

**APPENDIX G**

**PUBLIC COMMENT LETTERS**

**ON**

**THE PINEDALE ANTICLINE OIL AND GAS EXPLORATION AND DEVELOPMENT FEIS**

**AND**

**BLM'S RESPONSES TO THE COMMENTS**

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# Wildlife Management Institute

Len H. Carpenter, Field Representative  
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ROLLIN D. SPARROWE  
President  
RICHARD E. McCABE  
Vice-President

June 30, 2000

Bill McMahan  
Project Manager  
280 Highway 191 North  
Rock Springs, WY 82901

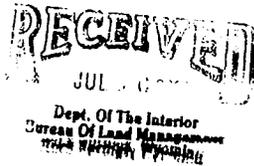
Dear Mr. McMahan:

I am the Southwest Field Representative for the Wildlife Management Institute. The Institute is a private, nonprofit, scientific and educational organization founded in 1911 and dedicated to the restoration, conservation, and sound management of natural resources, especially wildlife, in North America. I have the following comments on the FEIS for the Pinedale Anticline Natural Gas field Exploration and Development Project. We would like these comments considered as the Record of Decision is made on this project.

The alternative selected in the EIS for use in proceeding with development on the Pinedale Anticline is improved over earlier prognoses of how the project would proceed. The challenge for BLM is to really do all of the monitoring and project adjustment it calls for. We remain concerned that you do not have and have not been seeking the fiscal and human resources needed to do this work.

We also wonder how proposed projects like Jonah II and Pinedale Anticline that are similar and only 20 miles apart can result in findings of such differences in environmental impacts. At least in the Pinedale EIS the Bureau admits to the large environmental consequences of the development.

The acknowledged detrimental environmental impacts of the Pinedale Anticline Project stimulate us to make these final comments. In particular, as we stated in our earlier letter we are especially concerned about the limited biological data inventories that are being done or proposed to be done by the Bureau. Our main concern, given this limited effort is how will the BLM know if restrictions and limitations imposed on this project are sufficient? Your response to this concern was that the BLM was committed to implement the AEM planning process. We are not convinced or optimistic that this process will result in any significant results. We strongly urge



the Bureau to increase biological resource inventories to better monitor this project. This will take more fiscal and human resources.

Attached are our recent comments on BLM planing guidelines. These comments describe how we think resource plans and implemented development projects should deal with monitoring, and how project changes should follow. We suggest these ideas would improve protection of the public's interests.

We are concerned that the fast track and wide spread development of energy resources in Wyoming are headed for a train wreck. Too many promises for resource stewardship are being made to effectively be achieved. Unfortunately, we are becoming convinced that the only way resources other than energy are going to get their necessary attention and protection is through the court system. We do not advocate this approach. We would urge the BLM to take steps necessary to avoid this result.

We also urge BLM officials to become diligent in seeking additional fiscal and human resources to deal with these growing impacts. The end result does not have to be listed species and court actions! The American people deserve better public land management than they are currently receiving.

Thanks for the opportunity for comment.

Sincerely,

Len H. Carpenter  
: attach  
:cc

R. Sparrowe, WMI  
A. Pierson, BLM

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# Greater Yellowstone Coalition

Dubois, Wyo. office — 6360 U.S. Hwy 26 • Dubois, WY 82513 • (307) 455-3169 • Fax (307) 455-3169

Bill McMahan, Rock Springs BLM Office  
280 Highway 191 North  
Rock Springs, WY 82901

Dear Bill,

June 30, 2000

Please accept the following comments regarding the Pinedale Anticline FEIS on behalf of the Greater Yellowstone Coalition (GYC) and Jackson Hole Conservation Alliance (JHCA). GYC is a regional conservation organization dedicated to the sound health and protection of ecosystems in and around Greater Yellowstone. JHCA provides responsible land stewardship in Jackson Hole and the southern Greater Yellowstone Ecosystem (GYE) to ensure that human activities are in harmony with the area's irreplaceable wildlife, scenic and other natural resource values.

We support the Bureau of Land Management's (BLM) Preferred Alternative of the Resource Protection Alternative as an attempt to mitigate the inevitable impacts of wide-spread leasing and development on federal lands with additional stipulations. Clearly with this level of development involving a proposed 700 wells, the only way that a significant reduction in impact may occur will be through proper mitigation by restrictions and limitations. The cumulative impacts of leasing on all federal, state and private lands will be significant to wildlife resources in the PAPA at any level of development as BLM admitted in the Draft EIS. The importance of the Green River Basin in general and the Pinedale Anticline in particular as critical wildlife winter range and migration corridor is just now being documented with radio-telemetry studies on mule deer, pronghorn and sage grouse and cannot be overstated.

Recent studies sponsored by the BLM, Wyoming Game & Fish Department, University of Wyoming's Cooperative Wildlife Research Unit and Ultra Petroleum have revealed even more about the importance of wildlife habitat and migration routes on the Pinedale Anticline, Pinedale Mesa, Breaks and Trapper's Point bottleneck between the New Fork River and the Green River at the northern end of the Mesa. ( See "The Long Trail" and "Trapper's Point" in Wyoming Wildlife 5/2000). These studies and historical evidence points to the fact that the Green River Basin, Red Desert and Little Colorado Desert were the wintering grounds for thousands of ungulate species which summer in the southern GYE from Yellowstone National Park, Grand Teton National Park and the surrounding national forests. The specific studies on pronghorn antelope and mule deer have demonstrated where the critical winter range and migration corridors and restrictions are. Studies on sage grouse are demonstrating the effects of natural gas exploration and development on breeding areas (leks), nesting areas and winter range. These studies are incredibly important to help the BLM land and resource managers make timely decisions BEFORE the damage is done to this critical habitat.

Although much of the Pinedale Anticline Project Area (PAPA) is already leased, stipulations such as the five well per year limit are important to limit rampant development to prevent a boom situation from occurring in this critical area. But this limit should be imposed fairly so that

one operator does not secure the majority of the well sites in any one year. The withdrawal of the Wind River Front and Gros Ventre Foothills is essential to protection of key remaining wildlife habitat areas. These areas of the GR Basin and Red Desert were historically considered for wildlife refuges and national parks during the past century or more because of their importance. That has not changed. We should build on that strength, not undermine it by leasing it in the future. We appreciate the BLM 's plans to limit future leasing in southwest Wyoming and recommend that a moratorium be imposed on all new leasing during the exploration and development stages of this and other large-scale BLM leased lands in SW WY.

While there is a difference in the spacing and siting of the minimum number , we still support one well per section according to the Sensitive Resource Management Zones (SRMZ). We believe that there SHOULD more latitude for spacing wells less densely as needed to protect crucial wildlife habitat and perhaps more densely in less important non-wildlife areas as needed to develop the subsurface minerals. The well thresholds under the potential management scenario of big game range and sage grouse nesting/lek habitat are high at 16 well pads/square mile for a threshold of 212 well pads. 40 acre spacing is excessive for adequate protection of critical wildlife winter range and should be reduced to one well/acre. In addition, no wells should be less than two miles from a sage grouse lek. The 1/4 mile buffer is inadequate according to sage grouse lek use and surrounding nesting habitat research reports.

"TAKINGS" - The DEIS language "that all operations be conducted in a manner which protects other natural resources and environmental quality... and results in the maximum recovery of oil and gas (43 CFR 3161.2) "is inconsistent and contradictory. There must be environmental restrictions on natural resource development if there is to be orderly extraction rather than traditional boom & bust development. The BLM (and we) disagrees with the contention that there is currently sufficient information available to conclude that implementation of the RPA would result in a federal taking of even a portion of the leases. We do too and should elaborate on the point that there is a distinct contradiction between the requirement that "all activities must contain adequate safeguards to protect the environment" per BLM Onshore Order No. 1 (p 1-10).

In developing only two development scenarios in the DEIS, the BLM is essentially relying on the mitigation proposed to limit the impacts of such potentially massive development. The proof of how well this decision works on the PAPA lies in the mitigation measures required. In addition to mitigation is the monitoring and evaluation that will be most essential as development proceeds. Those monitoring plans must include, but not be limited to, air/water quality in Class 1 areas, wildlife numbers and habitat, range condition to assure adequate forage for sage grouse, ungulates and other wildlife.

In Table 2-2, the Individual Management Area Objectives and Restrictions/Limitations SHOULD be included in the ROD. It is apparent from the introduction and state Office of Federal Land Policy letter p. 5-16 that the state has made inappropriate, and in our opinion illegal, changes in this FEIS that weaken the intent of this NEPA document by inserting "could" instead of "should" for possible restrictions/limitations in the Management Area Objectives. This is a federal land management agency decision about federal lands. While the state may have input in the process, they may not drive the process. As admitted in the OFLP letter p. 5-16, the decision to allow them as a cooperating agency at the process table is precedent setting. We do

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not agree with this dangerous precedent and recommend that the state be removed from this role. In addition, for all mitigation listed in Table 2-2, the word "should" must replace the word "could" to remove any question that the restrictions/limitations will be imposed and enforced appropriately.

In reviewing the Analysis of Revised Sales Gas Pipeline Alternatives (Section 3 FEIS), we are surprised at the lack of planning and communication with operators and resource managers for the proposed pipeline corridor. We prefer Alternative B proposed by McMurray Oil Company which would follow existing utility corridors, roads, pipelines, etc. which would result in less surface disturbance and seemingly less resource impact.

We agree with the BLM selection of the RPA as a preferred alternative with the following additional stipulations or recommendations:

1. Require an evaluation of all past, proposed and cumulative development annually for each Management Area (MA) within the PAPA to ensure that the management goals of the FEIS are being met. Prior to any permitting any surface disturbing activity, site-specific environmental analysis of the proposed action on the management objectives and resource values of the affected Management Area should be required;
2. The operator/lessees should be required by the Department of Environmental Quality and Environmental Protection Agency according to the Clean Air Act and Clean Water Act to monitor emissions on-site and downwind of the wells and related facilities monitoring should be designed to determine the short and long-term pollution effects on air and water quality on the immediate and surrounding lands (including the downwind Class 1 wilderness areas;)
3. The BLM should require the operators to complete inventories or special studies to determine the extent of the site-specific or cumulative impacts through adaptive environmental management (AEM). All operating plans should be drafted and approved by BLM to mitigate identified impacts. In MA 3-Unleased Federal Minerals, we applaud the BLM for closing all new leasing for minerals on these lands;
4. BLM should require operators to limit well pad density to a maximum of one well per section on all Management Areas within the PAPA (except in the Mesa Breaks where the BLM should prohibit permitting any well pads or new access roads for wildlife habitat protection. The BLM should require operators to submit a plan for centralized production facilities and gathering pipeline systems prior to initiating any further production-related surface disturbing activities other than those necessary and already permitted to explore for leased minerals. The BLM should require the operators to demonstrate why either pad drilling or the installation of centralized production facilities could not be used to eliminate production and ancillary facilities in order to mitigate or eliminate adverse impacts to Management Area objectives and values;
5. Federal and state wildlife biologists should determine the appropriate maximum open road density to less than one mile per square mile to prevent excessive road densities in critical wildlife habitat. Limits must be set for road density and travel corridors. No access should be allowed in winter restrictions on winter ranges. No access should be allowed in winter restrictions on winter ranges.

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6. The Pinedale Anticline development could be a test case for federal eco-royalties to enhance industry's incentives to protect surface resources. The BLM should add incentives or at least be receptive to a Royalty Reduction on the directional wells to encourage more environmental protection, instead of only to ensure activity if otherwise it is so expensive drilling won't occur. How this would work economically would be up for discussion, but the purpose would be to fund mitigation of mineral development impacts.
7. Industry has discussed the possibility of an offsite mitigation fund to offset the costs of surface disturbance problems. We would like to see the idea of a mitigation fund worked into the Conservation Alternative. Presently reclamation is required on all federal leases at industry's expense. We would expect that surface disturbance mitigation could reduce habitat destruction and therefore wildlife displacement, thereby lowering the subsequent costs following production. Conservation easements and offsite mitigation areas should be used to mitigate the impacts to the resident antelope, mule deer, sage grouse or other species. Appropriate offsite mitigation should be based on information from the ongoing wildlife monitoring studies and trend analyses. In the PAPA, as in the Adaptive Environmental Management Plan to allow monitoring impacts and evaluating them to prescribe adjustments as development proceeds is an important change for BLM management.
8. In MA's 5 & 6- Big Game Winter Range and Sage Grouse Leks and Nesting Habitat: All big game winter ranges and migration corridors should be off-limits to industrial facilities that create barriers to seasonal movements; grouse leks and nesting habitat should also be off-limits to industrial facilities. This includes but is not limited to fences, roads, pipelines, drill rigs, pumps, treaters, etc.;
9. In MA 9- Non-Federal Lands: We encourage the BLM and the operators to enter into a Memorandum of Understanding (MOU) to adopt and implement the enclosed recommendations, including the RPA on all lands, on private and state lands within the PAPA. This MOU should be a recommendation to the Wyoming Oil and Gas Conservation Commission of what management should occur in Wyoming to minimize cumulative effects of large-scale drilling projects such as the Pinedale Anticline, Jonah Field, etc.
10. Gas Pipeline Alternative B proposed by McMurray Oil Company should be selected for natural gas transport to follow existing utility corridors, roads, pipelines, etc. since it would result in less surface disturbance and seemingly less resource impact.

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We appreciate the opportunity to work with you on this potentially high impact development. We look forward to seeing our recommendations adopted in the final Record of Decision.

Sincerely,  
*Meredith Taylor*  
Meredith Taylor  
Greater Yellowstone Coalition

*Pam Lichtman*  
Pam Lichtman  
Jackson Hole Conservation Alliance

Linda F. Baker  
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1793 (930)  
Anticline

July 3, 2000

Bill McMahan  
Bureau of Land Management  
Rock Springs Field Office  
280 Highway 191 North  
Rocks Springs, Wyoming 82901

Dear Bill:

Thank you for the opportunity to comment on the Final Environmental Impact Statement on the proposed *Pinedale Anticline Natural Gas Exploration and Development Project*.

The introduction to the FEIS identifies the need for an amendment of the Pinedale Resource Management Plan off-road vehicle designation. I thoroughly agree that mitigating this form of potential stress on wildlife and allowing the use of abundant local roads for ORVs is a practical and necessary step to reducing some impacts. However, if it happens that a recreational trail is developed in the PAPA, I would like to see it reserved for non-motorized use only. I therefore recommend that language regarding this amendment be changed to "limited to existing roads."

In Section 2, it is clear that there are many conflicts associated with meeting the demand for multiple use of BLM lands. It is a good idea to impose smaller Management Areas on the larger PAPA to define ecosystem types, however, it is still an assignation that is normally done in the context of the Resource Management Plan, and has been done in the Bridger-Teton National Forest Plan. As with the proposed ORV designation change, the suggestion of creating new Management Areas does, in fact, constitute an amendment to the RMP and is subject to protocol outlined in the Code of Federal Regulations. Because DEIS states that changes made in the PAPA are also applicable in other places in the Resource Management Area, I request that this new management direction be given adequate time for public comment.

As to the content of the suggested MAs, I focus primarily on MAs 5 and 6. DEIS at 5-34 states that "more than three times as many leks with at least one oil or gas well within a 0.50-mile radius are inactive than are active." Since this is the closest we have at this point to published documentation of the effect of gas wells on sage grouse leks, let us use it as an important indicator to the sensitivity of sage grouse to wells. An average of 2 or 3

wells and up to 16 wells per square mile is *too many*, in big game winter range as well. Again, one per square mile will allow for pad drilling, say one for each direction of the compass, and allow sage grouse room for a home and family. What a tremendous step it would be for the BLM to take this proactive measure against potential, range-wide listing of sage grouse as a threatened or endangered species.

The concept of the Adaptive Environmental Management planning process makes good sense, especially if the BLM can find the funding for it. I see this as the greatest potential drawback. It would be a shame not to be able to follow through with implementation and adjustments after planning such a progressive document. I would suggest that BLM find funding commitments for an AEM plan, and review those in the ROD for public comment.

Of the Section 3 alternative routes for the sales gas pipeline corridor, I prefer Alternative A despite possible soil damage on Blue Rim. This route is preferable because it follows existing roads, which has been a primary concern of mine throughout this project. I believe that any additional scraping that is done is an open invitation to further intrusive and unnecessary disturbance to wildlife habitat. For instance, Alternative B suggests a route along an existing 2-track seismic road. That route, more an arrow-straight swath cut through sagebrush than a 2-track, demonstrates the seismic company's failure to reclaim said "road", not the opportunity to usher in more development.

On the subject of sales gas pipelines, I would like to see an addition to the transportation plan that would allow for the delivery of clean-burning, inexpensive natural gas and other by-products to the people of Sublette County. Perhaps this could be a pipeline from the Luman Compressor Station to a centrally-located sales point. By and large, the people of Sublette County do not see direct financial benefit from the advent of a gas field so tremendous that it changes all other aspects of their lives. What they see are strangers in the post office and grocery, and a new-found desire to lock their doors. A local "discount outlet" would be a great compensation for a disrupted community and the loss of our hundred-mile gaze.

Again, thank you for this opportunity and your consideration of my comments.

Sincerely,

(signed)  
Linda F. Baker

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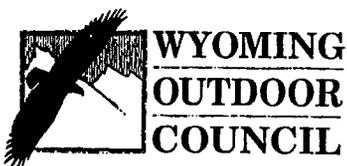
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**WYOMING  
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**BY FAX and US Mail**  
Bureau of Land Management  
Bill McMahan, Project Manager  
280 Highway 191 North  
Rock Springs, Wyoming 82901

June 28, 2000

**RE: Pinedale Anticline Natural Gas Field Exploration and Development Project FEIS**

Dear Bill,

WOC appreciates the opportunity to comment on the PAPA FEIS. As we all know, the potential size of this project is large and the likely impacts very significant because of the abundance of sensitive resources in this area. Thus the management decisions are of utmost importance. We also appreciate the forthrightness of the EIS which honestly identifies and admits significant impacts that are likely to occur.

WOC supports the BLM's choice of the Resource Protection Alternative as the preferred alternative and believes implementation of the mitigation opportunities to the fullest extent is essential. The restrictions and limitations as outlined in Table 2-2 FEIS should be adopted in the ROD and the wording should be changed to reflect the necessity of those limitations, i.e. "could" should be changed to "shall."

As the DEIS acknowledges, the impacts will be significant even with mitigation (Executive Summary - 1). Thus it is crucially important that the BLM vigilantly monitor the resources and enforce the mitigation measures which are established. If not, an already acknowledged bad situation from the perspective of impacts and failure to meet mandates of "all activities must contain adequate safeguards to protect the environment" (BLM Onshore Order No. 1), would get even worse, possibly catastrophic.

WOC recognizes the difficulties of controlling development and mitigation where, as here, approximately 20% of the surface area and minerals are either state or private. The FEIS nonetheless acknowledged that "BLM can recommend to the Wyoming Oil and Gas Conservation Commission, Corps of Engineers, etc. that the construction, drilling and development mitigation measures identified in the DEIS be imposed on non-Federal lands." We request that the BLM do so and, additionally, that the BLM enter into a Memorandum of Understanding with the operators that they will adopt the RPA limitations and mitigation measures on all private and state land within the PAPA.

**Wildlife**

This resource is at significant risk under the present plan. The PAPA includes crucial winter range for pronghorn, mule deer and moose and important migration corridors

for the pronghorn and mule deer. The PAPA also contains one of the largest populations in Wyoming of sage grouse, whose numbers have been declining notably in the last 20 years.

**Deer and Pronghorn**

As the DEIS acknowledges, both pronghorn (p.3-72) and mule deer (p. 3-74) populations have been struggling since the winter of 1992-1993. Because they are already in a diminished state, management actions need to be particularly alert and sensitive to their needs. The director of the Utah Division of Wildlife Resources, John Kimball, has said at a recent mule deer symposium: "The most important issues affecting mule deer are loss of habitat and loss of carrying capacity on that habitat." See *Casper Star Tribune*, 3/24/2000.

WOC commends the RPA position that the Mesa Breaks, crucial winter range, would be closed to surface development. The BLM should also continue to enforce seasonal restrictions on travel and construction in the area from January 1-May 1.

Another concern focuses on the migration corridors of the deer and pronghorn. Recent radio telemetry studies, referenced as on-going in the DEIS, 3-74, have shown that pronghorn and mule deer migration corridors that have been used for 6000 years lie in the PAPA (see *Wyoming Wildlife*, May 2000, pp.36-41). Data indicate that at least 2000 mule deer and 1000-1500 pronghorn migrate twice yearly through the "bottleneck" - a one mile wide stretch between the Green and New Fork Rivers at the junction of U.S. Highway 191 and Wyoming Highway 352, 7 miles west of Pinedale. The key, of course, with bottlenecks is that the deer and pronghorn must go through that one spot because the geography itself limits other options. In addition to the restrictions/limitations relevant to big game listed in FEIS Table 2-2, the ROD must clearly identify this bottleneck and expressly limit development so that the deer and pronghorn migrations will not have a "stopper" put in the bottleneck. Otherwise that "stopper" could lead to catastrophic impacts on the herds as their historical migration patterns are blocked.

A second important bottleneck for mule deer is the area between Fremont Lake and Pinedale. This area has temporarily been withheld from leasing and should be permanently withdrawn.

**Sage Grouse**

Sage grouse studies do not support a 0.25 mile buffer zone free from disturbance as adequate. In fact, a BLM Technical Note (BLM, 1979, 24:29), the Wyoming Game and Fish Department and Clait E. Braun, the acknowledged expert on sage grouse, have all stressed the importance of limiting activity within 2miles/3 kms of an occupied lek. This are is significant and high quality habitat for sage grouse very carefully managed.

The BLM's .25 mile buffer for surface disturbance is a plain violation of BLM's responsibility under 40 CFR 1502.24 to "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." BLM's .25 mile buffer is contrary to the bulk of the scientific evidence and is arbitrary, capricious and contrary to law pursuant to the Administrative Procedure Act. See *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1151 (9<sup>th</sup> Cir. 1998) [absence of

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analytical data to support proposed mitigation measures violated NEPA's public disclosure requirements].

Clearly, larger buffer zones are necessary, even more so given the real concern that unless further decline of the sage grouse is immediately stopped, it could become a listed species under the Endangered Species Act. Additionally, because the 2 mile radius from an occupied lek is so vital and there is some question as to which leks are occupied, site-specific environmental analysis of a proposed action should be required prior to permitting any surface disturbing activity.

**Withdrawal of Wind River Front and Gros Ventre Foothills**

The current temporary withdrawal of all unleased federal lands and minerals along the Wind River Front and the Gros Ventre foothills must become permanent. Much of these areas is crucial winter range. It also includes an important migration corridor and bottleneck (see above). These are some of the few areas where there are no pre-existing rights to develop minerals and provide one small buffer zone for the sensitive resources being impacted elsewhere. The BLM has already over-committed the resources in the PAPA; the entire area can not survive any further commitment of resources to the possibility of development.

Because these areas are immediately adjacent to Class I airsheds it is also essential that no development occur there; any air quality degradation would be immediately sensed in the Class I airsheds.

On a related note, WOC supports the closure to mineral lease of the federal minerals in MA-3. Additionally, BLM should adopt DEIS Wildlife Mitigation Opportunity 19 and not reissue leases in crucial winter ranges if they expire.

**Five Well per Year Limit**

We applaud this limitation on the speed of development as set forth in the RPA. In a situation like the PAPA where much of the minerals are already leased, the development is inevitable but the decision to slow the pace is critical to mitigating the impacts, especially on the wildlife. We also agree with the BLM that limitations on development, such as this but also others proposed as part of the RPA, do not constitute a "taking", but merely reasonable limits on the speed and methods of extraction of minerals necessary to mitigate impacts on the other natural resources that the BLM is mandated to protect.

**Off-site Mitigation, Royalty Reduction**

The operators should consider off-site mitigation to enhance wildlife habitats elsewhere to compensate for habitats damaged/lost due to development. Appropriate off-site mitigation should be based on on-going wildlife studies, possibly in conjunction with the Adaptive Environmental Management Plan.

WOC would support an incentive-based royalty reduction for operators. Those who employ notable and costly environmental protection measures, such as directionally drilling in certain areas, could be assessed a lower royalty.

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**Adaptive Environmental Management Plan**

WOC agrees that successful management of the development and its impacts in the PAPA will involve flexibility in responding to new information about the environment and the impacts made upon it. This adaptive management must be based on ongoing scientific studies and have an accurate pre-development baseline. WOC advocated in the past for continued citizen involvement in the management of the PAPA development and hopes the AEM process will provide that opportunity while also being based on sound science.

**Air and Water Quality**

We were pleased to see and we commend the BLM that the EPA listed the DEIS as LO (lack of objections, adequate). We do believe that the operators/lessees should be required to monitor emissions on-site and downwind of wells and related facilities as well as monitor the water quality downstream of any of the associated development. While the expected and intended effects on air and water quality seem to be within acceptable bounds, it is essential that constant monitoring take place so that mitigating adjustments can be immediately implemented if the effects are found to be greater than anticipated. Both the surrounding air and water sheds are of high but fragile quality and so must, under the Clean Air and Clean Water Acts, be aggressively protected.

**Pad Drilling and CPFs**

The BLM should require operators to demonstrate why either pad drilling or the installation of centralized production facilities could not be used to mitigate or eliminate adverse impacts to the various natural resources in the PAPA.

**Revised Sales Gas Pipeline**

We were surprised at the sudden change in the proposed route of the gas pipeline. Presumably, Alternative A is the BLM's preferred alternative since it was the one BLM proposed. But it is neither entirely clear that it is the preferred alternative, and if so, why it is. Given the information presented in the FEIS, WOC supports Alternative B, proposed by McMurray. This alternative will result in less surface disturbance and seemingly less other natural resource disturbance.

**Road Density and RMP ORV designation change**

The inevitable increase in road density continues to be a concern, especially in respect to its impact on wildlife, erosion, and air and water quality. We strongly support the proposal to amend the Pinedale RMP Mount Airy and Desert General ORV "open" designations to "limited to existing roads and trails."

**Amendment to RMP Necessary for RFD Change**

WOC objected earlier that the non-conformance with BLM's Pinedale Resource Management Plan with respect to oil and gas reasonably foreseeable development which the additional drilling proposed in this project would result in should have received separate notice and a more extended (90 day) comment period. We re-state that objection to the process used to "update" the RFD. This updating is an amendment to the RMP and should be handled accordingly, receiving the notice and comment time provided under NEPA.

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Working Today for Wildlife's Tomorrow!

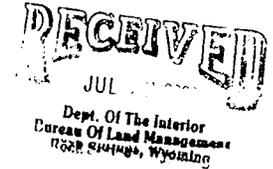
We appreciate the opportunity to be involved in the planning of this project and look forward to the adoption of our recommendations in the ROD.

Sincerely,

Christine Lichtenfels  
Associate Director  
Wyoming Outdoor Council

June 30, 2000

Bill McMahan, Project Manager  
BLM  
280 Hwy 191 North  
Rock Springs, WY 82901



Dear Bill:

Please accept these comments regarding the Pinedale Anticline Oil & Gas FEIS on behalf of the 6,000 members of the Wyoming Wildlife Federation (WWF). The WWF has been advocating for healthy wildlife populations, habitat, recreation, and wildlands for over 63 years.

Preferred Alternative

We are gratified that the BLM has read and listened to many of the comments submitted by the public during the comment period after the draft EIS in 1999. As stated in the FEIS (p. 1-2) the BLM has identified the Resource Protection Alternative on Federal Lands and Minerals as their preferred alternative, and the same alternative but applicable to private lands as well to be the environmentally preferred alternative. We request that the BLM implement the Resource Protection Alternative on All Lands and Minerals as their decision alternative with the following additions and exceptions. | 1

1) Require a review of proposed and cumulative development at least annually for each Management Area (MA) within the Project Area (PA) to ensure facilities and roads will result in the least impact; | 2

2) Prior to any permit-requiring surface disturbing activity, site-specific environmental analysis of the proposed action on the management objectives and resource values of the affected Management Area SHOULD BE required; | 3

3) Where it is determined by the BLM through adaptive environmental management analyses to be necessary and beneficial to the Management Area values and objectives, the operators SHOULD BE required to complete any

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inventories or special studies to determine the extent of site-specific or cumulative impacts, and operating plans SHOULD BE formulated and approved by BLM to mitigate identified impacts;

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4) BLM SHOULD REQUIRE operators to limit well pad density to a maximum of one (from which can be drilled multiple wells) per section on all Management Areas within the Project Area and SHOULD REQUIRE operators to compile a plan for Centralized Production Facilities and gathering AND SALES pipeline systems prior to initiating any further production-related surface disturbing activities other than those necessary and already permitted to explore for leased minerals; The BLM SHOULD REQUIRE the operators to demonstrate why either pad drilling or the installation of centralized production facilities could not be used to eliminate production and ancillary facilities in order to mitigate or eliminate adverse impacts to Management Area objectives and values;

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5) In MA 2- Mesa Breaks: The BLM SHOULD PROHIBIT placement of any well pads or new access roads or pipelines within the Breaks;

G-18

6) In MA 3- Unleased Federal Minerals: The WWF applauds the BLM closing leasing for minerals on these lands;

7) In MA's 5 & 6- Big Game Winter Range and Sage Grouse Strutting and Nesting Habitat: All important big game winter ranges and migration corridors should be off-limits to industrial facilities that create barriers to seasonal movements of wildlife or utilization of habitat by wildlife; grouse leks and nesting habitat should also be off-limits to industrial facilities;

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8) In MA 9- Non-Federal Lands: We encourage the BLM, the State of Wyoming, and the operators to enter into a Memorandum of Understanding (MOU) to adopt and implement the above, including the Resource Protection Alternative On All Lands, on private, state, and federal lands within the PA.



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Previous Concerns From DEIS Comments:

During the comment period for the DEIS, we submitted lengthy comments (dated January 28, 2000) to the BLM on behalf of our members. The following selections from our comments, and the response(s) from the BLM still need to be adequately addressed to benefit the public's need for informed NEPA involvement and participation in this important issue.

*"Some of the answers and resources that the BLM needs to include in this and similar documents include:*

1) Offer the public easy to read and up-to-date graphs, charts, and explanatory text about where America's energy supplies come from, as well as what percentages of our total energy usage is from coal, oil, natural gas, hydro, nuclear, and alternative energies such as wind, solar, and compost or waste incineration;

2) The public also needs to know how domestic energy production and consumption compares to foreign production and consumption, and how much (of all our energy sources) we obtain from foreign countries;

3) What are the estimated recoverable reserves of oil, natural gas, and coal in the U.S.? The world?

4) Will the U.S. ever be self sufficient in any of our energy sources? When, or why not? For how long?

5) Where are existing operational natural gas fields within the United States, and what are their expected lives and production?

6) If those fields were to be fully utilized, when would additional fields (such as the Pinedale Anticline) be needed?

The BLM document, "Oil & Gas Activity on Wyoming Public Lands" (Unknown date, from BLM State Office in Cheyenne; contact Rob Coleman [307-775-6193]) is

6



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a good start for easy-to-read graphs and charts, but it does not go far enough to answer some of the most basic questions needed for the public to decide if this type of development on the Pinedale Anticline is in fact even necessary.

All of the necessary information to adequately inform the public about the above topics is available by moderate research on the internet. It is the job of the BLM as lead agency on this EIS to facilitate the information gathering and to present it in appropriate fashion to the public."

The response offered by the BLM, "... (We) cannot now condition development of (the Pinedale Anticline) on some sort of index of global demand, as this comment seems to suggest," misses the intended and explicit request that the BLM use the DEIS and other NEPA documents and processes to assist the public in acquiring the proper context to make informed comments. The BLM, and the contractor compiling the documents, has the ability to do just that. It is already being done for some issues and topics in various sections of the document, as well as in the ancillary documents such as the Technical Report. Our request still stands that the BLM offer the public the information requested in italics above.

Further issues brought by our January 28 comments, and not addressed adequately by the BLM in the FEIS follow:

1) "The WWF, along with other organizations, has long advocated for staged development of our BLM lands for resource extraction. We strongly urge the BLM not to continue to develop these treasured public lands in the same haphazard manner until a systematic plan is developed that identifies recoverable hydrocarbons and minerals throughout appropriate public lands, and a plan to recover those hydrocarbons and minerals in as small an area as meets the nation's needs at a time, and not to industrialize other lands without restoration of the lands impacted has proceeded. A programmatic series consisting of



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development of the smallest segments possible of public lands followed by restoration would avoid the vast landscape destruction that is current BLM protocol. Leasing and seismic exploration of BLM lands should also follow staged, sequential patterns. Only in this pragmatic manner can the cumulative impacts of industrial development be identified and possibly effectively mitigated."

Nothing in the FEIS indicates that true staged development is considered or facilitated by the BLM. Merely slowing down development, or calling for studies on mitigation of impacts, or depending on chance occurrence or absence of mineral resources equates to pragmatic planning involving development/restoration sequences on the minimum of acreages. It is still haphazard and ecologically risky.

2) "Pit liners (referred to @ DEIS p.2-19) should be removed at the time of reclamation and properly disposed of outside the project area"

The BLM states in reply that the WWF offered, "..... no justification as to why this would be necessary or environmentally preferable." Such a cavalier response from the BLM does not engender public confidence in our hired stewards and managers of coveted public lands and wildlife. We would stipulate to the obvious that leaving literally thousands of square yards of heavy black, industrial-strength liner material out on public lands, albeit initially covered with soil, is wrong for a host of reasons: How about littering? Unsightliness? (they do not stay buried); Retention of toxins such as petro-chemicals with which some of the liners are saturated? And the very simple reasoning that users of public lands should be required to pick up and remove their mess? Scenic, environmental, wildlife, and recreational values would certainly be adversely impacted by leaving pit liners throughout the Project Area.

Air and Water Quality

The BLM should require the operators to monitor emissions of Nox, SO2, VOC's, CO, and particulate matter on site, and downwind of the project area.

C-9

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Monitoring should be designed to determine the short and long term effects on air and water quality not only on the Project Area, but on adjacent lands, surrounding environs, and downwind Class 1 & Class II Airsheds.

Offsite Mitigation

Much discussion has occurred in the past about the possibility of offsite mitigation funding mechanisms. The WWF stands ready to assist industry and the BLM in working towards a cooperative offsite mitigation effort. This effort may take the form of habitat enhancement projects, conservation easements or fee purchase of property(-ies) with important wildlife habitat values, or a conservation fund with contributions determined by a per-facility formula. Criteria for locations of projects or property protections could be determined by stakeholders. The State of Wyoming could even consider contributing from the revenues they normally receive from the operators and then pay out to livestock permittees for surface damages on state sections.

Revised Sales Gas Pipeline

On page 3-1 of the FEIS there begins an "analysis" of revised sales gas pipeline routes, including three proposed new routes. From the public's standpoint this new pipeline route proposal is surprising considering that, as we read it, a major theme of the DEIS for the Pinedale Anticline Oil and Gas Exploration and Development Project is to get "ahead of the curve" on impacts and development scenarios so's to avoid situations like this where proper planning between the Pinedale Anticline and the adjacent Jonah II Field for well connection pipelines relative to sales gas pipelines was not adequately analyzed. Further, the FEIS reads, "The DEIS assumed that sales pipelines from the PAPA would travel south through the middle of the Jonah Field." It would seem that such an assumption concerning such a significant federal action was done in haste and without proper consideration.

Now the BLM evidently wants to permit a sales pipeline, complete with 200 foot-wide corridor, 22.3 miles of deviation from the originally planned route, and

G-10



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hundreds of acres of "short-term disturbance" to surface soils and vegetation and habitat. Further, on page 3-5 of the FEIS at "Wildlife Resources" it reads, "Alternative A would remove approximately 54.5 acres of sagebrush-dominated vegetation within that crucial winter habitat. Since sagebrush may take 20 years or more to regenerate, removal of that important winter browse plant species would be a long-term impact to wintering pronghorn."

The BLM's Alternative A would also allow the pipeline to cross "several wetlands" (FEIS p. 3-3 & 3-5), and pass "through white-tailed prairie dog colonies..." (FEIS p. 3-5), and " ...pass through crucial winter habitats used by pronghorns..." (FEIS p. 3-4). The proposed pipeline routes would\*also undoubtedly pass through, and obliterate, sage grouse nesting habitat. Considering the potential impacts to valuable wildlife resources and habitats associated with this change in sales pipeline route, despite some analysis of the impacts from the original proposed route included in the DEIS, it would seem that the brief treatment of this proposal included in the few pages within the FEIS is hardly sufficient.

It is also difficult, if not impossible, for the public to be adequately informed of the alternatives and respective impacts to public resources by such a cursory treatment. None of the public field trips conducted during the scoping and compilation of alternatives stages of the DEIS offered the public a first hand look at these proposed newly identified pipeline corridor routes.

We do notice, at page 3-1 that the BLM's Alternative A has the pipeline route "... adjacent to the existing disturbed rights-of-way associated with roads..." for the 22.3 mile route deviation. Intuitively, it would indeed seem better from an ecological perspective to use existing disturbed routes such as road borrow pits versus damaging undisturbed terrain.

We wonder where exactly the 54.5 acres of sagebrush winter range is (FEIS p. 3-5) that would be removed if the pipeline follows existing roads.

Given that this "eleventh hour" tactic to get approval for a huge and potentially



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environmentally harmful sales pipeline is a rush job at best, we recommend the BLM not approve the sales pipeline route until adequate public involvement and information gathering can be accomplished, and until the potential harmful effects can be adequately identified and analyzed.

Conclusion

The Wyoming Wildlife Federation is, on the one hand, heartened that in comparison to other BLM industrial project EIS's the BLM's treatment of the Pinedale Anticline EIS seems to include more consideration for inevitable adverse environmental impacts arising from industrializing a previously relatively undisturbed landscape. However it is somewhat disconcerting that in the FEIS it also includes the obvious snafu of not coordinating the planning of adjacent significant federal actions (Jonah II Project and the Pinedale Anticline) concerning the route of a large and long, and undeniably harmful sales gas pipeline. Again, this mistake barely in the exploration phase of one huge project and perhaps a quarter of the way into production of the other does not speak well of the future management of the public's treasured wildlife, habitat, scenic, and recreational values. We hope for better.

In closing, the WWF wishes to reiterate some more concerns from our January 28, 2000 comments on the DEIS that the BLM did not sufficiently address in the FEIS Section 2 "Potential Management Scenario For Continued Exploration And Development", or in FEIS Section 5 "Response To Comments". Merely to acknowledge comments or recommendations, or to point out where in the DEIS it may have "discussed" or mentioned similar concerns without also pointing out or offering any sort of dispensation of issues or concerns is inconclusive. Therefore we will repeat below some of our closing suggestions for additional mitigation and monitoring opportunities in hopes that the BLM will offer either closure or explanation why they will or will not be a part of the management scenario for the Pinedale Anticline Natural Gas Project:

9



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There are several "Additional Mitigation Measures" (DEIS @ 4.19.4) which should all be implemented. They include:

- 1) Minimize wildlife poaching by avoiding firearms at worksites and supplying operators and employees with state and federal game laws;
- 2) All motorized equipment should be adequately muffled;
- 3) Squatting by employees should be eliminated by operators;
- 4) The WGFD should make available and publicize a reward leading to arrest and conviction of wildlife poachers;
- 5) Industrial roads should not be available to the public;
- 6) No dogs at the worksites;
- 7) Utilize wildlife habitat models to identify needed road closures in the project area, and to identify and implement effective reclamation of industrial sites;
- 8) Permanently close the south end of Mesa Road (State Hwy 351 to BLM Road 5106) to protect antelope, mule deer, and sage grouse. Seasonally close BLM Road 5106 to protect wintering mule deer and strutting sage grouse;
- 9) Construct all roads to standards that minimize vehicle speeds and surface disturbances;
- 10) Fence out livestock from reclaimed sites, but allow use by wildlife;
- 11) Improve or build new watering sites for use by wildlife where wildlife habitat models indicate it would be appropriate;
- 12) Do not build pipelines or roads through locally limited vegetation types such as aspen and mountain shrub communities;

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G-11



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- 13) Powerlines should be buried;
- 14) If industrial roads must be plowed in the winter, make sure there are escape openings at regular intervals for wildlife use;
- 15) Industrial activity, including well site visits, in big game wintering areas should be limited to mid-day to minimize disturbance during principal feeding hours and periods of high thermal stress;
- 16) Do not place roads or facilities in sage grouse nesting habitats with high probabilities of suitability;
- 17) Where needed, and where no adverse impacts to strutting grouse occur, the WGF, BLM, and operators should evaluate and place nesting sites for ferruginous hawks and golden eagles;
- 18) All fences within the project area should be evaluated and adjusted for ease of mule deer and pronghorn passage;
- 19) Waste pits should be netted where they may pose a hazard to songbirds and waterfowl;
- 20) Fugitive dust from use of roads by operators should be effectively controlled by operators;
- 21) If on-site mitigation of adverse impacts to wildlife is not complete, the operators should establish a compensatory mitigation fund to replace lost wildlife habitat at off-site locations to be determined in consultation with agency biologists and conservation groups. The operators should work with conservation groups to establish the administration of such a program. This mitigation fund could be along the same lines as the "Surface Damage Payments" made by industry to the State of Wyoming and grazing permittees on state lands where

G-12



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11

industry operates as reparation for direct loss of livestock forage and for disruption of operations to the livestock permittee. Direct loss of forage from industrial activity also impacts wildlife, and it also adversely affects the functionality of habitat, and impacts wildlife enthusiasts and hunters who utilize wildlife both consumptively and nonconsumptively. Industry has a direct and adverse impact on all this and should be held financially accountable;

22) An opportunity for industry mitigation could be a program to address adverse impacts throughout the region to big game migrations; e.g., the added impacts to migrating mule deer and pronghorn from recent housing development along Hwy 191 between Pinedale and Daniel;

#### Monitoring for the Life of Project

Additionally, monitoring of the progress of the project and the adverse impacts to the scenic, wildlife, and recreational values is needed for the life of the project. Therefor the following actions (DEIS @ 4.19.5) are needed:

1) Monitoring programs should be financed by the operators; Ultra Petroleum has already helped finance three ongoing and very important studies in the region involving sage grouse, mule deer, and pronghorn antelope, in cooperation with federal and state agencies and the University of Wyoming. There are maybe 30 or more other operators in this particular project area that need to step up to the plate and help fund a multitude of study and monitoring efforts to be conducted by agencies and academics. Some of the PAPA operators are among the wealthiest in the region and the nation. Some are well known multinational corporations. This project area contains some of the last remaining relatively untrammled sagebrush-basin-steppe biomes on the continent. These corporations, who stand to gain many millions of dollars from exploiting this valuable area, need to offer substantial resources to fund mitigation projects,



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12

studies, and monitoring efforts. Ultra Petroleum, a small independent operator, has answered this need, but so much more is called for. The many other operators are long overdue in adequately answering this call.

2) GIS data and biological information should be continually updated in order that modeling can be used with the latest information and so that all agencies, companies, organizations, and the public can avail themselves of current information;

3) BLM should require operators to submit all locational information for their facilities in a format compatible with GIS analysis;

4) BLM and the WGFD should develop a partnership program with WyDOT to increase monitoring of roadkilled wildlife on all roads in the project area;

5) Continue to monitor key biological sites and events including but not limited to raptor nesting success and sites, sage grouse leks and population trends, mule deer winter mortality and winter use, occupancy and health of prairie dog colonies;

6) Monitor success of reclamation efforts and initiate remediation work as soon as possible.

7) As explained in the DEIS (@ 2.7.3), the Resource Protection Alternative on All Lands and Minerals would involve voluntary compliance on the part of the operators. BLM should convene a group consisting of area conservation groups, landowners, and operators and facilitate an MOU from the operators agreeing to this alternative.

8) State and federal biologists should survey the PAPA for opportunities to initiate appropriate habitat enhancement projects for wildlife species.



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13

opportunities that may in fact be lost with industrial development; particular enhancements that involve burning of decadent shrub communities to promote beneficial and varied age classes of shrubs may be impossible in an operating natural gas field. These projects should be implemented prior to industrializing the area identified as appropriate for the burn(s).

The WWF hopes that our recommendations will appear in the BLM's Record Of Decision.

Thank you for this opportunity to offer comments on behalf of the Federation members on this important project. Please keep us apprised of any further developments or changes.

/s/ Lloyd Dorsey, WWF-Jackson Field Office  
307-733-1707

G-13



BP Amoco

Post Office Box 130  
Granger, Wyoming 82934  
307-872-9200

July 5, 2000

Mr. Bill McMahan, Project Manager  
Bureau of Land Management  
280 Highway 191 North  
Rock Springs, Wyoming 82901

**RE: BP Amoco Comments  
Pinedale Anticline Natural Gas Field Exploration & Development Project  
Final Environmental Impact Statement**

Dear Mr. McMahan:

BP Amoco Production Company (BP Amoco) appreciates this opportunity to provide these comments for BLM consideration on the Final Environmental Impact Statement (FEIS) for the Pinedale Anticline Natural Gas Exploration & Development Project. BP Amoco provides the following comments on this FEIS.

**General Comments**

BP Amoco still clearly understands the abundance of sensitive resources that occur in many parts of this proposed project area. BP Amoco also understands its responsibility to operate in a prudent and world class fashion when developing its oil and natural gas resources in these potentially sensitive environments. However, do not mandate, in your decision making process, unreasonable mitigation based upon the uncertainties in the level of ultimate development and therefore the possible overestimation of project related impacts. As BP Amoco stated in its comments on the DEIS for this project area, while the natural resources found in the Pinedale Anticline Project Area (PAPA) are abundant, none of the resources found in this project area are unique to this area. Standard stipulations were developed to protect each of these specific natural resources and without scientific based information indicating that a greater level of protection is warranted, additional and potentially more restrictive and mandated mitigation should be closely evaluated prior to inclusion in this project area Record of Decision (ROD).

Page 2.  
Mr. Bill McMahan

The underlying theme of these comments are that BP Amoco understands the importance and sensitive nature of portions of this project area. Do not mandate mitigation that cannot be scientifically justified. Instead, allow flexibility for the field office BLM staff working with the oil and gas operators to develop site specific mitigation that makes sense for the resource in question and at the same time allows for sound and economic development of the natural gas resources in the area.

**Section 1 - Introduction**

The BLM in Section 1 of the FEIS has identified the Resource Protection Alternative (RPA), that has been analyzed in the NEPA documentation, to be its preferred alternative. As identified in BP Amoco's comments to the DEIS, there are certainly a number of aspects of the RPA that are concerning to our organization. Those concerns will be re-iterated again in the comments provided below.

**Number of Rigs Operating - Table 2-8 DEIS - Resource Protection Alternative**  
BLM should not include in its ROD a limitation on the number of rigs that could be operating on the project area at any one time. This mitigation, which was suggested to limit the pace of development, would be virtually impossible for BLM and the oil and gas operators to manage. BP Amoco strives, for economic and consistency reasons, to maintain a "level loaded" drilling program. By limiting the number of rigs that could be operating at any one time, it would be impossible to maintain such a program. This would result in BP Amoco releasing a drilling rig when it is unable, due to this stipulation, to drill. Once a drilling rig is released it is often very difficult to get the rig back for continued use or to find a suitable replacement when the BLM decided BP Amoco could again drill. This mitigation must not be included in the ROD.

**Special Resource Management Zones(SRMZ) - Mesa Breaks & Sensitive Viewshed**  
Table 2-1 of the PAPA FEIS defines, by management area, limits on the average number of well pads/square mile and maximum number of well pads/square mile. For the Mesa Breaks Management Area those limits have been very specifically defined as zero (0). This limitation is new information that was not defined in the DEIS. BP Amoco believes this limit of zero requires some level of BLM justification. BP Amoco again understands the sensitive nature, both visually and for wintering wildlife, of this management area. BP Amoco does not however understand the need, nor the basis for the BLM establishment of a zero limit on allowable well pads. We hope that if a limitation for this area is brought forward, careful consideration be given to allowing BLM field office flexibility in potentially siting locations in this management area. Establishing a set and defined limit of zero well pads in this management area is truly unacceptable and could easily constitute a taking of mineral owner lease rights.

G-14

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In the Sensitive Viewshed Management Area defined in Table 2-1 of the FEIS, the BLM is proposing as part of its RPA Potential Management Scenario the establishment of a maximum limit of four (4) well pads/square mile. As BP Amoco described in its comments in the DEIS, simply limiting the number of well pads in this VRM II management zone will not necessarily accomplish visual resource management objectives. If visual resource impacts can be mitigated through some economic and technical means, such that VRM II integrity is maintained, the number of well locations that exist in that VRM II management area should not matter. Establishing a maximum number of well location per square mile and total number for the management area is arbitrary and capricious should not be included in the ROD. Development in this area should be left to the flexibility of the BLM field office and the oil and gas operator.

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**Lander Cutoff Trail**

The BLM RMP offers the Lander Cutoff Trail a ¼ mile buffer from the installation of well locations. Extending visual impact restrictions, as described in the RPA of the DEIS, could result in the potential for significant loss of natural gas resource recovery and potentially a taking of mineral lease owner rights. BLM ROD granted protection for the Lander Cutoff Trail should not extend beyond that provided it in the area RMP.

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**Big Game Winter Range and Sage Grouse Strutting & Nesting Habitat - Table 2-1 FEIS**

In Table 2-1 of the FEIS the BLM has established a maximum number of well pads/square mile at sixteen (16) with the following footnote; "More than 4 well pads/square mile could require operators to consider centralized production facilities (CPF's) and/or pad drilling to allow for additional well pads to reduce unnecessary/undue management area impacts".

BP Amoco again clearly understands the critical nature and importance of the big game wintering habitat in this proposed project area. The BLM must also understand the potential significant economic burden that such a limitation may place on the operators in this area. The BLM must also understand that this additional economic burden could result in the operators inability to economically recover the PAPA natural gas resources within these management areas. BLM admitted in the DEIS (at 2-45) that, "economic questions which remain to be answered could make directional drilling unreasonable." "If these economic hurdles cannot be overcome, reserves will be left in the ground and maximum ultimate recovery of the reserve would not be accomplished if well density is restricted to 4 wells per section." Based on relatively recent attempts to directionally drill on the PAPA, it would appear the some of the economic viability questions are being answered and it would also appear that there is a potential for reserves to be left in place, resulting in a taking of mineral lease owner rights.

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The BLM has offered in the footnote for this management area in Table 2-1, a potential alternative to limiting the number of well pads per section. This alternative would provide the ability to allow up to 16 well pads/section if centralized production facilities are constructed, so that only emergency trips would be required to the satellite well locations during the crucial winter period. BP Amoco appreciates the alternative the BLM has presented that would allow for a greater number of vertical wells to be drilled in these areas. Unfortunately the centralizing of production facilities also comes with some inherent difficulties. Most of which may be able to be overcome, but certainly at some increased incremental cost. The BLM has stated in this alternative that only emergency trips would be allowed to those locations which feed (produce to) the centralized facility. In the western Wyoming winter climate, it may be necessary to have some equipment at the satellite well locations. Things like line heaters and potentially methanol storage would be required for proper operation during the winter season. This equipment must be checked periodically to ensure that equipment is functioning and well operations are continuing. This could require more frequent visits to the satellite well locations than believed necessary by the BLM and therefore less of a perceived benefit to wintering big game. In summary, this alternative means of allowing wells to be drilled vertically in these critical habitats may not be feasible if the perceived benefit of limited visits to the satellite well locations cannot be accomplished. Unfortunately, this leaves the operator with only the directional drilling option and the potentially significant incremental cost increases associated with this option

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Without the scientific basis for the mitigation that is being proposed for this management area, the BLM must move cautiously forward in preparing an ROD addressing the implementation of an oil and gas management strategy for this management area.

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**Sage Grouse Leks - Resource Protection Alternative -Noise Restrictions**

The NEPA documentation in the PAPA states that Sublette County nor the State of Wyoming have noise limits and there are no standards of noise protection for wildlife. The document merely comments that the 10 dBA above background proposed sage grouse lek protection is "likely acceptable". Since there is not scientific basis for this proposed mitigation, the proposed mitigation can be defined as nothing but arbitrary and capricious and therefore should not be carried forward to be included in the ROD.

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Page 5.  
Mr. Bill McMahan

**Adaptive Environmental Management - Annual Development Review & Monitoring**  
BP Amoco has many concerns regarding the proposal that has been identified in the DEIS and the FEIS as Adaptive Environmental Management (AEM). In general terms BP Amoco agrees with the concept of continuously modifying management practices in order to allow continued exploration and development while continuing to protect the environment. However, BP Amoco is not convinced that AEM as outlined in Appendix F of the DEIS is the most appropriate mechanism to accomplish this goal. As this concept and plan is brought forward to the ROD, the BLM must evaluate and consider a number of questions. How will the Pinedale BLM Field Office, that already has staffing and work load issues, manage the AEM as proposed? Where will the funding that will be necessary to accomplish and implement AEM planning be secured? How many of the proposed resource values identified in the PAPA DEIS will be placed under the AEM process?

These issues were raised by BP Amoco in its comments on the DEIS and we believe that a more defined and prioritized process must be spelled out in the text of the ROD. A collaborative and shared implementation plan must be proposed. This should not and cannot be a cost that is borne 100% by the operators. Staffing and implementation must be discussed. A prioritization and selection of the resource values that will be placed under the AEM process must also be clearly identified.

**Table 2-1 FEIS**

The Table 2-1 includes a column described as Total Producing Well Pad Threshold. This column provides a total number of well pads that would be allowed per management area. This number is defined simply as the average number of well pads/square mile in the management area multiplied by the total number of acres in the management area. BP Amoco does not believe that this formula provides any correlation at all to the potential for significant impacts that may or may not result in the management area. This column, representing the total number of producing well pads by management area should be removed and the cap should simply be the total number of producing well pads analyzed for the entire project area.

Page 6.  
Mr. Bill McMahan

BP Amoco appreciates the opportunity to provide these comments on the PAPA FEIS. BP Amoco would also like to thank the members of the BLM ID Team for their persistence in getting this document completed and available for the public review. We hope that continued persistence will bring about a prompt ROD that provides the flexibility to meet environmental expectations and at the same time provides the operators the ability to economically and successfully recover its leased mineral resource.

Sincerely,



Kirk M. Steinle

Mr. Alan R. Pierson  
Wyoming State Director  
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5353 Yellowstone Road  
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Ms. Prill Mecham  
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12



555 Seventeenth Street | Suite 2400 | Denver, Colorado 80202-3987 | Telephone 303/298-1000 | Fax 303/298-8881

June 30, 2000

July 5, 2000

By Facsimile 307-352-0329

Bureau of Land Management  
Attn: Mr. Bill McMahan  
280 Highway 191 North  
Rock Springs, WY 82901

Bill McMahan  
Bureau of Land Management  
280 Highway 191 North  
Rock Springs, WY 82901

RE: Comments on Pinedale Anticline Natural Gas Exploration and Development Project-Final EIS

Re: Comments on Pinedale Anticline Final EIS

Dear Mr. McMahan:

Dear Mr. McMahan:

This letter is to re-iterate the comments presented by Western Gas Resources, Inc., on behalf of its subsidiaries Mountain Gas Resources, Inc., and Lance Oil & Gas Company, Inc. with regard to the Draft Pinedale Anticline EIS Project in a letter to the Bureau of Land Management dated February 3, 2000.

Thank you for the opportunity to comment on the Final EIS for the Pinedale Anticline. Anschutz Exploration again strongly encourages the BLM to implement the Standard Stipulations in the Record of Decision, which will more than adequately protect the environment around Pinedale while removing many of the unneeded burdens of the Resource Protection Alternative.

We respectfully request the Bureau of Land Management reconsider the concerns raised by Western, Mountain, and Lance, along with other operators, in previous letters in connection with the Pinedale Anticline EIS Project. We still believe these are important issues that need to be addressed prior to the issuance of a Record of Decision.

We have reviewed BLM comments to our February 3, 2000 letter addressing elements of the Draft EIS and disagree with several points. In your response to Comment 6, you note that "BLM believes the mitigation measures proposed by the RP Alternative are reasonable". Anschutz does not believe these mitigation measures are reasonable. As proposed, the RP alternative will preclude operators from economically recovering hydrocarbons that could otherwise be recovered, as outlined in our prior letter. Although individual restrictions by themselves generally do not create unworkable situations, the cumulative impact of numerous restrictive measures will severely restrict development and reduce the value of Anschutz' Federal leasehold. While we do not wish to again debate the issue of takings, thus requiring a BLM response and additional delay in issuing the ROD, we stand by our prior comments.

Very truly yours,

Diane Noe  
Senior Attorney

One of our greatest concerns remains the rig limitations imposed under the RP alternative. The rig limitation remains an unworkable proposal that has no demonstrated environmental benefits. The BLM notes that they "understand the problems associated with limiting rigs in the PAPA". You additionally note that "a unit in the northern end of the project area would overcome many of the problems". A unit with rig and seasonal restrictions would still be developed over multiple decades, resulting in degradation of value due to deferred drilling, as noted in our prior letter. In order to allow operators the right to effectively develop their federal leasehold, the BLM must not place any

G-17

**Mountain Gas Resources, Inc.**  
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Bill McMahan  
July 5, 2000  
Page 2

numerical rig restrictions on top of the already stringent seasonal restrictions. We again strongly encourage the BLM to remove this stipulation from the ROD.

The BLM noted several times that many of the restrictions proposed are not new restrictions being imposed by BLM as part of the RP Alternative. While this is true, it does not make the restrictions any less onerous. Because Anschutz inherited the large number of burdensome stipulations and proposals outlined in the EIS, we should not be prevented from voicing our concerns and opinions during the EIS process. We are merely trying to illustrate the cumulative effect on operators of all stipulations, something that is not readily apparent in the DEIS. We sincerely hope that the BLM will consider our viewpoint despite the fact that we did not participate in the EIS process prior to acquiring our Federal leases.

The BLM has also not taken into account operators' experience gained over the last few years in areas such as directional drilling. Operators' comments to the Draft EIS illustrated the costs and risks associated with directional drilling. Despite this knowledge, the BLM continues to mandate a great deal of directional drilling in the RP Alternative. As noted in our letter of February 3, 2000, many locations that must be directionally drilled will no longer be economic to drill, creating a loss in value to operators, reduced taxes and royalties to government groups, and a reduced supply of gas to the American consumer. The BLM notes that operators may have the option to utilize central facilities in lieu of drilling directional wells. The numerous surface restrictions proposed will make directionally drilled wells the only alternative in many cases. Anschutz analysis concludes that for 37% of our Federal acreage we will be obligated to drill a deviated well due to surface restrictions. The central facilities option would likely be only partially useful to operators' efforts to reduce the costs and risks of directional drilling. We need the ability to operate under the Standard Stipulations Alternative, which will allow operators' more control over operations and reduce the detrimental impact of directional drilling.

The BLM notes that Anschutz has not requested information and maps of cultural and Native American sites. Laurie Goodman, on behalf of all operators, has verbally requested this information, which the BLM has declined to provide. Anschutz requests that detailed information regarding the location of known cultural sites on or adjacent to Anschutz acreage be provided for use in planning purposes. We are unable to comment on the impact of unknown sites. Additionally, the setback from cultural and Native American sites remains unstated in many cases and subject to the whim of the BLM. We object to this approach and are unable to comment on the impact of unknown setbacks from unknown cultural and Native American sites.

We hope the BLM will take a balanced approach to the difficult task of managing development of the Pinedale Anticline and issue the Record of Decision using the Standard Stipulations Alternative.

Bill McMahan  
July 5, 2000  
Page 3

Thank you for your attention to our comments. Please call me at 303-298-1000 with any questions. We look forward to reviewing the ROD as soon as possible.

Sincerely,



Eric L. Root  
Pinedale Project Manager  
Anschutz Wyoming Corporation

cc: Aaron Clark

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# Ultra Resources, Inc.

Bureau of Land Management  
Bill McMahan, Project Manager  
280 Highway 191 North  
Rock Springs, Wyoming 82901

June 30, 2000

RE: FEIS: Pinedale Anticline Natural Gas Exploration and Development Project

Dear Bill:

Thank you for the opportunity to comment on the Pinedale Anticline Final Environmental Impact Statement (EIS). We appreciate the diligent efforts that you and the entire BLM team has put forth to prepare a comprehensive and timely analysis document for this natural gas exploration and development project. We look forward to continuing to work with you and the entire BLM office in Pinedale toward effective permitting in this area commensurate with the analysis contained in the EIS. The following are our comments.

The Resource Protection Alternative in the FEIS contains an analysis based on a limitation of 5 rigs operating in the project area, only 2 of which would be allowed to work on new locations at any one time north of the New Fork River. Ultra Resources has adamantly opposed this rig limitation in the analysis in all past discussions and documents, and we continue to do so. We would also oppose any such limitation being carried over to the Record of Decision. The original purpose for the limitation in the analysis was to address the public's concern about pace of development of the Pinedale Anticline. In reality, the pace of drilling will be severely curtailed by several other limiting factors: the winter stipulations, the wildlife stipulations that delay activity in some areas until mid-summer, the cost and length of time it takes to drill and complete these wells, management of the conflicting resources that have been identified in the various resource management zones, and the predominance of federal mineral ownership in the area. Limiting activity to 5 rigs on 83% of the 308 square mile area would result in an average of 1 rig per 61.6 square miles and nothing in the analysis has proven the need for such restriction, particularly given the many other mitigating measures. Finally, Ultra opposes the rig limitation because it would be impossible for the BLM to manage and not jeopardize a company's ability to actively drill in the PAPA and meet its lease obligations, drilling obligations, and corporate and stockholder goals and responsibilities.

Ultra Resources continues to have concerns with the specific permitting process that will undoubtedly be grossly complicated by the many suggested mitigations for the identified overlapping resource conflicts. Although we remain fully committed to working closely with the Pinedale BLM Field Office to operate in a manner that is compatible with the other resources in that area and does not have an adverse impact on wildlife, habitat, air

and water quality or cultural sites, we would appreciate all efforts by the BLM to be as clear as possible in the Record of Decision with the prioritized requirements for permitting. In addition, we would appreciate a restated commitment by the BLM to adhere to its regulation for a 30-day permitting process.

Regarding wildlife monitoring, Ultra Resources would like the BLM to clarify in its ROD that the costs of wildlife monitoring will be shared by the operators, Wyoming Game and Fish, the National Fish and Wildlife Service, the Bureau of Land Management and any other affected agency.

As stated in our comments on the DEIS, Ultra supports the concept of an Adaptive Environmental Management Plan (AEMP) as an appropriate mechanism to work with the public on oil and gas activities. We anticipate that this committee will operate much in the same way, indeed with many of the same members, as the current Transportation Planning Committee. We would like to restate our concerns that the AEM not become a mechanism under which the BLM abdicates its land management decision-making authority to a committee. We also do not believe that a full-time BLM employee funded by the operators is necessary to effectively participate with the public in an AEMP.

Ultra Resources has previously commented on and encouraged the BLM to support a royalty reduction provision to be applicable to directional wells that will be required in the Pinedale Anticline Field solely to minimize environmental impacts to the surface. It is clear that in many areas in the Pinedale Anticline Field, in order to maximize resource recovery, additional costs are going to be required by the operator either for centralized facilities or directional drilling to minimize surface impacts solely for environmental reasons. We believe that this is a relatively precedent setting requirement and is eligible for a royalty reduction under the discretion granted the Secretary of the Interior.

Section 39 of the Mineral Leasing Act (30 U.S.C. Section 209) grants the Secretary of the Department of Interior with the authority to grant royalty reductions to meet two specific goals: for the purposes of encouraging the greatest ultimate recovery of coal, oil and gas, and in the interest of conservation of natural resources. Therefore, with regards to the Pinedale Anticline:

1. *The Secretary of Interior has the discretion to grant royalty reductions, absent an Act of Congress, when a royalty reduction is necessary to "promote development or when a lease cannot be successfully operated."*
2. GRBAC recommended that royalty reduction efforts be supported by: (1) a "core stakeholders group" (i.e.: environmentalists); and (2) the Governor
3. The restricted pad drilling scenario proposed in the FEIS (4 locations/section unless centralized facilities are utilized) could cause sufficient additional financial investment to the operator that would not occur if traditional development was allowed (16 locations/section).
4. To-wit: 43 CFR 3103.4-1(b) requires an operator to submit an application to the BLM containing specific information in order to be granted a case-by-case royalty reduction. Although the FEIS-ROD is not the appropriate mechanism to actually provide a blanket royalty reduction for all directionally-drilled wells on the Anticline,

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it is the appropriate vehicle in which the BLM could lay out the conditions for which it would favorably consider future royalty reduction requests for directional wells on the Pinedale Anticline. (i.e.: definition of parameters for directional drilling that will be considered by the BLM to meet its statutory responsibilities to: "encourage the greatest ultimate recovery of coal, oil and gas; and in the interest of conservation of natural resources." The Secretary has invoked his authority in the past to provide royalty reductions in other cases including; 26 USC Section 29, a Credit for producing fuel from nonconventional sources; Royalty on Oil: Sliding-Scale and Step-Scale Leases; Stripper Oil Property Royalty Reduction; and Heavy Oil Property Royalty Reduction. If the BLM concludes in the Pinedale Anticline Record of Decision that it is in the best interest of the public to minimize surface disturbance to protect and conserve other sensitive resource in the project area, it is appropriate for the Secretary to utilize his discretionary authority to provide for royalty reductions in those sensitive resources areas whereby surface locations are restricted in order to also promote development that would otherwise not occur.

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Ultra Resources requests that the BLM provide, in the Pinedale Anticline ROD, criteria under which operators could apply for individual applications for royalty reductions for directionally-drilled wells that are necessary solely to minimize the surface disturbance in certain sensitive resource areas.

Table 2-2:

MA 2 Mesa Breaks: in order to be consistent with what we have been verbally assured by the Pinedale Area BLM office, Ultra would propose that BLM amend the end of the paragraph 1 by including: "...Federal lands and minerals, but BLM could issue permits in the breaks if the consequential environmental impacts were less there than would otherwise occur in alternative locations outside of the breaks."

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MA 4 Sensitive Viewshed:

Paragraph 1, last sentence: "However, centralized production could be used to allow for additional well pads if no additional long term impacts..."

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Paragraph 4: Ultra would appreciate clarification on what additional site-specific NEPA analysis might be required beyond the site-specific NEPA analysis that is already required for the permitting of each individual well. (This also applies to MA 5, Paragraph 5.)

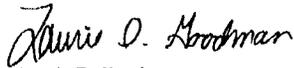
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MA 6, Paragraph 3: Appears to belong in MA 4

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Thank you for this opportunity to comment.

Sincerely,



Laurie D. Goodman  
Environmental Specialist

**GENE R. GEORGE & ASSOCIATES, Inc.**

350 West "A" Street, Suite 205  
P. O. Box 2775, Casper, Wyoming 82602  
307 265-9199, Fax: 307 473-7138

Petroleum Geology  
Hydrogeology  
Regulatory Permitting and Compliance

July 3, 2000

Bureau of Land Management  
280 Highway 191 North  
Rock Springs, WY 82901

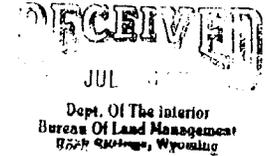
Attention: Bill McMahan, Project Manager

Re: Comments on FEIS Pinedale Anticline Natural Gas Field Exploration & Development Project

Dear Bill:

The following comments are submitted on behalf of Yates Petroleum Corporation as operators of federal leasehold in the PAPA. Yates still have several concerns which were expressed in our comments in our DEIS comments. They are as follows:

1. Rig limits in Table 2-8. Yates agrees that the BLM has many authoritative sources for limiting rig activity. Because there are already so many limitations such as wildlife stipulations and ground frost, stating an actual number limit is probably not necessary. Any BLM method of allocating who gets the rig and when they could drill would have to be arbitrary. We again ask that the ROD not include such a rig limit. With rig and/or crew availability, it is not possible to always get a rig just when the BLM might allow a specific operator to drill.
2. Visual Resource Management Limitations
  - A. Lander Cutoff Trail. Yates has a federal lease which they purchased knowing that they would have to avoid surface disturbance within ¼ mile on either side of the Trail. Figure 3-11 of the Draft shows that only two surface locations would be left in Yates' leased section under the RPA. The Trail crosses much of the Anticline and in areas where lower production rates are expected. The costs of directional holes and/or centralized production facilities may render the well uneconomic. Yates requests that the ROD allow for the flexibility to work with the Field Office and the operators to prevent a takings of lease rights.
  - B. Mesa Breaks and Sensitive Viewshed. Table 2-1 of the FEIS shows no wells allowed in the Breaks. Several operators have found locations that satisfy the Field Office personnel. Please allow for this kind of cooperation in the ROD. The same applies to the sensitive viewshed areas.
3. Noise Limitations Adjacent to Sage Grouse Leks. Yates maintains that the limitation of 10 dBA above nighttime background is not founded in



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science. Any restrictions greater than the 1/4 mile limit for surface disturbance severely limits development anywhere in the PAPA.

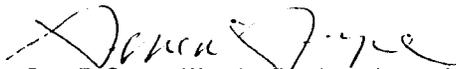
4. Adaptive Environmental Management (AEM). This is not a NEPA requirement. There needs to be a great deal of policy and process analysis. What is the make up of the committee? What are their authorities? Does this replace the Transportation and Wildlife committees? Who does the monitoring (we know who will pay for it) and do the operators participate or are they silent participants? Yates does not believe that "phased development" where NEPA analysis is required annually is neither productive nor necessary. If the AEM is included in the ROD, Yates requests that specific guidelines be issued that limit this activity to public notice and comments. Yates does not favor any additional committees.

5. Table 2-1 FEIS. Specific guidelines are necessary to administer this table. The Field Office is not allowed to use their expertise in managing these resources. Please set forth the necessary guidelines if this table must be included in the ROD.

6. Centralized Facilities and/or Directional Drilling. Yates has determined that much of the area on the south end of the Anticline may not be safe to use directional drilling because of elevated pressures. Yates likewise is not certain that centralized facilities will work economically with the elevation and cold temperatures. Yates does not believe that CPF are needed in Class III viewshed areas. If an operator selects either of these methods of reducing the impacts, Table 2-1 pad limit numbers must be adjusted. The ROD should state this credit.

Yates urges BLM to select reasonable mitigation actions for the ROD. Flexibility in enforcement and numbers is required to maximize the resource recovery.

Sincerely,



Gene R. George, Wyoming Regulatory Issues Agent for Yates Petroleum Corporation

Copy: Alan Kesterke, BLMWSO, Janet Richardson, Yates Petroleum Corporation



**McMURRY ENERGY COMPANY**

July 5, 2000

Bureau of Land Management  
 Rock Springs Field Office  
 280 Highway 191 North  
 Rock Springs, Wyoming 82901-3448  
 Attn.: Mr. William B. McMahan

**Re: McMurry Energy Company comments on the Final Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project**

Dear Mr. McMahan:

McMurry Energy Company (MEC) appreciates the opportunity to participate in the public review of and comment on the Final Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project (hereafter referred to as PAFEIS).

For your information, McMurry Energy Company is the parent company of McMurry Oil Company (MOC). Alberta Energy Company (AEC) acquired MOC on June 1, 2000. AEC also acquired, and now operates Jonah Gas Gathering Company (JGGC). For purposes of this letter, the comments of all three entities: MEC, MOC/AEC, and JGGC, are represented. However for the sake of brevity, the comments will be attributed to MEC throughout. As a point of clarity, please add McMurry Energy Company to the list of operators for this project area.

MEC applauds the BLM for including the description of the potential management scenario in Section 2 of the PAFEIS. MEC appreciates BLM's effort in including this Section in the PAFEIS because it helps to focus and clarify the possibilities of management approaches in developing oil and gas resources in the project area.

Like other operators, MEC believes that innovative solutions to resource conflicts, where they exist, can be found. In fact, the recently completed Modified Jonah EA is a good example of a collaborative process that resulted in numerous, new operator commitments to mitigating impacts, especially to wildlife, in the project area. MEC sincerely hopes that this spirit of cooperation and efforts to reach mutually acceptable goals can continue on other projects in southwest Wyoming.

While still concerned with the possible mitigation along the Lander Trail that is described in the EIS, MEC believes that with the cooperation of BLM and the operators, most of these concerns can be addressed. One specific area of

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concern is that there may not be enough areas visually shielded from the trail segment to allow CPFs to replace "pad" drilling (see Figure 3.11 of the PADEIS).

MEC is encouraged by the language in the PAFEIS on page 2-6 which states that facilities would be located "in a manner that minimizes their visibility from the trail to the extent practicable" (emphasis added). MEC believes flexibility and common sense are the key to implementing successful mitigation measures. All mitigation should be cost-effective and efficient. Certainly, if mitigation is not shown to be cost-effective, the measures should not be implemented. If mitigation is determined to be inefficient or unsuccessful, the measures should be modified to better ensure success.

MEC does not intend to reiterate all of the issues raised by the comment letter submitted by MOC on the PADEIS. Nor does MEC intend to engage the BLM in an oratorical sparring match by responding to the response to comments contained in the PAFEIS. Rather, MEC simply suggests that BLM's responses did not alleviate nor in most cases, refute the concerns expressed by those earlier comments, and those concerns still exist.

Sincerely,  
*Robin M. Smith*  
Robin M. Smith  
V.P. of Exploration and Regulatory Affairs  
McMurry Energy Company

G-22

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**BJORK, LINDLEY, DANIELSON & BAKER, P.C.**

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ANN M. EASTBURN  
Special Counsel

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FACSIMILE 303-892-1401  
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\*ALSO ADMITTED IN WYOMING  
\*ALSO ADMITTED IN NORTH DAKOTA

June 30, 2000

Via email: billmcmahan@blm.gov  
(Original by mail)

Bureau of Land Management  
Rock Springs Field Office  
280 Highway 191 North  
Rock Springs, WY 82901

Attention: Mr. Bill McMahan  
Project Manager

Re: Pinedale Anticline EIS

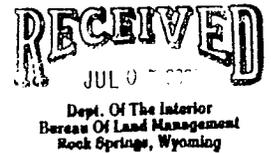
Dear Mr. McMahan:

We are submitting these comments on the Final EIS on behalf of our client, HS Resources, Inc., which owns valid existing rights in the form of issued federal leases in the northern part of the Pinedale Anticline Project Area ("PAPA"). Based on BLM's responses to HS' comments on the draft EIS and to those of other oil and gas operators, it appears that BLM intends to impose unprecedented restrictions on the ability of these lessees to develop their valid existing rights. The rationale for imposing most of these restrictions appears not to be based on the BLM's statutory authority to prevent unnecessary and undue degradation. To the contrary, these onerous restrictions appear to be based largely on BLM's apparent desire to protect aesthetic values for the benefit of expanding residential use in the area. As you might imagine, HS is very disappointed by the bias against oil and gas development, a legitimate use of BLM multiple use lands, which is evidenced by the FEIS.

We discourage BLM from adopting a Record of Decision which resembles Section 2, the "potential management scenario for future exploration and development," for the following reasons:

1. Uncertainty

If the record of decision ("ROD") looks like Section 2 in the FEIS, then, for all practical purposes, BLM and the lessees will be in much the same position as they were at the start of this more than two year old process. Section 2 contains so many contingencies that it will provide



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mapped on the Visual Resource Management Map of the RMP to protect Class I and II VRM areas. If the Section 2 management scenario is adopted in the ROD, HS' rights under its leases will be greatly diminished and the rationale for this restriction appears to be only to prevent a casual observer from noticing HS' drilling operations. These proposed restrictions are not consistent with the lease rights granted to HS and thus would be in violation of 43 C.F.R. §3101.1-2.

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4. Slopes

HS' leases provide that surface use on slopes in excess of 25% "will be strictly controlled or, if absolutely necessary, prohibited." The DEIS (Table 2-8) provides that mitigation would require lessees to avoid disturbance on slopes greater than 15%; FEIS at 2-3. In the Mesa Breaks, this restriction would be extended even further to slopes greater than 10%. Table 2-2, FEIS. Once again, the EIS suggests that BLM intends to alter the lease rights granted to HS by limiting drilling on slopes greater than 15%. Safety and reclamation are not cited as reasons for this change; rather, the change is based on the perceived needs of the casual observer who is apparently more likely to notice drilling operations on slopes in excess of 10% or 15%.

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5. Sage Grouse

The FEIS states that BLM would prohibit any facilities, including roads, within .25 miles of a sage grouse lek. FEIS at 2-4. Does that mean all the leks identified on Figure 3-22 in the DEIS? The DEIS acknowledges that not every lek identified in Figure 3-22 is currently active. There is no reason to restrict operations around an unused lek and the ROD should so provide. The FEIS states that the BLM could require monitoring to determine which leks in the PAPA are active and which have been abandoned. Will each lessee have to monitor all leks in the PAPA, or only those within 1/4 mile of its proposed drillsite or road? On Lease WYW-130234, the stipulation restricts surface occupancy within 1/4 mile of a sage grouse strutting ground only in the S/2SW/4 of Section 8, Township 33 North, Range 109 West. Figure 3-22 in the DEIS shows no lek in Section 8.

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6. PAPA-Wide Restrictions

The FEIS states that BLM could require only low profile tanks north of the New Fork River. FEIS at 2-4. This requirement will increase HS' costs and, because such tanks are not commonly available, could delay production.

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With respect to raptor nests, the FEIS provides that BLM will prohibit well pads, access roads or other above-ground facilities within 825' of an active raptor nest, 1,000' of a ferruginous hawk nest, and 2,000' of an eagle nest. FEIS at 2-4. Presumably, these restrictions should be limited to active ferruginous hawk and eagle nests, as they are with other raptors. The FEIS does not explain why this should be a year-round restriction, rather than just during nesting season. For example, the Decision Record for the Lost Creek Gathering System, which was signed by the Lander Field

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G-23

virtually no guidance either to BLM in processing APDs or to operators in attempting to plan their drilling operations. For example, according to Table 2-1, in the "sensitive viewshed," where much of HS' acreage is located, operators "could" be required to "consider" pad drilling to allow for additional well pads to reduce unnecessary/undue impacts. Since the impacts from a drilling location were contemplated when the leases were issued, how is that impact unnecessary or undue? Moreover, how could an operator plan a drilling program under such nebulous direction? Page 2-4 of the FEIS says that if the operator observes "substantial unanticipated environmental effects (including cumulative) during the conduct of operations then the operator must immediately contact the BLM." By what standard will an operator judge whether unanticipated cumulative environmental impacts have occurred? Page 2-4 also states that BLM would require productive well locations and their access roads to be reclaimed by the fall or spring after the well has been drilled and brought on line. Surely this does not mean all access roads, as some access to the wellsite will still be required. Of most concern, Page 2-4 provides that, to minimize visual impacts in Visual Resource Management Class II or Class III areas, BLM could condition authorizations upon "the operator demonstrating to BLM satisfaction that the location and/or facilities will be reasonably screened so as not to cause unnecessary visual impacts or attract the attention of the casual observer." If such "satisfactory screening" is not possible then, in essence, BLM is imposing a no surface occupancy stipulation on Class III VRM areas, which would constitute a unilateral amendment of HS' leases.

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2. Limitations on Drilling Rigs

Despite numerous comments on the impropriety of BLM's proposal to limit the number of drilling rigs operating at any one time in the Pinedale Anticline area, the Final EIS offers no explanation as to how that limitation will be accomplished. As HS mentioned in its comment letter on the Draft EIS, the severe restrictions on when wells can be drilled in most areas will automatically limit the number of rigs operating at any one time. The flip side of that restriction and the aspect which the BLM failed to acknowledge in the Final EIS is that, where lessees have only very limited time periods during which they can develop their leases, that will of necessity require more rigs to be operating simultaneously during the short window of drilling opportunity. This vague limitation on the number of drilling rigs which will be allowed to operate at one time is simply a further restriction on the lessee's ability to develop its leases. Moreover, the BLM should recognize that it will be required to grant suspensions of operations and production for leases where the lessee is unable to develop a lease due to the arbitrary restriction on the number of rigs operating.

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3. Sensitive Viewshed

The FEIS fails to acknowledge (notwithstanding numerous comments on this issue) that the so-called "sensitive viewshed" encompasses lands which were not designated as Class I or II Visual Resource Management ("VRM") Areas in the Pinedale RMP. The BLM issued leases to HS or its predecessors in conformance with the RMP which restricts surface occupancy only in the areas

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Manager on January 24, 2000, restricts construction around ferruginous hawk and eagle nests only if the nest is active at the time of construction. See Table L-2 in Attachment D to Decision Record. The PAPA EIS does not offer a rationale for year-round restrictions on surface use.

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The FEIS states that "BLM could require operator evaluation and consideration of the use of CPFs, particularly in the northern portion of the PAPA." FEIS at 2-4. HS' leases are all in the northern portion of the PAPA. BLM has still not addressed how CPFs could be required where different operators own the wells. Administrative, metering and liability issues make that recommendation completely impractical insofar as it concerns wells operated by competitors.

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7. Unleased Lands

BLM should offer for lease the remaining unleased land within the PAPA so that federal minerals can be fully developed.

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Summary

The Final EIS solicits comments on the potential management scenario outlined in Section 2. If the ROD adopts Section 2, HS' ability to develop its valid existing leases will be greatly restricted and therefore we urge BLM to adopt the Standard Stipulations alternative. BLM offered these leases for competitive sale, subject to stipulations in conformance with the RMP, and accepted the bonus and rentals paid by the lessees. HS and its predecessors purchased the leases in reliance upon the terms of those leases and their stipulations. BLM cannot now change the terms of the leases which HS and others purchased in good faith. The Supreme Court just recently instructed the Department of the Interior, in the context of offshore leases, that it cannot change the rules after the leases have issued. The Court explained, in *Mobil Oil v. United States*, \_\_\_ U.S. \_\_\_, Nos. 99-244 and 99-253 (June 26, 2000) that,

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We recognize that the lease contracts gave the companies more than rights to obtain approvals. They also gave the companies rights to explore for, and to develop, oil. But the need to obtain Government approvals so qualified the likely future enjoyment of the exploration and development rights that the contract, in practice, amounted primarily to an *opportunity* to try to obtain exploration and development rights in accordance with the procedures and under the standards specified in the cross-referenced statutes and regulations. Under these circumstances, if the companies did not at least buy a promise that the Government would not deviate significantly from those procedures and standards, then what did they buy?

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If Section 2 in the FEIS is adopted as the ROD, BLM will have deviated significantly from the procedures and standards which HS reasonably expected would be applied to the development of its leases. As in *Mobil*, such a deviation would constitute a breach of the leases. The Pinedale

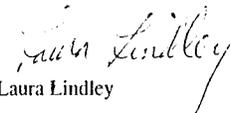
Anticline EIS satisfies NEPA's requirement that the impacts of the proposed development be disclosed. NEPA does not require that the ROD adopt standards which will result in the breach of HS' leases.

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HS hereby adopts and incorporates by reference the comments on the EIS filed on behalf of Petroleum Association of Wyoming, Yates Petroleum Corp., Anschutz Wyoming Corporation, Ultra Resources, Inc., McMurry Oil Company and BP Amoco.

Very truly yours,

BJORK, LINDLEY, DANIELSON & BAKER, P.C.



Laura Lindley

c.c. Jim Peay  
HS Resources, Inc.

LL:hkf

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**QUESTAR**

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**RECEIVED**  
JUN 29 2000  
Dept. Of The Interior  
Bureau Of Land Management  
Rock Springs, Wyoming

June 29, 2000

VIA OVERNIGHT MAIL.

Bill McMahan  
Project Coordinator, Pinedale EIS  
280 Highway 191 North  
Rock Springs, WY 82901

Re: Pinedale Anticline Final EIS

Dear Mr. McMahan:

The following comments are submitted on behalf of an affiliated group of companies including Questar Exploration and Production Company, Questar Gas Management Company and Wexpro Company (hereafter "Questar") in response to the Final Environmental Impact Statement (FEIS) for the proposed Pinedale Anticline Natural Gas Exploration and Development Project published in the Federal Register on June 2, 2000.

**I. INTRODUCTORY REMARKS**

**BLM'S RECOMMENDATION OF THE RP ALTERNATIVE**

Questar is disappointed that the Bureau of Land Management selected and recommended the Resource Protection Alternative to the State Director without any of the amelioration proposed by industry participants in their detailed comments on the DEIS. Contrary to BLM's suggestion that only Amoco's comments reflected a willingness to find creative solutions for resource conflicts (see pp.1-2 and 5-243), many of the operators expressed a willingness to protect unique competing resources with a heightened level of mitigation so long as the RP Alternative is not used to foist restrictive mitigation at locations within the PAPA lacking such unique resources. See, for example, Questar's DEIS comment in its February 4, 2000 letter in the first full paragraph at page 5-57 of FEIS. The strong appearance is that no serious consideration was given to reaching a balanced accommodation between oil and gas development and competing natural resource uses. See, for example, the recommendation to exclude all wells from the Mesa Breaks at Tables 2-1 and 2-2. In addition, BLM has offered no reason why only one of the

considered alternatives (RP) must be adopted for application to the entire PAPA, to the exclusion of others, rather than employing the Standard Stipulations alternative in those instances where appropriate in the PAPA and employing the Resource Protection alternative where a competing, sensitive resource in the PAPA requires heightened protection.

Three of the five objectives of the RP Alternative, as outlined in Section 2.7.2 (page 2-42) of the DEIS, are to:

- allow maximum economic recovery of natural gas from the leaseholds;
- preserve, to the extent practicable and reasonable, unique and valuable characteristics of the natural resources present in the PAPA;
- develop mitigation measures, where practicable and reasonable, to offset impacts which cannot be avoided. (Emphasis added)

The striking omission of maximizing oil and gas recovery from the management plan objectives at Section 2.2 of the FEIS without explanation, after its inclusion as an objective in the DEIS at Section 2.7.2, brings into question the BLM's commitment to reach a reasonable accommodation between oil and gas development and competing uses.

Apparently, we disagree as to whether maximum economic recovery of oil and gas will be allowed and whether practicable and reasonable mitigation will be employed to preserve unique and valuable natural resources, under the RP Alternative.

Questar engaged in a detailed effort to explain in its DEIS comments, which are incorporated herein by reference, the gap between: i) the restrictions under the RP Alternative limiting oil and gas lessees' ability to conduct reasonable exploration and development in the PAPA and the weak scientific and economic bases for that alternative, and ii) the scientifically and economically better supported accommodation reached between oil and gas development and competing natural resource uses under the admittedly extensive restrictions of the Standard Stipulation alternative. In its DEIS comments, Questar also indicated its willingness to operate under the RP Alternative stipulations, to the extent practicable and reasonable, so long as same are limited in application to only those specific and unique cases where a competing, highly sensitive resource use could not be reasonably accommodated in proximity with oil and gas operations. See paragraph I. General Comments; paragraph II, Section 1.2, Section 2.3.3, Section 2.1.7, Section 2.7.2, Section 2.7.4 and final paragraph of Questar's DEIS comment letter. This willingness exists despite the fact that, with the exception of a single 40-acre lease, all of Questar's leases in the PAPA were issued in the early 1950's

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and none contain any specific restriction upon the lessee's ability to drill and develop its leases (contrary to assumptions made in BLM's responses to Questar's DEIS comments).

## II. SPECIFIC REMARKS

Questar offers the following specific comments on the FEIS and the formulation of the ROD document.

### 1. Takings

While the definition of a "substantial" deprivation of property rights may not be a readily drawn bright line (see BLM response #4 to Questar DEIS comment at page 5-218 of FEIS), the case law is nevertheless quite clear that a complete deprivation of property rights is not required to make out an actionable and compensable taking of lawful, vested property rights. As a result, if BLM proceeds with the RP Alternative in a manner which precludes access to otherwise economically recoverable hydrocarbons through either the layered mix of restrictions in that alternative (see Section 2.2 of FEIS) or the outright prohibition of wells in specific management areas such as the Mesa Breaks (see Table 2-1 of FEIS), successful takings claims can be made. Contrary to the suggestion in the FEIS (see BLM response #4 to Questar DEIS comment at p. 218 of FEIS) Questar has never advanced the frivolous notion that a takings case would be made out if it is denied access to every last molecule of hydrocarbon underlying its leases. As satisfying as that simplistic formulation of the takings issue may be, it has no basis in any comments by Questar and is not an accurate portrayal of the law in this area. The legal corollary to the takings issue where a lessee is denied access to portions of its lease, is the lessee's obligation to protect the lessor against drainage from adjoining wells or pay compensatory royalty. In the event BLM's access restrictions, due either to outright prohibition or mere delayed access, cause drainage of federal leases the only reasonable trade-off will be to excuse such lessor-caused drainage and waive any claim to compensatory royalty.

### 2. Two Rig Limitation

It is unclear in the FEIS whether the recommended RP Alternative includes the limitation of no more than two exploratory drilling rigs operating at one time north of the New Fork River which appeared in the DEIS (see Section 2.72 of DEIS). Because the DEIS is incorporated into the FEIS by reference except as specifically revised in the FEIS, the prudent course is to assume that this prohibition is part of the FEIS and could appear in the ROD. As the FEIS

acknowledges (see Section 2.1 of FEIS), the mix of access restrictions proposed in the RP Alternative for Sensitive Resource Management Zones (SMRZ) covers nearly the entire northern two-thirds of the PAPA which is more or less coincidental with the area north of the New Fork River. Those restrictions already preclude access for exploratory drilling purposes for all but approximately 4 - 4½ months of the year. See also BLM response #32 to comment of Gene George on behalf of Yates Petroleum at p. 5-197 of FEIS.

One would think that the reasonable balance BLM so often references in the FEIS would already be achieved by the outright of exclusion of drilling activities on federal lands for 7½ - 8 months out of the year without arbitrarily limiting the number of rigs operating once access is finally made available. Other than the generalized reference to its authority to stage or delay drilling access (see p. 2.7.2 DEIS), BLM provides no scientific basis nor any economic or technical justification for the two rig limitation. Assuming any rig limitation is appropriate for the area north of the New Fork River during the limited window in which access is allowed, the rig limitation could just as easily be one rig or ten rigs given the absence of justification for the number proposed. If BLM adopts that concept in the ROD, it will have handed operators their strongest legal argument that the accommodation proposed by BLM between oil and gas operations and other resource uses under the RP Alternative was achieved arbitrarily, without a sound scientific, legal, technical and economic basis. It is difficult to reconcile the two-rig limitation and the prohibition of all wellsites in the Mesa Breaks with the lessee's expectation of a reasonable opportunity to explore its leases. That limitation is so restrictive as to constitute a clear taking as to the inaccessible portions of the lease.

### 3. Gathering Compression Proposals

In response to Comment #17, p. 5-220, Questar has no fundamental objection to the use of the term "sales pipeline." Questar's concern about the term is related to establishing the point where "production facilities" end for purposes of calculating royalties. Questar has no objection to describing the facilities leaving the lease as a "sales pipeline" or any other designation, provided that the designation is not used to deny the appropriate deduction of costs associated with those facilities when calculating royalties. Questar believes the facilities described in the DEIS as a "sales pipeline" provide a "transportation service." As such, costs associated with the service provided by those facilities may be lawfully deducted when calculating royalties. If the term "sales pipeline" conveys any other meaning or

impression, Questar renews its original position that the term "sales pipeline" is a misnomer and should be described as a "transportation pipeline."

Your response at Comment #18, p.5-221, that Questar Gas Management was asked by Ultra to provide specific gathering proposals, and declined to do so, is false. Ultra did no more than request funding from Questar Gas Management for preparation of the draft EIS. Questar did provide comments and information to BLM about both gathering systems and compression prior to the issuance of the DEIS in a meeting with Bill McMahan and other BLM staff, although that information may not have constituted a distinct proposal. For reasons known only to the BLM, it chose to ignore most of the information and commentary provided by Questar. Questar also provided timely commentary to the DEIS on gathering plans and related compression. The present difficulty in scoping the proposed action under the EIS is a direct result of BLM proceeding to a full-fledged EIS prematurely, before the likely development scenario is sufficiently concrete to study in a meaningful manner. This is true for both the drilling of wells and construction of gathering facilities to serve these wells. By way of example, one of the companies (Jonah Gas Gathering Company) BLM references as being particularly concerned about Questar's application (for 27,000 horsepower) to WDEQ/AQD (Jonah Gas Gathering Company) has applied to WDEQ/AQD for a total of 33,000 horsepower at 3 compressor sites. Two of the sites, the Paradise Compressor Station (Sec. 2, T31N, R109W) and the Falcon Compressor Station (Sec 23, T30N, R108W) are within the PAPA. These 2 sites are not at locations that were included or analyzed in the DEIS. As BLM seems to believe that any gathering compression proposed by Questar at locations different than those originally proposed by Jonah and MGR and analyzed in the DEIS would require additional NEPA analysis before BLM rights of way could be granted (see p. 5-222 of FEIS), surely that understanding should apply equally to any proposal by Jonah and/or MGR to install compression at locations not previously proposed or studied in the DEIS.

On a related issue, Questar would like to respond to certain comments made by McMurry Oil Company. See recommendation at page 5-62 of the FEIS. In doing so, Questar reiterates comments it has previously made to BLM and to the other operators in the area (including McMurry's affiliate gathering company Jonah Gas Gathering) about Questar's application to WDEQ/AQD. Questar has been very clear in its statements and its application to WDEQ/AQD that it is neither Questar's intent nor its desire to control the process of allocating horsepower. Conversely, Questar does not intend to become a victim of any allocation process. Questar encourages and will support a fair horsepower allocation process.

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However, Questar will vigorously oppose any process that grants a competitive advantage based on the view that "providing funds" to prepare the EIS conveys superior rights or the view that "date of entry" in the DEIS process conveys superior rights.

4. **Centralized Production Facilities**

With respect to BLM's Response #20 to Questar's DEIS comments on page 5-222, apparently BLM misunderstood Questar's point. Questar's comments went to the fact that prudent design necessary to satisfy the operating rights owners' obligations under 43 CFR 3162, will require certain well site equipment for operational, environmental and safety reasons. This equipment will need to be checked with some regularity and the expectation that visits can be limited to roughly 5% of the well pads during an extensive period of the year is not realistic. Contrary to BLM's assertion that Questar is alone in its opinion, comments by a number of other operators are consistent with those of Questar. Questar is encouraged by BLM's recognition of this in its response to BP Amoco, at Comment 11 page 5-243. Questar supports the concept of evaluating the most efficient way of reducing impact rather than simply adopting a 'broad brush' approach. Whatever solution or combination of solutions is employed, it will be important to stay focused on the objective. The objective is to reduce traffic, not to achieve some arbitrary limit on the number of visits to the wells. Consequently, Questar strongly suggests that any reference to the frequency of well site visits be viewed as a target for accomplishing an objective and not as a limit. If the 5% limitation is required, operators must assume that BLM will waive whatever liability would ordinarily accrue to operators for failure to comply with the BLM operating regulations when such compliance is prevented by BLM's own directive as to frequency of well site visits.

Although Questar does not believe the technical and economic feasibility of CPFs has been proven for application throughout the PAPA, it is willing to consider usage of CPFs on a case by case basis where feasibility can be demonstrated as we expect it will be in specific cases. However, it is willing to do so only if the requirement of pad directional drilling is eliminated as a required mitigating element at specific locations where CPFs are implemented after being demonstrated as feasible.

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5. Sage Grouse Lek Restrictions

Regarding restrictions related to the presence of sage grouse leks, the overwhelming appearance of the RP Alternative is that BLM intends to draw a quarter-mile buffer around not only active leks, but also inactive or abandoned leks as well as leks of uncertain current status. Apparently, the rationale is that sage grouse might return to abandoned leks because those locations were suitable at a prior time. See BLM Response #36 to Questar's DEIS comments at p. 5-225 of FEIS. The record of the DEIS and FEIS is devoid of scientific justification for imposing such buffers around leks which are either inactive or of uncertain status. Because the sage grouse are neither threatened nor endangered as those terms are defined under federal law, we are dubious that imposition of the lek buffer at all sites will withstand administrative and judicial scrutiny or appeal. Taken to its logical extreme a decision to place such buffer around all current and potential lek sites, on the basis that sage grouse could return to a suitable area, could justify denying access to the entire Mesa in which the vegetation is generally suitable for sage grouse strutting.

11

Questar hereby renews the offer it has made to BLM on two previous occasions to construct an artificial lek or leks at locations chosen by BLM on Questar's leasehold within the PAPA to permit some amelioration of the sage grouse restrictions now outlined in the FEIS.

12

6. Maximum Allowable Level of Well Pad Development

Of the various restrictions included in the RP Alternative, the one which is most dubious technically and economically and potentially the most confiscatory if applied on a blanket basis, is the maximum number of well pads allowed by management area. See Section 2.1 and Table 2-1 of FEIS). As we understand the tradeoff or linkage proposed in the RP Alternative between CPFs and number of well pads per section, up to 16 pads per section would be permissible in Management Areas 5-8 if CPFs are utilized. Assuming this is true and is applied, for example, in the Big Game Winter Range management area, it would prohibit further well pads once 212 well pads had been constructed. At 16 pads per section, that maximum number could be consumed when 13.25 sections (or only 8,480 acres) sections of that management area had been developed (i.e., 13.25 x 16 = 212), leaving the remainder of the management area (approximately 87.5%) inaccessible and denying oil and gas lessees' access to hydrocarbons under their leases. As that possibility creates clear potential for a takings claim in the remainder of the management area, an inflexible limit on total allowable well pads

13

per management area is arbitrary and should not be adopted on the ROD. Hopefully, the ROD will clarify that such result was not intended. One method of making that clarification would be to revise footnote #7 to Table 2.1 of the FEIS to include recognition of the benefit of CPFs within each MA by crediting back locations within that MA for CPFs utilized, as appropriate.

13

Also, based on the location of most of the non-federal lands in the PAPA, it is unreasonable to assume that 200 of the total authorized wells will be on those lands. The number of wells allowed in each MA should be reallocated to acknowledge that BLM evaluated a likely scenario of development on only the crestal portion of the anticline.

14

Regarding the Mesa Breaks Management Area, MA-2, BLM's current recommendation of zero well pads leaves no discretion in BLM's management of the area. If adopted in the ROD, that recommendation will eliminate all locations for vertical wells and will eliminate even some directionally drilled bottom hole locations in that management area. It is also inconsistent with the rationale of CPFs which is to permit the drilling of more wells by reducing the number of production facilities and attendant visits.

Questar's representatives have worked closely with Pinedale BLM staff to find a suitable location in the Mesa Breaks in Section 29, T33N-R109W. Despite Pinedale BLM's acknowledgment that a particular location is otherwise acceptable, that location could not be drilled if the ROD concludes, as the FEIS recommends, that zero wells can be drilled in this area. We strongly recommend that the ROD 1) should drop the zero well prohibition in that MA and 2) provide Pinedale BLM staff and industry representatives with reasonable flexibility to work out common sense solutions for well siting in the Mesa Breaks. Please note the discussion of Takings above, as it applies to the recommended treatment of the Mesa Breaks management area.

15

7. Formation of Federal Exploratory Unit

BLM repeatedly notes, in its responses to industry comments (e.g., Response #33, to Questar comment at p. 5-224 of FEIS) that formation of a federal exploratory unit represents one way of accomplishing some of the objectives of the NEPA planning process at Pinedale. As the largest leaseholder on the Mesa, Questar proposed the Stewart Point Unit to other lease owners in September 1999, after an area and depth meeting with the BLM on July 22, 1999. As of this date, Questar has had no success in persuading all necessary working interest owners to commit to the proposed unit, despite its concerted efforts. Accordingly, we must ask

whether BLM is willing to exercise its residual authority over the leaseholders under the Mineral Leasing Act to require their joinder to the reasonable plan of unit development proposed by Questar. Questar remains willing to support formation of the Stewart Point Unit and would not object to that possibility being included in the ROD if other working interest owners continue to refuse to ratify the Unit.

**8. Application of Adaptive Environmental Management**

As Questar advised in its DEIS comments, the role of the Adaptive Environmental Management (AEM) planning process in future activities in the PAPA is only summarily described in the FEIS document. Accordingly, no comment or lack of comment herein should be considered an acceptance of, or a waiver of right to object to, the application of that process as development occurs in the PAPA. Our concern is that the vague reference to AEM, and its ill-defined nature in the FEIS, will be considered by BLM as a concurrence to its use whenever convenient to halt or delay otherwise lawful activities, the impacts of which were analyzed or contemplated in the FEIS. The specific provision for AEM in the FEIS implicitly acknowledges that the "proposed action" analyzed is so premature that the FEIS is likely to miss some important aspect or impact once development ensues, requiring AEM as a back-up for that oversight. Inclusion of AEM in the FEIS and potentially in the ROD is a frank admission that a full EIS is premature and the "proposed action" is insufficiently defined at the current time in the PAPA.

Let us clarify that we have no objection to, and do not dispute that BLM and operators should, monitor impacts to other resources as required under NEPA. Rather, the concern is that BLM will use AEM arbitrarily to stop or delay activities, despite the absence of unintended, unevaluated impacts all at the unlimited expense of the operators. Contrary to the implication in BLM's Response #63 to Questar's DEIS comments and its response #7 to Yates' DEIS comments, NEPA and CEQ regulations do not require use of the AEM method. Rather, they require an effort to monitor impacts and permit enforcement without specifying a method. The open-ended, ill-defined requirement for the AEM method in this FEIS is purely a creature of BLM's wishes. Questar's recommendation is that AEM not be included in the ROD and that NEPA-required monitoring be achieved through currently utilized methods.

**9. Unleased Federal Minerals**

At Table 2-2, on page 2-6, the stated objective for Management Area 3 - Unleased Federal Minerals is to close such minerals to future mineral leasing and development. Specific sites identified are at an industrial park west of Pinedale,

tracts near Boulder withdrawn at the request of DOD and certain unidentified Native American sensitive sites, etc. It would be most helpful if the ROD could specify that this objective will apply only to the specifically identified sites, which Questar calculates at approximately 1300 acres (perhaps 1,505 acres reflected in Section 4.2 of the DEIS), and does not apply to other presently unleased federal minerals elsewhere in the PAPA not affected by the specific locations referenced in MA-3, which would ordinarily become available for leasing under BLM procedures (or to unaffected federal minerals that are subject to existing leases that may expire in the future).

**III. CONCLUSION**

A significant legal question exists as to whether the provisions of the 50-year old federal oil and gas leases held by Questar and now in force in most of the PAPA north of the New Fork River can be subjected to the extensive restrictions of the RP Alternative throughout the entire PAPA. BLM responses #9 and #44 at pp. 5-219 and 5-226 of the FEIS suggest that explicit provisions of Questar's oil and gas leases authorize BLM to foist whatever stipulations it deems appropriate upon oil and gas activities within the PAPA. As BLM notes at Section 4.2 of the DEIS, many leases including Questar's contain no such stipulations. Logically, BLM would not have commenced adding such stipulations to later-issued leases if it was convinced it had legal authority to unilaterally impose such provisions on already-issued leases not containing those stipulations. Notwithstanding the absence of such stipulations in Questar's leases, Questar has indicated its willingness to subject its leases to the requirements of the RP Alternative so long as its application is limited to those unique cases where competing resources can be accommodated in no other reasonable fashion. The RP Alternative should not be adopted in the ROD on a blanket basis. Instead, the ROD should delegate to the BLM Pinedale Resource Area maximum flexibility to work out appropriate protections with operators at specific locations. Surely, a cooperative process to tailor environmental mitigation to specific needs at specific sites is more likely to accomplish both the operators' and BLM's objectives than would an appeal through both the administrative and judicial processes of an ROD adopting the RP Alternative throughout the PAPA.

As stated in Questar's DEIS comments, we look forward to working closely with BLM to fashion mutually acceptable oil and gas operating parameters which are both economically and technically feasible, and legally defensible. Assuming the ROD preserves maximum flexibility to the staff of the BLM Pinedale Resource to work out

G-29

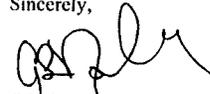
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appropriate, site-specific protections. Questar is more than willing to demonstrate a reciprocal level of flexibility as we move forward.

Sincerely,

  
G.L. Nordloh  
President and CEO  
Elo

cc: Alan Pierson  
BLM, Wyoming State Director  
Cheyenne, WY

Alan Kesterke  
BLM, Wyoming Assistant State Director  
Cheyenne, WY

G-30



FWS/R6  
ES

United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Mountain-Prairie Region

MAILING ADDRESS:  
Post Office Box 25486  
Denver Federal Center  
Denver, Colorado 80225

STREET LOCATION:  
134 Union Blvd.  
Lakewood, Colorado 80228



JUL 10 2000

Memorandum

To: Project Manager, Bureau of Land Management, Pinedale Field Office, Pinedale, Wyoming

From: <sup>Acting</sup> Assistant Regional Director, Ecological Services, Region 6   
Susan C. Linner

Subject: Final Environmental Impact Statement for the Pinedale Anticline Project

Thank you for providing the Final Environmental Impact Statement for the Pinedale Anticline Project in Sublette County, Wyoming.

In Chapter 2, Restrictions and Limitations (page 2-4), the Bureau of Land Management discusses management alternatives if there are impacts to threatened, endangered, proposed or candidate species, as well as paleontological and archaeological resources. However, the Bureau only states the operator may need to cease any operations that would result in destruction of these resources. If the operations will result in any adverse impact, including nonfatal impacts, to any threatened or endangered species, formal consultation pursuant to section 7 of the Endangered Species Act will be necessary. | 1

In numerous discussions regarding impacts to Colorado River fish from depletions, a one-time monetary contribution to the recovery program is identified as the reasonable and prudent alternative. Our understanding is that this fee payment would occur on an annual basis, using the average number of wells drilled per year as the basis for calculating the fee amount. If we are incorrect in this, please advise, and identify how the amount of the fee will be determined. A one-time fee is appropriate for development of support facilities, such as pipelines, if it is the construction activity that results in the depletion. | 2

We understand the Bureau can not predict development on private or State lands that is likely to occur without direct involvement of the Bureau. However, if natural gas is developed on these lands as a result of development on Federal lands or minerals (e.g., a well is developed on private | 3

land and mineral because of the ability to tie into a pipeline constructed as part of the Pinedale Anticline Project), and this development will impact a listed species, this will be considered an interrelated and interdependent effect. Section 7 consultation will need to be reinitiated, as this private land development will constitute new information.

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If you have any questions, please contact Pat Deibert of our Wyoming Field Office in Cheyenne at the letterhead address or phone (307)-772-2374, extension 26.

The discussion on page 4-16 regarding black-footed ferrets is unclear. For example, the first sentence includes the phrase "... there would have to be a guarantee that no further ground-disturbing activity would proceed within the affected habitat with assurance that the species was absent." If the area has been cleared for black-footed ferrets and other listed or proposed species (i.e., the species was absent), it is unclear why further ground-disturbing activity would be prohibited? Likewise, if current ferret sign is located, a determination of "not likely to adversely affect" would be very hard to justify given the precarious status of this species.

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cc: Director, WGFD, Cheyenne, WY  
Field Supervisor, FWS, Cheyenne, WY

The Fish and Wildlife Service does not "guarantee" a "not likely to adversely affect" determination. If measures are identified that will remove potential adverse impacts to any listed species, prior to project development, we may concur with a determination of not likely to adversely affect. However, if a listed species is located, and will be negatively impacted by any project activity, that is an adverse effect and we will need to enter into formal section 7 consultation. The result of that consultation will include reasonable and prudent measures (for a nonjeopardy biological opinion) or reasonable and prudent alternatives (for a jeopardy biological opinion), which outline how the project may proceed in compliance with the Endangered Species Act.

The formal consultation period is 135 days (including preparation of the biological opinion), not 180 days as reported in numerous locations throughout the EIS. Formal consultation begins once all necessary information is received.

The change on page 5-27 regarding applicability of wildlife laws regardless of land or mineral ownership is correct (page 4-18). However, in our preliminary review of this new language, we failed to notice the statement that "monitoring and enforcement are less frequently applied on non-Federal lands or minerals." We are unaware of any statistics that support this statement, and we are concerned that it incorrectly implies persons need not worry about potential violations of State and Federal wildlife laws on non-Federal lands. Including this statement is inappropriate and should not be used in future environmental documents.

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The adjustment in the depletion fees for the Colorado River Fish Program is based on inflation, not the Consumer Price Index. Additionally, the current fee is \$14.36. However, this amount may change and should be verified at the time of depletion payment.

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The whooping crane information presented in the responses to comment letters is incorrect (page 5-185). There are at least two whooping cranes of the Grays Lake population alive as of June 2000 (W. Jobman, USFWS, pers. comm.), and these birds may migrate through the project area.

G-31

June 13, 2000

Director (210)  
Bureau of Land Management  
Attn: Brenda Williams  
1849 C Street NW  
Washington, DC 20240

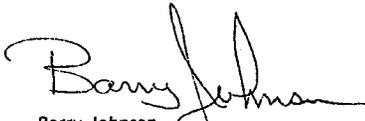
RE: Pinedale Resource Management Plan - Proposal to Close Area to Off Road Vehicles (ORV)

Dear Ms. Williams,

I wish to express my strong opposition to the BLM proposed closing of public lands being referred to as the Mount Airy and Desert General areas as they pertain to the Pinedale Anticline FEIS. Additionally, the proposal of having the only ORV Open Area remaining to be a 1600 acre tract located near Big Piney is a ludicrous position for this County's largest landholder (the BLM) to even consider.

A tirade on my part about the ever continuing erosion of access to Public Lands by the "People" likely falls on deaf ears. However, I am increasingly frustrated that this erosion of access continues to encroach on the people who try to make a living, and enjoy the the recreational opportunities, found in this harsh environment.

Bureaucrats in Washington making decisions that affect my life seldom see the hypocrisy that I perceive. If I drive my 4-Wheeler on the sage brush desert (less pressure per square inch than a human footstep) that is seen as "bad". However, if some developer plows up several hundred acres of Maryland farmland for a shopping mall that is seen as "progress". Where is the real adverse impact on the environment? Wyoming, with it's small population, has little say in decisions that affect our life. The BLM which has little, if any, Public Lands under it's jurisdiction East of the Mississippi River has a disproportionate effect on the lives of the the sparsely populated Western States. That places the BLM in a special position of power and influence that must be judiciously applied.



Barry Johnson  
51 Par Ave, Box 1114  
Pinedale, WY 82941

# Response to Comments Received on the Pinedale Anticline FEIS

## Wildlife Management Institute

1. Both the DEIS and FEIS state that the costs of monitoring will have to be borne by the applicants. Additional BLM staff, with the exception of perhaps the AEM planning coordinator, are not currently considered necessary. The need for additional staff will be reviewed during the AEM planning process following exploratory drilling. The level of development may be less than proposed..
2. Chapter 3 of the DEIS illustrates clearly the types of sensitive natural resources found in the PAPA. The same information is contained in the Jonah EIS. Many of the sensitive resources found in the PAPA are lacking in the Jonah Field. For instance:
  - The Jonah Field is not bisected by the New Fork and Green rivers. In fact, there are no perennial waters located in the Jonah Field.
  - There is no critical winter range in the Jonah Field - the PAPA contains critical winter ranges for deer, antelope and moose.
  - The Jonah Field does not contain areas which have been identified as visually sensitive by adjacent residences nor areas used extensively by the public for recreation.
  - Residential areas are not located in close proximity to the Jonah Field - the PAPA is adjacent to and/or partially contains the Towns of Pinedale and Boulder.
  - The Jonah Field does not contain the Lander Trail which bisects the PAPA.
  - The PAPA contains extensive wetland and riparian areas (and associated wildlife habitat) which are generally lacking in the Jonah Field.
  - Topographically, the Jonah Field is easier to develop (i.e., less steep slopes) and the potential for sediments to reach area waters is greatly reduced.
  - The geology is well understood in Jonah and reserves will likely be more easily developed with less impact (i.e., faster drilling, shallower reserves).
  - The Jonah Field is more secluded and therefore less noticeable to tourist traffic on major routes to the national parks.
  - The Jonah Field makes much less produced water than the PAPA.
  - The groundwater in the Jonah Field is much deeper than the PAPA. In addition, groundwater quality in the Jonah Field is less of an issue.

Based on these and other factors, it is reasonable to conclude that many of the impacts from development of the two areas would be different because the sensitive natural resources located in or proximate to the two fields are so different.

3. We see no reason to conclude that the AEM planning process will not “result in any significant results.” Quite to the contrary, BLM is optimistic that the AEM approach will allow for quick and meaningful response to development issues. The comment provides no substantive information as to why the AEM planning process will fail.
4. We have reviewed the comments on BLM’s Draft Manual and Handbook Guidance for Land Use plans submitted by Wildlife Management Institute (attached to the letter). The comments contained in this letter are consistent with and addressed by the framework provided in Appendix F of the DEIS for the AEM planning process - particularly Steps 2 through 6 described on pages F-6 through F-8. It would be most helpful if the Wildlife Management Institute would review Appendix F and state where the framework is flawed. Specifically, Appendix F addresses the need for the AEM planning process to develop scientifically sound monitoring and to correct practices based on the results of that monitoring, as necessary.

## Greater Yellowstone Coalition

1. We believe it is important to point out that no new leasing is addressed in the PAPA EIS.
2. It is inappropriate to assume that any level of development would result in significant impacts. Only the levels specified in the DEIS were addressed. It is likely that very limited development in the PAPA would not result in

significant impacts.

3. Such a recommendation is beyond the scope of the PAPA EIS. However, BLM will take your concerns into consideration in future planning and leasing.
4. All of the issues regarding limiting well pad density to one per square mile were addressed in the FEIS comment responses. We are aware of no studies that indicate the 2 mile buffer around leks should be modified to a year-round no surface occupancy. Nor is information provided to identify which research reports suggest the 0.25 mile buffer is inadequate?
5. The need for monitoring each of these resources has been identified in the ROD and will be addressed in the AEM planning process.
6. BLM believes that this comment is an over-reaction and is based on a lack of understanding of the NEPA process and the requirements of the CEQ Regulations. We are thrilled with the state being a cooperating agency in the process and believe their participation has made innumerable contributions to the successful completion of the process. This is consistent with the CEQ Regulation in 40 CFR 1501.6 and 1506.2. It is apparent that everyone differs regarding the use of the words should and could in the NEPA context. If the last statement in this comment is followed, then the EIS would become pre-decisional.
7. These steps will also be addressed in the annual development review incorporated in the AEM planning process.
8. BLM has passed this information on to the cooperating agencies with authority to require monitoring of emissions. However, as noted in the ROD at page 17, no additional air quality monitoring of emissions is deemed necessary by the Agencies.
9. Each of these issues, limiting well pads to 1 per square mile, CPFs, etc., are thoroughly addressed in the response to comments in the FEIS.
10. Likewise, these issues are addressed in comment responses in the FEIS. Road density limitations can not be practically applied in oil/gas field development. In addition, in many cases minimizing road mileage in an area, regardless of consideration of other resource values (such as cultural resources, visual resources, sedimentation potential) could result in a significant increase in detrimental impacts. The no access to well pads in the winter component of this comment is addressed in the RP Alternative. However, to require no access anywhere in crucial winter range in the winter would preclude the inspection and monitoring of existing and newly developed wells within a majority of the northern part of the PAPA. To extend the need to reduce traffic in the winter to such an extreme can not be required.
11. Statutory limits on BLM's authority to grant royalty reductions are discussed in the DEIS.
12. Off-site mitigation is listed in the DEIS as a possible mitigation opportunity. However, we are unaware of industry proposing off-site mitigation. A conservation fund alternative would be strictly voluntary on the part of industry. This might be something the environmental community could work with the Petroleum Association of Wyoming on for all of Wyoming.
13. We agree that fences may be migration barriers to big game if improperly designed. However, we disagree that roads, pipelines and the other facilities listed in this comment are barriers to migration. Sage grouse leks currently have a 0.25-mile buffer that essentially equates to a no surface occupancy. Although nesting habitat is seasonally protected, it is not protected year-round through no surface occupancy.
14. BLM has identified the RP Alternative on All Lands and Minerals as the environmentally preferred alternative. However, the state alone will identify which portions of that alternative, if any, are adopted on non-Federal lands and minerals.

## **Linda Baker**

1. If a recreational trail is developed in the PAPA, limiting its use to non-motorized only would be an objective that should

be addressed. However, this will be a public involvement process and the ultimate outcome will depend on that involvement. The word “trail” in the term “limited to existing roads and trails” generally means two-track trails. Because BLM received a protest letter to the proposed designation change, the Pinedale RMP amendment will not be made through the Pinedale Anticline ROD. However, when addressing this in the future we will clarify the use of the word “trail”.

2. We fail to see how designating MAs in the PAPA requires additional time for public comment through a formal RMP update. What the MAs do is provide a more organized way of managing implementation and tracking of the exploration and development. The MAs reflect the intensity of potential impacts from one activity - oil and gas exploration and development. This constitutes an “activity plan” level of resource planning for the oil and gas program and does not require RMP update or amendment. Essentially, the MAs carry forward RMP management objectives based on unique and dominant characteristics of the landscape in the MA. Implementation of management objectives designed to reduce the impacts of oil and gas development in the PAPA does not need to be delayed until the RMP update is complete as this comment suggests.
3. The problems associated with limiting development to 1 or 2 well pads/section are thoroughly discussed in the DEIS and in numerous responses to comments in the FEIS. The BLM has determined that such a restriction is not reasonable nor prudent.
4. As was stated in the DEIS and in response to comments in the FEIS, the operators will be required to fund the monitoring required under the AEM planning process.
5. This recommendation is beyond the authority of the BLM. We disagree that people of Sublette County will not directly benefit from development. A great deal of discussion regarding the importance of oil and gas in the county’s economy is provided in the DEIS.

## **Wyoming Outdoor Council**

1. This statement is an over-simplification. It implies that BLM has failed to comply with BLM Onshore Order #1. The comment ignores BLM’s obligation to balance development with protection of the environment.
2. As is stated in the DEIS, BLM lacks authority to enter into any agreement that would require the operators to adopt the RP Alternative on All Lands and Minerals.
3. This “bottleneck” is adjacent to the extreme northwestern portion of the PAPA. No project developments are anticipated to result in restrictions to migration in this bottleneck.
4. The bottleneck addressed in this comment is outside the PAPA and a permanent withdrawal of leasing in this area is outside the scope of the EIS.
5. This comment is very confusing. First, albeit just for the nesting season, BLM does provide a 2 mile buffer around leks to protect nesting sage grouse. This buffer is consistent with the recommendations contained in the BLM Technical report and published recommendations by Mr. Braun that are described in the first paragraph of this comment. Second, the Wyoming Game and Fish Department has reviewed the recommendations for sage grouse buffers and concurred with the appropriateness of the buffer distances. Site-specific analysis are conducted before permitting any surface disturbance of public lands.
6. These recommendations for permanent withdrawal from leasing in the Wind River Front and Gros Ventre Foothills are beyond the scope of this EIS.
7. This comment is mistaken - there is no analysis of a 5 well per year development scenario in the EIS.
8. BLM fully intends to encourage wide participation in the AEM planning process.
9. WOC’s objection to the notification process was addressed in response to comments in the FEIS.

## Wyoming Wildlife Federation

1. As was discussed in the DEIS and in comment responses in the FEIS, BLM cannot adopt the RP Alternative on All Lands and Minerals. BLM lacks regulatory authority to address non-Federal lands and minerals.
2. Annual reviews are anticipated as part of the AEM planning process.
3. This is a standard requirement - site-specific analysis is conducted as part of the APD process.
4. As was explained in the DEIS and in response to comments in the FEIS, limiting well pad density to 1 or 2 per square mile is not reasonable or prudent. Nor is development of reserves technically feasible with only 1 well pad per square mile. Plans of development will be required for any pipelines and CPFs developed on Federal lands.
5. Standard stipulations have been developed that address each of these concerns (see Appendix A of the DEIS).
6. We again reiterate that the EIS is addressing a specific proposal to developed leased minerals. The information requested by the comment is not germane to the project at-hand. The area is leased and the operators have been provided a right to develop minerals in the PAPA. Whether or not America is energy independent or dependent and whether or not there is a glut of natural gas is irrelevant in this case.
7. Again, we believe our initial response to this comment was correct. We don't understand how burying pit liners results in significant impacts to scenic, environmental, wildlife and recreation values as this comment suggests. The practice of burying pit liners has been scrutinized by a number of state and Federal agencies and the practice is still allowed because of the failure to demonstrate environmental advantages associated with the removal of the pit liners.
8. BLM cannot require the monitoring of emissions. That authority rests solely with the Wyoming Department of Environmental Quality.
9. The entire purpose of including the sales pipeline alternatives in the FEIS was to provide the public the opportunity to comment, as WWF has done. The FEIS provides adequate opportunity to comment on the proposed alternatives and BLM will consider the comments received prior to selecting a preferred alternative.
10. All of the issues/mitigation recommendations that follow this comment are addressed in the response to comments in the FEIS. What WWF appears to be asking for in this comment is BLM commitment to either include or discard the recommendations in the ROD. However, such a commitment would be pre-decisional. We do not believe it is again necessary to reiterate the responses to the individual recommendations. Each has been addressed in either the DEIS, response to comments originally submitted by WWF or in Appendix A of the DEIS.

## BP Amoco

1. This comment provides additional information, i.e. problems with rig loading, regarding the difficulties in imposing a limit on the number of rigs operating in the PAPA. The comment suggests that costs of drilling would increase if a rig limit is imposed - we agree. As noted in the ROD, page 36, BLM has concluded that to limit the number of rigs working in the PAPA at any one time (on Federal and non-Federal lands and minerals combined) would be extremely difficult administratively. However of greater consequence and importance is the fact that the Operators are already seasonally restricted over a significant portion of the PAPA, leaving a relatively small window within which to complete field development activities (i.e., May 1 through July 1 restriction in many areas due to sage grouse nesting, mountain plover nesting, bald eagle nesting; July 1 through November 15 no restriction). The Operator must be able to take advantage of the drilling window available.
2. The statement that the DEIS does not discuss prohibiting well pads in the breaks is not correct. Table 2-8 on page 2-38 of the DEIS discusses the prohibition under the RP Alternative for Deer winter and crucial winter range. The DEIS explains that the technology exist to develop the 40-acre spacing through the alternative of pad drilling, except for a few areas that may be too wide. See ROD at page 26, Table 2 and page 29, Table 3.
3. The taking issue brought up regarding the breaks has been thoroughly and completely addressed in the FEIS. Further

clarification is provided in the ROD on page 26, Table 2, footnote 9 and on page 29, Table 3, The Breaks.

4. The VRM argument presented in this comment is convoluted. The first statement suggests that limiting the number of well pads in the Visual SRMZ might still not meet VRM objectives. The second sentence in the comment argues that the number of well pads in the SRMZ “should not matter”. The well pad restriction discussed in the FEIS is reasonable and prudent and no information is provided as to why it won’t be effective.
5. Use of CPFs, as discussed in the FEIS comment responses, could be used to reduce the loss of gas recovery. Takings are addressed in the FEIS comment responses.
6. The economic “burden” suggested in this comment needs to be evaluated on a case-by-case basis. No justification has been provided, nor could it be provided based on current understanding of the anticline, to suggest that CPFs and directional drilling are “categorically” uneconomic as this comment suggests.
7. The fact that reserves are left in the ground does not, in-and-of-itself, constitute a taking. This issue was addressed in detail in the FEIS comment responses.
8. The Amoco comment on the CPF concept seems inconsistent with comments they provided on the DEIS. Certainly we recognize there will be difficulty in developing a well-functioning CPF system for the Anticline. This comment rehashes problems with CPF fully addressed in responses to other operator comments found in the FEIS. Amoco and the other operators are encouraged to meet and discuss with Texaco the success of their CPFs in the Stagecoach Field.
9. The environmental benefits associated with less traffic in crucial winter ranges during winter periods is irrefutable. No one has provided any rational argument to the contrary.
10. The 10 dBA noise buffer for sage grouse leks was discussed in comment responses in the FEIS. No new information is provided by this comment.
11. As was stated in the comment responses in the FEIS, the operator proposals necessitate the AEM planning process and the operators will be required to cover the costs of implementing the AEM plan. This will not be 100 percent of the cost, but the cost of conducting monitoring and reporting on the results of that monitoring. Also, it is important to reiterate that it is not possible to outline fully what is necessary for inclusion in the AEM planning process at this time. Appendix C in the ROD describes the collaborative process which will be used to design the planning process. Broad participation in the design of the process is necessary to develop the resource value monitoring as well as experimental designs to test mitigation efficiency.
12. The “cap” referenced in this comment is in-fact a level established at which additional NEPA review may be required in a MA. Amoco appears to have misinterpreted information provided in the table. The threshold number represents a level of development beyond which the impact prediction is uncertain. If and when the specified level is reached, further environmental review will be completed addressing the resources of concern.

### **Mountain Gas Resources, Inc.**

No responses are necessary for this letter. BLM has no new response to MGR’s comments on the DEIS.

### **Anschutz Wyoming Corporation**

1. BLM disagrees with Anschutz’ contention that the inability to remove every molecule of gas from the PAPA somehow makes the RP Alternative “unreasonable”. We have discussed this issue in the FEIS comment responses. Anschutz simply disagrees with BLM’s position regarding the reasonableness of the alternative.
2. The DEIS documents the environmental benefit of the rig limitation. This is a relatively simple concept. Limiting the number of rigs working in an area reduces a number of impacts associated with human presence and emissions, traffic, fugitive dust, noise, light pollution at night, water use, etc. However, as noted in the ROD, page 36, BLM has concluded that to limit the number of rigs working in the PAPA at any one time (on Federal and non-Federal lands and

minerals combined) would be extremely difficult administratively. However of greater consequence and importance is the fact that the Operators are already seasonally restricted over a significant portion of the PAPA, leaving a relatively small window within which to complete field development activities (i.e., May 1 through July 1 restriction in many areas due to sage grouse nesting, mountain plover nesting, bald eagle nesting; July 1 through November 15 no restriction). The Operator must be able to take advantage of the drilling window available.

3. BLM understands Anschutz concern regarding burdensome stipulations that may be placed on them under the RP Alternative. BLM has the responsibility to balance oil/gas development with the protection of the natural resources. In doing so, there will be burdensome restrictions on development. However, by law, BLM must make sure that these are reasonable. The ROD reflects BLM's interpretation of reasonable and practicable measures to protect the resources while allowing for development.
4. BLM is uncertain how Anschutz sees surface restrictions favoring directional drilling over CPFs? It is reasonable to expect that CPF's can be located in an area where the impact from multiple wells with production facilities requiring daily visits and periodic tankers can be substantially reduced by centralizing this activity at one point.
5. This statement ignores BLM's obligation to develop the leases while at the same time protecting the environment. It suggests that development be controlled solely by what is necessary to maximize economic return to the operators.
6. The location of cultural sites on public lands administered by BLM is considered proprietary information and therefore is not subject to release under a Freedom of Information Act (FOIA) request. There are areas of "cultural sensitivity", containing sites that are sensitive, sacred or respected, by modern-day Native Americans. Additionally, there are "significant " sites that are Eligible or may be Eligible to the National Register of Historic Places. BLM Wyoming normally shares locational information specific to any given project in an informal way with operators and permitting agents on a "need to know" basis. Also, the proponent usually receives a copy of the cultural resource report generated in support of their application.

BLM will make available to the operators the general locational data concerning these sites for their planning purposes. We suggest that the operators meet with Pinedale BLM cultural resource specialist, Dave Vlcek, to review the locational data and discuss protection opportunities. Standard operating procedures exist for Eligible cultural resources covered on a case by case basis in each APD. These resources are site specific and are usually not known or evaluated until the site specific inventory is performed for the drilling location.

### **Gene R. George & Associates, Inc. for Ultra Resources**

1. The DEIS documents the environmental benefit of the rig limitation. This is a relatively simple concept. BLM agrees that seasonal restrictions limit the pace of development in the winter months. Limiting the number of rigs working in an area reduces a number of impacts associated with human presence and emissions, traffic, fugitive dust, noise, light pollution at night, water use, etc. However, as noted in the ROD, page 36, BLM has concluded that to limit the number of rigs working in the PAPA at any one time (on Federal and non-Federal lands and minerals combined) would be extremely difficult administratively. Yet of greater consequence and importance is the fact that the Operators are already seasonally restricted over a significant portion of the PAPA, leaving a relatively small window within which to complete field development activities (i.e., May 1 through July 1 restriction in many areas due to sage grouse nesting, mountain plover nesting, bald eagle nesting; July 1 through November 15 no restriction). The Operator must be able to take advantage of the drilling window available.
2. As was stated in the comment responses in the FEIS, the operator proposals necessitate the AEM planning process and the operators will be required to cover the costs of implementing the AEM plan. This will not be 100 percent of the cost, but the cost of conducting monitoring and reporting on the results of that monitoring. Other agencies participating in the process will also be sharing in the funding in the form of personnel devoted to the development of the monitoring plans and reviewing results. The requirement for the proponent to fund these costs is not new nor unexpected.
3. BLM concurs, in many ways the AEM process should function as the Transportation Planning Committee has.
4. The issue of royalty-reduction was address in the DEIS as well as in the response to comments in the FEIS. To address the points raised in your comment would take considerable time and involve the Wyoming State Office, the

Washington Office of the BLM and the Office of the Secretary of the Interior. BLM recommends that the Operators pursue this under separate action from the Pinedale Anticline ROD to avoid further delays.

5. This clarification has been made. See ROD page 29, Table 3.
6. This clarification has been made. See ROD page 30, Table 3. However, we disagree with inserting only “long-term” in the restriction/limitation. The point is that MA objectives (particularly protecting crucial winter range) need to be protected in both the short- and long-term. “Short-term” impacts could last for up to 5 years.
7. The additional site-specific NEPA analysis referred to is the same as the site-specific NEPA analysis that is already required for the permitting of each individual well. However, the site-specific analysis for permitting within the Sensitive Viewshed will have to be more detailed and it will be necessary for the EA to address the listed issues and solicit public comment for activities in this MA. The same explanation applies to MA 5, paragraph 5.
8. This comment is incorrect. It applies specifically to MA 6 (see MA objectives). MA 6 contains VRM Class III areas.

### **Yates Petroleum Corporation**

1. BLM understands the Operators concern regarding rig limitations. As noted in the ROD, page 36, BLM has concluded that to limit the number of rigs working in the PAPA at any one time (on Federal and non-Federal lands and minerals combined) would be extremely difficult administratively. Yet of greater consequence and importance is the fact that the Operators are already seasonally restricted over a significant portion of the PAPA, leaving a relatively small window within which to complete field development activities (i.e., May 1 through July 1 restriction in many areas due to sage grouse nesting, mountain plover nesting, bald eagle nesting; July 1 through November 15 no restriction). The Operator must be able to take advantage of the drilling window available.
2. It is speculative to state that CPFs may render a well uneconomic. Information provided by Ultra and Texaco shows a cost savings using CPFs. The cost ramifications of these mitigation measures need to be considered on a case-by-case basis with actual costs. The use of CPFs offer tremendous flexibility in drilling wells.
3. Noise limits on sage grouse leks have been addressed thoroughly in the FEIS comment responses. Given the existing standard restrictions (e.g., no well pads, roads, or high profile structures within 0.25 miles from a lek), the only proposed facilities that will be restricted more than 0.25 miles from a lek will be compressor facilities.
4. BLM did not intend to imply that the AEM planning process was a NEPA requirement. Monitoring is a NEPA requirement if the EIS deems it necessary. The AEM process is a way of administering a complex program of monitoring and for providing a means for making mid-course corrections in planned activities. The AEM process identified in the EIS is simply a mitigating opportunity that, if properly and diligently applied, will result in less impacts from development in the PAPA over the long-term. It is not “phased development” as this comment suggests. The remainder of the issues identified in this comment will be addressed during development of the planning process, as is outlined in the revised, more simplified plan framework presented in Appendix C of the ROD.
5. The referenced table has been included in the ROD and has been clarified. The guidelines for implementing this table are clearly laid out in the ROD in Table 2 with its 9 footnotes and in Table 3.
6. This is the first time that we have heard safety used as a reason not to directionally drill. No additional information is provided as to why elevated pressure makes the use of directional drilling unsafe. The issues associated with cold temperatures and elevation and their impact on CPFs has been discussed in response to other comments in the FEIS. Yates does not explain why CPFs are not needed in VRM III areas. The footnotes to the table recognize that additional well pads may be allowed if pad drilling or CPFs are installed. Yates and the other operators are encouraged to meet and discuss with Texaco the success of their CPFs in the Stagecoach Field.

### **McMurry Energy Company**

1. This is a valid point. There are portions of the Lander Trail viewshed where “hiding” CPFs may be difficult. This

concern is provided for in the ROD and flexibility included where CPFs may be visible because of lack of topographic relief. The intent is to screen well locations, roads/pipelines, CPFs and other facilities to the extent reasonable and practicable. BLM recognizes that it will not be possible to screen or hide everything associated with the field development.

2. It is anticipated that the cost-effectiveness of mitigation would be addressed and reviewed as part of the AEM planning process.

### **Bjork, Lindley, Danielson & Baker for HS Resources**

1. The purpose for evaluating the mitigation measures for the various alternatives was to satisfy BLM's obligation to avoid unnecessary and undue impacts. Protecting visually sensitive areas was only one of the management area objectives described in Table 2-1 of the FEIS. The commentor needs to carefully review that table to fully understand the full scope and breadth of the management objectives incorporated in the RP Alternative. Even a cursory review of the table indicates that sensitive visual area protection is only one of many management objectives.
2. The FEIS presents a reasonable approach to mitigating impacts in the PAPA. The section referenced by this comment was provided to solicit public comment on an approach BLM was evaluating for possible inclusion in the ROD. As such, the use of terms such as could and consider are appropriate. The subject table has been included in the ROD but with considerable clarification and actual direction provided.
3. The point of unnecessary and undue impacts is missed by this comment. Undue and unnecessary refer to the need to minimize environmental impact while still allowing development of the lease. The primary criteria BLM evaluated in determining whether any impact was undue or unnecessary was could the lease be developed using a means that resulted in less significant impacts to the environment? Also, after applying the standard mitigation measures, BLM evaluated the impact remaining (or residual impact) in determining whether it can be reduced further by applying other or additional mitigation measures? BLM concluded that both pad drilling and CPFs were measures that could satisfy this primary criteria.
4. This comment is complaining about a standard stipulation that is contained in BLM's statewide mitigation guidelines included in Appendix A of the DEIS. This is not a new requirement included in the RP Alternative.
5. The comment is misinterpreting the stipulation (again a standard stipulation). The stipulation does not contemplate reclamation of the road surface - only the ditches.
6. The inability to screen certain locations may indeed render the some locations undevelopable under this provision. However, BLM anticipates the use of directional drilling and CPFs may be successful in reducing impacts to this area to be reduced while still allowing development of the gas reserves. BLM is well aware of its limitations under the law. The ROD reflects BLM's interpretation of reasonable and practicable measures to protect the resources while allowing for development.
7. BLM understands the Operators concern regarding rig limitations. As noted in the ROD, page 36, BLM has concluded that to limit the number of rigs working in the PAPA at any one time (on Federal and non-Federal lands and minerals combined) would be extremely difficult administratively. Yet of greater consequence and importance is the fact that the Operators are already seasonally restricted over a significant portion of the PAPA, leaving a relatively small window within which to complete field development activities (i.e., May 1 through July 1 restriction in many areas due to sage grouse nesting, mountain plover nesting, bald eagle nesting; July 1 through November 15 no restriction). The Operator must be able to take advantage of the drilling window available.

BLM understands the concern HS has identified relative to the sensitive viewshed. The Pinedale RMP was completed in the mid 80's at which time the public had not identified concern over development on the face of the Mesa. During public meetings for the Pinedale Anticline Project, the public was loud in expressing concern over visually scaring and degrading the face of the Mesa from oil and gas development. BLM cannot ignore this concern. Thus development will proceed carefully, with public involvement, and will incorporate visual impact reduction and screening to the maximum extent reasonable and practicable. Two methods of mitigation identified in the EIS for reducing this impact are pad drilling or installing CPFs. The appropriateness of either of these measures will be considered on an case-by-

case, APD-by-APD, basis.

8. This statement is not entirely true. While the slope restriction developed for the RP Alternative would indeed reduce visual impacts, the DEIS also points out that limiting development on steep slopes would also reduce impacts from sedimentation and further protect water quality and aquatic resources in the New Fork River and other sensitive waterways.
9. Yes, the restriction would apply to all leks, active and inactive. As the DEIS states, the status of many leks in the PAPA is uncertain - systematic surveys of lek attendance have not been rigorously performed. Also, it is not valid to assume that a lek that has been recently abandoned will not be used again in the near future. In addition, just because a lek has been abandoned does not necessarily mean the nesting habitat adjacent to the lek has been similarly abandoned.
10. It would be prudent for the operators to share the cost of an annual survey of the entire PAPA. The cost for each operator would be reduced significantly if a single survey was performed.
11. Known leks recorded at the time Lease WYW-130234 was issued indicated that there was a lek within the described area on the lease. Current BLM records in the Pinedale Field Office show that there is not a lek within Section 8, T33N R109W. Therefore BLM would not require HS to comply with that stipulation on your lease. The reason for this discrepancy could be that at some point in time past, the legal description was confirmed and found to be different than the one previously thought to be in Section 8, or the lek was declared by the WGFD as officially abandoned and thus removed from the record. Your lease can be corrected by requesting a waiver to remove this stipulation. Please contact the BLM Pinedale Field Office to initiate the paperwork to have this done.
12. BLM understands that low profile tanks could be more expensive than standard tanks. However, we do not believe the difference in costs will make a substantial difference in the economics of wells drilled in the PAPA. On-the-other-hand, as can be seen in the Jonah Field, tanks can be the most visible piece of equipment associate with production. The requirement for low profile tanks to reduce visual impacts is not an unreasonable requirement.
13. Further information regarding this standard stipulation is provided in Appendix A of the DEIS. The buffer is a requirement of the USFWS to ensure perpetuation of the species. (Note: The USFWS has increased the distance that wells or production facilities need to be from bald eagle nests from 2,000 feet to 2,600 feet.) Only active nest sites are included in this stipulation. In essence, this standard stipulation is a no surface occupancy stipulation. It prevents permanent facilities which require human presence (i.e., roads, a compressor station, well pad, etc.) from causing nests to be abandoned. Facilities, such as buried pipelines, which do not require intensive human presence, can be constructed within the buffer so long as construction occurs when nesting is not occurring. It is important to note that many raptors have multiple nesting sites and not every site is active in every year. Therefore, just because a nest site is not used in one year does not mean the nest is not active. It could be used the following year. The requirements contained in the FEIS are consistent with the Lander Field Office decision described in this comment.
14. As was stated several times in the FEIS response to comments, unitization would be the simplest way to solve these problems. However, other ways to address metering to do so on location through a "T-Pack" before the gas is transported to the central facility or a high pressure line from the well to the CPF can be used with metering occurring at the CPF.
15. These lands will remain unleased for the reasons given in the DEIS. The decisions to not lease these lands was made prior to the Pinedale Anticline EIS.
16. As was stated in response to similar comments in the FEIS, the mitigation measures outlined for the RP Alternatives do not "change the terms of the leases" as this comment contends. The restrictions/limitation prescribed specify how operations will be conducted which are consistent with Section 6 of your lease terms, i.e.,

*"Section 6. Conduct of operations - Lessee shall conduct operation in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources and to other land uses or users. Lessee shall take reasonable measures deemed necessary by lessor to accomplish the intent of this section...."*

17. The Federal leases issued in the project area have been addressed and analyzed for environmental consequence in accordance with the NEPA and the CEQ Regulations, and in accordance with the FLPMA, Section 302(b), which states *"In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands."* Within the constraints of these laws/regulations, including lease terms and the rights granted the lessee, BLM has presented what it believes to be the best balance between resource protection and natural gas field development under conditions of approval that are reasonable and practicable.

## Questar Market Resources Group

1. This statement is absurd. If no attempt had been made to balance natural resource damage with development, BLM would have chosen the No Action Alternative. Within the constraints of the FLPMA, NEPA, and CEQ regulations, and the lease terms and the rights granted the lessee, BLM has presented what it believes to be the best balance between resource protection and natural gas field development under conditions of approval that are reasonable and practicable.
2. The scenario described here is exactly what the management areas achieve. It places the restrictions in areas commensurate with impacts that are expected based upon the EIS. In management areas where conflicts are expected to be less severe, restrictions are much more similar to those included in the standard stipulations in Appendix A of the DEIS.
3. The argument that maximum recovery is to occur regardless of resource damage is addressed in a number of responses to comments on the DEIS. As 43 CFR 3162.1 states, "...Conducting all operations in a manner which protects other natural resources and environmental quality..." is also part of the equation to "maximizing oil and gas recovery".
4. BLM apologizes for any misunderstanding expressed in its responses to Questar's comments on the DEIS. Nevertheless, BLM believes the mitigation measures prescribed in the ROD (as modified from those in the FEIS) are reasonable and do not constitute a takings.
5. BLM understands the Operators concern regarding rig limitations. As noted in the ROD, page 36, BLM has concluded that to limit the number of rigs working in the PAPA at any one time (on Federal and non-Federal lands and minerals combined) would be extremely difficult administratively. Yet of greater consequence and importance is the fact that the Operators are already seasonally restricted over a significant portion of the PAPA, leaving a relatively small window within which to complete field development activities (i.e., May 1 through July 1 restriction in many areas due to sage grouse nesting, mountain plover nesting, bald eagle nesting; July 1 through November 15 no restriction). The Operator must be able to take advantage of the drilling window available.
6. The DEIS documents the environmental benefit of the rig limitation. This is a relatively simple concept. BLM agrees that seasonal restrictions limit the pace of development in the winter months. Limiting the number of rigs working in an area reduces a number of impacts associated with human presence and emissions, traffic, fugitive dust, noise, light pollution at night, water use, etc. BLM's decision is explained in response to Questar's comment number 5 above.
7. The term "sales pipeline" refers to the specific pipeline corridor(s) identified in the DEIS and on Figure 3-1 of the FEIS. The terminology used was intended to help the lay person understand and to differentiate between gathering pipelines and the main trunk line taking gas to marketing hubs, and to relate to the potential environmental consequences of each. In the future BLM will look for other terms that are not so confusing.
8. BLM apologizes for any misunderstandings in its responses regarding specific gathering pipeline proposals. BLM simply conveyed what it understood. As far as difficulties in scoping the proposed action being a direct result of BLM proceeding to a full-fledged EIS prematurely is certainly a matter of opinion. This was fully recognized and discussed in the DEIS at page 1-2, left column, 2<sup>nd</sup> paragraph. This paragraph explains why the EIS is required. It did not explain the part of the discussion between BLM and the Operators where the choices were discussed, i.e., choice 1) prepare and EIS analyzing exploratory drilling of 50 to 100 wells and then in 3 to 5 years prepare a second EIS on field development, or choice 2) do one EIS analyzing exploration and development in the same document. It was agreed that in the long-run, doing the one document analyzing exploration and development would be the most time and cost effective. It was understood (DEIS Section 1.2, page 1-2) that many unknowns existed relative to where development would occur, the feasibility of pad drilling, ultimate compression needs, compressor site locations, etc.

The compressor locations that Jonah Gas Gathering applied to WDEQ for emission permits will also require rights-of-way from BLM. Yes, the requirement also applies for additional site-specific NEPA analysis addressing site-specific resource concerns and required mitigation to reduce impacts, just as it will for the Questar sites. The response to comments on the DEIS regarding this did not state, nor did it intend to imply “a competitive advantage based on the view that “providing funds” to prepare the EIS conveys superior rights or the view that “date of entry” in the DEIS process conveys superior rights.” What was intended is that any action proposed which was not analyzed site-specifically in the EIS will require additional NEPA analysis.

9. We concur that the 5 percent figure should not be a limit but rather a goal or target.
10. Use of CPFs to avoid directional drilling is consistent with most of the management objectives identified in Table 2-2 of the FEIS. Questar and the other operators are encouraged to meet and discuss with Texaco the success of their CPFs in the Stagecoach Field.
11. Yes, the restriction would apply to all leks, active and inactive. As the DEIS states, the status of many leks in the PAPA is uncertain - systematic surveys of lek attendance have not been rigorously performed. Also, it is not valid to assume that a lek that has been recently abandoned will not be used again in the near future. In addition, just because a lek has been abandoned does not necessarily mean the nesting habitat adjacent to the lek has been similarly abandoned. This is an example of where directional drilling may be necessary on a case-by-case basis for lease development. The sage grouse is currently being considered for listing by the USFWS. BLM will take the conservative approach to ensure appropriate protection.
12. This proposal will require the involvement of the WGFD. The feasibility of constructing new leks to allow impacts to existing leks would be the type of issue the AEM planning process would be well-suited to undertake.
13. The comment is misquoting the table. In the second column on page 2-1 of the FEIS, total producing well pad threshold is carefully and completely explained. The threshold represents a level of development at which additional NEPA analysis would be required - not an absolute cap as this comment suggests.
14. We disagree. The allocation was not performed only on the crestal portion of the anticline as this comment suggests. Alternatives analyzed were No Action, Project Wide, and Anticline Crest. See Figure 1-1, page 1-3 of the DEIS
15. The discussion of take issues associated with the well restrictions in the Mesa Breaks is provided in response to operator comments in the FEIS. BLM has recognized in the ROD the potential need for allowing some wells within the Breaks. However, the objective is still to strive for zero wells. Further public involvement will be required for wells in the Breaks. This may be in the form of that which we have had for the th proposed well in Section 29, T33N R109W through the Transportation Planning Committee. However, more public notice will be necessary if future wells are proposed in the Breaks or within the Sensitive Viewshed.

Formation of a Federal Unit - BLM will take your recommendation under advisement to require leaseholder joinder to the plan of unit development proposed by Questar.

16. The AEM process is a way of administering a complex program of monitoring and for providing a means for making mid-course corrections in planned activities. This process should not result in any stopping or delay of activities. The AEM process identified in the EIS is simply an opportunity that, if properly and diligently applied, will result in less impacts from development in the PAPA over the long-term. The issues identified in this comment will be addressed during development of the planning process, as is outlined in the revised, more simplified plan framework presented in Appendix C of the ROD.
17. This concern is clearly explained in the ROD.

## **US Fish and Wildlife Service**

1. The way the bullet item is phrased, the USFWS concern is correct. This has been clarified under the *Restrictions and Limitations* section of the ROD.

2. Payment would not occur on an annual basis, it would be a one-time payment based on the annual average use as per the “*Recovery Implementation Program for Endangered fish Species in the Upper Colorado River Basin*” (3-11-96); the *US Fish and Wildlife Service Biological Opinion (i.e., PG&E Project, 8-14-91)*; and *Solicitor Opinion dated 8-16-91*. The calculated payment for the Pinedale Anticline Project Operators is as follows: The PAPA will require 3.2 acre feet of water use per well (for construction, well drilling, dust abatement, etc.) and the average annual number of wells drilled would be 90 wells or 288 acre-feet of water use. The current depletion rate (July 2000), which is adjustable based on inflation, is \$14.36 per acre-foot. Therefore, the PAPA Operators will be required to submit a payment of 4,135.68 by certified check or money order, to the National Fish and Wildlife Foundation, 11230 Connecticut Ave., N.W., Suite 900, Washington, D.C., 20036.
3. The scenario provided by USFWS where natural gas developed on Federal lands or minerals would be conveyed through a pipeline constructed as part of the Pinedale Anticline Project would be a “Federal nexus” similar to the one described for access across BLM land to well sites on non-Federal lands/minerals (see page 4-16 of the FEIS). With such connected actions, potential impacts to listed species would require consultation with USFWS.
4. The paragraph for errata, Page 4-119 to 120, First Column, End of Page has been changed (changes in bold):

*Conditions that must exist to support a conclusion that the project alternatives would “not likely to adversely affect” black-footed ferrets, there would have to be a guarantee that no further ground-disturbing activity would proceed within the affected habitat **unless there was** assurance that the species was absent. A **concurrence** of “not likely to adversely affect” would **be issued** where, for example, **neither** a ferret **nor** their sign is found during a survey. **If a ferret or their sign was found during a survey, BLM would stop all action** on the application in hand and initiate Section 7 review with USFWS. The USFWS would then determine when and under what conditions and/or prudent measures the action could proceed or that the action could not proceed. At that point, the USFWS would provide **concurrence that the action would be** “not likely to adversely affect” **black-footed ferrets**. No project-related activities would or could continue until the USFWS issued their guidance or instruction. This would occur within the 135-day window for Section 7 formal review (USFWS, 2000, P. Deibert, personal communication with BLM). Given this interpretation **with appropriate procedures extended and applied to all listed and proposed species, the conclusion would appropriately be that the project alternatives would not jeopardize the continued existence of black-footed ferrets or other Federally listed species.***

5. Page 2, Fourth full Paragraph beginning...”The change on page 5-27 regarding applicability of wildlife laws...” Change the paragraph for errata, Page 5-27, Column 1, Second Paragraph, Line 3 to read as follows:

*The only protection provided to many of these species on non-Federal lands and minerals is through state game laws, the Endangered Species Act, the Migratory Bird Treaty Act and other laws.*

6. Thank you for the updated information.

## **Barry Johnson**

BLM will take your comments into consideration during the course of determining the outcome of the proposed decision to be made at a later date.