impacted over the short-term by the proposed action . . .", and refers consistently to the displacement of pairs of raptors. Barrett contends that displacement is not the same as 1) a substantial increase in direct mortality, 2) a long-term decrease in recruitment and/or survival of individuals in a wildlife population, or 3) disruption of raptor breeding or nesting activities to the

extent that reproductive success of the population of any species is decreased, threatened, or damaged (see page 4-53).

For the projected displacement to be significant requires the assumption that there are no nearby unoccupied raptor territories to which these displaced pairs could resettle. Nest inventory data collected during 1996 in the GRRA identified 170 nests, of which 19 were occupied (page 5-22). Despite concerns over the complete accuracy and representative nature of this data, it would appear there is a large number of nests and territories available for use within a relatively short distance, short considering that all but the golden eagle are migratory species. Additionally, the DEIS alludes to the " . . . demonstrated ability of raptors to change nesting locations. . ." (page 4-60) during the discussion on the suitability of ANS's as mitigation.

Barrett concurs that seasonal restrictions will not prevent the eventual displacement of up to 7 pairs of raptors, given the necessity of developing this particular field on 20 and 40 acre spacing.

The BLM needs to decide if raptor impacts are going to be territory based or nest based. If impacts are to be assessed at a territory level, as is indicated throughout the document, then the statement, "The concentration of proposed drilling activities in the northern end of these badlands and elsewhere over the project area will result in a reduction of nest sites that is likely to constitute a significant impact in the absence of effective mitigation efforts." (page 4-60), has no place in this discussion. The statement implies the number of nest sites affected constitutes a significant impact which is separate from or in addition to the territorial impact. As a subset of a territory, the number of nest sites affected within any given territory is irrelevant if it has already been demonstrated that the territory will be impacted to the point of displacing raptor pairs. It would be accurate to state that . . . will result in a reduction of nest sites, period.

Barrett applauds the recommendation for use of ANS's as the principal form of raptor mitigation and strongly supports their placement on lands away from the project area. Barrett has been and continues to be willing to provide selected portions of our leasehold outside the project area for the placement of ANS's.

However, since there remain several undefined potential development areas, and flexibility in delineating these areas is necessary from an economic perspective, Barrett remains concerned over any recommended placement of ANS's within the project area proper. Recognizing that the BLM cannot require an operator to perform off-site (off-lease) mitigation, Barrett will approach BLM with a proposal.

Barrett believes the DEIS exhibits another important flaw by its failure to recommend specific ANS locations. Will the ANS's have to be built and/or at a minimum their locations finalized before the BLM will authorize any activity once the ROD is issued? Who is responsible for monitoring and maintenance of the ANS's? For how many years must the ANS's be monitored and maintained? Who will be responsible for securing access across private and State lands to ANS locations? How will the development rights of a mineral owner be protected if an ANS is placed on his lease? What restrictions will be placed on activity around the ANS locations to ensure their long term security (1/4 to 1/2 mile seasonal restrictions)? What exactly does long

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term security of ANS's mean? If it means life of the project, are the ANS's to be abandoned when the last well is plugged? Does the USFWS define long term security in the same manner as BLM? Is BLM willing to commit any time or resources to the ANS's? What if one or more ANS becomes unusable for some reason, what happens to the operator's activity and how much time can elapse before another suitable location is found?

Page 4-62. Barrett does not see the need for a swift fox survey. "Although there are no documentations of swift fox sightings on the project area . . . data . . . suggest that they are present in the region (emphasis added). . ." (page 4-62). "Several observations of swift fox were made 11 miles south of the project area. In addition, several responses from trapper surveys (emphasis added) indicate the presence of swift fox in the vicinity of the project area." (page 3-69). Since they are present in the region and are widely distributed, and since it is apparently legal as well as acceptable to trap (kill) them, what would be the purpose of our survey and any resulting avoidance measures?

Page 4-64. "Alternative A would include expanding the seasonal 1/4 to 1/2 mile buffer zone to a seasonal 1-mile buffer zone for all (emphasis added) ferruginous hawk nests." Figure 2-12 on page 2-37 does not reflect a one mile seasonal buffer around all ferruginous hawk nests.

Page 4-71. First bullet, for how many years beyond 1997 is BLM planning to require raptor surveys? Over what size area are the surveys to be conducted? What form are the surveys to take, i.e. nest occupancy, fledgling success, prey base, etc.? Second bullet, when must a raptor monitoring plan be completed by? Will the plan be patterned after the raptor monitoring plan for the Cave Gulch EA? Third bullet, as discussed previously, we do not see a demonstrated need for the continued implementation of seasonal restrictions.

Chapter 4. Recreation

Page 4-72, 73. Since BLM acknowledged previously in the DEIS there is no data on recreational use of the project area, please explain how any impact, much less a significant one, can be demonstrated?

Page 4-74. In the absence of use data and therefore measureable impacts, Barrett feels implementation of any recreation related measures is unwarranted and requests justification be provided.

Chapter 4. Visual Resources

Page 4-78, 79. First, second and third bullets under mitigation summary are standard operating procedures for BLM and the operators and should not be repeated here. Construction of a new interpretive exhibit (last bullet) and a redesign of the existing exhibit is unnecessary and unjustified, again, in the absence of any recreational use data.

43-27
(cont.)

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43-29

43-30

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Chapter 4. Transportation

43-31 Page 4-100. As previously stated, the mitigation measures are for the most part common practices by operators in response to BLM policies and management goals, and do not represent document generated mitigation. Can a NEPA document state that no additional mitigation is needed?

Chapter 4. Noise

43-32 Page 4-107, 108. In the absence of any appreciable impacts, please explain the need for the list of mitigation measures?

General Document Concerns

43-33 For the record, the cost of printing and postage for the initial mailing of 650 copies of the DEIS was approx. \$26,000, or about \$40 each. BLM's apparent disregard for cost control and refusal to discuss the projected mailing with the project proponents has resulted in a waste of approx. \$13,000 (based on the maximum amount of initial mailings for other EIS's in Wyoming, Moxa 500 copies (many, many private landowners), Fontenelle 425 copies, Jonah II will be approx. ±300 copies, Stagecoach 325 copies, Wamsutter II approx. 300-400 copies). Since we did not budget anywhere near \$26,000 for duplication costs, since we were not a party to the decision to initially mail 650 copies, since BLM made no apparent effort to reduce the number of copies in the initial mailing, and since the high number of copies coupled with operator exclusion in the decision process indicates a BLM attempt at punitive action against the operators, Barrett feels BLM should pay half the costs, but recognizes this will not occur. Please note that by the time we found out how many copies were being mailed, they had already been sent.

Another example of BLM's abuse of the "operator's open checkbook" is the requirement that the contractor's ID team members, and particularly the wildlife specialist, provide actual copies of their reference material to the BLM. Again, please note that by the time we found this out, almost all of the documents had been copied. Please provide an explanation of why this unprecedented submittal of reference data was required. Is this a new Wyoming BLM policy to require operators to provide this reference information on NEPA documents? (If so, we apologize for making an issue of it and will visit with the BLM state office)

Barrett takes this opportunity to express our concern with the many delays experienced on this project and the lack of cooperation from BLM. Despite repeated attempts by the operators over many months to achieve an improved working relationship, BLM consistently refused to communicate openly and fostered an atmosphere of open hostility toward the Cave Gulch operators. The tension culminated with BLM's refusal to involve the operators in the alternatives development process and the massive printing of the DEIS. It is curious that statements in the DEIS contradict the actual level of operator involvement and hint at a good working relationship.

We also wonder why BLM wasted five months (mid-June through mid-November) when no appreciable work took place on the DEIS because of BLM's failure to develop alternatives. While

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it is certainly commendable the DEIS was made available to the public in accordance with "the latest schedule", it must be noted the schedule has changed many times and originally called for a ROD in the spring of 1997. It is Barrett's opinion the reason Platte River BLM committed to the August 4th ROD date is because of a recent mandate by the State Office.

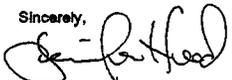
In the wake of serious attempts out of southwest Wyoming to streamline the NEPA process, this document and the measures undertaken by BLM to complete it, vividly represent why it is so necessary to reform this overly burdensome and unnecessarily complicated process. Schedule preparation and commitment should be mandatory, and individuals who cause delays should be held accountable. Document length, while it obviously cannot be restricted to a number of pages, should be tightly controlled. Document distribution should be restricted to individuals and groups who specifically request copies. BLM should be conscious of cost control. Efforts should be made to avoid duplicative statements throughout the document. Deadlines for the submittal of comments should be strictly enforced. Many other suggestions can be made but will not be listed here.

Summary and Conclusion

Barrett is confident needed changes can be made to this document within the time frames allocated under the current schedule. We will assist in any reasonable way possible to ensure this happens, as we recognize BLM's commitment to the August 4 ROD date. Based on the conclusion reached on page 5-26, "Based on the results of the 1996 prey base survey, it would appear that the low density of productive raptor territories on the GRAA is due to the relatively low prey base there and that prey base availability is currently limiting raptor production.", we feel it likely that BLM will ultimately determine that not all of the raptor mitigation measures identified in the DEIS will be necessary, and we hope to be able to participate in any discussions in that regard.

Barrett appreciates the opportunity to comment on the environmental analysis of this extremely important project. In spite of our past differences, Barrett is hopeful of entering into a cooperative working relationship with the Platte River Resource Area BLM and stands ready and willing to do so. We are encouraged by recent conversations with BLM officials which indicate a willingness to pursue a more open level of communication and to work towards a feeling of mutual trust.

Sincerely,


Jennifer A. Head
Agent for Barrett Resources

cc: Ralph Reed, Barrett Resources
Merle Evers, Barrett Resources

additional cc's to:

U.S. Senator Thomas
U.S. Senator Enzi
U.S. Representative Cuban
Gov. Geringer
State Representative Passineau
Commissioner Obert

Chapman

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March 31, 1997

Bureau of Land Management
1701 East "E" Street
Casper, WY 82601

RE: EIS Cave Gulch - Waltman - Bullfrog

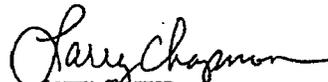
We are very concerned about the "shut down" of operations in the Cave Gulch area.

From an economic stand point, we can't possibly have our equipment and people idle for 6 months of the year and then be expected to "come back to life" for the other 6 months. We must find other work, and then, we may not be available when they start up operations again.

44-1 There is no benefit, and potential harm, from only working one half of a year because uncontrollable chaos may be generated with the problem of trying to do a year's worth of work in six months.

The birds will not suffer if you would just allow routine development to continue.

Our state's schools really need the revenue this field will generate, and we can become, as a nation, more energy independent.


Larry Chapman
President

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

March 31, 1997

NEPA PROCESS

Bureau of Land Management
Casper District Office
Attn.: Kate Padilla, Team Leader
1701 East "E" Street
Casper, WY 82601

Dear Ms. Padilla:

Chevron appreciates the opportunity to participate in the public review of and comment on the Draft Environmental Impact Statement for the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project (DEIS).

Chevron commends the BLM for issuing the DEIS in accordance with the schedule required by the CEQ regulations at 40 CFR 1507.2(b)(2) and 40 CFR 1501.8(a). Chevron believes that BLM's schedule for completion of the EIS and issuance of the Record of Decision (ROD) is feasible. However, Chevron urges the agency to be compelled by the CEQ regulations to issue the ROD as soon as possible, even prior to the scheduled date of August 4, 1997. As stated in 40 CFR 1502.2(a), (b), (c), and (g), BLM should assure that the EIS "shall be analytic rather than encyclopedic", that potential impacts "should be discussed in proportion to their significance", the EIS "shall be kept concise and shall be no longer than necessary to comply with NEPA and these regulations", and the EIS should "serve as a means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made."

Chevron's review and comments of the DEIS are submitted to BLM in the spirit of the CEQ regulations (see 40 CFR 1503.3(a)). Chevron has endeavored to make these comments substantive and as specific as possible in order to address the inadequacies of the statement as well as the merits of the alternatives.

Chevron's comments are organized into three major subject headings: *NEPA Process, Proposed Action and Alternatives, and Omissions and Corrections*. Each of Chevron's comments are followed by recommendations typed in bold print. Chevron respectfully requests that BLM consider and respond to the comments contained herein, as well as the recommendations.

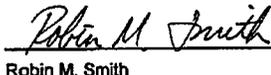
45-1

2

As detailed in the first section of Chevron's comments, the operator's role in this NEPA process has been defined by BLM personnel to be essentially the same as a member of the public. Therefore, this is the first time that Chevron has had an opportunity to comment on the range of alternatives analyzed in this DEIS. Because Chevron, as a proponent of the action, has so much vested interest in this project, our comments are lengthy. The length of these comments has been necessitated by BLM's imposition of the practice of limiting the proponent's role in the process.

It is Chevron's goal to provide these comments to BLM in a manner that results in an improvement in the NEPA process as it is administered in the future by the BLM Powder River Resource Area and Casper District Offices, a credible document, and the most informed and timely decision possible.

Chevron appreciates your consideration of these comments. Please feel free to contact me at 266-2441 if you have any questions.



Robin M. Smith

Chevron compliments the BLM for their commendable efforts to assure that the analysis and the resulting decision regarding this project are unbiased and timely. Chevron believes the BLM's overzealous efforts to ensure objectivity has, in many instances, hindered the process, seriously impacting the timeliness of the DEIS, the analysis, and the level of information it contains.

- The operators have asked since early in the process to be allowed to work with BLM in order to advance the level of information ultimately available to everyone, while maintaining the integrity and objectivity of the process (see letter dated March 28, 1996, to Ms. Kate Padilla, from J. Head and R. Smith; also, see letter dated October 30, 1996, to Mr. Don Hinrichsen, from R. Smith). However BLM has steadfastly refused to allow any operator involvement in any meaningful discussion pertaining to the range of alternatives to be considered in this EIS. As has been stated on a number of occasions, to the best of the operator's knowledge there is nothing in NEPA, the CEQ regulations, BLM's Handbook for NEPA Compliance, or the case law to justify excluding the operators from discussions of the information pertaining to the alternatives BLM selected to be considered in the EIS.

In fact, as stated at 40 CFR 1502.14 the alternatives and the proposed action are the "...heart of the environmental impact statement." NEPA requires that the agency study alternatives. Under 42 U.S.C. Section 4332(2)(e), an agency must "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (emphasis added). The CEQ regulations specifically state at 40 CFR 1500.2(e) that BLM should, to the fullest extent possible, "Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse environmental effects of these actions upon the quality of the human environment." (emphasis added). 40 CFR 1502.14(a) states that the agency shall "rigorously explore and objectively evaluate all reasonable alternatives..." (emphasis added). It is difficult to imagine how the BLM could evaluate and assess the feasibility of alternatives effectively and expeditiously without input and information from the proponents of the action.

Chevron recommends that in future NEPA processes, PRRA/CDO BLM personnel adhere to the CEQ regulations cited above and the final recommendations of the Green River Basin Advisory Committee, in particular those pertaining to NEPA streamlining. One of those

recommendations is to "improve communication" (Final Report to the Secretary of the Interior, Green River Basin Advisory Committee, February 3, 1997), and has been accepted by the Secretary of the Interior. BLM should strive to include proponents of actions in the NEPA process whenever and wherever appropriate. The BLM's goal should be to facilitate and improve the exchange of information such that time frames are shortened and the analysis, while retaining objectivity, is factual, includes all pertinent information, and is focused on the important issues.

- The CEQ regulations and the case law have clearly established that BLM only need study "reasonable" alternatives (40 CFR 1502.14(a); Coalition for Canyon Preservation v. Bowers, 632 F.2d 774, 783 (9th Cir. 1980). The test of reasonableness is discussed in CEQ's Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations printed in FR Vol. 46, No. 55, 18026-18038, 3/23/81. The answer to question 2a states that "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable..." It is irrefutable that the proponents of the action have the best data to assist the BLM in determining the technical and economic feasibility of potential alternatives to the proposed action. However, in developing the DEIS, the BLM PRRA/CDO personnel have adamantly refused to involve the operator's in any discussion regarding feasibility of the BLM alternatives.

- Intertwined within the BLM's justification for not allowing operator participation is the notion that the operators, as proponents of the action, are afforded no different a level of involvement than the general public. The CEQ regulations clearly do not support this sentiment. 40 CFR 1501.4(b) states that "the agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing assessments required by 1508.9(a)(1)." (emphasis added). 40 CFR 1501.7(a)(1) says as part of the scoping process "the lead agency shall ... (i) invite the participation of affected Federal, State and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons..." (emphasis added). 40 CFR 1503.1(a)(3) states that when inviting comments, the agency shall "Request comments from the applicant, if any." 40 CFR 1503.1(a)(4) states that the agency shall "Request comments from the public..." Clearly the CEQ regulations make a distinction between the applicant/proponent of the action and the general public and other interested and affected parties. Unfortunately for everyone involved, the BLM PRRA/CDO personnel involved with the development of this DEIS have chosen to exclude the operators from most information, discussions or work sessions which were not open to the general public.

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Chevron recommends that PRRA/CDO BLM personnel at the very least involve the proponents of an action in a discussion of the feasibility of the range of alternatives proposed for analysis in an EIS. After all, when the decision is made and project development begins, it will be the project proponents and the BLM who must implement and abide by that decision. This fact alone exemplifies the point that proponents of an action should be afforded a higher level of participation in the NEPA process. Chevron contends that in this instance, if BLM had sought or accepted the operator's input, the DEIS could have been more expeditiously completed, and that the range of alternatives would have reflected a more realistic scenario in the DEIS. Additionally, as pointed out by the GRBAC report, BLM would have fewer comments to respond to.

45-2
(cont.)

mitigation as an alternative to be analyzed in the DEIS. The CEQ regulations state at 40 CFR 1502.2 (g): "Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made."

Chevron recommends that BLM adhere to the CEQ regulations and strive to ensure that its NEPA documents contain an objective analysis of actual, feasible alternatives to a proposed action, not just mitigation techniques proposed on a presumption of significant impacts.

A process point that involves the printing and distribution of the DEIS is also of economic importance to Chevron. It is our understanding that 650 copies of the DEIS were printed and distributed by the third party contractor at the direction of BLM. This action was taken with no operator input, yet at a cost to the operators estimated to be in excess of \$26,000. While Chevron recognizes and respects that BLM is responsible for ensuring that the process is conducted appropriately and that BLM is responsible for the contents of the document, Chevron maintains that it was not appropriate or necessary to force the operators to incur this expense without some effort at distribution reduction, coordination or communication. 40 CFR 1500.4(h) states that agencies shall reduce excessive paperwork by "Summarizing the environmental impact statement (1502.12) and circulating the summary instead of the entire environmental impact statement if the latter is unusually long (1502.19)." 40 CFR 1502.7 sets page limits by declaring that "proposals of unusual scope or complexity shall normally be less than 300 pages." 40 CFR 1502.19 declares "if the statement is unusually long, the agency may circulate the summary instead...". This draft EIS is over 400 two-sided pages long, certainly qualifying as 'unusually long'! For reasons unclear to Chevron, BLM PRRA/CDO personnel approved a mailing list that not only contained numerous duplications and individuals who shared an address, but also to almost every radio station, television station, and newspaper in the state of Wyoming! This BLM decision has resulted in an unnecessary and unacceptable expense to the operators, and is clearly not within the intent of the CEQ regulations.

45-3

It is not clear from reading the analysis in Chapter 4 or Chapter 5 that impacts from the project can be demonstrated to have significant impacts to raptors in the project area. The only place in the document that a statement that effectively calls the impacts significant is in the executive summary. In fact, all of the alternatives result in only a "displacement" of from 3 to 7 pairs of raptors from within the project area. The monitoring data gathered by the operators over the last three years can be interpreted to show that raptor nesting attempts in the field have actually increased, not declined. That data certainly does not substantiate the notion that field activities have caused significant impacts to raptors of any species in the project area.

Chevron recommends that all available existing, defensible data or documentation which supports the conclusion that significant impacts to any species of raptors will occur or have occurred as a result of project activities be included in the draft FEIS, as required by the CEQ regulations.

45-1
(cont.)

Chevron recommends that when the draft FEIS is ready for distribution, PRRA/CDO BLM personnel comply with the CEQ regulations and follow well-established, standard BLM protocol for reducing paperwork and operator expense. The draft FEIS should be summarized. Typically BLM

45-4

Chevron is unaware of any biological justification or precedent for this Alternative. An examination of monitoring data for the project area, conducted and paid for by industry, indicates that of the 11 nests 'selected' by BLM for protection, less than 33% of them have been occupied in the past three years. Of that thirty three percent, two nests were abandoned for unknown reasons. Neither was located near any active oil and gas development activity. The third nest, and the only nest selected by BLM that is known to have been the site of successful fledging over the last three years, was a ferruginous hawk nest, but was used by a pair of golden eagles. In addition 4 nests in the immediate field area which are *not included* on the list of nests to be protected were occupied in 1996! These facts clearly bring a large degree of doubt to bear on the validity of this raptor mitigation technique. The DEIS states that these nests were "identified based on biological factors and nest habitat conditions for analysis in this alternative."

Chevron recommends that the referenced biological factors and nest habitat conditions be revealed by the BLM in the FEIS, thereby explaining and justifying on a biological basis why these particular

sends postcards to all appropriate individuals, organizations, interested and affected parties, and agencies. This inexpensive postcard requests that the card be returned to BLM if the recipient wishes to receive a copy of the document. This technique is regularly applied in other BLM districts within the state and effectively reduces the printing burden to less than 350 copies on the average, even on highly controversial and large projects. Chevron recommends this method be employed by BLM to further reduce printing and distribution costs associated with the draft FEIS.

nests were selected over other nests in the project area. There are numerous references cited in the DEIS that document the use of alternative nest structures (ANS) as a form of raptor mitigation. The documentation cited shows that ANS are effective in actually increasing nest yields of ferruginous hawks. Chevron requests that the BLM document the factors which lead it to conclude that this 'nest-protection' approach to raptor mitigation is more effective than ANS in mitigating impacts to raptors from oil and gas activities.

PROPOSED ACTION AND ALTERNATIVES

Chevron commends the BLM for its efforts to ensure that no species of raptors is impacted in any way by project operations. Chevron shares that goal. The alternatives analyzed in the DEIS reflect the BLM's extensive and careful consideration of a number of available mitigation methods to protect raptors and raptor habitat. The raptor mitigation proposed by BLM in the DEIS is all-encompassing and, if implemented would not only ostensibly prevent any impacts from occurring to nesting raptors through the use of seasonal restrictions, but also *mitigate* any impacts that might occur through the use of off-site ANS, monitoring, and the creation of the Key Raptor Area as "compensation".

45-5

The DEIS states: "When oil and gas development is proposed anywhere in the PRRA, the year-round buffer, increased seasonal buffer, casual use, and unusual maintenance stipulations would have to be evaluated in an environmental assessment and selected in the decision document before being implemented." (emphasis added). Chevron does not understand the process BLM proposes to employ to implement this Alternative (mitigation) across the PRRA. Chevron believes implementation of this alternative would require an amendment to the Platte River Resource Area Resource Management Plan (RMP). As it is now written, the RMP states on page 4.b that: "To protect important raptor and/or sage and sharp-tailed grouse nesting habitat, activities or surface use will not be allowed from February 1 to July 31 within certain areas encompassed by the authorization." The proposed mitigation for the entire PRRA clearly goes well beyond the RMP. An amendment to the RMP would require NEPA analysis. Chevron believes that an amendment to the RMP cannot be accomplished through the analysis in this EIS, because of a lack of scoping for that type of action, lack of notice to interested parties, and a lack of analysis sufficient to justify a Resource Area-wide change such as has been proposed in this DEIS. In fact, this type of raptor mitigation was proposed by the PRRA wildlife biologist and rejected by BLM nearly 20 years ago when the RMP was originally drafted. Recommendation WL-31 of the BLM Neotoma Management Framework Plan (MFP) states: "Request an area of one mile radius around active nests within which the following actions are withdrawn: minerals exploration and mining; lands surveying; appraising and right-of-way construction; range improvement project construction; recreational visits, and disturbance to vegetation or nest-supporting structures." The BLM's Multiple Use Analysis stated in response to this proposal: "Conflicts were identified by lands, range, minerals, and recreation with this proposal. A withdrawal of this magnitude would have a drastic restricting effect on multiple use of public land." Recommendation WL-34 states: "Retain under BLM administration the public lands within one mile of all raptor nests." The BLM's Multiple Use Analysis replied: "...the combined effect of the recommendation would be large." The MFP did not ultimately reflect these recommendations (for a discussion of the purpose and objectives of the MFP, see page 1-11 of the DEIS). Clearly when the PRRA wildlife biologist made these recommendations in 1978 they were deemed unacceptable by BLM resource specialists and management.

Chevron is not opposed to mitigation per se. However, if efforts to mitigate impacts are to be employed, all parties involved should work together to ensure that the methods work and that impacts to sensitive species such as ferruginous hawks are minimized. In fact, Chevron's comments below are meant to reflect a cooperative effort at assuring that whatever mitigation is included in the BLM's ROD is well-thought out, reasonable, effective in mitigating project impacts, and accomplishes its intended purpose.

Alternative A

Chevron does not view Alternative A as an *alternative* to the Proposed Action. Alternative A is a raptor mitigation proposal attached to the operator's proposed action. Mitigation should be required as a *result of analysis*, and through a finding of impact reduction opportunities. Mitigation should not be disguised by BLM as an alternative to be analyzed. The method that BLM employs here *presumes* significant impacts to raptors in the project area without analysis or data to support that presumption, and then proposes

45-2

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

- 45-5 (cont.) Chevron recommends that BLM once again reject these recommendations based on the lack of additional data or biological justification and the significance of the impacts to multiple use of public lands. BLM should reveal in the draft FEIS why this type of Resource Area-wide change in the RMP raptor mitigation recommendations would not require an RMP amendment or describe why BLM believes that an amendment can be accomplished through the DEIS analysis.
- 45-6 Chevron believes this alternative as it is described raises serious legal issues regarding posthumously applying NSO stipulations to leases issued without those stipulations. This type of action by BLM, superseding valid existing lease rights, clearly constitutes an actionable government taking of property, prohibited by the Federal Leasing Act. When, such as in this case, implementation would result in a waste of a natural resource by expressly prohibiting the lessee access to a part of the lease, the BLM would be directly liable for the damages resulting, requiring compensation to be made to the lessee. This type of action is in direct conflict with the BLM's mission with regard to the federal estate, 40 CFR 3161.2, and Wyoming Oil and Gas Conservation Commission regulations.
- Chevron directs the BLM's attention to the March 19, 1997 Supreme Court Decision regarding the ability of citizens who have suffered economic harm as a result of efforts to protect endangered species to sue the federal government. This decision will undoubtedly affect the resolution of environmental disputes in this country. Chevron recommends that the legal aspect and ramifications of Alternative A be evaluated and revealed in the draft FEIS. Should a legal analysis of the impacts of implementation of this alternative reach the obvious conclusion that the action would constitute a taking or require compensation, Chevron recommends that BLM reject it from further consideration on that basis.
- 45-7 Alternative A proposes mitigation that would protect raptor selected nests in the project area. Chevron believes the goal of raptor mitigation should be to protect raptor species and viability, on a broad scale, not a site-specific approach that only protects selected raptor nests. Of course there is a direct link to nesting habitat availability and raptor nesting success. However, as the analysis in Chapter 5 discusses, the more important factor in raptor nesting success is prey base levels. As clearly evidenced by the abundance of unused nests in various states of condition at Cave Gulch, habitat is not the limiting factor for nesting attempts in the project area. The larger 273 square mile Greater Cave Gulch Raptor Analysis Area (GRAA) was surveyed because all parties agreed that it "large enough to provide a reasonable base
- from which to estimate cumulative impacts for the proposed project." The conclusion of that analysis is that "prey base availability is currently limiting raptor production." The DEIS also states in Chapter 5 that "it is likely that no significant, long-term cumulative impacts to raptor population production on the GRAA will result from the implementation of any of the alternatives," with the implementation of mitigation that does not include Alternative A. Only as prey base increases and "more raptor territories are established" would nesting structures become the factor limiting raptor production.
- Chevron recommends that the BLM consider mitigation techniques in the draft FEIS that will incorporate goals to limit impacts to raptor species in the larger context of the project area. As the analysis is currently written, the BLM has attempted to analyze impacts on individual pairs of birds in the immediate project area only.
- 45-8 Chevron questions if the selected nests would be 'protected' forever, even if they are not used for some period of time. Chevron believes there is no scientifically valid, biological basis for attempting to protect unoccupied nests. Should one of the identified nests not be utilized sometime in the future, this would be the case. What about new nests that are built by raptors subsequent to this analysis? Will they be added to the list sometime in the future, and new "year round" buffer zones delineated around them?
- Chevron believes that this mitigation is untenable and would be extremely difficult, labor-intensive, and costly for BLM to implement. It is Chevron's recommendation that BLM reject this mitigation proposal.
- 45-9 Chevron believes that no consideration was given to the location of the selected nests in regard to existing production facilities. Chevron strongly objects to the inclusion of ferruginous hawk nests #3 and #4 in the list of "protected" nests. Nests #3 and #4 are located very near an existing Chevron production facility, and have not been occupied for the last three years, and possibly longer. By including these nests, as well as changing the seasonal stipulations to year-round, this facility suddenly becomes "off limits"! Chevron has already proposed and discussed plans with BLM to begin operations at this facility. The proposal was denied in the June 14, 1996 EA and Decision Record for Interim Development, on the basis of the location of these nests. If this alternative were to be chosen by BLM, Chevron would be forced to abandon a wellsite that has been in existence for over 40 years, and initiate new disturbance elsewhere to recover the reserves beneath that lease.
- Chevron also strongly objects to the inclusion of Ferruginous Hawk nest #33 for the same reasons given above.
- 45-9 (cont.) Chevron recommends that BLM examine the areas delineated as year round buffer zones for the list of selected nests in this proposal. If these areas already contain production facilities or other man-made structures, BLM should abandon this mitigation technique as it is clearly not feasible.
- 45-10 The DEIS presents no data to justify expanding seasonal buffer zones to a one mile radius around all selected ferruginous hawks nests in the project area. Obviously, BLM must have some biological justification for the determination that a 3.14 square mile buffer zone around each selected ferruginous hawk nest is necessary. This data certainly must be different than the data BLM had available when it determined in the RMP that a one quarter to one half mile buffer zone was a sufficient safeguard against impacts from human activities, including oil and gas development. The one quarter to one half mile buffer zone must have been proven to be insufficient based on defensible documentation. The data must also explain the documented instances of ferruginous hawks building and using nests less than one quarter mile from existing production facilities, and instances of ferruginous hawks returning year after year and successfully fledging young repeatedly from nests built on top of storage tanks on active oil and gas production facilities within the project area.
- Chevron recommends that BLM present this data in the draft FEIS and analyze the socio-economic impacts on the human that would result from implementing expanded seasonal buffer zones. If this data does not exist, this expansion of seasonal buffer zones around selected ferruginous hawk nests should be rejected as unsubstantiated and unnecessary.
- 45-11 Chevron finds no biological justification in the DEIS for wholesale consolidation of production facilities. Additionally, the operators maintain that the notion of consolidated production facilities is not economically or technically feasible. The nature of the produced fluids and a variety of other factors would make this action impossible to implement effectively and still have efficient production operations. The additional cost incurred as a result of attempting to maintain this type of operation would undoubtedly result in the less productive parts of the field being by-passed, and result in a waste of natural resources.
- Chevron recommends that the BLM include in the draft FEIS a feasibility study and socio-economic analysis of impacts to the human environment as a result of wholesale consolidation of production facilities. If this analysis results in a finding of a waste of natural resources and significant socio-economic impacts, BLM should reject this concept.
- 45-12 Chevron submits that the proposed "casual use and unusual maintenance" restrictions proposed in Alternative A are completely unsubstantiated. There is no discussion anywhere in the document revealing how or why BLM concludes these measures are necessary. If BLM has defensible documentation which supports the idea that these types of activities have detrimental impacts on nesting raptors, that information should be revealed in the draft FEIS. Certainly it can be argued that other users of the public lands in the project area could be shown to have a greater potential impact on nesting raptors than land surveyors and archaeologists. Chevron believes it completely unreasonable that BLM ascertains that this type of restriction should be imposed project-wide with no substantiation or data to justify the conclusion that it is necessary.
- Chevron recommends BLM justify this recommendation in the draft FEIS with data and references to documentation of the impacts from these types of activities on nesting raptors. In accordance with the CEQ regulations, the draft FEIS should contain a socio-economic analysis of the impacts of this requirement. Chevron does not believe that BLM can produce this documentation, therefore BLM should dispense with the recommendation.
- Summary of Chevron's recommendations pertaining to Alternative A In the DEIS:
- Chevron recommends that BLM strive to ensure that it's NEPA documents contain an objective analysis of actual alternatives to a proposed action, not just mitigation techniques for pre-supposed impacts.
 - Chevron recommends that all available existing, defensible biological data or documentation which supports the conclusion that significant impacts to any species of raptors will occur or have occurred as a result of project activities be included in the draft FEIS.
 - Chevron recommends that this alternative, which as described, would require an amendment of the RMP, should not be analyzed further in this document.
 - Chevron recommends that BLM recognize and acknowledge that Alternative A of the DEIS would be impossible to implement without a taking, breach of contract, or compensation for reserves that would not be recovered.
 - Chevron recommends that BLM dismiss implementation of any aspect of this alternative because it would result in an unavoidable increase in operational expenses leading to an unnecessary and illegal waste of natural resources.

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- Chevron recommends that BLM consider impacts to, and mitigation for more than just the individual pairs of birds in the immediate field area. BLM should utilize the entire data base it has to determine if significant impacts will occur to 'populations' of raptors in the project area.
- BLM should not select casual use or unusual maintenance restrictions, "year-round" raptor buffer zones, consolidated production facilities, or expanded seasonal buffer zones either separately or in combination as a form of mitigation in the Record of Decision.

45-17

- Chevron questions whether BLM has the scientifically valid data that supports the conclusion that oil and gas development activities or rights-of-ways pose the worst, or any threat to nesting raptors in the project area. If BLM has data that clearly shows that other valid users of the KRA, such as hunters, recreationists, ranching, etc. do not pose a significantly higher threat to raptor nesting than those uses which BLM proposes to restrict, it should be included in the draft FEIS.

Chevron recommends that BLM provide biological justification for calling the KRA off limits only for select users of public lands.

Alternative B

As with Alternative A, Chevron views this "alternative" as a re-statement of the Proposed Action with raptor mitigation.

45-13

- Many of the comments and recommendations detailed above also apply to Alternative B in the DEIS. Specifically, BLM suggests in Alternative B that: "When oil and gas field development is proposed in the Key Raptor Area, the year-round buffer, increased seasonal buffer, and unusual maintenance stipulations would have to be evaluated in an environmental assessment and selected in the decision document before being implemented."

The application of these techniques is not biologically justified. This type of statement clearly divulges the BLM's expressed intent to apply these stipulations on a Resource Area-wide basis. Therefore Chevron recommends that these options be rejected for the reasons given in Chevron's comments on Alternative A.

45-18

- BLM justifies the KRA in part by declaring that: "the Key Raptor Area has low oil and gas development potential." This conclusion is reached in the referenced Wyoming Reservoir Management Group report "Mesaverde Formation and Alternative Raptor Nesting Site Area Evaluation" dated April 4, 1998. The authors of that report examine and reference two published reports and one published map at a scale of 1:100,000 in reaching their conclusions. But, in the DEIS, BLM conveniently ignores the predictions made in this very same report regarding "the most likely exploration scenarios..." of the KRA. The report concludes that as many as 14 exploratory wells will be drilled in the area. BLM also chooses to ignore several other factors that would not lead a reasonable person to conclude that this area has "low oil and gas potential." The Bullfrog-Cave Gulch complex is located immediately adjacent to the KRA to the northwest and the Powder River, Clark Ranch, and Boone Dome oil fields lie immediately adjacent to the KRA to the southeast. In other words this area is exactly on trend with a number of highly prolific oil and gas fields. Further, the DEIS contains Table 4-25 which lists the lease status, bonus bid, and issue date for all the leases within the KRA. Interestingly enough, the entire area is leased save one 40 acre private tract. The oldest lease was taken in 1990. The majority of the leases have been taken since 1994. The bonus bid in \$/acre ranges from a low of \$1.50 to a maximum of \$120.00. This high level of industry interest is a much better indicator of the oil and gas potential of the area than the data BLM relies on in the DEIS. BLM should consider that the Cave Gulch Unit was considered low potential acreage too, until Barrett drilled the Cave Gulch #1!

45-14

- Chevron does not accept the premise that creation of the Powder River Draw Key Raptor Area (KRA) will in anyway mitigate impacts from the project area. Indeed, the DEIS states that "...the KRA will not mitigate the loss of raptor production on the Project Area...", and that "the ability of the KRA to support additional raptor territories is in question." The KRA is even described in the DEIS as an area that "will help to *compensate* by serving as a long-term nucleus area that will help to protect and stabilize the on-going production of raptors in the greater area and region and help to minimize cumulative impacts." (emphasis added). Additionally, the DEIS states that "The Key Raptor Area would also serve as a dissemination area from which to populate or repopulate other areas in the GRRR where *future disturbances* may cause temporary depletions in raptor populations." (emphasis added). From these comments it is readily apparent that BLM's stated intent for the KRA is not to mitigate impacts from the project, but rather to provide compensation for it's own past and *future* mismanagement of raptors within the entire Platte River Resource Area. Chevron's comments pertaining to Alternative A have already described the lack of data or statement in the DEIS supporting a

BLM should withdraw it's "low oil and gas potential" assessment for the KRA. It is unsupported by the facts, and is contradicted by the same report BLM references in the DEIS to support a low oil and gas potential conclusion. This type of unsubstantiated, anecdotal justification of an apparently predetermined finding hurts the BLM's credibility.

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claim of significant cumulative impacts to raptors from this Proposed Action or any of BLM's alternatives.

Chevron recommends that BLM reconsider the purpose and stated objectives of management of these lands as a KRA. BLM should analyze the concept in a separate NEPA document. It is obvious that the KRA is not envisioned nor intended by BLM to mitigate or offset impacts from activities that will occur in the project area and that were analyzed in the DEIS.

45-15

- As previously quoted, the KRA is described in the DEIS as an area that "will help to *compensate* by serving as a long-term nucleus area that will help to protect and stabilize the on-going production of raptors in the greater area and region and help to minimize cumulative impacts." According to BLM Instruction Memorandum No. WY-93-160, signed by then-Associate State Director F. William Eikenberry, the BLM's Statement of Policy for compensation in the state of Wyoming directs that "compensation, as a form of off-site mitigation is not to be a routine operation of BLM in Wyoming." The Policy also states that "Participation by any party in compensation mitigation is to be strictly voluntary."

45-19

- The BLM's choice of management technique for avoidance of impacts to raptors in the area of proposed development in Alternative B adds management of casual use and unusual maintenance activities to the RMP recommendation for seasonal stipulations. It is incumbent upon BLM to recognize that, with implementation of Alternative B, it would create a situation where increased mitigation methods are employed in the area of development to *prevent* impacts to raptors. Furthermore, implementation of this alternative would create the KRA purportedly to *mitigate* impacts to raptors. In Chapter 4 of the DEIS the use of ANS is recommended as another raptor mitigation technique and describes the benefits that would be derived from this management decision. If BLM were to select Alternative B and include ANS in the ROD, the decision would represent a raptor mitigation "wish list". BLM would in effect have implemented very prohibitive seasonal restrictions and management of other activities to *prevent* impacts, which have not even been demonstrated by BLM to be likely to occur, much less be significant, and coincidentally enacted extensive mitigation in order to *decrease* impacts when they might occur. In a memorandum stating the BLM Regional Solicitor's opinion regarding takings and breach of contracts titled: Conditions of Approval for Granting Applications for Permission to Drill, it is stated: "...the fact that imposition of seasonal restrictions will avoid a taking of lease rights or breach of contract does not mean that seasonal restrictions should be casually imposed."

Chevron recommends that BLM comply with it's own Policy and avoid the involuntary imposition of off-site mitigation in it's final decision. Creation of this set-aside area in conjunction with this project is compensation for BLM mismanagement of other public lands at the worst, and involuntary off-site mitigation at best. The KRA is not mitigation for impacts from this project.

45-16

- Chevron questions how managing the public lands identified as the KRA only for raptor habitat is justified by this analysis or fulfills the BLM's mission of *multiple use* management objectives for public lands, as directed by FLPMA. Also stated in Instruction Memorandum # WY-93-160 is: "When evaluating a compensation situation, all affected resource values at the location are to be considered. *All resource users* are to be given the opportunity to participate in the evaluation and in any resulting compensation." (emphasis added). BLM has not made an effort to contact the holders of the valid federal mineral leases contained in the KRA, thereby clearing violating BLM's own Policy. As this alternative is currently described, the proposed KRA would be managed by BLM such that only oil and gas development, mining and rights-of-ways are limited.

BLM should heed the advice of it's own Regional Solicitor and not casually impose seasonal restrictions. BLM should carefully consider the voices of the citizens who spoke at the March 11, 1997 public comment meeting. They unanimously and eloquently described the dismaying effects of the imposition of the seasonal stipulations on their company's revenues, their employment opportunities, and their personal lives. Chevron strongly recommends that BLM include a socio-economic analysis of the effects of the seasonal stipulations on federal revenues, industry employment and revenues, state revenues, county revenues, and the economy of Natrona County and the state. That evaluation should discuss the positive impacts of eliminating the seasonal stipulations on all revenue streams and should compare that analysis to the negative impacts resulting from strict enforcement of the seasonal stipulations. BLM should follow the warning of the Regional Solicitor, evaluate and weigh the conclusions reached in the new socio-economic analysis, consider the public's comments, and evaluate valid, existing biological data when deciding which course BLM chooses for raptor mitigation in the ROD.

Chevron recommends that BLM abandon all attempts to characterize the management of the KRA as *multiple use* of public lands. BLM has violated it's own Policy by failing to coordinate with lease holders in the area, as well as other users of the public lands.

- The BLM's proposed new "casual use and unusual maintenance" restrictions were discussed in detail in Chevron's comments on Alternative A. Those same comments and recommendations apply to Alternative B.

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Summary of Chevron's recommendations pertaining to Alternative B in the DEIS:

- Chevron recommends that the application of BLM's proposed year-round buffer, increased seasonal buffer, and casual use and unusual maintenance stipulations to field development proposals in the KRA be rejected for the reasons already given in Chevron's comments on Alternative A.
- Chevron recommends that BLM reconsider the purpose and stated objectives of the proposed management of the KRA. BLM should analyze the concept in a separate NEPA document. The DEIS does not support the need for the KRA as it pertains to impacts from the proposed action or any of the alternatives.
- Chevron recommends that BLM comply with its own Policy and avoid the involuntary imposition of off-site mitigation in its final decision.
- Chevron recommends that BLM abandon all attempts to characterize the management of the KRA as multiple use of public lands. BLM has violated its own Policy by failing to coordinate with lease holders in the area, as well as other users of the public lands.
- Chevron recommends that BLM provide biological justification for calling the KRA off limits only for selected users of public lands.
- Chevron strongly recommends that BLM include a socio-economic analysis of the effects of positive and negative impacts of the seasonal stipulations. BLM should not only heed the Regional Solicitor's warning about casual imposition of seasonal stipulations, but evaluate and weigh the conclusions reached in the new socio-economic analysis, and consider the public's comments when deciding which types of raptor mitigation to select in the ROD.
- BLM should withdraw its "low oil and gas potential" assessment for the KRA.

General Discussion of Alternatives

- One suggestion raised during scoping was the elimination of the seasonal raptor stipulations. As discussed in the DEIS, this proposal was considered by BLM as an alternative, but was not analyzed further. BLM states that this alternative was not studied in detail because "direct impacts to raptors while they are nesting could occur." BLM further concludes that: "...without a permit... (t)his would be an unauthorized taking... (which) would be in violation of Federal Law." As BLM points out in the DEIS, all that is required to overcome this "violation of Federal Law" would be a United States Fish and

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45-24

Wildlife Service (FWS) taking permit. It seems incongruous for BLM to casually dismiss this proposal on a technicality, yet analyze Alternative A which raises many legal questions, and the setting aside of over 6,200 acres for special raptor habitat management in Alternative B. It is incredulous that BLM could casually overlook all of the attendant problems with the alternatives selected for analysis in the DEIS, and yet all but ignore this proposal. Clearly, BLM believes that field development over time will result in the potential short-term displacement of raptors in the area of the most intensive development. The DEIS states this, and the BLM wildlife biologist discussed it at the March 11, 1997 public meeting. Chevron maintains that a gradual displacement of raptors is no less a taking than a concerted effort to coerce raptors to nest in other areas until intensive development is completed. Under the Migratory Bird Treaty Act, both activities require a FWS permit. The operators would, of course, obtain such a permit.

45-20

Chevron submits that BLM should rescind their determination that the assumed lack of a FWS permit is a valid rationale for dismissing the proposal of eliminating seasonal stipulations for the field area from further consideration in the DEIS. Chevron strongly recommends that BLM should include an evaluation of this proposal in the draft FEIS. That evaluation should include the socio-economic benefits of the elimination of the seasonal raptor stipulations for the project area. The draft FEIS should also consider the combination of ANS and elimination of seasonal stipulations as potential raptor mitigation, and acknowledge that a FWS permit would be obtained.

45-25

- The Proposed Action identifies a total of 24 potential deep tests in the northern portion of the project area. It is estimated in the DEIS that these deep tests will result in approximately of 175 acres of surface disturbance. The operators proposed drilling these deep tests from expanded, existing well sites in order to minimize surface. The DEIS indicates that no deep tests were included in the approximation of the surface disturbance for either of the BLM's alternatives. Consequently, Chevron believes the analysis is flawed by the apparent omission of approximately 175 acres of surface disturbance from Tables 2-5, 2-7, 2-8 and 2-9. Unfortunately, these incorrect numbers are carried throughout the analysis. A correction will result in BLM's preferred alternative resulting in the greatest number of acres of short and long-term surface disturbance of all the alternatives.

45-26

45-21

Chevron recommends that BLM rectify this oversight and include the additional 175 acres of surface disturbance in the analysis of each of BLM's alternatives in the draft FEIS.

45-27

45-22

- For reasons indecipherable to Chevron, BLM chose to use 'spacing areas' from the Final WRMG reservoir report as the basis for the alternatives. (See

the last sentence of paragraph 5, Page 2-1 in the DEIS) BLM's 'spacing areas' do not make any sense from a reservoir management standpoint, and represent a very unrealistic probability for development. The proponents of the action described 5 'planning areas' in the proposed action that roughly correspond to the Preliminary WRMG reservoir report (see Figures 2-14 and 2-15 in the DEIS). Unfortunately using this approach has led to an analysis that compares two very different scenarios. BLM does not regulate spacing in the state of Wyoming. The Wyoming Oil and Gas Conservation Commission has rules in place and regulates the industry, even on federal lands, to prevent waste and protect correlative rights, the primary reasons for spacing orders.

Chevron recommends that BLM revise their alternatives such that the analysis in the DEIS is consistent.

- There are several statements throughout the DEIS that conclude that the operator's "relied on" or "based" the Proposed Action on the Preliminary WRMG report. These statements are in fact completely false. BLM has evidently forgotten that the WRMG reports were based on data available from public sources, such as WYOGCC records, and data voluntarily provided to the BLM by the operators.

BLM should correct all statements in the DEIS alluding that the proponents of the action depended on the Preliminary WRMG report to describe the Proposed Action.

Omissions and Corrections

There are many omissions, repetitions, and corrections throughout the document. Chevron's comments will be confined to only those of a substantive nature.

- BLM has asserted throughout the document that this is a site-specific EIS. The proponents of the action have asserted from the beginning of the process that it should be a conceptual EIS. From the experience of the two previous EA's in the project area, it was clear that trying to be specific about every road, pipeline route, well pad location, and ancillary facility location was not feasible. The Proposed Action was submitted to BLM in as precise a form as possible, but was still conceptual regarding descriptions of exact well pads, etc. BLM agreed to this approach in a meeting on March 28, 1996. In the DEIS, a lot of attention is focused on this being more 'site specific

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proposed action and alternatives." Clearly, the BLM is confused about the conceptual nature of this EIS. In fact, BLM states that "BLM identified probable well pad locations under the Proposed Action and alternatives based on reasonable geologic and reservoir assumptions." (see disclaimer on Figure 2-1). When the public examines these "probable well pad locations" they will see that each location selected by BLM is in the center of a spacing area, with no regard for reasonable assumptions. No roads, pipeline routes, or ancillary facilities locations were selected by BLM or the operators. Why try to portray this EIS as something it is not?

BLM should remove all references to the site-specificity of this EIS from the draft FEIS.

- Page 1-10, par. 3: The DEIS states: "The (NEPA) analysis is to determine whether approval of the action would result in unnecessary or undue degradation of the land." (emphasis added). That is not the intent of NEPA! The National Environmental Policy Act of 1969, as Amended states: "The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council of Environmental Quality." (Pub. L. 91-190, 42 U. S. C. 4231-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, and Pub. L. 94-83, August 9, 1975).

Chevron recommends that BLM carefully read the words in NEPA, and reconsider the purpose of this analysis.

- Page 3-69, Section 3.8 Recreation: This area is not a developed recreation area or wilderness, it is used primarily for agricultural processes and oil and gas production. It is absurd to claim: "A very important use of the project area is scenic touring," without any data or documentation. The significance criteria described in Chapter 4 for recreation are more appropriate for a wilderness area, not an auto junkyard or ranch land that has had a gas field on it since the 1950's.

Chevron recommends that BLM re-assess the recreation portions of Chapter 3, 4, and 5 in the DEIS. The finding of significant impacts to recreation users of the area is insupportable and should be rescinded.

- Page 3-73 of the DEIS states: "The project area is not pristine. Cultural modifications to the natural landscape described above include 2 power transmission lines, an auto junkyard, oil and gas equipment, a power substation, well sites, access roads, ranch out-buildings, and a railroad

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

45-27
(cont.)

grade. The majority of these modifications are visible from the South Bighorn/Redwall National Country Backcountry Byway (sic)." Given these statements, it is preposterous for BLM to find significant impacts to visual resources from one component of the project.

Chevron recommends that BLM re-assess the visual resources portions of Chapter 3, 4, and 5 in the DEIS. The finding of significant impacts to visual resources of the area is insupportable and should be rescinded.

45-28

- Much of the analysis in Chapter 4, especially that relating to soils, water resources, vegetation and wetlands, and range resources, results in mitigation recommendations. A very large percentage of these recommendations were already proposed as part of the operator's application. If the proponents of the action have already volunteered to implement mitigation, why does BLM feel it is prudent to conduct analysis to show that it is necessary, and then recommend it again?

Chevron recommends that BLM not include proponent-proposed mitigation as analysis-derived mitigation in the draft FEIS.

45-29

- Page 4-49, third bullet: Chevron requests that BLM forego requiring contractors "to clean vehicles and equipment of weed seed prior to traveling into the project area" unless BLM can justify the need for this. Certainly that will be difficult considering the decades of agricultural use this area has already experienced.

BLM should remove this requirement from the list of proposed mitigation for vegetation.

45-30

- Page 4-59 par.2: The BLM states that "Under the Proposed Action, all nests in the project area would be protected until their use for nesting that season was determined." The RMP raptor stipulation that was quoted in the Proposed Action requires only "occupied" nests be protected by seasonal buffer zones.

Chevron requests that BLM correct this statement in the draft FEIS.

46-1

The Draft EIS documents the BLM's failure to manage the mineral estate, sacrificing it for the preference of the of the surface estate. For example, this Draft EIS places more emphasis on the protection raptors than is necessary because of concerns that the displacement of the raptors is harmful. Displacement of the raptors will not harm them. The birds are very capable of finding new locations to build nests. This mobility of the raptors is supported by looking at all the abandoned nests that the Draft EIS is concerned about.

More important, oil and gas activities can and do exist with other land uses, including the raptors. BLM must recognize that animals can and often do acclimate to the presence of man. In addition, BLM has adopted a policy of preventing ground disturbance either through timing limitation or buffer zones as possible mitigation measures. Buffer zones to protect nests are defacto land withdrawals that are not acceptable without the proper Congressional approval. Use of buffer zones as mitigation measures should be dropped from mitigation throughout the Draft EIS.

The NEPA planning process is being abused by the BLM to delay legal uses of the public lands and to fund research that Congress has determined is not needed. As verified in the Draft EIS, no special resource is identified that requires special management action that could not be addressed in a site specific Environmental Assessment. BLM has allowed this Draft EIS to grow larger than it should have specifically by expanding the analysis to cover the 273 square mile Raptor Analysis Area. The Yates believe the undocumented purpose of this expansion is to fund studies of the raptors in this area that BLM can not justify in their budget to Congress. BLM should refund to the operators the costs of this Draft EIS out of their current budget or alternatively develop a program to allow royalty credits for these costs.

SPECIFIC COMMENTS

1. BLM has gone beyond reasonable management methods to force this Draft EIS on the operators and failed to recognize that the preparation of the Draft EIS is their responsibility. The only reason this has become a major federal action that will significantly impact the environment is the simple fact that the BLM is not having to fund the preparation of the EIS. Coercing companies out of the private sector to pay for this Draft EIS is a questionable practice that the BLM should immediately review. Moreover, it is important to take note of the fact that the companies will receive no value for the costs associated with the Draft EIS. Instead, all they will be able to do is have a four pound paperweight to place on the shelf, because this document will not prevent the individual environmental assessments for specific projects that will require BLM authorization.

Recommendation: Review and redefine where appropriate, BLM's interpretation of what a major federal action is that requires environmental review according to and in compliance with the National Environmental Policy Act.

46-3

2. In the purpose and need analysis on Page 1-9, an implication is made that oil and gas development on BLM lands will cause significant impacts if development is allowed. Oil and gas activities do not cause a significant impact to the environment.

Draft EIS/Cave Gulch
4/1/87
Page 3

The use of the surface is of limited duration and dependent on the underlying oil and gas reserves; and when compared to all the BLM lands, a very small percentage of surface disturbance. Such small uses for exploration and development activities are not significant impacts that will adversely affect the environment.

Recommendation: BLM should recognize and state that oil and gas activities do not significantly impact the environment.

46-4

3. In Section 1.4 Environmental Analysis Process starting on Page 1-10, the Draft EIS says that "the analysis is to determine whether approval of the action would result in unnecessary or undue degradation of the land." This is not a completely true statement. One of the main purposes of the Draft EIS is for a disclosure document. The National Environmental Policy Act (NEPA) does not state that there can be no impacts, rather, it requires that the impacts be analyzed and disclosed. Furthermore, the allowance of surface disturbance is already permitted through Federal Land Policy and Management Act.

Recommendation: This section should be redrafted to state that this is a disclosure document. The implication that NEPA prevents impacts to the environment needs further explanation and legal support. Clarify that it is the BLM's management preference and not a requirement of NEPA to mitigate impacts.

46-5

4. Section 1-7 Issues and Concerns starting on Page 1-18 is the best example of why the BLM has created the need for this Draft EIS, instead of complying with the laws that govern how BLM should do their job. For example archeology, paleontology, and endangered species are listed as issues of concern and at the same time are all requirements of Federal Law that BLM is required to follow. Because BLM must follow these laws, they should not be at issue in this Draft EIS. Instead, recognized for what they are, laws that BLM must follow. Continually raising archeology, paleontology, and endangered species as issues implies that the BLM is failing to do their job. We do not believe this is the case.

However, if compliance with the law is what the issues of concern are supposed to be, then the following laws need analysis as well: 1) the United States Constitution with regards to taking of property without compensation, 2) Federal Land Policy and Management Act with regards to the multiple use mandate, 3) contractual law for breach of the lease contract, and 5) correlative rights analysis.

Recommendation: Include as an issue the waste of the oil and gas reserves caused by mitigation measures that prohibit development. Remove archeology, paleontology, and endangered species as issues of concern and address them as laws that require compliance along with others cited above.

46-6

5. BLM may be unintentionally limiting their analysis in this plan by presuming that they know how many wells will be drilled. Cumulative impact analysis is a requirement that must be analyzed in an environmental document. Starting on Page 2-1, specific numbers of wells are identified without a recognition that this number may be exceeded. It is not possible for the BLM to know what each person who owns a

MARTIN YATES, III
1912 - 1988
FRANK W. YATES
1928 - 1988



106 SOUTH FOURTH STREET
ARTESIA, NEW MEXICO 88210
TELEPHONE (505) 748-1471

S. R. YATES
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April 1, 1987

Bureau of Land Management
Casper District Office
Attn.: Kate Padilla, Team Leader,
1701 East "E" Street
Casper, Wyoming 82601

Re: Draft Environmental Impact Statement Cave Gulch - Bullfrog - Waltman Natural Gas Development Project, Natrona County Wyoming

Dear Ms. Padilla:

Yates Petroleum Corporation, Yates Drilling Company, Myco, Industries Inc., Abo Petroleum Corporation, Sharbro Ltd. Co. and John A. Yates (hereinafter Yates) own oil and gas leases in the area covered by the Draft Environmental Impact Statement Cave Gulch - Bullfrog - Waltman Natural Gas Development Project, Natrona County Wyoming. The Yates's are very concerned that the this process has delayed drilling plans for their companies as well as other operators in the area. From what we can see in the Draft Environmental Impact Statement Cave Gulch - Bullfrog - Waltman Natural Gas Development Project, Natrona County Wyoming (Draft EIS), the purpose and need for this document is very weak, and at best a stalling tactic to discourage the development of the individual oil and gas leases. From the outset, it is apparent that the Draft EIS fails to recognize the multiple use mandate for the management of the public lands from the Federal Land Policy and Management Act §1701(a)7.

Multiple use of the lands in the area of analysis is possible. Natural gas production is just one of the beneficial uses of the area under analysis. Management of these lands should recognize that acceptable that impacts will occur, including the building of roads and pipelines and the casual human occupation of the area. Attempting to manage the lands so that there is no impacts improperly prevents an authorized regulated use.

The Yates offer the following general and specific comments on this Draft EIS.

GENERAL COMMENTS

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- 46-6 (cont.) property right to develop lands in the described area is planning to do because the BLM has not contacted every owner of the property right. What these numbers represent are a select group of operators that have worked with the BLM in the preparation of this document.
- 46-7 6. Section 2.1.2 Alternatives to the Proposed Action does not consider a viable alternative; management of the area as an Area of Critical Environmental Concern (ACEC) for the development of the natural gas. Management as an ACEC for the natural gas will allow displacement of other uses. FLPMA allows the management of resources for a limited purpose if the resources have significant value. Section 1702 (a) of FLPMA defines an ACEC as an area "for special management attention to protect and prevent irreparable damage ... to important other natural systems or process." Present and potential production from the area exhibits natural characteristics that deserve classification as an ACEC for the production of natural gas.
- 46-8 7. Section 2.2.2.12 on Page 2-30 describes mitigation measures that will be voluntarily implemented by operators. Contained in this section is the implication that these mitigation measures will be applied to private surface. Requiring these mitigation measures on private surface goes beyond the authority of the BLM to approve operations. To imply that BLM has the authority to require this mitigation misleads leads a person who reads this Draft EIS.
- 46-9 8. On Page 2-34 a mitigation measure for raptor nests is suggested that would limit construction activities during the critical nesting season for that particular species. This limitation does not take into account that there may be sufficient natural barriers, such as a hill, that would provide adequate protection to the nest of the raptor without the timing limitation. Also, it is very unclear that the limits are to be removed around inactive nests.
- 46-10 9. Section 2.3 Alternative A on Page 2-36 is an unacceptable alternative to the management of these lands. Limiting the number of surface activities may not allow for the greatest ultimate recovery of natural gas and create the opportunity to allow a company to create a monopoly for providing services to other operators in the area. Topography may prohibit the concept of the central batteries because the natural and economic constraints this places on a project. The requirement to use central batteries may cause reserves to never be produced because these constraints will make the project fail to pass economic review of the operator. Likewise, specifically limiting the number of facilities also has the net effect of creating a monopoly of the area and possibly a violation of the anti trust laws. Preventing individual operators from developing their leases in the manner that they chose, forces the operators to chose development methods that are unacceptable to the operator and an unacceptable restraint on their freedom.
- 46-11 10. Section 2.3 Alternative A on Page 2-36 creates an illegal withdrawal of lands by creating the 1/4 to 1/2 mile buffer zones for the nests. The alternative fails to identify the acres associated with the proposed buffer zones, and by failing to do so may exceed the limitations on withdrawals found in §1714 of FLPMA. The exceeding of the limitation in §1714(c) is possible when one considers that the plan fails to identify how the buffer zones will work. If the 1/2 or 1/4 mile is a radius around the nest, then the total acreage around the 11 nests sights designated for this protection measure may exceed the 5,000 acre limitation placed on the BLM ability to withdraw lands.
- 46-12 11. On Page 2-38, a new concept for the management of day to day activities is proposed, identified as a casual use limitation. This concept would prevent the operator from complying with lease terms, allow problems to compound beyond a manageable state and generally disrupt the natural setting of the area. First, one element of an oil and gas lease is a requirement that production be established and maintained. If production stops, there is a problem that needs immediate attention to re-establish production. Timing limitations on the operators ability to conduct this work will cause the lease to expire since the operator would be prevented from maintaining production resulting in a takings. Secondly, by preventing normal daily maintenance on the surface and down hole, problems will exponentially increase from the forced neglect created by the timing limitation; valuable reserves will be lost. Thirdly, the site security requirements of in 43 CFR §3162.7-5(b)6 require that sites be visited to maintain production. Finally, by failing to allow access on a regular basis, human activity is prevented from becoming an integral part of the surrounding area. Animals will not acclimate to the presence of man, if man is prevented from being in the area.
- 46-13 12. On Page 2-38, specific nests area identified for application of a buffer zone. The location of these nests and the associated proposed requirements have the ability to prevent the Yates's from accessing a lease located in the NW/4 of Section 5, Township 36 North, Range 86 West among other leases. Preventing the development of this lease and limiting surface locations beyond reasonable requirements, will cause a taking of our lease.
- 46-14 13. On Page 2-40 the same reference to the casual use stipulation is made again. See comment #11 for comments.
- 46-15 14. On Page 2-40 the Draft EIS proposes the Powder River Draw Key Raptor Area (PRDKRA). This area encompasses valid and existing oil and gas leases that have high potential for the development of oil and gas. The Yates own leases in the area covered by this proposed PRDKRA and object to the fact that they have not been contacted concerning this proposal that will have the effect of withdrawing their leases from development. While the plan says that this is not the intention, we are concerned that this designation will prevent the BLM from cooperating with the processing of any applications filed for development because of the special status granted to this area. Regulatory red tape will be used to prevent the development of the leases and accomplish the takings without due process of law.
- 46-16 15. On Page 2-40, the Draft EIS proposes that in the PRDKRA be evaluated through the NEPA process at a future time when field development occurs. Through this plan and this requirement, BLM is attempting to expand the area of analysis beyond the reasonable scope of the Draft EIS. It is impractical for the BLM to keep expanding the area of consideration in this Draft EIS. This effort is nothing more than a make work project.
- 46-17 16. The proposed development scenario discussed starting on Page 2-46 presents just the development theories of the operators that have invested money into the development of the Draft EIS. The Yates can not agree that this is how they would develop their leases. To the extent that this Draft EIS impacts development rights on leases, the Yates object to this plan.
- 46-18 17. In the discussion of Paleontological resources starting on Page 3-9, strong consideration of the technique of avoidance needs consideration. By avoiding the resources, no damage will occur.
- 46-19 18. Air quality analysis starting on Page 3-11 needs to defer to the expertise of the appropriate State of Wyoming air quality bureau (WDEQ/AQD).
- 46-20 19. On Page 3-42, a very broad assumption is made concerning Waters of the US. This assumption may mislead the readers of the Draft EIS that the waters in the area as well as any drainage in the area are Waters of the US.
- 46-21 20. The Wildlife analysis starting on Page 3-52 fails to recognize that animals acclimate to the presence of human activity.
- 46-22 21. Raptor analysis starting on Page 3-59 fails to explain why it is important to protect unoccupied raptor nests and provide documentation support for this reasoning. Potentially, an abandoned nest can be used in future years, but the raptor will make this decision to nest considering the current status of the area, which may include oil and gas activities. Many times, raptors have chosen to build nests either on or near

Recommendation: All the alternatives should recognize that additional wells are possible and that the proposed wells represent BLM's current knowledge of proposed wells. This Draft EIS should cover additional development in the area not disclosed to BLM, but reasonably foreseeable.

Recommendation: Establish an ACEC for the development of natural gas in this area.

Recommendation: Reword paragraph to state that these mitigation measures apply to federal lands only.

Recommendation: Remove the requirement to mitigate for raptor nests and base mitigation on a case by case analysis.

Recommendation: Do not adopt Alternative A as a method to develop the area.

Recommendation: Specifically identify the acreage affected by the proposed buffer zones. Provide legal support for the ability to impose the 1/4 to 1/2 mile buffer zones.

Recommendation: Remove the casual use limitation.

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4/1/97
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Recommendation: Follow the multiple use mandate in FLPMA and remove from consideration the PRDKRA. Also, BLM should specifically limit the area they are analyzing in this Draft EIS and quit expanding the are by attempting to withdraw other areas of land.

Recommendation: Do not make the final plan so rigid as to impact the lease rights of operators that have not been consulted by the BLM in the preparation of this plan. Allow case by case analysis to be used in the development of projects covered by this plan providing adequate flexibility to accommodate all lease owners.

Recommendation: Adopt a policy of avoidance as a means to protect the Paleontological resources.

Recommendation: Defer to the appropriate State of Wyoming air quality bureau (WDEQ/AQD).

Recommendation: Provide legal support for the definition of Waters of the US and legal support for the conclusion that drainage's deserve the umbrella protection of Waters of the US designation. If not supported delete the reference.

Recommendation: Recognize that animals acclimate to human presence and activities.

Recommendation: Provide documentation support for this reasoning. Potentially, an abandoned nest can be used in future years, but the raptor will make this decision to nest considering the current status of the area, which may include oil and gas activities. Many times, raptors have chosen to build nests either on or near

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

- 46-22 (cont.) oilfield equipment. Moreover, BLM is not charged with providing perfect habitat for the raptors.
Recommendation: Make it clear that occupation of the surface will be allowed near unoccupied nests.
- 46-23 22. Also, in the Raptor analysis section starting on Page 3-59, several references are made to studies and publications for the reasons to support this analysis. Much of this information is not readily accessible to the general public and may be very highly subjective.
Recommendation: Review the data closely to remove the bias factor and provide assistance in providing access to this information.
- 46-24 23. On Page 4-6 the implication is made that an operator will be responsible for digging determined to be required to provide analysis of discovered paleontologic resources. This is the responsibility of the BLM and not the operator responsibility. An operator can effectively mitigate impacts to the resources by applying additional dirt as cover for the resources. Any efforts to excavate the resources are the responsibility of the BLM.
Recommendation: Recognize a mitigation avoidance as the preferred method and allow burial as a secondary mitigation measure. Clarify that BLM bears the financial responsibility for efforts to excavate the resources beyond stabilization.
- 46-25 24. On Page 4-29 mitigation for soils is discussed. It is important to remember that safety should not be sacrificed in the name of limited ground disturbance. Pads used in the development of the oil and natural gas should be allowed of sufficient size to permit safe operations. The BLM must remember the deeper the well the larger the pad.
Recommendation: Do not sacrifice safety for limited ground disturbance. Provide flexibility such that the individual operator determine pad size.
25. Starting on Page 4-70 mitigation for animals is discussed. BLM must recognize that they are responsible for all monitoring that is proposed in this section. Survey to determine the presence or absence of a species and the associated record keeping is the responsibility of BLM.
Recommendation: Clarify that BLM bears the financial responsibility for conduction the mitigation surveys that they are requesting.
- 46-26 26. On Page 4-71 mitigation for raptors is suggested that includes surveying and artificial nest structures (ANS). Both of these activities will require funding that is the responsibility of the BLM. Proposed operations for oil and gas activities should not be delayed because BLM has chosen not to budget these costs into their budget. Likewise, BLM should not force these costs onto the operator of a proposed project.
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4/1/97
Page 9
 BLM must make a determination from the information that they have in their possession.
Recommendation: BLM should accept the responsibility for the costs associated with the proposed mitigation and monitoring. If budget constraints prevent BLM from conducting these activities, then BLM management must decide not to conduct these activities and permit legal uses of the land.
- 46-27 27. On Page 4-74, mitigation for recreation is determined to include mitigation measures that will have inherent costs to complete the mitigation. Again, these costs are the responsibility of BLM.
Recommendation: Clarify the fact that BLM bears the financial responsibility for this mitigation.
28. On Page 4-79, mitigation for visual resources is determined to include mitigation measures that will have inherent costs to complete the mitigation. Again, these costs are the responsibility of BLM.
Recommendation: Clarify the fact that BLM bears the financial responsibility for this mitigation.
- 46-28 29. On Page 4-82, mitigation for cultural resources is discussed to include avoidance as the preferred mitigation measure. The Yates concur that this is the best method to mitigate cultural resources. A second method not discussed is the burial of cultural resources. Burial protects the cultural resources from any damage that could occur from surface exposure or the possible theft of the cultural resources.
 Finally, as a mitigation measure, data collection is discussed and would include significant costs. These costs are far in excess than other mitigation measures. As stated before, these costs are the responsibility of the BLM. Section 106 of the Archeological Protection Act places the responsibility for the resource protection on the BLM.
Recommendation: Continue current policy to have avoidance as the preferred method of mitigation, allow burial as a secondary means of mitigation, and thirdly recognize that BLM bears the responsibility and financial obligation for data collection.
- 46-29 30. Appendix C, Summary of Directional Drilling Within the Project Area, may be a possible mitigation measure. However, this option should be allowed at the discretion of the operator and not a mandatory requirement.
Recommendation: Make this an available mitigation measure at the election of the operator. BLM should not consider this as mandatory mitigation.
- 46-30 31. In the Draft EIS, no analysis on the impacts of small versus large operators is made. Great differences between what is economically feasible exist between large

46-30 (cont.) leasehold positions and small leasehold positions. Imposing the same requirements on all parties fails to recognize the differences between companies.
Recommendation: Specifically analysis the costs of the mitigation measures on a site specific bases for individual wells.

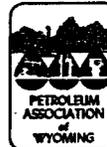
The Yates respectfully submit these comments and reserve the right to accept and adopt other comments submitted on this Draft EIS as if they were their own. To the extent something in this plan prevents or unduly restricts development of lease rights owned, consider it commented on and objected thereto.

Very truly yours,

YATES PETROLEUM CORPORATION


 Chuck Moran
 Landman

- cc: The Honorable Senator Craig Thomas
 The Honorable Senator Michael Enzi
 The Honorable Congresswoman Barbara Cubin
 The Honorable Senator Pete V. Domenici
 The Honorable Congressman Joe Skeen
 Claire Mossy, RMOGA
 Kathy Springer, PAW
 Mark Smith, IPAMS
 John McKay, NMOGA
 Will Waggoner, IPANM



PETROLEUM ASSOCIATION OF WYOMING

a division of Rocky Mountain Oil and Gas Association

951 Werner Court, Suite 100
 Casper, Wyoming 82601
 (307) 234-5335
 fax: (307) 266-2188

Richard T. Frobelle
 Executive Director

Thomas H. Clayson
 Associate Director

Cathy Schulte
 Office Manager

Katherine G. Springer
 Associate Director

April 1, 1997

Bureau of Land Management
 Casper District Office
 Attn: Kate Padilla, Team Leader
 1701 East "E" Street
 Casper, Wyoming 82601

Dear Ms. Padilla:

Included are comments of the Petroleum Association of Wyoming (PAW), a division of the Rocky Mountain Oil and Gas Association, in response to BLM's request for comments on the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project Draft Environmental Impact Statement (DEIS). PAW/RMOGA, represents a membership which accounts for the vast majority of the oil and gas exploration, production and transportation in the state of Wyoming.

BLM is to be complemented, regardless of the vacation and suspension of the two previous Environmental Assessments leading up to this EIS and the six month delay in issuing the DEIS. Unfortunately, it takes state and federal intervention to keep the process moving forward. Hopefully, this will facilitate the natural gas development in the Cave Gulch-Bullfrog-Waltman area beginning August 1, 1997, the day the Record of Decision (ROD) is signed.

47-1 BLM has heard loud and clear from the interested and affected parties this natural gas development project is crucial to the long term sustainability of Natrona County and the state of Wyoming. More than 300 individuals attended the scoping meeting. Although we heard first-hand comments from the ID team the testimony was staged by industry, we believe the comments represented a sincere statement of how the schools, the county and its citizens will be positively impacted by this development project.

Operators submitted their proposed action to BLM Platte River Resource Area ID Team in March, 1996 but were told as late as July 1996, BLM was still waiting for the proposed action. However, the DEIS contains numerous references to the operators' proposed action (see Pages 6-1 and 6-2) which directly conflicts with the ID Team's actions. It appears the ID team intentionally tried to subvert the process which is in direct conflict with Department of Interior Secretary Bruce Babbitt's accepting the Green River Basin Advisory Committee's NEPA Streamlining Recommendation (attached). This behavior should not be tolerated by any Resource Area/District Office/State Office or Federal office.

COMMENT LETTERS RECEIVED ON THE DRAFT EIS



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Casper, Wyoming 82601



951 Werner Court, Suite 100
Casper, Wyoming 82601

47-1
(cont.)

At first glance, the DEIS' tone is negative and inconsistent with BLM's stated goal of ensuring timely development of its natural resources in a reasonable manner. The DEIS suggests this oil and gas development project will proceed, but only after the operators have funded several special projects within the Resource Area/District Office. PAW represents operators currently involved in Wyoming who have participated in funding other oil and gas NEPA documents. This is the only EIS written which ignores the operators proposed action and analyses, in detail, insignificant issues. The following will further explain the basis of this comment.

When the Cave Gulch EA FONSI was vacated and the Bullfrog EA suspended, the reason, among other things, was the ANS structures were moved to the point BLM could no longer ensure a mitigated FONSI (BLM Decision Letter dated January, 1996). In addition, because the field was not delineated, and as companies drilled additional exploratory wells, new information prompted location changes. Here we are in the more formal, comprehensive EIS process with BLM mandating exact well locations (see Page 2-2, Figure 2-1). PAW is gravely concerned the same thing will happen again—companies will propose well locations different than what was analyzed in the DEIS—BLM will shut the companies down. This District Office must conform to the fact, the overwhelming majority of NEPA documents take a conceptual approach to field development, and its accompanying environmental analysis, rather than an analysis which allows for no flexibility. Development must not be delayed because of BLM's refusal to understand how the oil and gas industry operates.

47-2

Page S-3, (Proposed Action and Alternatives), the DEIS suggests only seven operators would drill and develop.... Does this mean if a communitized agreement were established, a lessee outside the seven would or would not be allowed to develop its lease? Please clarify.

47-3

Page 1-10 (Environmental Analysis Process), the DEIS states "The analysis is to determine whether approval of the action would result in unnecessary or undue degradation of the land." In fact, a landmark decision (*Robertson v. Methow Valley Citizens Council*, U.S. Supreme Court, 1989) reinforces the purpose of the "action-forcing device":

The statutory requirement that a federal agency contemplating a major federal action prepare such an environmental impact statement serves NEPA's "action-forcing" purpose in two important respects...It ensures that the agency, in reaching its decision, will have available and will carefully consider detailed information concerning significant environmental impacts, it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision...

Publication of an EIS, both in draft and final form, also serves a larger information role. It gives the public the assurance that the agency has indeed considered environmental concerns



951 Werner Court, Suite 100
Casper, Wyoming 82601

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in its decisionmaking process...and, perhaps more significantly, provides a springboard for public comment.

47-3
(cont.)

Therefore, the DEIS should be amended to reflect the objectives of NEPA which are to:

- consider every significant aspect of the environmental impact of the proposed action;
- and,
- inform the public that the agency did indeed consider environmental concerns in its decisionmaking process.

47-4

Page 1-18 through 20 (Issues and Concerns) It is disappointing to review the exhaustive list of perceived "Issues and Concerns" and to flip the page to the "Opportunities" where only 4 areas are listed. In fact, this natural gas development project is situated in an area that is *already congested with 2 power transmission lines, an auto junk yard, oil and gas equipment, a power substation, well sites, access roads, ranch out-buildings, a railroad grade, major pipelines (KN Energy, Express, Pony Express) and at the southern tip of the project, a state highway and paved road system* (DEIS 3-73). What better location to actively pursue oil and gas development which benefits Natrona County citizens, Wyoming and the nation with little or no adverse impacts to the environment. PAW recommends items 6, 7 (2nd bullet), 11, and 13 be moved from Issues & Concerns to Opportunities.

47-5

Page 2-50 (Table 2-8 Total Disturbance (in Acres) by Spacing Density Associated with the Proposed Action, Alternative A, and Alternative B) The proposed action discloses industry's intent to drill on 20/40, 160 and 320/640 (deep well) acre spacings. However it is not readily apparent BLM carries Alternative A and B deep well tests into its analysis. Wells drilled on 20 acre spacing will have greater potential to displace wildlife than a well drilled on 320/640 acre spacing. An explanation was given during the public meeting where BLM divided the deep wells into the 20-80 acre and 160 acre columns. However, it appears the 23 deep wells should be added to Alternative B (Preferred Alternative) which would increase the total surface disturbance by 174.57 acres. This also suggests Alternative B creates the highest level of surface disturbing activities—more than the operator's proposed action. Instead, the analysis should accurately reflect what the operators plan to develop and if the surface disturbing activities for 20-acre spacing are the same as 320/640-acre spacing. If not, this shell game is hard for anyone to understand—both industry and the public. To summarize, the analysis is incorrect and it should be revised to accurately and adequately reflect industry's proposed action.

47-6

Page 3-70 (3.9 Visual Resources) Given the language on page 3-73 describing the project area "as not pristine", the Visual Resources discussion is very confusing. The DEIS suggests "an estimated 65% of the project area contains 'Class C' scenic quality, 6,000 acres Class A scenic quality and 2,500 acres Class B scenic quality. Please demonstrate where, within the "2 power transmission lines, auto junk yard, oil and gas equipment, power substation, well sites, access roads, ranch out-buildings,

47-6
(cont.)

railroad grade, major pipelines, highways and paved road system", these *pristine* areas exist. Please disclose the population figures for Arminto. The area housed a local bar which attracted folks, but unfortunately it burned down more than 10 years ago leaving the town barren. The town is easy to miss because of its sparse population and we challenge any adverse impact to a town virtually closed.

A glossary section describes the Visual Resource Management classification (see Glossary Section discussion) but does not define Class A,B, or C. Again, this is very confusing to the reader and should either be defined in the Glossary or amended to mirror the Class 1-5 portion of the VRM definition.

47-7

Page 3-76 (Socioeconomics) While the project proponents and Natrona County Treasurer Gary Widup are the best sources of information regarding socioeconomics, several observations are discussed below. The Cooperative Extension Service, UW College of Agriculture, Department of Agricultural Economics conducted the socioeconomic portion of the SW Wyoming Resource Evaluation as well as other socioeconomic analyses for BLM and the state of Wyoming and use the attached outline for assessing socioeconomics. The DEIS appears to fail to analyze:

ECONOMIC STRUCTURES

- Employment by sector, with a comparison to Wyoming and the U.S.
- Personal income, with a comparison to Wyoming and the U.S.
- Labor income by sector
- Non-labor income (investment income and transfer payments)

ECONOMIC BASE

- Export sales by sector
 - Earnings by industry that use Federal lands
- In order to adequately analyze socioeconomic, the above mentioned categories and accompanying analyses should be included in the FEIS.

47-8

Page 4-19 (Summary of Erosion Estimates Due to Construction for the Proposed Action) We have been unable to locate any summary or reference to Table 4-5 in the text other than the table. The table also refers to a term "Best Management Practices (BMP)" which is undefined in BLM's rules and/or regulations. Recently, BLM inserted BMP's in the Fontenelle ROD, and the Jonah II DEIS, again without reference to a definition, promulgated rules or regulations. However, we call to BLM's attention several attempts to define BMPs. The Wyoming Nonpoint Source Management Plan issued its final Grazing Best Management Practices in March, 1997 which is defined as:



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Casper, Wyoming 82601

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A practice or combination of practices that are determined by a state or designated areawide planning agency to be the most effective and practicable (including technological, economic, and institutional considerations) means of controlling nonpoint pollutants at levels compatible with environmental quality goals. Abbr. BMP.

47-8
(cont.)

The Wyoming Nonpoint Source Task Force issued a policy in May, 1995 which states:
The process and procedure for promulgation of regulations in Wyoming is governed by the Wyoming Administrative Procedures Act. This act requires a more thorough public review process that that required for adoption of Best Management Practices, which are non-regulatory. Rather than impose an additional set of guidelines on the above named industries, in the form of BMPs, the Task Force hereby adopts the policy that the rules and regulations promulgated for oil and gas exploration and production of, mineral extraction, highway construction and underground storage tanks shall be considered the BMPs for these activities....(emphasis added)

To further illustrate, during the discussions of the Cumulative Impacts Task Force, BMPs were proposed as standards for protecting to the highest level possible wildlife and its habitat. The proposal was denied because BMPs have not been rules or regulations have not been promulgated for wildlife. PAW recommends the above state Nonpoint Source Task Force policy be adopted by BLM. PAW also strongly recommends before BLM reference any term undefined by promulgated rule or regulations, it be stricken from the document(s).

47-9

Page 4-67 (4.7.3.3.4 Raptors) *Nowhere in the DEIS* does it state the raptors will be "significantly and/or adversely impacted." In addition, more than 225 individuals attended and 28 public comments were made during the DEIS public meeting and testified the proposed six-month stipulation would have significant adverse impacts to the service companies. These companies/individuals are prohibited from supplying construction and drilling labor and are forced to look for work elsewhere. As a last resort, these individuals collect unemployment during the six-month seasonal stipulation (February 1 through July 31) which does not benefit the workforce nor the economy. Regardless of the current lease stipulations imposed on lessee, PAW recommends a permanent waiver to the six-month lease stipulation—it has no scientific, technical or economic basis.

BLM has suggested Artificial Nesting Structures (ANS) as a form of mitigation. Industry believes ANS have been used successfully in Wyoming and should be implemented in the Cave Gulch-Bullfrog-Waltman area (see attached article/Wyoming Game & Fish Department letter dated July 15, 1993) of the Boar's Tusk project. However, PAW has grave concerns the BLM-proposed 273 square mile area, which will be used to construct ANS, are located outside the area of analysis. PAW reminds BLM in its own Solicitors Memorandum dated May 6, 1991 and attached Instruction Memorandum No. WY-93-160 dated July 7, 1993 which view mandatory compensation (off-site mitigation) as a form of *land raising* "that was probably beyond the BLM's legal authority." The Solicitor also states mandatory compensation "... strikes the subjects of the 'contribution' as little more than thinly disguised

5

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47-9 blackmail." PAW recommends the 273-square mile proposed area for ANS be restricted to the area of analysis—40 square miles.

The need to establish a Key Raptor Area (KRA) is questionable at best. The DEIS admits *Although better habitat conditions are likely represented in the KRA because of the increased density of nests there, the ability of the KRA to support additional raptors territories is in question.* The 1992 US Bureau of Mines Availability of Known Mineral Deposit Areas (KMDAS) for Oil & Gas in Wyoming map shows the Cave Gulch-Bullfrog-Waltman area contain moderate to high potential. Moderate is defined as an area that includes mineral deposits (developed or undeveloped) and mineral occurrences having cumulative production and/or resources for commodity of interest less than \$1 million, based on 1981 prices (\$2/mcf). High potential is defined as an area that includes mineral deposits (developed or undeveloped) and mineral occurrences having cumulative production and/or resources for commodity of interest greater than \$1 million, based on 1981 prices (\$2/mcf). PAW recommends any reference to low potential is without basis and should be stricken.

47-10 BLM's internal Geologic & Reservoir analysis concluded that up to 15 wells could be drilled in the proposed KRA which is consistent with the KMDAS. Regardless of any ill-conceived justification on BLM's part, the area is currently under lease except for two small sections of land, and is open (not off limits) for mineral development. If BLM proceeds with this KRA designation, a complete disclosure of this takings action and compensation must be in the DEIS.

Finally, the KRA was not agreed to in the proposed action by the operators and is, therefore, not voluntary and must be considered off-site mitigation. The DEIS, on page 4-68, states "Although the KRA will not mitigate the loss of raptor production the Project Area, it will help to compensate by serving as a long-term nucleus area that will help to protect and stabilize the on-going production of raptors in the greater area and region and help to minimize cumulative impacts." For all the reasons stated above, PAW strongly recommends BLM reject the KRA.

47-11 Page 4-69 4.7.4.2. Raptors. The 2nd paragraph refers to Section 2.2.4.1 which does not exist. This section appears to reference Section 2.2.2.12 and should be changed.

47-12 Page 4-72 (4.8 Recreation) The DEIS has already defined this area as a "non-recreation site" (see 3-73). The criteria for determining significance is unfounded and, therefore, the analysis is flawed. To further explain, no data has been provided analyzing visitor days, recreational benefits (e.g. dollars generated from recreational activities in the DEIS area of analysis), or "displacement of recreationist" activities." To base a significant adverse impact on a "feeling" is insufficient, unjustified and, therefore, fatally flawed. Unless the DEIS can prove significance using the above criteria rather than perceived levels of isolation and solitude (wilderness values), the recreation section should be determined insignificant and/or stricken from the DEIS.



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47-13 Page 4-74 (4.8.5 Mitigation Summary) This is nothing short of compensation mitigation (see Solicitors Memorandum dated May 6, 1991 and attached Instruction Memorandum No. WY-93-160 dated July 7, 1993). One of the three "interpretative exhibits" suggest a plant and wildlife observation opportunity display. This is an inappropriate DEIS compensation mitigation measure and should be funded by BLM rather than the project proponents. If BLM's intent is to construct interpretive exhibits for the area, industry would support an exhibit showing the positive attribute of the natural gas development project (e.g. dollars generated from the field, people employed, how the field benefits education, etc.).

47-14 One final concern is that the Natrona County Commissioners have a great deal of expertise related to the socioeconomics of this area. It is appalling for BLM to presume county commissioners have never been granted cooperating agency status. In fact, it was stated during the public meeting, the county commissioners of Eureka County, Nevada were granted cooperating agency status on the Ruby Hill Gold Mine just last year. In addition, county commissioners were granted cooperating agency status on the Columbia River Basin project in Oregon. We just learned the county commissioners of Grant County, Utah were granted cooperating agency status to participate in the integration of the 37 NEPA-related handbooks currently used by BLM in a pilot project. David Williams, BLM Group Manager in Washington, DC I have been told can provide the details of the agreement (202) 452-7793. To suggest to the citizens of Natrona County or its elected officials that they have no expertise or no lawful place at the table is a slap in the face and totally unacceptable. The following CEQ Regulations emphasize the participation of local governments: 1500.5(b); 1501.1(b); 1501.5(c); 1501.5(f); 1501.6; 1503.1(a)(1); 1503.2; 1503.3; 1506.3(c); 1506.5(a); 1506.5.

Immediate steps should be taken to invite the Natrona County Commissioners to participate in the remaining DEIS, FEIS and Record of Decision process.

PAW appreciates the opportunity to comment on the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Draft Environmental Impact Statement. History in this area has proven extraction of natural resources can be accomplished in an environmentally sound manner for the good of Wyoming, its residents and its wildlife. The petroleum industry looks forward to maintaining its long standing partnership with the BLM in Natrona County and the state of Wyoming.

Sincerely,

Kathy
Kathy Springer

cc: Curt Parsons, PAW President
Dave Petrie, UPR
Terry Nimmo, Wexpro Company
Robin Smith, Chevron USA Production Company
Jennifer Head, Barrett Resources Company
Pat Childers, Marathon Oil Company
Walt Lunsford, Prima
Gil Kutchins, WA Moncrief
Alex Woodruff, CIG
Greg Bloom, KN Energy
Claire Moseley, RMOGA

Attachments:

Green River Basin Advisory Committee's NEPA Streamlining Recommendation
UW Cooperative Extension Service letter dated July 1, 1996
Wyoming Nonpoint Source Task Force Policy for BMPs dated 5/12/95
WY Nonpoint Source Management Plan Grazing BMPs Final Draft dated March, 1997
Wyoming Game & Fish Department letter dated July 15, 1993 of the Board's Tusk project
Rockstar Miner newspaper article dated July 15, 1993
Rocky Mountain Regional Solicitor Draft Memorandum BLM.RM.1241,1248
BLM Instruction Memorandum No. WY-93-160

48-1

Bureau of Land Management
Casper District Office
ATTENTION: Kate Padilla, Team Leader
1701 East "E" Street
Casper, WY 82601

Dear Kate:

I have read the draft EIS on Cave Gulch in its entirety, and have a few brief comments to make.

I support implementation of the Proposed Action as defined in the EIS for the following reasons:

- * As stated throughout the EIS, the careful management defined in this alternative minimizes negative impacts to the project area;
- * From a business perspective, it permits the lessees to extract the minerals in a way that is profitable to them, whereas Alternatives A and B could reduce profitability to the point of making it unfeasible to develop this resource;
- * The positive economic impact for both the State of Wyoming and Natrona County would come at a time of great financial challenge for Wyoming, due, in part, to restructuring of finances for education;
- * Artificial nesting structures have been used successfully for raptors around Campbell County's coal mines, so nesting should not hinder or prevent development of this important field;
- * The "public" needs to remember that providing jobs for Wyoming residents and adding to Wyoming's tax base is a public benefit from public lands!

For these reasons, I ask that you opt for the Proposed Action in the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project.

Sincerely,

Robin Reints
Robin Reints
307-682-0032

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Bureau of Land Management
Casper District Office
Attn: Kate Padilla, Team Leader
1701 East "E" Street
Casper, WY 82601



County Attorney
Eric A. Easton

Office of
Natrona County Attorney
Natrona County Courthouse
200 North Center, Suite 115
Casper, Wyoming 82601
(307) 235-9460
Fax (307) 235-9486



Deputy County Attorney
William W. Hard

Dear Kate,

49-1

I prefer Alternative A of the draft EIS because it appears to better protect the raptors year-round and there would be fewer surface well locations so presumably less surface disturbances.

The raptors will be protected where they normally nest while in Alternative B there is a set aside provision for land adjacent to the project area. My question is: would the raptors move to this area or vacate the area permanently? Also what are the guarantees that the set aside area would be permanently protected since the management of other resources would not be precluded?

49-2

I would prefer that the BLM look seriously at taking measures to reduce the drilling activity to hopefully extend the life of the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project beyond the 10 year projection so that future generations might enjoy some benefits of the mineral instead of allowing the current operators and county and state governments to exploit the resource as soon as possible in the name of greed.

Thank you,

F. Earline Hittel
F. Earline Hittel
36 Begonia
Casper, WY 82604-3854

March 31, 1997

Bureau of Land Management/
Platte River Resource Area
Attn: Kate Padilla
P.O. Box 2420
Mills, Wyoming 82644

RE: Cave Gulch Bullfrog-Waltman Draft EIS Comment

The Natrona County Board of County Commissioners wish to formally state that we believe the BLM has violated the NEPA process and its own rules and regulations in development of the Cave Gulch Bullfrog EIS by failing to recognize Natrona County as a cooperative agency. (See attachments.)

The County's primary area of expertise is social-economics, history and culture. There are numerous precedents where federal agencies have recognized counties expertise with cooperating agency agreements ranging from Moffat County, Colorado to Catron County, New Mexico to Esmeralda County, Nevada.

50-1

We believe the draft EIS is better in the social-economic areas when compared with other EIS' and would like to commend BLM. That is not to say that we believe it is good. Frankly, the social-economic area analysis portion is incomplete as is stated by Gary Widup, Natrona County Treasurer in his comments.

Had Natrona County been made a cooperative agency as promised in the early meetings with BLM, we would have had the opportunity to sit at the table and jointly develop the areas which were overlooked. We believe the final product would have been much better.

At the very least, had the Commissioner's been part of the core team on the development of social-economics, we would not be in a position to criticize.



NATRONA COUNTY COMMISSIONERS
200 N. CENTER Rm. 115
CASPER, WY 82601
PHONE (307) 235-9226
FAX (307) 235-9486

Bill Brauer
Marion Bouzis
Jon Campbell
Danna Overt
Terry Wingertex

Bill Brauer
Bill Brauer, Chairman

Donna Overt
Donna Overt, Vice-Chairwoman

Marion Bouzis
Marion Bouzis, Commissioner

Jon Campbell
Jon Campbell, Commissioner

Terry Wingertex
Terry Wingertex, Commissioner

**CAVE GULCH-BULLFROG-
WALTMAN DRAFT E.I.S.**

COMMENTS BY:

NATRONA COUNTY

NOTE: Additional Attachments to Comment Number 50 are available for review at the Casper District Office:

Natrona County Cooperating Agency; Response to Al Pierson, State Director's letter of 12/10/96

Counties as Cooperating Agencies on BLM Environmental Analysis (Draft 2/17/97)

BLM Manual 1780 - Cooperative Relations Documents (2/25/86)

Literature Cited

Management Framework Plan - Platte River Resource Area

COMMENT LETTERS RECEIVED ON THE DRAFT EIS



307/235-9472
Box 2300
Casper, WY 82602

Gary Widup
Treasurer

Bureau of Land Management
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March 31, 1997

Bureau of Land Management
Casper District
1701 East "E" St.
Casper, WY 82601

RE: Cave Gulch/Waltman/Bullfrog Draft EIS

Ladies and Gentlemen:

I would first like to thank you for the effort that was put into the socio-economics of the draft. It is my understanding that this draft contains more in this area than most. However, even with the extra effort, the analysis falls far short. There are several areas that were not properly addressed, or addressed at all. I will outline the most important of those in this letter.

SCOPING

Paragraph 2.1.2 of the draft states:

"Alternatives to the Proposed Action, as determined from the scoping process and Bureau of Land Management (BLM) management concerns, include: (1) the need for a more defined location of proposed facilities, including well sites, roads, pipelines, and other ancillary facilities; and (2) natural gas development alternatives that better address potential impacts to raptors and their habitats."

That paragraph demonstrates that the scoping process was a sham. The items listed in that paragraph were concerns of the BLM core team all along. Of the scores of speakers at the scoping hearing, a very substantial majority of them expressed concerns about the negative economic consequences of delayed development. Judging from the lack of acknowledgment of that fact in the above paragraph or in the alternatives, those voices either went unheard or are being intentionally ignored, either of which is totally unacceptable.

SIGNIFICANT IMPACTS

All throughout this process, the BLM has emphasized seeking and identifying significant impacts. It is quite obvious looking at the draft document, that in the mind of BLM, the term "significant impact" can only be used in the negative sense. There is an extremely significant impact of this project that I cannot

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find identified as such in the document. That positive impact is to the general funds of Natrona County, the local school district and agencies that share in the ad valorem tax, and therefore to the human environment. The document downplays this significant impact, stating only that "anticipated tax revenues associated with the Proposed Action would also be substantial" (paragraph 4.11.7).

Putting aside the quest for conservatism to avoid an attack of the figures by environmental groups, a little realism is in order. Looking at just the few currently producing wells in the field, production has been in the neighborhood of 110,000,000 to 150,000,000 cubic feet a day. Gas prices have been much higher than those used to initially study the economics of the field, at times approaching \$3.00/mcf. Using the low side of the production figures, a reasonable average price of \$2.00, and reducing the resulting valuation by 10% for transportation costs, the current wells are creating an increase in assessed valuation of \$198,000 per day. Interpolating that to an annual figure produces an assessed valuation of over \$72 million.

Natrona County's assessed valuation for tax year 1996 was under \$300 million. That amounts to an approximate 24% increase in assessed valuation, *only considering current production*. That, I dare say, is a little more than merely substantial. It is a significant impact. In fact, in terms of relative significance, it is clearly the single most significant impact of the development. If impacts were considered relatively, even without mitigation the biological and ecological impacts pale in comparison to the economic impacts, putting the "significance" of the biological and ecological impacts in question.

GENERAL ANALYSIS

Quite likely, there are a couple reasons the significance of the tax impact was not noted. First, BLM apparently doesn't consider economics worthy of consideration. Paragraph 4.11.2, referring to socio-economics:

"No specific RMP directions are available for this discipline."

Secondly, the data collected was "analyzed" only for potential negative impacts. Paragraph 4.11.2 continues:

"The following criteria are used to determine whether socioeconomic impacts of the Proposed Action would be significant:

**demographic impacts involving a greater than ten percent annual increase in a local area population. This criteria is based on the assumption that such growth would strain the ability of affected communities to provide housing and services or otherwise adapt to growth-related social and economic changes;*

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**an aggregate change in revenue and expenditure flows likely to result in an inability on the part of affected units of government to maintain public services and facilities at established service level standards; and*

**any permanent displacement of residents or users of affected areas that would result due to major project changes in or conflicts with existing ways of life.*

**levels of project-induced dissatisfaction likely to generate organizational response and conflict."*

All of the above criteria are good, and should be considered. However, the flip-side should also be considered. Will a population increase cause vacancies to fill, eliminating a previously existing economic void? Will the change in revenues and expenses actually allow government to *better* serve the citizens? Could there possibly be project-induced *satisfaction*, generating organizational response and *support*?

ANALYSIS OF ALTERNATIVES

Probably the most serious flaw of the economic analysis is that of comparing the proposed action to the alternatives, particularly Alternative B. Paragraph 4.11.5, concerning Alternative B:

"As long as the wells drilled are equally productive, tax revenues for Federal, State and local governments would be very similar to those estimated for the Proposed Action."

On the face, that is probably a true statement. However, the implication of that statement, that the impact would be the same, is just not correct.

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In a proper analysis of economics, particularly in cash flows, the time and inflation adjusted value of money must be considered. That was not done here. By allowing only a limited six or seven month drilling schedule, Alternative B defers production, and therefore defers the tax revenues. This deferral causes not only a loss of potential interest earnings, but also a loss of the real value of the money due to inflation. Unless these are properly considered, the analysis of the alternatives is incomplete and seriously flawed.

Further, I cannot find an economic analysis done on the key raptor area. A table lists potential federal revenue losses from discontinued leasing, but where is the analysis of lost ad valorem and severance tax revenue? The land is leased, therefore giving the expectation of development. The county also has an expectation of ad valorem taxes from the potential development of those 6,200 odd acres. I was told by the state director that an EIS is a "full disclosure" document. Not disclosing the economic impact of the set-aside makes it less than complete.

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Another conclusion of the "analysis" is just laughable. Paragraph 4.11.3.1.2 states is part:

"It is possible that the seasonal occupancy restrictions during raptor nesting season may result in corresponding seasonal unemployment in the Natrona County oil and gas sector."

It is possible?? Where was the core team at scoping, when this concern was raised over and over and over again, and articulated quite clearly that this *would* happen? Is it any wonder that the citizens feel disenfranchised from the federal government?

SUMMARY

The process used for this draft EIS is questionable at best. Scoping appears to have been just a formality, held only because it was required, not because the core team truly had any desire to hear concerns that differed from their own. BLM's core team concerns emerged from scoping, but little else. The socio-economic data analysis was fundamentally flawed before it ever started, due to the obvious slant of the establishment criteria. The socio-economic analysis of the alternatives is flawed due to a serious lack of understanding of economics, caused most likely from decades of ignoring them.

The time has come for the BLM to understand that impacts can be positive as well as negative, and give all impacts proper consideration, including the positive ones. The positive impacts must truly be factored into the equation, and not just given some space in the document to appease a few vocal elected officials.

Again, clearly the most significant impact of this development would be the positive impact on the human environment. When compared to other analyses done in the document, it may be the only truly "significant" impact. It is unconscionable that the BLM would blatantly ignore this in a county that consists of about 50% federal surface ownership and 70% federal mineral ownership, holding the citizens hostage to what appears to be advancing internal agendas.

Sincerely,

Gary L. Widup
Natrona County Treasurer

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COMMENT LETTERS RECEIVED ON THE DRAFT EIS



Office of
Natrona County Attorney
Natrona County Courthouse
200 North Center, Suite 115
Casper, Wyoming 82601
(307) 235-9460
Fax (307) 235-9486



Deputy County Attorney
William W. Harden

County Attorney
Eric A. Easton

March 31, 1997

Kate Padilla
Bureau of Land Management
Platte River Resource Area
P.O. Box 2420
Mills, Wyoming 82644

Dear Kate:

Please find enclosed a Memorandum which we wish commented on directing itself to Natrona County's objections to the BLM Preferred Alternative. We believe the attached Memorandum demonstrates clear and convincing scientific evidence that there is no basis for the establishment of a biological wish list at the expense of the public.

Secondly, we strongly believe that the "Preferred Alternative" is (a) designed for enhancement of the species not maintaining the status quo and the cost is not justified; (b) amounts to a government taking of 6,252.41 acres; (c) minimizes the value of the minerals in the Key Raptor Area without proper knowledge of the resources under the Key Raptor Area; (d) minimizes the socioeconomic benefits to the federal government, the state, and in particular, Natrona County citizens and school children.

Respectfully submitted,

William W. Harden

William W. Harden
Deputy County Attorney

WWH/cm

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(cont.)

pg. 38). Overall there has been a dramatic increase in ferruginous hawk numbers in the last 10 to 15 years (USFWS 1992: pg. 35 citing Warkentin and James 1988).

"Possible reasons for the increase include: (1) greater awareness of raptor conservation, (2) greater awareness of researchers concerning sensitivity for ferruginous hawks to disturbance, and (3) the introduction of artificial nest structures in several areas. The result has been an apparent increase in nesting density and reproductive success, which may also have contributed to increased population levels (Schmutz et al. 1994)." (USFWS 1992: 35).

Wyoming:

"The population was estimated at 400 to 600 pairs in 1979. The petitioner estimated 800 pairs in 1991. Quantified information is lacking on the historical population status of ferruginous hawks in Wyoming. McCreary (1939) indicated that the species was common and widespread. The current breeding distribution of the ferruginous hawk is statewide in Wyoming, excluding the mountainous areas. Raptor surveys and incidental reports have revealed 483 nesting locations in Wyoming (Oakleaf 1986). Estimates by degree of latitude and longitude (latilongs) indicate that the statewide population certainly exceeds 800 nesting pairs (Oakleaf 1986). The widespread distribution and abundance of the ferruginous hawk tends to place this species at a lower priority for attention from the Wyoming Game & Fish Department's Non-Game Program (Oakleaf 1985)." (USFWS, pg. 30-31).

We recognize there is some controversy over whether or not there has been a substantial increase in ferruginous hawks from 1979 through the present. The only documented increase in a study that is broad enough would be from the Alberta, Canada study. Mayo Call believes the USFWS misinterpreted his figures. Loren Ayres in his master thesis points out that the studies have been too small and the methods of counting are inadequate. Despite the criticisms, no one seems to seriously believe the population of the ferruginous hawk has decreased and the estimated North American population is estimated at 14,000 individuals. (Call 1996).

Other generally accepted information on the ferruginous hawk (although as indicated by White and Thurow in their work "Reproduction of Ferruginous Hawks Exposed to Controlled Disturbance," much of the information is best guess or anecdotal knowledge) is that the bird is sensitive to human disturbance (Olendorff and Stoddard 1974, Fyfe and Olendorff 1976); that

populations are cyclical reflecting prey abundance (Smith et al. 1981); that agricultural development encroaching upon the ferruginous hawk habitat is harmful (Olendorff and Fish 1985); and that artificial nesting is highly successful and increases offspring yield. (Steenhof 1993, Ayres 1996).

ISSUES

The primary issue is whether or not Alternatives A & B find justification or support in the scientific community.

Alternative A. "Reduced density of surface well pads and production facilities. A year round raptor stipulation and increased distance of the seasonal raptor stipulation for ferruginous hawk nests. Manage casual use and unusual activities during key raptor nesting periods."

Alternative B. "An area adjacent to the project area would be designated as a Key Raptor Area. Manage casual use and unusual maintenance activities during key raptor nesting periods in the Key Raptor Area."

The second issue is whether or not Alternatives A & B can be justified in light of the Federal Mandate (FLPMA, Mineral Leasing Act, BLM reg., etc.) to develop and produce Federal minerals.

ARGUMENT

Clayton White and Thomas Thurow (Reproduction of the Ferruginous Hawk Exposed to Controlled Disturbance, 1985) are among the most ardent supporters of buffer zones to protect the ferruginous hawk. White and Thurow recommend a buffer zone of 0.25 km around a nest as sufficient to prevent nest desertion with the option of increasing the buffer zones during years when prey is scarce. The buffer zone is recommended to prevent desertion of nests during incubation. In the White and Thurow study, they approached nests during incubation periods on foot, by vehicle, by continuously operating a 3.5 horsepower gasoline engine near the nest, and by firing a .22 caliber rifle at approximately every 20 meters as they approached the nest. The result was the recommended 0.25 km buffer zone. The current buffer zone in the Platte River Resource Area RMP more than meets the recommendations of White and Thurow.

The USFWS (1992) Findings Report recommends that the ferruginous hawk be re-rated from a Category 2 status to a Category 3(c) status. In Wyoming the estimated numbers appear to be stable (or according to the USFWS Findings Report have risen dramatically) since 1979 and downgrading the status is justified in Wyoming. The USFWS Findings Report suggests that a greater awareness of raptor conservation, greater awareness of researchers concerning sensitivity for ferruginous hawks to disturbance, and the introduction of artificial nests may be some of the reasons for the

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NATRONA COUNTY COMMISSIONERS

200 N. CENTER RM. 115
CASPER, WY 82601
PHONE (307) 235-0202
FAX (307) 235-9480

Bill Brewer
Marion Bouze
Jon Campbell
Donna Obert
Terry Wingenroth

MEMORANDUM

TO: Kate Padilla
Bureau of Land Management
1761 East "E" Street
Casper, WY 82601

FROM: The Board of County Commissioners
Natrona County, Wyoming

DATE: March 31, 1997

SUBJECT: Alternatives A & B, Cave Gulch/Bullfrog EIS

Natrona County, by and through its board of county commissioners, wishes to lodge its objections to Alternative A and Alternative B as stated in the draft EIS dated January 30, 1997. The specific objections relate to raptor management plans and restrictions. The commissioners feel that Alternative A and Alternative B amount to a wish list having no scientific support and gives no consideration to the economic consequences.

FACTUAL BACKGROUND

The BLM record of decision for the Platte River Resource Area has established a standard buffer zone surrounding a raptor nest site of 1/4 to 1/2 mile (ROD, pg. 30, § WL7: Raptors). Nesting seasons for the golden eagle were established from February 1 through July 15, and for the ferruginous hawk from March 15 through July 15 (ROD, pg. 30). Buffer zones were a new concept to the RMP and strongly supported by BLM biologist Willie Fitzgerald. Fitzgerald, in drafting § WL7: Raptors, gave due consideration to the economic consideration as is required by law (Willie Fitzgerald notes, Exhibit A).

The primary raptor of biological interest in the Cave Gulch/Bullfrog area is the ferruginous hawk (*Buteo Regalis*). Ferruginous hawks are widespread, found in 17 states and 3 provinces in Canada (Olendorff 1993, pg.1). The hawks winter primarily in California, Oklahoma, Texas, Arizona and Mexico (Olendorff 1993, pg. 1). The ferruginous hawk was considered a category 2 species in 1982 and retains that listing, although USFWS has recommended downgrading the hawk to Category 3(c) (USFWS 1992:

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COMMENT LETTERS RECEIVED ON THE DRAFT EIS



STATE OF WYOMING
OFFICE OF THE GOVERNOR

STATE CAPITOL BUILDING
CHEYENNE, WY 82002

JIM GERINGER
GOVERNOR

April 1, 1997

dramatic increase in nesting pairs.

It is interesting to note that since 1939 the ferruginous hawk has been deemed sensitive to disturbance by man. BLM has questioned the validity of such finding (Olendorff 1993, pg. 42). The fact of the matter is that there have been no studies regarding the hawk's adaptability to man. Even White and Thurov, while attempting to document the hawk's tolerance toward man, did so after the hawk had nested and during an incubation period. The ferruginous hawk is extremely adaptable and prospers in artificial nesting sites (Call 1996) and there are incidences where more adventuresome hawks have nested on water tanks, tank batteries, or telephone lines near country roads (see Exhibit B).

The studies also indicate that this particular bird is attracted to and does very well with artificial nests. Nest yields raised from 1.4 to approximately 2.3 in artificial nests. (Olendorff 1993, p. 10). The ability to attract the hawk to outlying areas through artificial nests, and thereby mitigate consequences of the human presence should not be ignored, and is a BLM recommended action (Olendorff 1993). Mayo Call concludes, "In my opinion there will be no difficulty in taking care of the nesting needs of the two pairs of ferruginous hawks in the EIS analysis area if drilling is proposed near their present nest sites. The hawks are very adaptable as noted above, and can either: (1) select less disturbed natural nest sites in the area away from drilling operations, or (2) utilize artificial nesting sites that will be constructed outside the drilling area as a mitigation measure. The hawks will simply be displaced for a period of time, and their productivity will be maintained, or possibly even increased."

The ferruginous hawk is found throughout Wyoming with the exception of mountain areas. The high plains of Wyoming are particularly well suited as a habitat for the hawk. Development of oil and gas is a minor surface disturbance and creates very little disturbance to the food supply (if any). The disturbance of the ground by oil and gas development versus agricultural development is nil. Given the hundreds of thousands of acres Wyoming has to offer as habitat versus the minor disturbance of oil and gas exploration, there can be no justification for buffer zones in an existing field. There is certainly no justification and no scientific evidence that would justify buffer zones beyond a nesting period and certainly no justification for buffer zones beyond 0.25 km. Creating a designated key raptor area within an existing field makes no sense. This amounts to a no action alternative and a governmental taking of property in an area where there is already proven development.

The designation of eight ferruginous hawk nests with a one mile buffer zone has the potential of taking 25 square miles of land out of production. There is no scientific justification for taking such steps and seems to ignore the mandate of BLM to develop a multiple use plan. (Fitzgerald Exhibit A, FLEMA, Mineral Leasing Act).

CONCLUSION

A close reading of the Draft EIS and the scientific studies show zero impact on the raptors if full development of the field is allowed without mitigation measures. The worst case scenario is that the two to three pairs of ferruginous hawks will be disturbed and temporarily moved outside the EIS area. As Mayo Call points out, the worst case scenario is not all that bad and provides opportunities for management in which the hawk productivity will be maintained or even increased. More than 60% of Wyoming's high plains arid country is habitat for the ferruginous hawk.

One is left with the inescapable conclusion that the EIS was unnecessary and the BLM now wishes to create a huge study area for ferruginous hawks by implementing a biological wish list. The wish list is created at the expense of industry and Natrona County citizens. Maintaining buffer zones, maintaining seasonal restrictions, creating artificial nesting sites, plus creating the Key Raptor Area is overkill at its finest. The proposal is not mitigation; it is enhancement!

The existing Range Management Plan is designed with adequate flexibility to allow production and development year round. The county's recommendation is to amend the Preferred Alternative as follows:

- a. Seasonal development would be allowed, however, development would be restricted within 1/4 mile of a nesting raptor. (The intent is to allow the non-sensitive birds to come in contact with man, but man should not be allowed to disturb a nesting bird who has chosen a site away from man's activity).
- b. Create artificial nesting sites as proposed.
- c. Drilling multiple wells from a single pad as proposed.
- d. Restoration of dry hole sites and minimizing disturbance on successful sites.

Bill B. Brauer, Chairman

Denna Obert, Vice-Chairman

Marion J. Bouhis, Commissioner

R. Jon Campbell, Commissioner

Terry Wingarter, Commissioner

Gary Widup, County Treasurer

Tom Curren, County Planning Director

Ms. Kate Padilla, Team Leader
BLM, Casper District Office
1701 East "E" Street
Casper, WY 82601

Dear Ms Padilla:

I am pleased to submit the comments of the State of Wyoming on the Draft Environmental Impact Statement for the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project. The depth of analysis of environmental, social and economic impacts and opportunities is generally adequate. I compliment you for your recent efforts to manage this project in accordance with the adopted schedule.

The overall State comments will focus on the analysis of raptor impacts and proposed mitigation. It greatly concerns me that the Bureau of Land Management (BLM) has proposed to adopt broad seasonal stipulations and to designate of the Powder River Draw Key Raptor Area when neither of these actions are supported by the analysis contained in the EIS.

Extensive seasonal stipulations would impact not only drilling and well completions but maintenance and "casual use" as well. The only support provided for impacts necessitating these restrictions is contained in the statement: "When or if human activities occur within the zone of influence of raptor nests during the breeding/nesting season, stress from increased human activity and increased noise levels may result in nest abandonment, lowered productivity levels, or abandonment of the entire area." [4-57] The potential level of raptor use within the project area ranges from four to twelve pairs of all species. During 1966 there was only one known successful reproduction within the area.

Given the above data, any impact which may occur would be minimal on raptor populations. However, according to data supplied in Table 4-18, displacement of breeding pairs can be totally eliminated through the use of artificial nesting sites (ANS). The EIS states: "Given the demonstrated success of ANS's and the demonstrated ability of raptors to change nesting

INTERNET GOVERNOR@MISSC.STATE.WY.US • TELEPHONE (307) 777-7434 • FAX (307) 632-3909

Kate Padilla
April 1, 1997
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locations, long term impacts within the greater area, within which the project area occurs, are likely to be negligible or even positive if a minimum of 14 ANS's are erected and maintained on suitable locations on and adjacent to the project area." [4-60]

The EIS acknowledges that seasonal occupancy restrictions may result in corresponding seasonal unemployment in the Natrona oil and gas sector [4-84] and may further result in an annual boom and bust cycle for the businesses along the US 20/26 corridor. These impacts are almost certain to occur. They are unacceptable to the State of Wyoming where, as you have demonstrated, they can be avoided through the use of alternative mitigation if necessary.

The establishment of a Key Raptor Area is an unnecessary mitigation for many of the same reasons discussed above. This proposed designation would place a no surface occupancy (NSO) stipulation on any future oil and gas leasing in the Area, thereby excluding or, at a minimum, adding significantly to the cost of future drilling. Other multiple uses, including access, recreational development and grazing would be impacted. Forty-six percent (46%) of the surface within this area consists of private and state lands that would be unnecessarily impacted. While the BLM Reservoir Management Team has determined this area to be of low oil and gas development potential, improving discovery technology may prove otherwise in the future. I find this to be an unjustified constraint on potential future mineral development.

I have attached comments from the Division of Cultural Resources, Game and Fish Department and the State Geological Survey addressing other areas of specific concern to those agencies. I trust you will give them your full consideration.

It remains important to the State of Wyoming that the Cave Gulch project proceed in a timely manner which allows full development activity during the summer season. I am requesting that you proceed to make modifications to the preferred action reflecting the concerns which I have outlined and issue a Record of Decision according to your previously released schedule.

Thank you for the opportunity to comment.

Sincerely,

Jim Geringer

JG:jmj
Enclosures

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(cont.)

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COMMENT LETTERS RECEIVED ON THE DRAFT EIS



March 17, 1997

WER 7938.01
Bureau of Land Management
Platte River Resource Area
Draft Environmental Impact Statement
Cave Gulch-Bullfrog-Waltman Natural Gas
Development Project
SIN: 97-017
Natrona County

WYOMING STATE CLEARINGHOUSE
OFFICE OF FEDERAL LAND POLICY
ATTN: JULIE HAMILTON
HERSCHLER BUILDING, 3W
CHEYENNE, WY 82002

Dear Ms Hamilton:

The staff of the Wyoming Game and Fish Department has reviewed the draft environmental impact statement for the Cave Gulch-Bullfrog-Waltman natural gas development project on the Platte River Resource Area. We offer the following comments.

Terrestrial Considerations:

- 1. Raptors. The Wyoming Game and Fish Department defers to the authority and expertise of the U.S. Fish and Wildlife Service relative to protection of raptor resources in the project area.
2. Pronghorn Antelope. The current population objective for the North Natrona pronghorn antelope herd is 9,000, not 7,500 (p 3-53).
3. Big Game Mitigation (Section 4.7.3.1.2, p 4-55). This section states "mitigative measures to avoid and or reduce such incidents (vehicle collisions) should be taken". There is no description of these mitigative measures in this document. The final environmental impact statement should identify specific mitigative measures, and these measures should be required, rather than recommended.

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Reproduction 2000 Policy Statement, Cheyenne, WY 82002-0001
P.O. Box 779-0100

Ms. Julie Hamilton
March 17, 1997
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- 4. Big Game Poaching and Harassment (Section 4.7.3.1.2, p 4-55). This section states "...increase the potential for poaching and general harassment of antelope ... steps to eliminate and/or minimize them should be undertaken". There is no description of these steps in this document. The final environmental impact statement should identify specific mitigative measures, and these measures should be required, rather than recommended.
5. Cumulative Impacts, Pronghorn Antelope (Section 5.8.1, pp 5-17 - 5-19). This section should quantify cumulative effects of this project on the individual pronghorn antelope herd units within the project area, rather than just considering only acreages of physical disturbance. In order to adequately assess cumulative impacts on these herds, all current and proposed activities within these herd units should be evaluated.
6. Mule Deer (Section 5.8.2, pp 5-19 - 5-20). This section should quantify cumulative effects from this project on the individual mule deer herd units within the project area, rather than just considering only acreages of physical disturbance. In order to adequately assess cumulative impacts on these herds, all current and proposed activities within these herd units should be evaluated.
7. Sage Grouse Impact Threshold Criteria (Section 4.7.2, p 4-53). Sage grouse are identified as the predominant and most important game bird within the project area (Section 3.7.2.2, p 3-59). Section 4.7.2 (p 4-53) states "Impacts related to this project would be considered significant if any of the following were to occur: ... Disruption of grouse or raptor breeding or nesting activities to the extent that reproductive success of the population of any species is decreased, threatened or damaged." Figure 2-12, Alternative A Well Locations, and Figure 2-13, Alternative B Well Locations, both indicate the highest concentrations of wells will be in the northern portion of the analysis area. This area was identified in Section 3.7.2.2 as the best sage grouse habitat in the project area. Construction of a gas field with 20 acre spacings in occupied sage grouse habitat could create the significant impact identified in Section 4.7.2. Section 3.7.2.2 (p3-59) indicates 19 historical leks were identified within a buffer zone around the project area, of which only 5 were documented as active within the last five years, and only two of which were reported to be active as recently as two years ago. These data appear to indicate sage grouse have declined significantly in recent years within the project area. However, the draft environmental impact statement gives no indication any formal sage grouse population studies have been conducted in the project area even though the habitat described in Section 3.5 (p 39) describes good sage grouse habitat, and sage grouse have been observed in the project area (Hayden-Wing Associates). In order to determine project impacts on sage grouse, we recommend the current status of sage grouse in the project area be quantified. The Wyoming Game and Fish Department also believes continued monitoring will be necessary to determine whether significant impacts occur as described in Section 4.7.2.

Ms. Julie Hamilton
March 17, 1997
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8. Sage Grouse Lek Surveys (Section 4.7.3.1.3, pp 4-56 and 4-57). This section states "formal sage grouse lek surveys should be conducted in the spring of 1997 to search for possible undocumented leks and provide needed information on the current activity status of leks on and adjacent to the project area". However, there is no information in the draft environmental impact statement identifying the responsible party to conduct these surveys. In a phone call to the Platte River Resource Area office on March 14, 1997, the Bureau of Land Management indicated they did not know who would conduct these surveys, and they were unaware any surveys were planned. Sage grouse lek surveys should be conducted in March and early April during the lekking period. The Wyoming Game and Fish Department believes these surveys must be conducted prior to field development, in order to determine if significant impacts to sage grouse occur as described in Section 4.7.2. These surveys should be required in the final environmental impact statement. We also request the results of these surveys so we may incorporate the data into our sage grouse monitoring information.

9. Habitat Sage Grouse (Section 5.8.3, p 5-20). This section states "Because good sagebrush/grassland habitats are generally absent from the project area and there is no evidence that sage grouse nesting or leks occur there, cumulative impacts to this species are not expected." This statement is contrary to information provided in Section 3.5, p 3-39, which states "... Because the annual precipitation ranges from 10 to 14 inches..., plants are primarily drought-tolerant low shrubs, tall and short grasses, and flowering herbs". This section further describes vegetation cover types in Section 3.5.1, where 85.5% of the project area is occupied by the mixed desert scrub, where big sagebrush (Artemisia tridentata) is the primary shrub species. This vegetation description also includes sage grouse habitat. This discrepancy should be clarified.

10. Cumulative Impacts to Sage Grouse. Since no formal surveys have been conducted for sage grouse, we are not surprised there is "no evidence that sage grouse nesting or leks occur there". The incidental and historical data described in Section 3.7.2.2 confirms, however, sage grouse are present in the project area. Therefore, to assume no nesting or lekking occurs is probably erroneous. In addition, the information described in Section 3.7.2.2 suggests sage grouse have declined significantly within the recent past, indicating sage grouse are already suffering major, negative impacts in the project area. Further activity within the project area could result in additional negative impacts to sage grouse. We do not concur with Bureau of Land Management's determination that "cumulative impacts to this species are not expected", unless data is provided to document this statement.

11. Swift Fox (Section 4.7.3.1.5, p 4-62). The draft environmental impact statement states "a formal swift fox survey should be conducted during the spring and summer of 1997 to determine the presence and distribution of swift fox on and adjacent to the project area". This should be a requirement rather than a recommendation. Also, the party responsible for conducting this survey should be

Ms. Julie Hamilton
March 17, 1997
Page 4 - WER 7938.01

identified. The Wyoming Game and Fish Department requests a copy of the results of this survey, to be incorporated into our ongoing swift fox monitoring effort.

12. Seed Application (Appendix B, pp B-12 - B-17). As currently written, reclamation seed mixtures are only recommended in the draft document, not required. Seed mixes comprised of specific quantities of native vegetation seeds, including grasses, forbs, and shrubs, should be required for reclamation activities, in order to minimize the duration of negative project impacts on native wildlife species.

13. Cumulative Impacts Analysis. We are concerned the project area is only a smaller piece of a much larger development that may potentially encompass an area extending from Waltman to the south end of the Bighorns. The boundary for the Cumulative Impacts Analysis Area does not include future developments in the Cedar Ridge/South Bighorns area. Future development in this area, in concert with the Cave Gulch project, will raise concerns of adverse impacts to wildlife, especially big game.

Aquatic Considerations:

Page 3-38; Second Full Paragraph: - As stated, all streams in the project area are classified as Class 5 by the Wyoming Game and Fish Department. However, Class 5 streams are not considered to be incapable of supporting fish. The Wyoming Game and Fish Department's stream classification system only applies to trout streams. Class 5 waters are considered to be "very low production waters, often incapable of sustaining a trout fishery." Class 5 waters may and often do contain very healthy and diverse populations of other fish species.

Thank you for the opportunity to comment.

Sincerely,
Steve Faccioni
STEVE FACCIANI
DEPUTY DIRECTOR

SF:TC:as
cc: USPWS

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

DIVISION DIRECTOR
Karyl Danison Robb, Ph. D.



DIVISION OF CULTURAL RESOURCES

State Historic Preservation Office
6101 Yellowstone Road
Cheyenne, WY 82002
(307) 777-7697
FAX (307) 777-6421

March 11, 1997

Wyoming State Clearinghouse
Office of Federal Land Policy
Attn: Julie Hamilton
Harschler Building, 3W
Cheyenne, WY 82002

RE: BLM Casper District Office Cave Gulch-Bullfrog-Waltman Natural Gas
Development Project Draft EIS (State ID No. 97-017); SHPO #0397KLK009

Dear Ms. Hamilton:

Staff of the State Historic Preservation Office have received information regarding the above referenced project. Thank you for giving us the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS).

The EIS document provides a good summary discussion of the known cultural resources in the proposed project area. It also adequately summarizes the process the Bureau of Land Management (BLM) follows for the protection of significant archaeological and historic sites. There are two issues we would like to comment on. We also offer suggestions for information that could be added to the EIS to address the issues.

We are concerned that no specific information was included in the document addressing potential sacred sites or Traditional Cultural Properties in the project area. Has there been any effort yet to specifically consult with Native American tribes to identify any areas of potential concern? We recommend that the EIS briefly address this issue with a statement about the BLM's responsibility in this issue and any actions they have taken to identify locations that may be of concern.

It is indicated at several places in the DEIS document that the project area has high archaeological sensitivity due to a moderate to exceptionally high site density. On page 5-28 it is stated that cumulative impacts would be minimized through cultural resource inventories in advance of proposed surface disturbance, avoidance of known sites during the layout of specific projects, and mitigation through data recovery of significant sites. We believe an expanded discussion about cumulative impacts to archaeological properties in a known high site density region is warranted in the EIS. For example, are there other actions that can be taken to proactively reduce cumulative impacts from extensive development? We also encourage the BLM to discuss in the document the possibility of developing a general discovery plan that can be reviewed and approved in advance of specific project approval in the region.

THE STATE OF WYOMING
Jim Geringer, Governor



DEPARTMENT OF COMMERCE
Gene Bryan, Director

-2-

Please refer to SHPO project control number #0397KLK009 on any future correspondence dealing with this project. If you have any questions contact Karen Kempton at 307-777-6292 or me at 307-777-6311.

Sincerely,

Julie K. Wolf
Julie K. Wolf, Deputy
State Historic Preservation Officer
for
John T. Keck
State Historic Preservation Officer
JTK:KLK:jh



WYOMING STATE GEOLOGICAL SURVEY
P.O. BOX 3008 • LARAMIE, WYOMING 82071-3008
(307) 766-2286 • FAX 307-766-2605 • E-MAIL wsgs@wsgs.lwrwyd.edu

STATE GEOLOGIST - Gary B. Glass

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March 12, 1997

MEMORANDUM

TO: Julie Hamilton, Wyoming State Clearinghouse
FROM: Gary B. Glass, P.G., State Geologist
SUBJECT: Draft Environmental Impact Statement (DEIS) for Cave Gulch-Bullfrog-Waltman Gas Development (State Identifier # 97-017)

We have reviewed this draft environmental impact statement and have the following comments:

We cannot support the six-month seasonal restrictions within the project area or the No Surface Occupancy stipulation within the proposed 6,252-acre "Key Raptor Area", both of which are part of the Bureau of Land Management's preferred alternative (Alternative B). We support the original proposed action as it provides adequate safeguards for the responsible development of significant gas reserves in the Wind River Basin.

We do not see adequate justification for the establishment of a "Key Raptor Area", especially one of this size. In addition, the No Surface Occupancy stipulation in the "Key Raptor Area" is far too restrictive. It severely restricts, if not eliminates, exploration and development of thousands of acres with high potential for oil and gas resources. We note that there is also some potential for the presence of uranium resources within the "Key Raptor Area". Under BLM's preferred alternative, exploration for possible uranium resources would be prohibited.

Also, for future reference, the Wyoming State Geological Survey has recently generated new seismic hazard analyses for the area. While the new analyses will not affect the proposed activities, they could prove useful in the design of any future, production-related facilities. Upon request, we will provide copies of these new analyses. Interested parties should contact Jim Case of our Geologic Hazards Section for this information.

Surveying Wyoming Since 1933



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
4000 Morrill Avenue
Cheyenne, Wyoming 82001

ES-61411
MEI/W.02(cavedeis.com)

April 1, 1997

Memorandum

To: District Manager, Casper District Office, Bureau of Land Management, Casper, WY
Attention: Kate Padilla, Team Leader

From: Field Supervisor, Ecological Services, Cheyenne, Wyoming

Subject: Draft Environmental Impact Statement, Cave Gulch - Bullfrog - Waltman Natural Gas Development Project (DEIS)

Thank you for the opportunity to review the subject document. I have concerns with the following issues and ask that they be addressed prior to finalization of the Environmental Impact Statement:

- Alternative B offers no long-term protection for raptors in the Key Raptor Area.
- Monitoring during 1996 was not adequate to analyze the current impacts to and use by raptors in the project area.
- Mountain plover habitat is very narrowly defined and the definition may preclude surveys in some suitable habitat.
- Impact threshold criteria are not adequate to address potential violations of the Migratory Bird Treaty Act.
- Buffer zones may be inadequate to protect raptors, particularly ferruginous hawks.
- Discussion of artificial nesting structures is too vague to analyze their mitigation value.
- Mitigation measures appear to be merely guidelines, rather than enforceable commitments.

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

- Reserved/produced water pits will pose a hazard to migratory birds.

The following information is provided to further explain my concerns.

Alternatives

52-1

I commend the Bureau of Land Management (Bureau) for developing a range of alternatives including a somewhat "raptor-friendly" alternative, Alternative A. The U.S. Fish and Wildlife Service (Service) prefers Alternative A for implementation of this project, as it represents the alternative with the least potential for short- and long-term impacts to raptors and other wildlife resources. I am not fully supportive of the Bureau's preferred alternative, Alternative B, as it does not appear to provide full protection for raptors in the Key Raptor Area. It appears existing leases will initially be developed with only minimal restrictions for raptor protection and full field development will be analyzed in a separate document with no commitment to implement long-term raptor protection. Additionally, the DEIS does not indicate the number of leases, acreage affected, probable development scenarios, and other information necessary to fully analyze the future value of the area to raptors.

52-5
(cont.)

Monitoring

52-2

I am concerned regarding the level of monitoring during 1996 and in the future. It appears the apparent low reproductive success of raptors currently nesting within the project area may be a result of current levels of development in the project area. However, raptor monitoring during 1996 was not adequate to identify either the reproductive outcome of all occupied nests or the cause of the failure of five of the nine known occupied nests. With only nine nests to monitor, it seems reasonable to expect all nests would be checked during the fledging period. Additionally, with only two nests producing fledglings, documenting fledging success should have been attempted, as should identifying causes of nest failure. Continued monitoring of this intensity will not yield sufficient information to evaluate the impacts of the proposed project.

52-6

Additionally, the mitigation summary merely indicates raptor surveys "should" continue annually and the project proponents "should" coordinate with the agencies to develop a raptor monitoring plan. The use of "will" rather than "should" would show a firm commitment to coordinate with the agencies and continue the monitoring.

52-7

Mountain Plover Habitat and Surveys

52-3

While I agree the badland breaks habitat of the project area does not represent suitable mountain plover habitat, I question whether all the mixed desert shrub habitat should also be ruled out as potential habitat. While the mountain plover does prefer shortgrass prairie and avoids dense brush, plover use in some areas of sage brush with sparse interspersed vegetation has been documented in western Wyoming and Utah (Day 1994).

3

Plover surveys should be conducted on a site-specific basis prior to drilling if the desert shrub community is similar to any habitats known to be used by mountain plovers, including those described by Day (1994). This will preclude potential impacts to nesting mountain plovers.

Impact Threshold Criteria

52-4

The impact threshold criteria (criteria) applicable to raptors address "substantial increase in direct mortality....," "...long-term decreases in recruitment and/or survival....," and impacts to the "reproductive success of the population." However, the criteria do not address the loss (death) of any individual raptor or egg. Long-term impacts to populations are difficult to detect and often go undetected until unacceptable impacts have already occurred making mitigation difficult if not impossible. Additionally, the Migratory Bird Treaty Act, 16 U.S.C. 703, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs except as permitted by regulations. Furthermore, the Bald Eagle Protection Act, 16 U.S.C. 668, prohibits taking of any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing activities. Violation of these prohibitions is a criminal violation regardless of where the activity occurs, whether on public or private lands. Therefore, the Service believes loss of individual raptors (or any other activity prohibited by the two laws mentioned above) is indeed significant and the criteria should reflect this significance.

Buffer Zones

52-5

Buffer zones (or zone of influence) of roughly 1/4 to 1/2 mile implemented only during the nesting season may not be adequate to protect all raptor species from impacts including nest abandonment. I am particularly concerned regarding potential impacts to nesting ferruginous hawks (*Buteo regalis*). The literature is filled with evidence of impacts to ferruginous hawks resulting from activities similar to those associated with this project. Ferruginous hawks are negatively affected by and poorly adapted to continual direct human disturbance (Porter and White 1977). Blair (1978) established that human activity is avoided by the ferruginous hawk and found the mean distance from nest sites to disturbance was significantly greater than from random points by approximately 0.6 mile. Blair also found higher clutch sizes and greater hatching success at nests more distant from human disturbance. White and Thorow (1985) found ferruginous hawks more sensitive to disturbance when the prey base was low. Loss of prey habitat and nest sites has been found to cause instability and/or decreases in ferruginous hawk populations (Stewart 1975, Bechard 1981, Houston and Bechard 1984, Schmutz 1984).

Based on the information provided above, I recommend you follow the lead of other Bureau offices dealing with raptor protection. Page 4-75 of the Fontenelle Natural Gas Infill Drilling Projects Draft Environmental Impact Statement indicates the Bureau has adopted a 1 mile buffer zone around nesting ferruginous hawks to avoid disturbing birds, and the same document provides a small buffer around inactive nests. The same 1 mile buffer is found on page 4-21 of the H.S. Resources Inc. Natural Gas Exploration Project Environmental

Assessment. Additionally, the draft Record of Decision for the Fontenelle project states "Permanent and high profile structures such as well pads, roads, buildings, storage tanks, overhead powerlines, etc., will not be allowed within 825 feet (0.25 km) of active raptor nests, with the exception of active eagle nests for which the distance will be 1,970 feet (0.60km)." While the Service has indicated that 825 feet may not be an adequate distance, it is an attempt to minimize long-term impacts to raptor nesting. I did not see similar measures in this DEIS and question such inconsistencies between Bureau offices and Bureau authorized projects.

Artificial Nesting Structures

While I understand the difficulty in determining artificial nest structure (ANS) numbers and locations this early in the planning process, I am concerned regarding the many uncertainties still associated with the use of ANSs as mitigation for project impacts. Since early in the project planning process, the Service has questioned the use of ANSs as anything other than a last resort to be used only when avoiding and minimizing impacts to nesting raptors can not be accomplished. The Service continues to question the potential to find suitable ANS locations offering long-term security from future disturbance in locations far enough from project-related disturbances (minimum of 1/2 mile) yet still within the nesting raptor's territory. Additionally, other questions regarding construction, maintenance, and monitoring of the structures still remain unanswered. These issues must be adequately addressed before ANSs can be considered as mitigation for impacts to raptor territories.

Mitigation

Many of the mitigation measures appear to be merely guidelines, rather than commitments to implement specific actions. As mentioned above, the use of "should" rather than "will" makes these actions seem discretionary on the part of the operators, thus weakening the credibility of the actions. Effective analysis of potential impacts can not be based on mere suggestions, but rather must be based on mandatory actions. The Service finds it difficult to concur with determinations based on such vague language and requests the words be changed.

Your reference to Olendorff et al. (1981) is outdated. Please refer to Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996, Avian Power Line Interaction Committee. If you do not have a copy of this reference, please contact this office for further information.

Reserved/Produced Water Pits

The DEIS states produced water pits will be "designed to include flagging overhead or covering with wire or plastic mesh." Esmoil (1995) evaluated the effectiveness of various deterrents used to keep birds away from waste pits. He found pits with traditional deterrents, such as colored flagging, metal reflectors, and strobe lights, had as much bird mortality as pits

5

without deterrents. Therefore, the Service does not recommend flagging as a bird deterrent. Esmoil (1995) did not find any bird mortality in pits covered with netting. Netting appears to be the best deterrent for preventing migratory bird deaths in oil pits. The best "fail-safe" solution, however, is to remove the pits and use a closed-containment system or keep oil from entering the pits in the first place. Cabot Oil and Gas Corporation (Cabot), Denver, Colorado, has designed and installed dual containment vent sumps to collect oil field produced water in the Fontenelle Oil and Gas Field in Sweetwater County, Wyoming.

Cabot has installed 36 of the closed systems at the Fontenelle field at a cost of \$12,000 per unit (Stan Shook, Cabot Oil and Gas Corporation, personal communication, January 24, 1997). The system requires little or no maintenance, can be moved to a new site when the well is shut-in, and eliminates soil contamination. Because it is a closed system, it eliminates hazards to migratory birds and other wildlife.

We appreciate your efforts to ensure the conservation of endangered and threatened species, as well as migratory birds. If you have further questions on this subject, please contact Mary Jennings of my staff at the letterhead address or phone (307) 772-2374, extension 32.


Pedro Ramirez, Jr.

cc: Director, WGFD, Cheyenne, WY
Non-game Coordinator, WGFD, Lander, WY
Senior Resident Agent, FWS, Casper, WY

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Literature cited

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Rocky Mountain Region
Production - United States

1501 Stampede Avenue
Cody, WY 82414-4721
Telephone 307/587-4981



March 31, 1997

Kate Padilla, Team Leader
Platte River Resource Area
Bureau of Land Management
P.O. Box 2420
Mills, WY 82644

Re: Cave Gulch/Bullfrog/Waltman Natural Gas Development Project
Comments on the Draft Environmental Impact Statement (DEIS)

Dear Ms. Padilla:

Marathon Oil Company appreciates the opportunity to comment on the Cave Gulch/Bullfrog/Waltman DEIS. As stated in our comments on the scoping of this document, our company has an interest in the outcome of the management of any public lands in Wyoming. Marathon also appreciates the Interdisciplinary (ID) Team's efforts in keeping the process on schedule and would hope that the Record of Decision (ROD) on the EIS is completed on August 1, 1997, as proposed.

Our interest in this EIS is not only because of our vested interest in the project area and involvement in this state but also because of the National Environmental Policy Act (NEPA). Since any outcome in this EIS can be tied to other similar documents, it is quite important that this fact-gathering process provides an accurate, scientifically based, NEPA analysis. In our judgement, this DEIS has not provided facts as to any adverse, significant impacts from the proposed action as required by the law. In addition, many of the proposed mitigations in the alternatives are unnecessary for this project and may be inadvisably precedent setting for future actions on public lands.

Please consider the following comments in developing the final analysis of the Cave Gulch/Bullfrog/Waltman EIS:

NEPA

Since many of our comments relate to NEPA, we are incorporating information from seminars about this process as well as direct quotations from the Act and the resulting regulations. While this information is probably quite familiar to the ID team, it should serve to explain the intent of our comments to the ID team in addition to helping clarify

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March 31, 1997
Page 2

our comments that are read by others. We are concerned that the analysis in this DEIS has significantly drifted from the legal concepts and guidelines regarding NEPA as well as the objectives.

Throughout our training about this law, it was made quite clear that, if applied correctly, the process required by NEPA can greatly increase the quality and timeliness of agency decisions. If not applied efficiently, it can be a costly and time-consuming exercise that helps none of us--least of all the quality of the environment.

On page S-1, INTRODUCTION, the first paragraph includes the following statement: "This DEIS is not a decision document." While this is correct, the DEIS is a NEPA document, which is a problem-solving *decision making* (emphasis added) process. Further, the environmental analysis and document (EIS) must be "issue-driven" and analytic rather than encyclopedic.

The implementing regulations of NEPA promulgated by the Council on Environmental Quality (CEQ) state: "The primary purpose of an environmental impact statement is to serve as an *action-forcing* (emphasis added) device to ensure that the policies and goals defined in the act are infused into the ongoing programs and actions of the Federal Government." (40 CFR 1502.1)

The Supreme Court in its landmark decision (*Robertson v. Methow Valley Citizens Council*, U.S. Supreme Court, 1989) reinforces the purpose of the "action-forcing device":

The statutory requirement that a federal agency contemplating a major federal action prepare such an environmental impact statement serves NEPA's "action-forcing" purpose in two important respects.... It ensures that the agency, in reaching its decision, will have available and will carefully consider detailed information concerning significant environmental impacts (emphasis added); it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision...

Publication of an EIS, both in draft and final form, also serves a larger informational role. It gives the public the assurance that the agency has indeed considered environmental concerns in its decision making process... and, perhaps more significantly, provides a springboard for public comment.

While NEPA is the "basic national charter for protection of the environment" (40 CFR 1500.1), it does not require that federal agencies make their decisions wholly based on environmental impacts and factors. Again, the Supreme Court states:

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Page 3

NEPA itself does not impose substantive duties mandating particular results but simply prescribes the necessary process for preventing uninformed--rather than unwise--agency action.... If the adverse environmental effects of the proposed action are adequately identified and evaluated, the agency is not constrained by NEPA from deciding that other values outweigh the environmental costs.

During scoping for this EIS, the progress of the related Environmental Assessment (EA) for Interim Development, and the public meeting on the DEIS, many parties provided comments as to the insignificant impact of the proposed action on the raptors in addition to the unreasonable restrictions imposed for protection of the raptors. We do realize that those comments should not be the only factors used in the ROD on this EIS; however, those comments introduce substantial doubt as to any sufficient facts provided to proving adverse, significant impacts as required by law. In summary, the Cave Gulch/Bullfrog/Waltman DEIS has not provided what is required by NEPA.

RAPTORS

In our scoping letter, we requested that research of any potential impacts to raptors should include research outside the area for analyzing mitigation. Mitigation is required if significant impacts on the raptors had occurred.

Page 4-53 in Chapter 4: Analysis of Environmental Consequences, Wildlife, Impact Threshold Criteria, Section 4.7.2 - This section presented six impacts on wildlife and related to this project which would be considered significant. We agree with the first four of those stated impacts; however, it is recommended that the last two potential impacts be modified to more correctly state what is intended by NEPA. The revised impacts are as follows with the suggested changes in bold letters:

- Any effect, whether direct or indirect, that results in adverse or significant long-term decreases in recruitment and/or survival of individuals in a wildlife population.
- Disruption of grouse or raptor breeding or nesting activities to the extent that reproductive success of the population of any species is decreased, threatened or damaged adversely or significantly.

Pages 5-26 & 27 in Chapter 5: Cumulative Impact Analysis, Raptors, Section 5.8.4, Summary and Discussion - This section summarizes 1) how the success of raptor nesting and productivity is affected; 2) that the lack of raptor productivity was based on relative low prey base; and 3) the impact of the Cave Gulch/Bullfrog/Waltman project and proposed actions are not significant. If those conclusions are correct, why is the agency proposing restrictions? More important, if the conclusions are correct, the original EA's for Barrett's project should not have been vacated and Chevron's project

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March 31, 1997
Page 4



Starla
2154 BOXELDER
CASPER, WYOMING 82604

March 17, 1997

Bureau of Land Management
Casper, Wyoming

Manager
Bureau of Land Management
Cheyenne, WY 82001

Gentlemen:

To my regret, it is established that the BLM has forced me, and others, into an adversarial position at Cave Gulch Gas Field. Ms. Celia Skillman told me the only way to have the Cave Gulch EIS decision changed was to have Congress pass a law doing so. This is contrary to the Executive Summary in the Draft EIS, which allows public participation. The comment period has not expired so the BLM decisions must have been made with no public participation. By copy of this letter I am asking the Wyoming Congressional Delegation to determine the legality of this action.

Anticipating such a response from the local BLM (their "technical document" is largely incomprehensible), last week I asked our Congressional Delegation to work with Secretary of the Interior Babbitt and resolve the Cave Gulch problems. I believe the Draft/EIS says the Secretary has this authority. Timeliness is important.

In contrast to the BLM expressed position, I believe environmental laws are subject to several interpretations. Theirs differs from the needs of the general public in central Wyoming. I do not believe the BLM position to keep Wyoming in the 19th century is defensible. It makes work for BLM staff.

Ms. Skillman told me Alternative C in the Draft/EIS is not valid. I question the legitimacy of the entire process and document.

As I am saying in a letter to the Casper Star-Tribune, for a year I have heard the tumbrils rumbling in Wyoming.

Helen Schmill
alias: SUPERMOM
Citizen

xc: Wyoming Congressional Delegation
Governor Geringer

Audiotype

PRESIDENT TERRY ALLEN WILMINGTON, WYOMING	REGIONAL VICE PRESIDENTS I. GUYTON PYLE, LITTLE II. PETER JOHN CARNO, BUFFALO III. TOM WALKER, FARMON IV. BRAD KOPPEL, GILLESPIE
PRESIDENT-ELECT FRANK FRANK SIOUX FALLS, WYOMING	VICE PRESIDENT AT LARGE KEVIN HANSEN, BELLEVILLE DANNY FISH, HOBBS, BENTON JERRY GALT, BELLEVILLE
AUXILIARY PRESIDENT CHARLES VON HORN, WYOMING	EXECUTIVE DIRECTOR BRYCE R. HEDCO, CASPER



April 1 1997

WYOMING WOOL GROWERS ASSOCIATION

821 N. BLENN ROAD • P.O. BOX 118 • PHONE (307) 290-8280 • FAX (307) 290-8701 • CASPER, WYOMING

Bureau of Land Management
Casper District Office
Attn: Kate Padilla, Team Leader
1701 East E. Street
Casper, Wyoming 82601

Dear Ms. Padilla:

Following are the comments of the Wyoming Wool Growers Association in response to the BLM's request for comments on the Cave Gulch- Bullfrog- Waltman Natural Gas Development Project Draft Environmental Impact Statement (DEIS). WWGA is a membership organization representing the sheep industry of Wyoming. We have had a long and intense interest in the other natural resource industries, and in particular the oil and gas industry. In addition, the WWGA is based in Casper in Natrona County and as a property tax payer here, we are intently interested in this particular project.

This development is of critical importance to the long term stability of Natrona County and the State of Wyoming. We support any development of Wyoming's natural resources when it is in a manner which adequately protects the resource and provides both economic and social benefits to the state. Such is the case for the Gulch-Bullfrog-Waltman Natural Gas Development. The schools, the county and the citizens of the county and state will be positively impacted by this

55-1

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(cont.)

should not have been suspended.

Marathon does not object to the industry placing a reasonable number of Alternate Nesting Structures (ANS) to benefit the raptors as a mitigation measure. We do, however, object to the unreasonable timing restrictions in Alternative A and B and the proposed Powder River Draw Key Raptor Area (KRA) in Alternative B. As noted in the previous paragraph, the project's impact is not significant and the restrictions are unwarranted.

SOCIOECONOMICS

The ID team and consultants are complimented on the socioeconomic data presented in this DEIS. Detail such as provided allow the reviewers to provide more informative comments to be considered in the environmental analysis. The socioeconomic section for the proposed action was quite clear.

It should be noted the proposed restrictions and mitigation measures for Alternatives A, B, and C will result in less or delayed development as compared to the proposed action. Comments at the March 11 public meeting also supported those conclusions. Representatives of the County Commissioners accurately believe that the alternatives do have different socioeconomic values. Since the socioeconomic impact to the communities is an integral part of NEPA in the conclusions to be made by the Authorized Officer (AO) for this EIS, it is recommended that the data be revised to more accurately reflect the changes in socioeconomics for each alternative.

The cumulative impact section does not include the predictions of gas production for each alternative through the economic life and the resulting socioeconomics impact by year. As mentioned in scoping, the tax structure and the distribution of the federal royalties in this state, revenues from the public lands play a key role in the financial health of the counties, schools, and various state agencies. For education, this state is in the process of making important decisions about the funding of our public schools and any major source of revenue, even though the data may not be exact, should be considered. The governing bodies for those various entities need the socioeconomic data for consideration of their comments to be included in the final analysis of any decisions about the project.

CONCLUSION

NEPA requires proof of adverse, significant impacts to justify the restrictions proposed by the ID team in this EIS. The procedures are quite clear that a balanced decision should result from the environmental analysis, not in favor of one value over another value. It is noteworthy that the preparers of the document provide a vast amount of information as to the insignificant impact of the proposed action on the environment,

53-3

53-4

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yet Alternatives A and B imply significant impacts. The project area is not pristine, in fact, a statement on page 3-73, paragraph 3, is as follows: "Cultural modifications to the natural landscape described above include 2 power transmission lines, an auto junk yard, oil and gas equipment, a power substation, well sites, access roads, ranch out-buildings, and a railroad grade." It is recommended that the DEIS be modified to more properly the insignificant impacts of the project.

Marathon appreciates your consideration of our comments. Should you have any questions concerning this letter, please let me know.

Sincerely,

MARATHON OIL COMPANY

Pat Childers
Production Coordinator
Rocky Mountain Region

cc/ (3152-12)

cc: PAW
RMOGA
G. M. Lewis
K. J. Iler
D. H. Cleland
Al Pierson, State Director BLM
Jim Magagna, Director Wyoming State Land
Natrona County Commissioners
Cave Gulch/Waltman Operators
Senator Michael B. Enzi
Senator Craig Thomas
Congresswoman Barbara Cubin

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

project.

55-1
(cont.)

Operators submitted their proposed action to the BLM ID Team in March, 1996 but were told as late as July of 1996 that BLM was still waiting for the proposed action. The DEIS contains, however, numerous references to the operators proposed action (see pages 6-1 and 6-2) which directly conflicts with it's (BLM's) actions. It appears the ID Team intentionally tried to subvert the process. This is a gross violation of BLM policy and possibly of NEPA, and should be thoroughly investigated by the BLM State office. Perhaps it would be beneficial to appoint an independent third party investigator to look into this matter in that it has been our experience that many times misconduct by those lower in the hierarchical structure of the federal government, and in particular the Department of Interior, is overlooked by those higher up if it furthers the political or philosophical agendas of those in positions of authority.

55-5
(cont.)

- Export sales by sector
- Earning by industry that use Federal lands.

In order to adequately analyze socioeconomics, the above mentioned categories and accompanying analyses should be included in the FEIS.

It is our opinion that the DEIS's tone is negative and does not meet the BLM's publicly stated goals of "development of natural resources in a timely and reasonable manner". In particular, we object to the BLM's requirement that the proponents of this project must fund all of the inconsequential and unrelated projects the District office apparently is set upon requiring. We will expand upon these in the following comments.

55-6

Page 4-19 (Summary of Erosion Estimates Due to Construction for the Proposed Action)

We have been unable to locate any summary or reference to Table 4-5 in the text other than the table. The table also refers to "Best Management Practices (BMP) which is undefined in BLM's rules and/or regulations.

The Wyoming Nonpoint Source Task Force issued a policy in May of 1995 which states:

The process and procedure for promulgation of regulations in Wyoming is governed Wyoming Administrative Procedures Act. This act requires more thorough public review process than that required for adoption of best management practices, which are non-regulatory. Rather than impose an additional set of guidelines on the above industries in the form of BMP's, the Task Force hereby adopts the policy that the rules and regulations promulgated for all and gas exploration and production of, mineral extraction, highway construction and underground storage tanks shall be considered the BMP's for these activities... (emphasis added).

To further illustrate, during the discussions of the Cumulative Impacts Task Force, BMP's were proposed as standards for protecting to the highest level possible wildlife and it's habitat. The proposal was denied because BMP rules or regulations have not been promulgated for wildlife. WWGA recommends the above state Nonpoint Source Task Force policy be adopted by

BLM. WWGA also strongly recommends that before BLM reference any term undefined by promulgated rule or regulation, it be stricken from the document(s).

55-2

Page 1-18-20 (Issues and Concerns) We are disappointed in the fact that BLM comes forward with an exhaustive list of perceived "Issues and Concerns", yet only finds four potential "Opportunities". It starts to become apparent here, early on in this DEIS, that BLM intends to

find many faults with the proposed project and little redeeming benefits. BLM appears to have intentionally ignored the many potential opportunities presented at the numerous "open houses" and public forums where citizens and industry representatives presented exhaustive detail on the potential benefits from this project. WWGA recommends items 6, 7, (2nd bullet), 11, and 13 be moved from "Issues and Concerns" to "Opportunities".

55-3

Page 2-46 (Alternatives Considered But Not Analyzed In Detail)

BLM has failed to adequately analyze the second alternative which is a viable and legal mitigation option. BLM needs to analyze this option in greater detail

55-7

Page 2-50 (Table 2-8: Total Disturbance (in Acres) by Spacing Density Associated with the Proposed Action, Alternative A, and Alternative B) We have been told by those within the oil and gas industry that this analysis incorrectly reflects the operators plan to develop and what the surface disturbing activities for 20-acre spacing are versus a 320/640 spacing. It appears that BLM is attempting to deceive the public of what the industry's true intention is. It appears that this analysis is incorrect and if so, it should be revised to accurately and adequately reflect the industry's proposed action!

55-4

Page 3-76 (Socioeconomics) This DEIA appears to fail to analyze the following:

ECONOMIC STRUCTURES

- Employment by sector with a comparison to Wyoming and the U.S.
- Personal income, with a comparison to Wyoming and the U.S.
- Labor income by sector
- Non-labor income (investment income and transfer payments)

ECONOMIC BASE

55-5

Page 4-67 (4.7.3.3.4 Raptors) Nowhere in the DEIS does it state that raptors will be "significantly and/or adversely impacted." Consequently, we can not support the BLM six-month seasonal stipulation. Such a stipulation will have harsh and destructive impacts on the economies of both Natrona county and the state. It also puts unnecessary and unwarranted burdens on both workers employed by the companies and on the companies themselves. Additionally, more than 225 individuals attended and 23 public comments were made during the DEIS public meetings. Testimony given during those meetings indicates that the proposed six-month stipulation would have significant adverse impacts to the service companies. WWGA recommends a permanent waiver to the six-month lease stipulation- it has no scientific, technical or economic basis.

BLM has suggested Artificial Nesting Structures (ANS) as a form of mitigation. The WWGA recognizes that ANS's have been used successfully in Wyoming and could be used in the Cave Gulch-Bullfrog-Waltman area. However, before any developer of the natural resources of Wyoming are required to take mitigation actions for wildlife species, there should first be a clear, defined and scientifically sound and rational basis for such mitigation. We believe mitigation for eagles is not needed as neither the bald or golden eagle as a species, or their Wyoming populations, are threatened or endangered. If BLM has scientific evidence to the contrary, they should provide this to the public, but as neither the BLM nor the US Fish and Wildlife Service have any current scientific population studies or estimates of these birds, we do not believe they

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

can provide compelling evidence to dispute our claim. WWGA also opposes the proposed 273 square mile area, which will be used to construct ANS's, as being located outside the area of analysis. WWGA reminds the BLM of its own Solicitors Memorandum dated May 6, 1991 which views mandatory compensation (off-site mitigation) as a form of *fund raising* "that was probably beyond the BLM's legal authority." The Solicitor also states that mandatory compensation "strikes the subjects of the 'contribution' as little more than thinly disguised blackmail." WWGA recommends the 273-square mile proposed area for ANS's be restricted to the area of analysis- 40 square miles.

55-10

55-7
(cont.)

The WWGA also questions the need to establish a Key Raptor Area (KRA). The DEIS admits "Although better habitat conditions are likely represented in the KRA because of the increased density of nests there, the ability of the KRA to support additional raptor territories is in question." If this is so, then creating a KRA designation is unnecessary and questionable. As the operators have proposed drilling 15 wells in the proposed KRA, and this is this area is classified by BLM as "open (not off limits) to mineral development". If BLM proceeds with the KRA designation, a complete disclosure of this potential "takings" should be made and compensation should be offered to the affected companies.

Finally, the KRA was not agreed to in the proposed action by the operators and is, therefore, not voluntary and must be considered off-site mitigation. The DEIS, on page 4-68, states "Although the KRA will not mitigate the loss of raptor production in the Project area, it will help to compensate by serving as a long-term nucleus area that will help to protect and stabilize the on-

going production of raptors in the greater area and region and to help to minimize cumulative impacts." For all the reasons stated above, WWGA strongly recommends BLM discard the KRA concept in this DEIS.

Page 4-72 (4.8 Recreation) The DEIS has defined this area as a "non-recreation site" (see 3-78) The criteria used for determining significance is unfounded and therefore the analysis is flawed. No data has been provided analyzing visitor days recreational benefits (e.g. dollars generated from recreational activities in the DEIS area of analysis), or "displacement of recreationists' activities." To base a significant adverse impact on a "feeling" is insufficient, unjustified and, therefore fatally flawed. Unless the DEIS can prove significance using the above criteria rather than *perceived levels of isolation and solitude* (wilderness values), the recreation potential should be determined insignificant and stricken from the DEIS.

55-8

Page 4-74 (4.8.5 Mitigation Summary) This should be re-titled the "Blackmail Summary" section. Of particular note is the BLM's proposed "mitigation" of "interpretative exhibits". If the BLM wants interpretative signs and/or exhibits, it has a separate line item within its budget for such projects and should pay for these types of projects itself. However, if BLM is proposing interpretative signs about the economic benefits that oil and gas development provide for the county and the state, perhaps that would be an appropriate "mitigation" measure that we are sure industry would be willing, in fact probably enthusiastically supportive, of. Other than that, BLM should pay for its own "propaganda".

55-9

Finally, we are appalled that BLM has the audacity and egomaniacal attitude to deny the Natrona County Commissioners "cooperating agency" status. To suggest to the citizens of Natrona County, or their elected officials, that they have no expertise or no lawful place at the table is insulting and wholly unacceptable (but not surprising of the current Administration- we find this attitude of the Clinton administration pervasive throughout federal agencies we deal with). The following CEQ regulations emphasize the participation of local governments: 1500.5(b); 1501.1(b); 1501.2(c); 1501.5(f); 1501.6; 1503.1(a)(1); 1505.2, 1505.3; 1506.3(c); 1506.6(a); 1506.8.

BLM should immediately invite the Natrona County Commissioner's to fully participate in the remaining DEIS, FEIS and Record of Decision activities, AND, BLM should give appropriate consideration and deference to any such participation. They might learn something valuable!

WWGA appreciates the opportunity to comment on the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project Draft Environmental Impact Statement. History has shown over and over that extraction of natural resources can be accomplished in an environmentally sound manner for the benefit of Wyoming, her residents and her wildlife resource.

Sincerely,


Roy R. Reese
Executive Director
Wyoming Wool Growers Association

April 1, 1997

Renee Taylor
HC 35 Box 8781 #2
Evansville, WY 82363

Bureau of Land Management
Casper District Office
1701 East "F" Street
Casper, Wyoming 82601
Attn: Kate Padilla, Team Leader

RE: Cave Gulch - BullFrog - Waltman Natural Gas Development Project

From the beginning it has been clear that the BLM just doesn't like the proposed development referenced above. This begs the question, WHY? This project is inherently good. There are many positives revolving around it yet BLM continues to paint the proposal with the most negative brush, let's get past personalities, emotion and prejudices to look at the facts, not opinion, not tone. This project provides the BLM, the operators and the rest of us the opportunity to develop a very valuable resource in a calm, well thought out, environmentally sensitive manner. Let's take advantage of that opportunity. The Proposed Action should be approved, the Alternatives are without merit, their cost to both the operators and the nation as a whole are unjustified.

56-1

The raptor mitigation measures spelled out in the document are designed to penalize operators for the gas resource being located under an eroding rock pile that happens to provide raptor nesting sites. The nest sites can be replaced, augmented and moved, the gas resource cannot. The birds are not endangered, not rare, not threatened, they are there. The habitat is not limited, not unique and not threatened, there are hundreds of square miles of it available, proximal to the project area. The birds may choose to stay in the development area, they have for the last thirty years. And finally, let's not kid ourselves about the significance of the visual resource or the recreational opportunities along 20/26 and County Road 104. At 70 mph tourists on the way to Yellowstone are not going to notice or be offended by a fleeting vision of an gas production structure (unidentifiable at that speed) from the car window. If someone ventures off onto County Road 104 the BLM is provided with one of the most wonderful of educational opportunities possible. Rather than worry that the proposed development will detract from the first NINE miles of the "Scenic Byway", acknowledge that this part of the state has been of economic significance to the State of Wyoming and Natrona County for over one hundred years, and this continues today. Take this opportunity to disclose to the public what sheep, cattle and minerals, including coal, have contributed to the region. Explain why Waltman, Powder River, Moneta, Hilland, Arrianto and Lost Cabin are (were) there. When and why the railroad came and went. Page 3-

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75 indicates the very high density of historic and pre-historic sites in the area, explain why to the public. How oil and gas production pays for the education of children in the State of Wyoming and keeps our tax rates some of the lowest in the country. State how much money is being put into the coffers of the United States government on a daily basis, this is not inappropriate, people are constantly amazed at the big numbers. Do not forget to mention oil and gas provides employment for so many, including you and me. If there is any space left along the road discuss what benefits we all get from oil and gas, such as tires, lubricants, pharmaceuticals, fertilizers, hiking boots, zip-lock baggies, solar panels, camp stove fuel, carpeting, electricity and bandaids, just to mention a few. Further, the liquids plant and compressor buildings, when painted the flat Carlsbad Brown, will not provide a visual distraction from the south end of the Big Horns and will certainly be less visible than the highway, the Rest Area and the sun glinting off the broken glass in the junk yard at Waltman.

56-1 (cont.)

The BLM must pay attention to the comments of the service companies that were provided at the last public meeting. Though obviously orchestrated, the message is real. The seasonal stipulation is not acceptable, it provides increased drilling costs increased risk and little or no environmental benefit. This stipulation allows the BLM and the birds stable jobs and stable homes while providing no stability to the people employed by the service companies. It provides the operating companies little or no ability to plan, purchase equipment or efficiently allocate resources to the development of the field. One of the reasons that oil and gas exploration is depressed in the Rockies is the lack of knowing if, when or at what cost a permit to drill will be obtained. The operators must have a commitment from BLM that they will be allowed to develop and produce the leases for which BLM is gathering lease fees and royalties. As proposed all they will get is a maybe, let's see what the birds are doing this year.

The Alternative Nesting Structures (ANS's) provide proven mitigation for the displacement of raptors that MAY take place. ANS's ARE mitigation of significance, with that in condition in place there is no reason for the additional seasonal stipulation. Further, use of the seasonal stipulation in the proposed action will provide for maximum protection for the birds, maximum opportunity to develop the field and maximum stability for the Cave Gulch workforce. If this is not done the sections relative to socio-economic impacts must be substantially amended to illustrate the impacts to the workers, the community, the social services infrastructure, and the economy as a result of seasonal operations. The health and safety sections must also be revised as the document does not disclose the possible increase risk to workers as a result of being forced to conduct all operations in the extreme cold, high winds and over crowded conditions forced upon them by the seasonal stipulation.

SPECIFIC COMMENTS

There are numerous flaws in the document including contradictory terms used for the description of visual quality, is it Class 1-5 or is it Class A-C (Section 3-9)? How can this area be classified as a Class A, it is by no stretch comparable with the Tetons. There also seems to be a problem with the method of

56-2

2

determining acres of disturbance. It appears the development of deep wells has not been included in the Alternative A and B analyses. Why? If these wells are added back in the BLM alternatives have greater disturbance potential than the Proposed Action.

It appears from the document that the BLM believes that it has tremendous powers of perception including which nests the birds will use next year and years thereafter as BLM has selected specific nests for protection in Alternative A. Through out the document BLM appears to have determined where the gas resource will be found. The document very specifically discusses locations of wells that WILL effect views or WILL effect nests or WILL cause impacts to "wetlands". The BLM must remember that this is a disclosure document and that well locations can and do change depending on reservoir characteristics, and that with each individual APD the BLM will have the ability to look at the concerns relative to specific well sites. DO NOT structure this document so that well site location changes cannot be made. Only enough well site specific information needs to be predetermined at this point so that the location of 14 ANS's can be determined. On that subject, the ANS's and their monitoring must be limited to the project area (40 square miles), not the 273 square miles over which the BIG study was made. The set asides recommended in the BLM recommended alternative constitutes off-site mitigation and is inappropriate. If one looks at the numbers, in 273 miles 107 nests were located, 52 of these are in the project area and 9 are in use. For these NINE nests BLM recommends setting aside lands and implementing ANS's in addition to maintaining the seasonal stipulation. There is no logic in this recommendation, it is someone's pet project.

56-3

On page 2-11 there is discussion relative to disturbance resulting from pipeline construction. This section is not clear and could be interpreted as pipeline construction along side a road has having the regular construction width of the road and the regular construction width of the pipeline. This is not how it happens, this construction method is used in an effort to reduce the overall width of disturbance, otherwise the operators would just go cross lots with the lines and save themselves a lot of money. Further, pipeline construction is minimal disturbance as the soil is physically removed over the trench width only not the entire width of the ROW.

56-4

On page 3-73 a statement is made relative to unnatural appearance of the Yellow Sweet Clover (YSC) in the reclaimed areas, later in the mitigation section the recommendation is made to eradicate the same. Without knowing the specifics it is reasonable to assume that YSC was a component of a BLM recommended seed mixture for reclaiming the older well sites, pipelines and roadways. It is inappropriate to ask for a weed eradication program at this point in time, also recommended in the mitigation section. As stated repeatedly in the document (same page) this is not a pristine area, weeds have been introduced for the last one hundred years. It would be appropriate to require certified weed free seed and certified mulching materials but not monitoring a weedy species eradication.

56-5

Section 3.11 Socioeconomic does not even mention Fremont county or the communities of Riverton and Shoshone, why? It is my

56-6

56-6 (cont.)

understanding that good portions of the workforce are coming from these communities. Effort is made to list all the communities in the greater Casper metropolitan area, but no effort is made to say they comprise the greater Casper area, the proximity of these towns to each other is important to the readers comprehension of the space and distances in question in this project.

In 3.11.2 is a statement that Natrona County has been shaped economically by the boom/bust energy cycles of the last twenty years, the reality of it is the last cycle was over the last twenty years, energy industry cycling has gone on for the last 100 years. A long term project like Cave Gulch helps to even out the high and low peaks of such cycles.

In 3.11.3.2.1 the statement is made that "industry employment has likely been severely affected by the decline in drilling activity (YES) and the shift to natural gas (NO). Without Cave Gulch there would be little or no oil and gas activity going on in central Wyoming, it is not a matter of choosing one over the other it is the economics of exploration and development in the Rockies. This is another example of the negative spin that is put on this project throughout the document, Cave Gulch is a positive not a negative.

Further in Section 3.11 the discussion of employment is so scattered in the document that one must read hundreds of pages to gather up the facts that while total job numbers may have made up for the loss of oil and gas and refinery jobs in the greater Casper area the benefits and income derived from these jobs hasn't even come close to replacement value, that the social services are more fully utilized and the work force is under utilized.

Again, the document fails to acknowledge the use of the area for almost 100 years for agriculture, mining and oil and gas, section 3.12 states that the transportation system has been developed only over the last 35 years, no so. The rail road went in the very early 1900's as did the roads to Araminto, Lost Cabin, Moneta, etc. The area was not discovered by oil and gas developers.

In general Chapter 4 is poorly organized and difficult to follow. Also, the second paragraph fails to inform the reader that impacts can be and are both positive and negative. Page 4-6 states the Paleo report is found in Appx. C it is in Appx. E.

Section 4.3 Soils, Mitigation Summary suddenly pops up with implementation of a construction stipulation, taken from the RMP, that does not allow construction from December 30 to June 1 in the South Fork of the Powder River stating this includes the majority of the area proposed for locations. How applicable is this stipulation? Given the seasonal stipulation for raptors from February 1 to July 31 the no work season is SEVEN months. Is this construction stip from the RMP and is it a blanket no construction standard or is it what the BLM originally intended and that was an effort to keep construction from happening with WET and FROZEN WET soils (all getting back to reserve pit failure concerns)? Given the lack of opportunity for wet soils in the area most of the winter variances from this stipulation should be available.

Why are Sage Grouse being discussed in the same breath as raptors, see pg. 4-53? The level of protection provided and required by law are substantially different.

Section 4.7.3.2.4 (Alternative A, Raptor Management) states

4

that 1,961 acres will effectively be removed from future development. Is the BLM prepared to compensate the operators for the loss of the area of the field thought to have the highest potential?

Section 4.7.3.3.4 (Alternative B, Key Raptor Area aka Bird Park) recommends the set aside of 6,252 acres of leases land to provide for raptor habitat. Again, is the BLM prepared to compensate the lessees of this area for the minerals they will not be allowed to recover, for the additional cost of analysis if they do propose wells and for the increased cost of exploration and development due to the cost of the mitigating stipulations that one can only anticipate will be placed on them? How can BLM state that these are low potential leases? The geological potential documentation and interest does not agree with BLM's assumption of low potential. As stated earlier, what makes the BLM think the birds will like the KRA any better than the areas to the north, south or west of the project area? Given the size of the area, the density of nests, the numbers of birds and the low prey base the suggestion of "over crowding" in the KRA seems a bit far fetched. In addition, the project area is not being eliminated from the face of the earth, it will continue to provide nesting opportunities, and to produce prey species in addition to providing perching sites.

No place in the document is it clearly disclosed what the economic impact of selecting A or B over the proposed action will be, what is the value that BLM is placing on these few common raptors. This number MUST be very clearly stated, the presentation of these costs in section 4.11.4 is not enough. Nor is the disclosure of potential cost of Alternative B clearly and honestly disclosed in 4.11.5, the potential losses are significantly greater than \$4,300 per year, the potential losses must include the loss of production, employment, etc. Let's not minimize the COST of the alternatives because BLM prefers them to the proposed action. This is illustrated on Table 5.8 in the Cumulative Impacts Analysis where it states the Socioeconomic impacts of B are similar to the proposed action, how can this be when the KRA now has precedence over development of the leases in the area? Are these 8 to 10 birds worth in excess of \$30 million dollars each? If they are BLM should put a sign to that effect up on the Scenic Byway. The sign should also state we had the chance to develop a world class gas field here, to improve the quality of education in the State of Wyoming, to employ X number of people, to keep the library open, to provide transportation for our older citizens, to reduce the national debt by X millions of dollars, and to enhance our national security but we chose to protect these 8 birds instead, protect them from displacement, not save their lives but save them from the stress of a drilling rig in the neighborhood.

Also on Table 5.8 we mourn the loss of non-mechanized recreation, what non-mechanized recreation?

Further, if all the monitoring required for all the recommended mitigation for the proposed action or any of the alternatives is implemented the consulting industry would be well employed in the Cave Gulch field, better so than the service company employees. The monitoring requirements are excessive and extremely expensive. Monitoring is the responsibility of the BLM, who will say they don't have the money so the companies will be

56-10

3

5

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

56-10 | saddled with the burden. One more reason why the industry is
(cont.) | leaving the Rockies, it's too expensive.

QUESTIONS OF PROCESS

56-11 | At the first public meeting the BLM and the County were very
excited about the ability to grant Natrona County Cooperating
Agency status. Somehow this never materialized, WHY? Who is
better prepared to present the infrastructure, the economics, the
population dynamics and the needs of the community than the county
in question. BLM once again displayed tremendous arrogance in
denying the County the status NEPA and the CEQ said was available
to it.

It is my hope that the BLM will not do another mass mailing of
a five pound document to everyone and their brother. Please have
some respect for other peoples money and send out interest cards,
those that want the document will ask for it!

Let's work through this process and make a good thing happen for
all of us. Thank you for the opportunity to comment.

Sincerely,



Renee C. Taylor
Citizen and Tax Payer,
State of Wyoming and Natrona County

State how much money is being put into the coffers of the United
States government on a daily basis, this is not inappropriate,
people are constantly amazed at the big numbers. Do not forget to
mention oil and gas provides employment for so many, including you
and me.

Further, the liquids plant and compressor buildings, when painted
the flat Carlsbad Brown, will not provide a visual distraction from
the south end of the Big Horns and will certainly be less visible
than the highway, the Rest Area and the sun glinting off the broken
glass in the junk yard at Waltman.

57-1
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The seasonal stipulation is not acceptable, it provides increased
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The health and safety sections must also be revised as the document
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of being forced to conduct all operations in the extreme cold, high
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57-2

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April 1, 1997

Bureau of Land Management
Casper District Office
1701 East "B" Street
Casper, Wyoming 82601
Attn: Kate Padilla, Team Leader

RE: Cave Gulch - BullFrog - Waltman Natural Gas Development
Project

57-4

From the beginning it has been clear that the BLM just doesn't like
the proposed development referenced above. This begs the question,
WHY? This project is inherently good. There are many positives
revolving around it yet BLM continues to paint the proposal with
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The raptor mitigation measures spelled out in the document are
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57-1

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sites in the area, explain why to the public. How oil and gas
production pays for the education of children in the State of
Wyoming and keeps our tax rates some of the lowest in the country.

57-5

Section 3.11 Socioeconomic does not even mention Fremont County or
the communities of Riverton and Shoshone, why not? It is my
understanding that good portions of the workforce are coming from
these communities. Effort is made to list all the communities in
the greater Casper metropolitan area, but no effort is made to say
they comprise the greater Casper area, the proximity of these towns
to each other is important to the readers comprehension of the
space and distances in question in this project.

Section 3.11.2 states that Natrona County has been shaped
economically by the boom/bust energy cycles of the last twenty
years. The reality of it is the last cycle was over the last
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recommends the set aside of 6,252 acres of leased land to provide
for raptor habitat. Again, is the BLM prepared to compensate the
lessees of this area for the minerals they will not be allowed to
recover, for the additional cost of analysis if they do propose
wells and for the increased cost of exploration and development due
to the cost of the mitigating stipulations that one can only
anticipate will be placed on them?

How can BLM state that these are low potential leases? The
geological potential documentation and interest does not agree with
BLM's assumption of low potential.

What makes the BLM think the birds will like the KRA any better
than the areas to the north, south or west of the project area?
Given the size of the area, the density of nests, the numbers of
birds and the low prey base, the suggestion of "over crowding" in
the KRA seems a bit far fetched. In addition, the project area is
not being eliminated from the face of the earth, it will continue
to provide nesting opportunities, and to produce prey species in
addition to providing perching sites. Are these 8 to 10 birds
worth in excess of \$30 million dollars each? If they are, BLM
should put a sign to that effect up on the Scenic Byway. The sign
should also state we had the chance to develop a world class gas
field here, to improve the quality of education in the State of
Wyoming, to employ X number of people, to keep the library open, to

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

57-5 (cont.) provide transportation for our older citizens, to reduce the national debt by X millions of dollars, and to enhance our national security but we chose to protect these 8 birds instead, protect them from displacement, not save their lives but save them from the stress of a drilling rig in the neighborhood.

57-6 No place in the document is it clearly disclosed what the economic impact of selecting A or B over the proposed action will be, what is the value that BLM is placing on these few common raptors. This number MUST be very clearly stated, the presentation of these costs in section 4.11.4 is not enough. Nor is the disclosure of potential cost of Alternative B clearly and honestly disclosed in 4.11.5. The potential losses are significantly greater than \$4,300 per year. The potential losses must include the loss of production, employment, etc. Let's not minimize the COST of the alternatives because BLM prefers them to the proposed action. This is illustrated on Table 5.8 in the Cumulative Impacts Analysis where it states the Socioeconomic impacts of B are similar to the proposed action, how can this be when the KRA now has precedence over development of the leases in the area?

57-7 At the first public meeting the BLM and the County were very excited about the ability to grant Natrona County Cooperating Agency status. Somehow this never materialized, WHY? Who is better prepared to present the infrastructure, the economics, the population dynamics and the needs of the community than the county in question. BLM once again displayed tremendous arrogance in denying the County the status NEPA and the CEQ said was available to it.

It is my hope that the BLM will not do another mass mailing of a five pound document to everyone and their brother. Please have some respect for other peoples money and send out interest cards, those that want the document will ask for it!

Let's work through this process and make a good thing happen for all of us. Thank you for the opportunity to comment.

Sincerely,

Bob Dundas
Bob Dundas
1932 S. Cedar Street
Casper, WY 82601

are (were) there. When and why the railroad came and went. Page 3-75 indicates the very high density of historic and pre-historic sites in the area, explain why to the public. How oil and gas production pays for the education of children in the State of Wyoming and keeps our tax rates some of the lowest in the country. State how much money is being put into the coffers of the United States government on a daily basis, this is not inappropriate, people are constantly amazed at the big numbers. Do not forget to mention oil and gas provides employment for so many, including you and me. If there is any space left along the road discuss what benefits we all get from oil and gas, such as tires, lubricants, pharmaceuticals, fertilizers, hiking boots, zip-lock baggies, solar panels, camp stove fuel, carpeting, electricity and band-aids, just to mention a few. Further, the liquids plant and compressor buildings, when painted the flat Carlsbad Brown, will not provide a visual distraction from the south end of the Big Horns and will certainly be less visible than the highway, the Rest Area and the sun glinting off the broken glass in the junk yard at Waltman.

58-1 (cont.) The BLM must pay attention to the comments of the service companies that were provided at the last public meeting. Though obviously orchestrated the message is real. The seasonal stipulation is not acceptable, it provides increased drilling costs increased risk and little or no environmental benefit. This stipulation allows the BLM and the birds stable jobs and stable homes while providing no stability to the people employed by the service companies. It provides the operating companies little or no ability to plan, purchase equipment or efficiently allocate resources to the development of the field. One of the reasons that oil and gas exploration is depressed in the Rockies is the lack of knowing if, when or at what cost a permit to drill will be obtained. The operators must have a commitment from BLM that they will be allowed to develop and produce the leases for which BLM is gathering lease fees and royalties. As proposed all they will get is a maybe, let's see what the birds are doing this year.

The Alternative Nesting Structures (ANS's) provide proven mitigation for the displacement of raptors that MAY take place. ANS's ARE mitigation of significance, with that in condition in place there is no reason for the additional seasonal stipulation. Further, use of the seasonal stipulation in the proposed action will provide for maximum protection for the birds, maximum opportunity to develop the field and maximum stability for the Cave Gulch workforce. If this is not done the sections relative to socio-economic impacts must be substantially amended to illustrate the impacts to the workers, the community, the social service infrastructure, and the economy as a result of seasonal operations. The health and safety sections must also be revised as the document does not disclose the possible increase risk to workers as a result of being forced to conduct all operations in the extreme cold, high winds and over crowded conditions forced upon them by the seasonal stipulation.

TRUE OIL COMPANY

885 WEST RIVER CROSS ROAD

P.O. DRAWER 2360
CASPER, WY 82602
(307) 237-9301
FAX (307) 296-0252

April 1, 1997

Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, Wyoming 82601
Attn: Kate Padilla, Team Leader

RE: Cave Gulch - BullFrog - Waltman Natural Gas Development Project

58-3 From the beginning it has been clear that the BLM just doesn't like the proposed development referenced above. This begs the question, WHY? This project is inherently good. There are many positives revolving around it yet BLM continues to paint the proposal with the most negative brush, let's get past personalities, emotion and prejudices to look at the facts, not opinion, not tone. This project provides the BLM, the operators and the rest of us the opportunity to develop a very valuable resource in a calm, well thought out, environmentally sensitive manner. Let's take advantage of that opportunity. The Proposed Action should be approved, the Alternatives are without merit, their cost to both the operators and the nation as a whole are unjustified.

58-1 The raptor mitigation measures spelled out in the document are designed to penalize operators for the gas resource being located under an eroding rock pile that happens to provide raptor nesting sites. The nest sites can be replaced, augmented and moved, the gas resource cannot. The birds are not endangered, not rare, not threatened, they are there. The habitat is not limited, not unique and not threatened, there are hundreds of square miles of it available, proximal to the project area. The birds may choose to stay in the development area, they have for the last thirty years.

And finally, let's not kid ourselves about the significance of the visual resource or the recreational opportunities along 20/26 and County Road 104. At 70 mph tourists on the way to Yellowstone are not going to notice or be offended by a fleeting vision of an gas production structure (unidentifiable at that speed) from the car window. If someone ventures off onto County Road 104 the BLM is provided with one of the most wonderful of educational opportunities possible. Rather than worry that the proposed development will detract from the first NINE miles of the "Scenic Byway" acknowledge that this part of the state has been of economic significance to the State of Wyoming and Natrona County for over one hundred years, and this continues today. Take this opportunity to disclose to the public what sheep, cattle and minerals, including coal, have contributed to the region. Explain why Waltman, Powder River, Moneta, Hiland, Arainto and Lost Cabin

SPECIFIC COMMENTS

58-2 There are numerous flaws in the document including contradictory terms used for the description of visual quality, is it Class 1-5 or is it Class A-C (Section 3-9)? How can this area be classified as a Class A, it is by no stretch comparable with the Tetons. There also seems to be a problem with the method of determining acres of disturbance. It appears the development of deep wells has not been included in the Alternative A and B analyses. Why? If these wells are added back in the BLM alternatives have greater disturbance potential than the Proposed Action.

58-3 It appears from the document that the BLM believes that it has tremendous powers of perception including which nests the birds will use next year and years thereafter as BLM has selected specific nests for protection in Alternative A. Through out the document BLM appears to have determined where the gas resource will be found. The document very specifically discusses locations of wells that WILL effect views or WILL effect nests or WILL cause impacts to "wetlands". The BLM must remember that this is a disclosure document and that well locations can and do change depending on reservoir characteristics, and that with each individual APD the BLM will have the ability to look at the concerns relative to specific well sites. DO NOT structure this document so that well site location changes cannot be made. Only enough well site specific information needs to be predetermined at this point so that the location of 14 ANS's can be determined. On that subject, the ANS's and their monitoring must be limited to the project area (40 square miles), not the 273 square miles over which the BIG study was made. The set asides recommended in the BLM recommended alternative constitutes off-site mitigation and is inappropriate. If one looks at the numbers, in 273 miles 107 nests were located, 52 of these are in the project area and 9 are in use. For these NINE nests BLM recommends setting aside lands and implementing ANS's in addition to maintaining the seasonal stipulation. There is no logic in this recommendation, it is someone's pet project.

58-4 On page 2-11 there is discussion relative to disturbance resulting from pipeline construction. This section is not clear and could be interpreted as pipeline construction along side a road has having the regular construction width of the road and the regular construction width of the pipeline. This is not how it happens, this construction method is used in an effort to reduce the overall width of disturbance, otherwise the operators would just go cross lots with the lines and save themselves a lot of money. Further, pipeline construction is minimal disturbance as the soil is physically removed over the trench width only not the entire width of the ROW.

58-5 On page 3-73 a statement is made relative to unnatural appearance of the Yellow Sweet Clover (YSC) in the reclaimed areas, later in the mitigation section the recommendation is made to eradicate the same. Without knowing the specifics it is reasonable to assume that YSC was a component of a BLM recommended seed mixture for reclaiming the older well sites, pipelines and roadways. It is inappropriate to ask for a weed eradication program at this point in time, also recommended in the mitigation section. As stated repeatedly in the document (same page) this is

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

58-5 (cont.) not a pristine area, weeds have been introduced for the last one hundred years. It would be appropriate to require certified weed free seed and certified mulching materials but not monitoring a weedy species eradication.

Section 3.11 Socioeconomic does not even mention Fremont County or the communities of Riverton and Shoshone, why? It is my understanding that good portions of the workforce are coming from these communities. Effort is made to list all the communities in the greater Casper metropolitan area, but no effort is made to say they comprise the greater Casper area, the proximity of these towns to each other is important to the readers comprehension of the space and distances in question in this project.

In 3.11.2 is a statement that Natrona County has been shaped economically by the boom/bust energy cycles of the last twenty years, the reality of it is the last cycle was over the last twenty years, energy industry cycling has gone on for the last 100 years. A long term project like Cave Gulch helps to even out the high and low peaks of such cycles.

58-6 In 3.11.3.2.1 the statement is made that "industry employment has likely been severely affected by the decline in drilling activity (YRS) and the shift to natural gas (NO). Without Cave Gulch there would be little or no oil and gas activity going on in central Wyoming, it is not a matter of choosing one over the other it is the economics of exploration and development in the Rockies. This is another example of the negative spin that is put on this project throughout the document, Cave Gulch is a positive not a negative.

Further in Section 3.11 the discussion of employment is so scattered in the document that one must read hundreds of pages to gather up the facts that while total job numbers may have made up for the loss of oil and gas and refinery jobs in the greater Casper area the benefits and income derived from these jobs hasn't even come close to replacement value, that the social services are more fully utilized and the work force is under utilized.

Again, the document fails to acknowledge the use of the area for almost 100 years for agriculture, mining and oil and gas, section 3.12 states that the transportation system has been developed only over the last 35 years, no so. The rail road went in the very early 1900's as did the roads to Armito, Lost Cabin, Moneta, etc. The area was not discovered by oil and gas developers.

In general Chapter 4 is poorly organized and difficult to follow. Also, the second paragraph fails to inform the reader that impacts can be and are both positive and negative. Page 4-6 states the Paleo report is found in Appx. C it is in Appx. E.

58-7 Section 4.3 Soils, Mitigation Summary suddenly pops up with implementation of a construction stipulation, taken from the RMP, that does not allow construction from December 30 to June 1 in the South Fork of the Powder River stating this includes the majority of the area proposed for locations. How applicable is this stipulation? Given the seasonal stipulation for raptors from February 1 to July 31 the no work season is SEVEN months. Is this construction stip from the RMP and is it a blanket no construction standard or is it what the BLM originally intended and that was an effort to keep construction from happening with WET and FROZEN WET soils (all getting back to reserve pit failure concerns)? Given

4 the lack of opportunity for wet soils in the area most of the winter variances from this stipulation should be available.

Why are Sage Grouse being discussed in the same breath as raptors, see pg. 4-53? The level of protection provided and required by law are substantially different.

Section 4.7.3.2.4 (Alternative A, Raptor Management) states that 1,961 acres will effectively be removed from future development. Is the BLM prepared to compensate the operators for the loss of the area of the field thought to have the highest potential?

58-8 Section 4.7.3.3.4 (Alternative B, Key Raptor Area aka Bird Park) recommends the set aside of 6,252 acres of leases land to provide for raptor habitat. Again, is the BLM prepared to compensate the lessees of this area for the minerals they will not be allowed to recover, for the additional cost of analysis if they do propose wells and for the increased cost of exploration and development due to the cost of the mitigating stipulations that one can only anticipate will be placed on them? How can BLM state that these are low potential leases? The geological potential documentation and intent does not agree with BLM's assumption of low potential. As stated earlier, what makes the BLM think the birds will like the KRA any better than the areas to the north, south or west of the project area? Given the size of the area, the density of nests, the numbers of birds and the low prey base the suggestion of "over crowding" in the KRA seems a bit far fetched. In addition, the project area is not being eliminated from the face of the earth, it will continue to provide nesting opportunities, and to produce prey species in addition to providing perching sites.

58-9 No place in the document is it clearly disclosed what the economic impact of selecting A or B over the proposed action will be, what is the value that BLM is placing on these few common raptors. This number MUST be very clearly stated, the presentation of these costs in section 4.11.4 is not enough. Nor is the disclosure of potential cost of Alternative B clearly and honestly disclosed in 4.11.5, the potential losses are significantly greater than \$4,300 per year, the potential losses must include the loss of production, employment, etc. Let's not minimize the COST of the alternatives because BLM prefers them to the proposed action. This is illustrated on Table 5.8 in the Cumulative Impacts Analysis where it states the Socioeconomic impacts of B are similar to the proposed action, how can this be when the KRA now has precedence over development of the leases in the area? Are these 8 to 10 birds worth in excess of \$30 million dollars each? If they are BLM should put a sign to that effect up on the Soenic Byway. The sign should also state we had the chance to develop a world class gas field here, to improve the quality of education in the State of Wyoming, to employ X number of people, to keep the library open, to provide transportation for our older citizens, to reduce the national debt by X millions of dollars, and to enhance our national security but we chose to protect these 8 birds instead, protect them from displacement, not save their lives but save them from the stress of a drilling rig in the neighborhood.

58-10 Also on Table 5.8 we mourn the loss of non-mechanized recreation, what non-mechanized recreation? Further, if all the monitoring required for all the

58-10 (cont.)

recommended mitigation for the proposed action or any of the alternatives is implemented the consulting industry would be well employed in the Cave Gulch field, better so than the service company employees. The monitoring requirements are excessive and extremely expensive. Monitoring is the responsibility of the BLM, who will say they don't have the money so the companies will be saddled with the burden. One more reason why the industry is leaving the Rockies, it's too expensive.

58-11

QUESTIONS OF PROCESS

At the first public meeting the BLM and the County were very excited about the ability to grant Natrona County Cooperating Agency status. Somehow this never materialized, WHY? Who is better prepared to present the infrastructure, the economics, the population dynamics and the needs of the community than the county in question. BLM once again displayed tremendous arrogance in denying the County the status NEPA and the CEQ said was available to it.

It is my hope that the BLM will not do another mass mailing of a five pound document to everyone and their brother. Please have some respect for other peoples money and send out interest cards, those that want the document will ask for it!

Let's work through this process and make a good thing happen for all of us. Thank you for the opportunity to comment.

Sincerely,

[Signature]
R. A. True III

BOARD OF COUNTY COMMISSIONERS

Charles W. Johnston, Chairman
Barf Churchil, Commissioner
John J. Whitting, Commissioner
Thomas J. Martin, Commissioner
The Wolf, Commissioner



Park County, Wyoming
Ordinance 1911
ORIGINAL PARK COUNTY COURTROOM
CODY, WYOMING
COMPLETED 1912

Commissioner's Office

April 1, 1997

Bureau of Land Management
Platte River Resource Area
P.O. Box 2420
Mills, Wyoming 82644
Attention: Kate Padia

RE: Cave Gulch Draft EIS Comments

Dear Ms. Padia:

The Board of County Commissioners of Park County, Wyoming submit the following comments regarding the DEIS for the Cave Gulch-Bullfrog-Waltman Natural Gas Development Project.

59-1 Early in the process, you indicated to the Natrona County Commissioners that they would be included as a cooperating agency since they have legal jurisdiction and can provide special expertise regarding issues of concern to their county. We feel that your subsequent failure to include them as a cooperating agency violates the spirit and the letter of NEPA as well as the CEQ regulations which govern its implementation. Further, substantiation of Natrona County's right to be included as a cooperating agency is clearly stated in a draft BLM memo which states:

1. Does the BLM invite counties to become cooperating agencies?

Yes. To assure that the impacts of our decisions are thoroughly analyzed, BLM encourages collaborative preparation of EISs with other Federal agencies, states, counties, and Tribes. For example, the Nevada BLM has just completed the EIS for the Ruby Hill gold mine, with Eureka County

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

Kate Padilla, BLM
RE: Cave Gulch Draft EIS Comments
April 1, 1997
Page 2

United States Forest Rocky P.O. Box 25127
Department of Service Mountain Lakewood, CO 80225-0127
Agriculture Casper District Office Delivery: 740 Simms St.
1701 East "B" Street Golden, CO 80401
Casper, WY 82601 Voice 303-275-5350
TTY 303-275-5367

File Code: 2580

Date: APR -3 1997

as a cooperating agency (along with 3 Federal agencies).

2. What is a "cooperating agency"?

The Council on Environmental Quality (CEQ) regulations define a cooperating agency as any Federal agency that has jurisdiction by law or special expertise for proposals requiring an EIS under the National Environmental Policy Act (NEPA). A State, Tribe, or local agency, such as a county, with similar qualifications may become a cooperating agency by agreement with the lead agency.

3. How is a cooperating agency selected?

The Federal agency that has primary responsibility for preparing an EIS, such as BLM, may invite a county (or other governmental jurisdiction) to become a cooperating agency. It is common for more than one agency to be cooperating. Alternatively, a county may ask the lead agency to select it as a cooperating agency. Selection and responsibilities of a cooperating agency are described in § 1501.6 of CEQ Regulations for Implementing NEPA. (40 CFR 1501.6)

59-1 (cont.)

60-1

Kate Padilla, Team Leader
Bureau of Land Management
Casper District Office
1701 East "B" Street
Casper, WY 82601

Dear Ms. Padilla:

This letter contains our comments on the Cumulative Air Quality Impact Analysis for the Cave Gulch - Bullfrog - Waltman Natural Gas Development Project Draft EIS. We did not receive other sections of the EIS in this office, so these comments only reflect our review of information contained in the Cumulative Air Quality Impacts Document. The main EIS apparently contained a reply due date for comments, but we were not aware of that until other participating groups informed us by phone. We hope that these comments will still be useful to you.

At the outset, we would like to thank the BLM for involving the Forest Service early in the DEIS development process. We greatly appreciate the opportunity to participate in collaborative meeting with the BLM and other interested parties in discussion of the project details, air quality modeling, and Cloud Peak Wilderness Air Quality Related Values. Specifically, we are pleased that visibility modeling, and lake chemistry impact analysis was conducted for the Cloud Peak Wilderness, and that these analyses were conducted using input of on-site visibility and lake chemistry monitoring data provided by the Forest Service. In addition, we believe that the use of the conservative Interagency Workgroup on Air Quality Modeling (IWAQM) Screening analysis procedures for visibility modeling was appropriately used in this DEIS. We are satisfied that by using this conservative modeling approach, the Forest Service can be confident that the cumulative visibility impacts to the Cloud Peak Wilderness from this project and other nearby projects will be unlikely. We are also satisfied that based on the analysis conducted in the Air Quality Impact document, it is unlikely that cumulative acidic deposition impacts would be created from this project and other nearby projects that would adversely affect the sensitive lakes in the Cloud Peak Wilderness.

Our only remaining concerns with this project, based on the information contained in the Cumulative Air Quality Impact Analysis, are from volatile organic carbon (VOC) emissions. As you may be aware there is much uncertainty

The BLM's preferred alternative will not allow any drilling or construction activities for six months out of every year. We feel that such lengthy time restrictions are excessive and will severely limit or discourage development and production and would therefore substantially reduce revenues to the State of Wyoming and Natrona County. How can these time restrictions be justified when only slightly more than 1% of the total area, after reclamation, will be disturbed?

59-2

You propose to set aside 6,252 acres of federal land outside the project area as a Key Raptor Area (KYA) effectively blocking all mineral development in the future. How have you addressed the economic impact of this set-aside when most of these acres are already leased?

60-2

Kate Padilla, BLM
RE: Cave Gulch Draft EIS Comments
April 1, 1997
Page 3

Much time and many dollars are spent in Wyoming counties on "economic development", but as long as Wyoming's tax structure remains as it is, our greatest source of revenues is the direct result of the responsible development of our minerals.

Kate Padilla

2

about the potential visibility impact of conversion of VOC's to particulate matter. In Table 2.4 of the Cumulative Air Quality Impact Analysis, the figures show that VOC emissions in the Lance formation can be significantly reduced when Best Available Control Technology (BACT) is applied. The document states that 1/3 of the Lance Formation is expected to produce at levels less than 33 Tons Per Year (TPY) and that BACT would not be required for these sources. If BACT is not used on these sources then this 1/3 of the production field could be expected to produce 8% (2024TPY/2266TPY) of the VOC emissions from the Lance field. We recommend that BACT be applied to a majority of these smaller wells in order to further reduce the VOC emissions that may have an impact on visibility.

Thank you for the opportunity to provide input. Please contact Tamara Blett (303-275-5744) or Dennis Hadow (303-275-5053) if you have any question on these comments.

Sincerely,

[Handwritten signature]

for BRYAN DAHL
Director, State and Private Forestry

cc: Forest Supervisor, Bighorn National Forest
Robert Edgar, EPA Region VIII
Chuck Collins, State of Wyoming DEQ

BOARD OF COUNTY COMMISSIONERS
PARK COUNTY, WYOMING

[Handwritten signature]
Charles W. Johnstone, Chairman

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Beryl Churchill, Commissioner

[Handwritten signature]
John J. Winkinger, Commissioner

[Handwritten signature]
Timothy J. Morrison, Commissioner

[Handwritten signature]
Tim Wade, Commissioner

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

State of Wyoming
Oil and Gas Conservation Commission



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII
800 12th STREET - SUITE 800
DENVER, COLORADO 80202-2400

GOVERNOR JIM BRESNER, CHAIRMAN
COMMISSIONERS
JAMES H. MADAMA GARY E. GLASS ELMER S. PARSON ROBERT E. MCCOYDALE
STATE OIL AND GAS SUPERVISOR
DONALD B. BASKO

Ref: 8EPR-EP

APR '8 1997

April 4, 1997

Ms. Julie Hamilton
Wyoming State Clearinghouse
Office of Federal Land Policy
Herschler Building
Cheyenne, WY 82002

VIA FACSIMILE AND MAIL

Kate Padilla, Team Leader
Bureau of Land Management
Casper District Office
1701 East E Street
Casper, WY 82601

Dear Ms. Hamilton:

Re: Supplemental Comments On Air Quality
Technical Report For Cave Gulch DEIS

I am in receipt of a copy of the Draft Environmental Impact Statement for the Cave Gulch, Bullfrog, and Waitman Natural Gas Development Projects.

I have watched this entire drama take place and was constantly amazed at the positions taken by the Bureau of Land Management. There has been absolutely no mention or weight given to the socio-economic impacts of these decisions. The idea that the field should essentially be shut down for six months of the year because of nesting birds is ludicrous. It seems that all of the concern is focused on migrating birds and little or none on people who need to make a living. What was also not considered are the millions of dollars of production that will come from this area, some of which will go to the federal treasury. Also keep in mind that the state has a greater share in this production than the federal government and yet the B.L.M., who is a minority owner, is calling all the shots. In addition, the area that is to be protected for the sake of the birds will essentially create a huge bird sanctuary that is totally unwarranted for the few birds that frequent this area.

61-1

The Wyoming Oil and Gas Conservation Commission is charged with prevention of waste and protection of correlative rights. The idea of forcing operators to centralize production facilities with the possibility of bypassing less attractive locations because of this requirement would not set well with the Commission. We are interested in the ultimate recovery from the reservoir, in other words, the prevention of waste. To allow operators to do less, flies in the face of our charge.

I have also been privy to the comments made by Chevron Oil. I endorse all the comments made by Chevron and urge B.L.M. to incorporate those comments and recommendations in the final environmental impact statement.

I urge that the final environmental impact statement be written so as to provide year around access to the entire field



Ms. Julie Hamilton
April 4, 1997
page 2

with reasonable restrictions to protect the few nesting birds in the spring of the year and that all the other impediments to development be eliminated.

Very truly yours,

Donald B. Basko
Donald B. Basko,
State Oil and Gas Supervisor

DBB/41

Dear Ms Padilla:

As I mentioned to you in a Voice Mail message on April 2, 1997, EPA has some additional comments after a complete review of the Air Quality Technical Report for Cave Gulch, Bullfrog, and Waitman DEIS (copy attached).

62-1

After review of the Technical Report, EPA is concerned that some gas development projects that would meet the definition of "Reasonably Foreseeable Future Actions" (RFD) were omitted from the Cumulative Impact Analysis for Air Quality. Figure 1-1 in the Technical Report depicts the Study Area. However, the sources that were modeled to determine the potential cumulative impact from the project area and the adjacent sources are not shown on the map. The map boundaries for the Study Area are defined by the county boundaries rather than airshed, ecosystems, or resource impacted. This selection of boundaries effectively eliminates adjacent projects with air emissions that could potentially impact Cave Gulch and the surrounding area. This lack of information makes it rather difficult to determine exactly what sources were considered in the analysis. The Soils Section of the DEIS (Section 5.4.3) makes reference to Cooper Reservoir Natural Gas Field and the KN Pipeline. However, it is not apparent that these potential sources were included in the Cumulative Impacts Analysis.

62-2

Recently, it has come to our attention that there is a major new gas field in the Madden Field. With the limited information currently available to EPA, it appears that the potential cumulative impact from the Madden Field should be considered as part of the analysis for Cave Gulch. EPA recommends this analysis in order to fully consider the cumulative impact of reasonably foreseeable future projects in the Big Horn Basin area. This approach will ensure that BLM considers the full range of consequences of the proposed action and alternatives in the Cave Gulch, Bullfrog, Waitman DEIS.

Thank you for providing the Technical Air Quality Report for our review. If you have any questions, please call me at (303) 312-6002, or Robert Edgar at (303) 312-6669.

Sincerely,

Michael J. Strieby
Michael J. Strieby
EIS Review Coordinator

Enclosure

cc: Carol Campbell, EPA
Robert Edgar, EPA
Elaine Suriano, EPA OFA

COMMENT LETTERS RECEIVED ON THE DRAFT EIS

COMMENTS ON CUMULATIVE AIR QUALITY IMPACT ANALYSIS DRAFT EIS CAVE GULCH - BULLFROG - WALTMAN NATURAL GAS DEVELOPMENT PROJECT

62-3
(cont.)

The primary comments/questions in this analyses are 1). Are there any "reasonably foreseeable future" gas/oil field developments that should be included in the cumulative impacts analysis, 2). The proposed gas plant should be included in both plume visibility analysis, and possibly the far-field analyses, 3). A high pressure three phase separator separates the water and condensate from the gas. Recommend that a discussion be included on the VOC's emanating from the water. Evidently, this water is saturated with organics, and flashing and evaporation will occur from the holding tank.

1. Page 2-6, Table 2.2 - The paragraph above Table 2.2 says that formaldehyde from compressors is listed in Table 2.2. However, Table 2.2 does not list formaldehyde emissions. Recommend that "formaldehyde from compressors" be deleted from the above paragraph, and Table 2.2 include a footnote that emissions from compressors are not included in the table.
2. Page 2-8, Table 2.4 - The title states that the production emissions are "maximum annual average". A maximum average is confusing. Recommend that either the word "maximum" or "average" be deleted.

Total emissions for n-Hexane and HAPs listed below n-Hexane do not add correctly in the table. Recommend that a footnote be added to explain how the totals are calculated.
3. Page 2-9, Section 2.4 - Emissions Inventory - Other Sources. Recommend that any "reasonably foreseeable future" gas fields in Natrona, Washakie, Big Horn, Johnson, and Sheridan counties be included in the cumulative impacts analysis.
4. Page 3-1, Section 3.0, NOx Mitigation. Reference the last sentence of the first paragraph concerning WDEQ's BACT determination.
5. Page 5-3, First sentence of the first paragraph. Figure 5.1 appears to be an area source. Recommend that an explanation be added to explain why the sources are modeled as volume sources.
6. Page 5-6, Section 5.1.2 Production Phase. Recommend that a table be added to show the model input parameters for the sources such as stack height, stack diameter, and exhaust temperature.
7. Figure 5.2 and Figure 5.3. Recommend that the length of the interval between modeled receptors be noted in the table.
8. Table 5.6 compares modeled 8-hr concentrations with AAQL's. Recommend that the averaging times for the AAQL's be listed. Are these averaging times comparable to the modeled 8-hr. concentrations?
9. Page 5-12, top paragraph, last sentence. Recommend that the phrase "point of departure" be more clearly defined.
10. Page 5-13, Table 5.7. Recommend that a footnote be added to explain the meaning of "n/a".
11. Page 5-14, last sentence of second paragraph. Recommend that the reference to SW Wyoming be removed since Cave Gulch is not in this area.
12. Page 5-14, Section 5.4. For cumulative impacts, oil and gas projects in the "reasonably foreseeable future" should be included in the far field modeling. Recommend that a sentence be added addressing whether or not there is any "reasonably foreseeable future" projects in this area of Wyoming.
13. Page 5-16, Section 5.4.1 - Emission Sources. "... far field analysis included ... the compressor engines and well site separator heaters." Recommend that the dehydration units and gas plant be included in the far-field analysis. Would the gas plant replace a centralized 12,000 horsepower compressor station?
14. Figure 5.4. Recommend that the significance of Areas 1,2,3,&4 be explained.
15. Page 5-18, first sentence of second paragraph. "Deposition velocities for NO and NO2..." Please clarify whether gas molecules or particles are being deposited.
16. Page 5-19, Section 5.6, Visibility. Recommend that the possibility of a plume from the 12,000 hp compressor with potential NOx emissions of 232 tons/yr be considered in this section.
17. Appendix Page A1-13, Table A-6. Recommend that the flare emissions from the BACT for 2/3rd's of all LANCE wells be included in this table.
18. Appendix 2, Table 3 - Lance Production, Controlled Emission Factors. For Cave Gulch #2, #3, and #7, the permitted daily production rate and the permitted annual production rate are the same for each well. Recommend that the reasons for unequal VOC emission rates (uncontrolled), and unequal NOX and CO emission factors (controlled) be explained in the footnotes to the table. In addition, if this information was obtained from WDEQ, then WDEQ should be referenced in a footnote to the table.
19. Appendix 2, Page A2-6, Table 4. Recommend that NOX emission factors for the gas plant be included in this table.

20. Appendix 2, Page A2-7, last paragraph. Recommend that the statement, that gas plant compressors would have lower emission factors than in-field or centralized compressors, be referenced. Also, is this justification for not including the gas plant in either the in-field or far-field impacts?
21. Page A2-10, Table 5. Recommend that emissions associated with centralized and/or gas plant compression be included in the far-field emission scenario.

62-3

DIANA CAMPBELL
State Capitol Bldg.
Cheyenne, WY 82002

This letter is to protest the shut down of the Cave Gulch area for drilling for 6 months of the year due to Raptor nesting. This puts a hardship on "We The People of the State of Wyoming".

There are many citizens of our state who are directly or indirectly associated with the oil industry, and this affects us all. From the big oil companies all the way down to the wives and children. This decision leaves us to have to look elsewhere, sometimes out of our state, for employment. Not only does this hurt us and our families, but it also hurts our states revenues when we go to another state to work and pay taxes there.

63-1

We strongly oppose the BLM's decision for this shut down. We understand these birds need a place to nest, but who is more important, the birds or the citizens. This greatly affects the "family", it makes it hard when fathers and husbands have to go away for sometimes weeks at a time to be able to feed their families and pay their bills. It strains the family relationships when a parent is gone from the home for long periods of time, and makes it harder economically when you have the expenses of two households. I don't believe the birds are as affected by this as the BLM would have us believe. Drilling has been going on in the Cave Gulch area for years and the birds still return to nest year after year. These birds are flourishing in this area, all you have to do is drive along the highway and see for yourself.

There needs to be a compromise that we all can live with. The birds need a place to nest and we need jobs. We want to be productive citizens in society and not have to go on Welfare because birds are nesting. President Clinton has promised us Welfare Reform and jobs, how can this shut down be justified?

This letter was received from: Melvin L. Nigge
P.O. Box 37
Lysite, WY 82642

COMMENT LETTERS RECEIVED ON THE DRAFT EIS



262 Lincoln Street, Lander, Wyoming 82520
(307) 332-7031

April 16, 1997

Kate Padilla
Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, Wyoming 82601

**Re: Cave Gulch Natural Gas Development Project
Environmental Impact Statement -- Connected, Cumulative,
and Similar Actions Must be Considered**

Dear Kate:

Please add the following comments to the environmental review record for the above-referenced EIS. Regulations implementing the National Environmental Policy Act require federal agencies to analyze the environmental consequences of connected, cumulative and similar actions in environmental impact statements prepared for actions that may significantly affect the quality of the human environment. See 42 U.S.C. 4332(2)(C), 40 CFR § 1508.25. I'm writing to make you aware of a number of actions and proposals in the Big Horn/Wind River Basin that appear to be connected, directly and indirectly, with the Cave Gulch Natural Gas Development Project. Because these projects will likely have indirect, cumulative and secondary environmental effects, they must be analyzed in the Cave Gulch EIS. In addition to air quality impacts, WOC is concerned that increased natural gas transmission capacity serving the Wind River and Big Horn basins will stimulate additional development and production activities, from which the combined environmental effects may go unnoticed.

64-1

1) Cooper Reservoir Unit Compressor Station. The Cooper Reservoir Unit is within the cumulative effects analysis area depicted in the Cave Gulch EIS technical air report. The Wyoming DEQ is proposing to issue under section 21(m) of the Air Quality Standards and Regulations a permit to Intoil, Inc. to construct a 515 horsepower compressor engine,

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dehydration unit, and liquids storage tank. The cumulative effects of these proposed facilities must be considered in the Cave Gulch EIS.

2) KN Gas Plant Expansion. On April 15, 1997, KN Energy announced plans to nearly double the capacity of a gas processing plant near Douglas, Wyoming, to deal with the anticipated influx of 100 million cubic feet of gas per day from the Cave Gulch Field. The cumulative effects of emissions of atmospheric pollutants caused by the processing of this additional gas must be analyzed in the EIS.

3) Colorado Interstate Gas (CIG) Pipeline Expansion. On April 10, 1997, CIG announced plans to expand by 68 million cubic feet per day the capacity of its Wyoming pipeline system to handle increasing production from the Big Horn and Wind River basins. The cumulative and growth inducing effects of the CIG pipeline expansion must be considered in the Cave Gulch EIS.

4) Pony Express Natural Gas Pipeline. KN Energy is proposing to convert to natural gas service an existing crude oil pipeline that extends 804 miles from Lost Cabin, Wyoming to Freeman, Missouri. The proposed pipeline would transmit natural gas produced in Wyoming's Big Horn and Wind River basins to markets in the Midwest. The cumulative and growth inducing effects of the Pony Express Pipeline must be considered in the Cave Gulch EIS.

Please do not hesitate to contact me should you have questions. We appreciate your attention to this matter.

Sincerely,
Dan Heilig
Dan Heilig
Associate Director

cc: Robert Edgar, EPA
Mike Striely, EPA

enclosures



262 Lincoln Street, Lander, Wyoming 82520
(307) 332-7031

By FAX to (307) 234-1525

April 4, 1997

Kate Padilla
Bureau of Land Management
Casper District Office
1701 East "E" Street
Casper, Wyoming 82601

Re: Supplemental Air Analysis for Cave Gulch Project Needed

Dear Kate:

You have no doubt seen the front page story in today's Casper Star-Tribune announcing the discovery by Louisiana Land & Exploration Co. (LL&E) of a "huge" natural gas deposit in the Madden Field near Lysite, Wyoming, in Fremont County. I'm enclosing a copy for your convenience just in case you haven't. The Madden Field is located approximately 30 miles west (upwind) of the Cave Gulch area, and contains an estimated 1 trillion cubic feet of gas. By comparison, the Cave Gulch field near Waltman, where 160 additional wells are currently being proposed, contains an estimated 450 to 629 billion cubic feet of natural gas.

65-1

In our comments on the Cave Gulch EIS, and earlier, at a January 23, 1997 meeting of the Cave Gulch/Continental Divide/South Baggs/Jonah II air group in Cheyenne, the Wyoming Outdoor Council indicated the need for the Cave Gulch air analysis to consider the effects of emissions from existing and proposed oil and gas activities in the Wind River/Bighorn Basin. We expressly noted the need to consider oil and gas development activity near Lost Cabin/Lysite, East Pavillion, and on the Wind River Indian Reservation. Evidently, based on the absence of discussion in the DEIS, and the fact that Fremont County is not included in the Cumulative Impacts Assessment Area, BLM believes it is unnecessary to disclose the cumulative effects of natural gas development in the Wind River/Bighorn Basin to federally-protected wilderness areas in the Big Horn Mountains. Of course, this position is scientifically insupportable, as emissions of atmospheric pollutants from the development of the Madden Field will enter the same airshed impacted by emissions from the Cave Gulch project.

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The cumulative impacts section of the Cave Gulch DEIS, as written, fails to satisfy the basic requirement of the National Environmental Policy Act to disclose the direct, indirect, and cumulative effects of the Cave Gulch project. The discussion of impacts to air quality should be revised to include emissions from existing and reasonably foreseeable future oil, gas and mineral producing activities in the Wind River/Bighorn Basin. The DEIS concludes that emissions from the Cave Gulch project will not exceed the Forest Service's limits of acceptable change for lake chemistry and visibility in the Cloud Peak Wilderness Area. However, if emissions from oil and gas development activity in areas outside the immediate vicinity of the Cave Gulch project had been considered, the DEIS's conclusions regarding air impacts would likely have been very different.

Sincerely,
Dan Heilig
Dan Heilig
Associate Director

cc: Bob Armstrong, DOI
Mike Dornbeck, BLM
Chris Wood, WO Forest Service
Chuck Collins, DEQ/AQD
Lee Gribovitz, DEQ/AQD
Elaine Suriano, EPA
Jack McGraw, EPA
Richard Long, EPA
Robert Edgar, EPA
Kevin Golden, EPA
Carol Campbell, EPA
Mike Striely, EPA
Supervisor, BNF
Dennis Haddow, FS
Tamara Blett, FS

enclosures