



# PETROLEUM ASSOCIATION OF WYOMING

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February 11, 2008

Mr. Caleb Hiner  
Bureau of Land Management  
Pinedale Field Office  
P.O. Box 768  
Pinedale, Wyoming 82941

Re: Revised Draft Supplemental Environmental Impact Statement (RDSEIS)  
Pinedale Anticline Oil and Gas Exploration and Development Project  
Sublette County Wyoming

Dear Mr. Hiner:

The Petroleum Association of Wyoming ("PAW") is Wyoming's oldest and largest trade organization, whose members account for over ninety percent of the natural gas and over eighty percent of the crude oil produced in the State. We appreciate the chance to comment on the above noted project.

G-1  
BI-3-1  
We support the Proponents' year-round access definition as an assurance that BLM not apply seasonal wildlife restrictions when approving permits in the requested specified areas for simultaneous operations, including drilling, completions, construction, pipelines, etc. The intent is to minimize impacts to wildlife, habitat and environment by allowing continuous operations on safe, effective and efficient development of the resource. We support Proponents request for year-round access in specified areas which includes simultaneous operations (drilling, completions, construction, pipelines, etc.) We believe the BLM needs to clearly describe and insert this definition into the Final SEIS and Record of Decision.

W-1  
BI-3-2  
The benefits to wildlife and air quality which accrue from the mitigation measures offered by the Proponents are contingent upon year-round access and cannot be achieved with partial access. Exceptions from seasonal stipulations for all species must be granted and as such, the Proponents have developed their monitoring and mitigation based on that premise. The Wildlife Matrix agreed upon between the Proponents and the WGFD will track and *"proactively react to emerging impact changes early enough to assure both effective mitigation responses and a fluid pace of development over the life of the project"* (RDSEIS p. 10-5) and applies to current sensitive raptor and mammal species and sensitive sagebrush associated bird species as well as game species. To accomplish this, the Proponents offer to provide through the mitigation and monitoring fund *"assurance that financial support is available for mitigation and monitoring for the life of the project"*. (4/5/07 comment letter, Appendix D, p. 2). The Proponents' air quality mitigation commitments require long-term rig contracts that cannot be executed with uncertainty

of anything less than the proposed year-round access in the defined activity areas. The Proponents' broad resource protection mitigation commitments were *not* offered to BLM in support of only specific species, specific situations, or partial access in the Development Areas (DA). These mitigations were purposefully developed to address air quality and protection for all species with seasonal stipulations and for year-round access within the specifically defined activity area in the DA.

The innovative and costly on-site mitigation components of the Proposed Action and as carried over to Alternative D—such as the Liquids Gathering System (LGS), directional drilling, Wildlife Matrix, mitigation and monitoring fund, etc.—should be more clearly addressed in Chapter 2 even though they are contained in Appendices of the RDSEIS. Many other major on-site mitigation measures such as interim and real-time reclamation, leaving lateral and linear migration corridors available, Bald Eagle and Raptor Best Management Practices (accurately described), computer-assisted operations, etc. presented in Appendices should be more clearly presented to highlight the key elements of the Proponents' proposal for purposes of impact analysis and for the benefit of the reader.

On p. 4-161 of the RDSEIS, BLM says that it does not intend to adhere to the sequence outlined in the Proponent/State of Wyoming matrix agreement and then proceeds to discuss the reasons in the next three paragraphs. This matrix tool was developed in concert with the WGFD which is the agency charged with managing the wildlife resources of this state. The WGFD holds not only the primacy over wildlife but is the expert in managing wildlife in this state. It is the opinion of the WGFD in co-advancing this matrix that it is the best tool to mitigate impacts to wildlife. We request that the three paragraphs be deleted or that the BLM explicitly reject Proponents' offer of the WGFD-approved Wildlife Matrix as a method of setting thresholds to allow for performance-based wildlife management.

Alternative C in the RDSEIS requires that in addition to an 80% drill rig engine NOx emissions reduction, the Proponents will use "any and all available means" to ensure that visibility impacts will not exceed 1.0 deciview on any day (See Chapter 4, p. 4-82). We have many concerns with this requirement. In a veiled attempt to add the same requirement to the Proponents/WDEQ proposal which is included in some part in Alternative D, similar language has been included in Chapter 4, p. 4-85: *"Accordingly, the Operators, BLM, EPA and WDEQ-AQD would jointly agree to a mitigation plan that complies with the goal (0 days of visibility impairment over 1.0 dv at the Bridger Wilderness Area), using any and all practicable means with full consideration of all resources."* Under the sentence is the same list of components, although not in the same order, as those on p. 4-82. On two issues, this is not what was committed to by the Proponents with WDEQ concurrence: 1. WDEQ-AQD has jurisdiction over air quality in the State of Wyoming and Proponents should not have to support WDEQ-AQD ceding that authority through a NEPA process to any other entity – BLM or EPA. In addition to the above-mentioned sentence, BLM has appointed EPA as one of the decision-makers throughout the air quality portion for Alternative D. Again, because WDEQ-AQD has jurisdiction, all such references should be deleted. 2. Language on p. 4-85 RDSEIS puts in question year-round access and therefore destroys the Proponents' ability to make long-term commitments for emission reduction efforts. This language could result in the Proponents having to reduce activity levels or take other drastic measures if there are no technologically and economically feasible or other reasonable means to further reduce drill rig engine emissions, despite the very significant investment in drill rig emissions reduction equipment and methods to achieve the 80% drill rig engine NOx reduction level.

The significance of natural gas production in Sublette County cannot be ignored. With a population of only 7,359 people, approximately 1.4% of the state's total population, Sublette County accounts for nearly 19% of all of Wyoming's revenues.

Year-round access allows for long-term planning for both the operators and the local leaders which will create long-term economic benefits for the state. It is a sound development plan which will benefit Wyoming and Sublette County, as well as the nation, to stimulate local economies and supply our nation with much-needed natural gas. The BLM, Wyoming Game and Fish and other Cooperating Agencies have been instrumental in a collaborative process which has involved proactive business leadership, state agency input, and spirited community debate. Now is the time to make sure the NEPA document captures the intent of the proposal they all have worked so long and hard to develop.

Of utmost importance to Wyoming's private sector economy is the distinction between short-term and long-term impacts. We believe that fifty years from today, when much of the area's natural gas development has diminished, policy leaders and citizens will realize that long-term interests—wildlife, clean air, habitat, etc.—were protected because short-term natural gas development occurred with minimal imprints on the land.

While we are supporters of a version of Alternative D that would provide predictable year-round access for the development of the Pinedale Anticline, we have some serious concerns as to what is being proposed as standard operating rules for all Alternatives, particularly in Appendix 4. This appendix attempts to initiate new practices and restrictions for the Pinedale Anticline that are unnecessary and unsupported. From additional APD requirements, closed circulating systems and oil based mud restrictions, to excessive wildlife and viewshed requirements, the BLM will place onerous restrictions on an already over-regulated industry. PAW believes that the cost of such measures far outweighs any benefit they might pose to wildlife. PAW thus recommends that Appendix 4 be deleted in its entirety and that it not be part of the FDSEIS or the ROD on the Pinedale Anticline.

While we believe the best course of action is to delete the entire Appendix 4, the table below cites specific references, comments, and potential remedies.

Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
General Statement	Provides restrictions for operations.	Appendix 4 goes far beyond standard practices, setting forth new practices and restrictions for the Pinedale Anticline project area that are available for application to APDs and rights-of-way during the site-specific review, where appropriate. In addition to imposing wildlife stipulations which are incompatible with year-round access, Appendix 4 also presents new restrictions relative to viewsheds and operating practices, which would severely impact the ability of the Proponents to develop their leases. <b>REMEDY</b> <b>Delete Appendix 4 in its entirety and</b>

G-2

BI-3-6

BI-3-7

G-3

Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
G-3 BI-3-7		use the BLM's Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, "The Gold Book," as the standard for procedural operations as well as existing procedures
W-3 BI-3-8	Appendix 4, General Requirements, p. 4-1, Para 4	BLM does not provide criteria or guidelines identifying the circumstances where site-specific inventories or special studies would be required. <b>REMEDY</b> <b>Delete</b>
G-4 BI-3-9	p. 4-2, para 5	<i>Oil-based muds used for drilling operations should be environmentally acceptable.</i> Environmentally acceptable is very nebulous wording. <b>REMEDY</b> <b>Delete</b>
G-5 BI-3-10	p. 4-2, para 7	<i>"The closed drilling system would be equipped with appropriate drip pans, liners..."</i> Liners are not currently required on all OBM operations. <b>REMEDY</b> <b>Delete</b>
G-6 BI-3-11	p 4-2, para 8	<i>All spills in excess of one barrel outside the containment devices would be reported to the BLM within 8 hours.</i> This requirement would be inconsistent with current requirements. Further, BLM fails to provide a rationale or identify the source of this requirement. It is not required by Onshore Order 1, NTL-3A, or WDEQ Regulations. <b>REMEDY</b> <b>Standard reporting volume for spills per BLM/WDEQ is 10 barrels of hydrocarbon. Revise to be consistent with these reporting levels.</b>
G-7 BI-3-12	p. 4-2, para 10	<i>Well control training of the rig crews would include coverage of the additional hazards associated with oil based muds.</i> Appears to apply to all drilling operations. <b>REMEDY</b> <b>Should clarify that this only applies to rigs utilizing OBM.</b>
WQ-1 BI-3-13	p. 4-3, para 5	<i>"operator is required to have WDEQ approved firm contracted to</i> Unclear if statement refers to drilling fluids, water source wells. Is BLM already receiving these? <b>REMEDY</b>

Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
WQ-1 BI-3-13	<i>conduct water samples, send a copy... to the BLM PFO at the same time they are sent to the Operator."</i>	<b>CONFIRM SOURCE OR DELETE</b>
G-8 BI-3-14	<i>"would be designed...not be damaged by moderate earthquakes"</i>	What is a moderate earthquake, and what are the standards? <b>REMEDY DELETE OR SHOW SPECIFIC REQUIREMENTS</b>
G-9 BI-3-15	Appendix 4, Project Siting and Operation, p. 4-1 to 4-4	Standard Practices and Restrictions of APDs
G-10 BI-3-16	p. 4-3, para 1	<i>"Submit a Sundry Notice describing how the oil contaminated drill cuttings would be treated ...."</i>
G-11 BI-3-17	p. 4-3, para. 2	<i>"Prior to skidding or moving the drill rig to another well or well pad, the pumps, pump lines and tanks would be cleaned to insure that NO oil-based mud is in the system during surface drilling operations of the new well."</i>
G-12 BI-3-18	p. 4-3, last para.	<i>"Any facilities defined as critical according to the Uniform Building Code would be constructed in accordance with applicable Uniform Building Code Standards for Seismic Risk Zone 2B."</i>
G-13 BI-3-19	p. 4-4, para 7	<i>"The Operator would also submit to the BLM Authorized Officer within</i>
		Appear to be conditions generally included in APDs.
		This is also generally part of the APD and is repetitive.
		Operators may drill surface hole for all wells in a group before returning to drill all production holes. In this case, equipment would not require cleaning when skidding/moving from one production hole to next. Not needed if skidding. Other operators employ two separate systems which also eliminates the need for cleanup.
		BLM should provide this information to Operators and all others whose facilities are defined as "critical."
		Cannot be done until all wells are finished on a pad.

	Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
G-14 BI-3-20	p. 4-4, para 8	<p><i>30 days of drilling, a digital file of the surface location of the well head(s).</i></p> <p><i>“Contact the BLM Authorized Officer’s field representative no earlier than 15 days and no later than 3 working days prior to commencement of construction activities.”</i></p>	<p>This requirement has been unfeasible for several years due to delays in BLM approval of APDs. Generally, when the APD is approved, the Operator must commence operations immediately due to rig availability or impending seasonal restrictions.</p>
V-1 BI-3-21	<p>Appendix 4, 4-3 BLM’s Standard Practices and Restrictions for the PAPA – Project sighting and operation, p. 4-3</p>	<p><i>“A controlled surface use stipulation would be applied for activities within 0.25 miles of the visual horizon (whichever is closer) of the Wilderness Study Area (WSA) boundary.”</i></p>	<p>The meaning of this statement and its effects on operations are unclear.</p> <p><b>REMEDY</b>  <b>BLM should define this restricted visual area. According the Pinedale Revised RMP, there are two WSAs in the RMP area, the Scab Creek WSA on east side of Wind River range and the Lake Mountain WSA just north of Lincoln County line.</b></p>
S-1 BI-3-22	<p>Appendix 4, 4-5 BLM’s Standard Practices and Restrictions for the PAPA – Soil, Erosion, and Sediment Control, p. 4-5</p>	<p><i>Management of the soil resource would continue to be based on 1) evaluation and interpretation of soils in relation to project design and development, 2) Identification and inventory of soils for baseline data, 3) Identification and implantation of methods to reduce accelerated erosion.</i></p>	<p>Proponents have not, nor are they aware of having been asked to undertake items 1) and 2). Who is responsible for collecting?</p> <p><b>REMEDY</b>  <b>Not currently required - Delete</b></p>
S-2 BI-3-23	<p>Page 4-5, paragraph 2</p>	<p><i>“before a surface disturbing activity is authorized, topsoil depth would be determined.”</i></p>	<p>At present operators do not determine topsoil depths prior to project authorizations, nor do authorizations specify topsoil volumes; current authorizations simply call for stripping at minimum depths (e.g., 6 inches).</p> <p><b>REMEDY</b>  <b>Not Standard - Delete</b></p>

Reference in Appendix 4

Specific Quote or Brief Description

Comments/Potential Remedy

<p>S-3 BI-3-24</p>	<p>p. 4-5 last para.</p>	<p><i>Projects requiring soil interpretations include: construction of linear right-of-way facilities ... construction of water impoundments; rangeland manipulation ... construction of plant site facilities, pump stations, well pads and associated disturbances; and reclamation projects.</i></p>	<p><b>REMEDY</b> <b>Delete - These may be repetitive with NRCS who is coming out with soil analysis surveys for area.</b></p>
<p>S-4 BI-3-25</p>	<p>Appendix 4, 4-6 BLM's Standard Practices and Restrictions for the PAPA – Soil, Erosion, and Sediment Control</p>	<p>ERRP would be approved prior to disturbance</p>	<p><b>REMEDY</b> <b>Delete – Operators submit this post disturbance now.</b></p>
<p>RC-1 BI-3-26</p>	<p>p. 4-6, para 8</p>	<p><i>“To control or reduce sediment from roads ... redesign or closure of old roads would be developed when necessary.”</i></p>	<p>This is a concern since BLM has recently suggested reclaiming existing roads and building new ones to address visual anxiety. <b>REMEDY</b> <b>Clarify that requirement to redesign or close in-use roads would only be imposed where significant environmental impacts (such as sediment) cannot be alleviated through use of other mitigations and where the detrimental impacts of the existing road outweighs the impacts associated with new surface disturbance to rebuild the road.</b></p>

	Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
GW-1, SW-1	Appendix 4, BLM Standards, p. 4-8 Production Facilities, 2 <sup>nd</sup> P.	Treaters, dehydrators and other production facilities installed on location, that have the potential to leak or spill oil, glycol, produced water...would be placed on or within appropriate containment and/or diversionary structure to prevent spilled or leaking fluid from reaching the ground, surface or navigable waters.	EPA SPCC requirements do not require E&P facilities to meet this requirement. Processing equipment is not considered storage. <b>REMEDY</b> <b>Delete Paragraph</b>
RC-2	p. 4-9, first para	<i>"A sundry notice must be submitted and approved prior to any pit closures or reclamation work."</i>	A sundry notice is not necessary since pit closure work and reclamation guidelines are part of the APD. <b>REMEDY</b> <b>Delete requirement for sundry approval.</b>
VG-1	Appendix 4, Pipelines, p. 4-10, para 3.	<i>"Trees, shrubs and ground cover (not to be cleared from rights-of-way) would require protection from construction damage."</i>	This statement is unclear. Construction activity is confined to the approved ROW width. Why would vegetation outside require "protection"? What is meant by "protection"? <b>REMEDY</b> <b>Delete</b>
SW-2	p. 4-10, para 6	<i>"To protect watershed resources during wet periods, vehicle travel, particularly large or heavy truck traffic would not be allowed unless travel occurs on roads that are graveled for all-season use."</i>	What constitutes a "wet period"? <b>REMEDY</b> <b>Delete</b>
S-5	Appendix 4, 4-11 BLM's Standard Practices and Restrictions for the PAPA – Reclamation, p. 4-11, Site Stabilization	1) Existing well pads that would not be fully developed by the first winter following construction, all bare ground would have at least 75% protective cover....	Erosion control measures shall be met as indicated by State of Wyoming Department of Environmental Quality's Storm Water Discharge Plan. Techniques used but not limited to achieve erosion control are installation of barrier silt fencing, use of riprap, planting of topsoil spoils piles with annual native

S-5 BI-3-31	Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
	Same as Above	<i>"Protective cover may be excluded on active work sites ... if justified by the Operator and with concurrence of BLM."</i>	grasses/forbs, planting cut/fill areas of pads with soil stabilizing native plants. <b>REMEDY</b> <b>Delete this sentence.</b>
RC-3 BI-3-32	Same as Above	3) Access roads leading to the temporarily stabilized well pad would have protective cover to the same levels required on the well pad.	<b>REMEDY</b> <b>Delete this sentence.</b>
RC-4 BI-3-33	Page 4-11, second paragraph	Site stabilization requirement #2	It is unreasonable to expect "no sediment discharge" from pads. <b>REMEDY</b> <b>Delete.</b>
RC-5 BI-3-34	Page 4-11, third paragraph	Site stabilization requirement #3	This implies protective covers will be necessary for roads (see above) <b>REMEDY</b> <b>Delete.</b>
RC-6 BI-3-35	Page 4-11, paragraph 10	SUP objectives	The inclusion of successful reclamation objectives is new for Surface Use Plans. <b>REMEDY</b> <b>Delete.</b>
RC-7 BI-3-36	Appendix Reclamation, p. 4-11, para. 9	<i>"All roads on federal lands not required for routine operation and maintenance of producing wells, ancillary facilities, livestock grazing administration, or necessary recreation access would be reclaimed as directed by the BLM. These roads would be permanently blocked, recontoured, reclaimed, and</i>	Does this include roads outside the PAPA? Does it include roads outside the Operators' leaseholds? Does it include two-track roads? <b>REMEDY</b> <b>Need to Clarify</b>
RC-8 BI-3-37			

Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
RC-9 BI-3-38	p. 4-11, last para  <i>revegetated by the Operators ....</i>	Is this possible on all producing locations? <b>REMEDY</b> <b>Delete</b>
VG-2 BI-3-39	Page 4-12, paragraph 5  "A pre-disturbance species composition list must be developed..."	The requirement of a pre-disturbance plant species list is new. <b>REMEDY</b> <b>Delete</b>
RC-10 BI-3-40	Page 4-12, paragraph 7  Sterile Gravel Issue	Insert the word "reasonably" before the word "free" at the start of the line. Without sterilization it would be impossible to have mold/fungi free anything. <b>REMEDY</b> <b>Delete</b>
RC-11 BI-3-41	Appendix 4, 4-13 BLM's Standard Practices and Restrictions for the PAPA – Reclamation  <i>"All reclamation is expected to be accomplished as soon as possible after the disturbance occurs with effort continuing until a <u>satisfactory</u> revegetation cover is established..."</i>	What is defined as satisfactory? <b>REMEDY</b> <b>Delete</b>
SW-3 BI-3-42	Appendix 4, page 13, paragraph 2 of Wetlands, Riparian areas, and Flood Plains  Floodplains will have no permanent facilities located on them.	<b>REMEDY</b> <b>Floodplain not defined (10-yr, 100-yr?). If implemented, BLM should note that private land with private minerals is exempt.</b>
G-15 BI-3-43	p. 4-14, para 5  <i>4 mile restriction to dwelling or residence from compressor unit would require additional NEPA analysis.</i>	Counter to normal operations. <b>REMEDY</b> <b>Delete</b>
T-1 BI-3-44	Page 4-14, paragraph 6  <i>"Operators would restrict ORV activity by employees and contract workers..."</i>	This ORV restriction would prevent ORV use in APD staking, ROW survey, and wildlife work. <b>REMEDY</b> <b>Delete</b>

	Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
GR-1 BI-3-45	Page 4-14, paragraph 7	<i>Grazing: all improvements should be avoided by 500'.</i>	The general requirement to avoid all range improvements by 500 ft. seems unreasonable and all applicable range improvements need listing. (Does this apply to fences, cattle guards?) <b>REMEDY</b> <b>Delete</b>
SW-4 BI-3-46	Appendix 4, Groundwater and Surface Water, p. 4-15, para 2	<i>"All water used in association with this project would be permitted through the Wyoming State Engineer's Office."</i>	Not all water used in this project would be under jurisdiction of SEO (e.g., recycled produced water.) <b>REMEDY</b> <b>Delete this sentence.</b>
C-1 BI-3-47	Appendix 4, Cultural/Paleontological Resources, p. 4-15, para 7	<i>"Areas underlain by either the Wasatch or Green River formations ... must be surveyed by a qualified paleontologist before surface disturbing activities would be authorized."</i>	All areas on PAPA underlain by Wasatch formation? <b>REMEDY</b> <b>Insert "if appropriate" after "must be surveyed by qualified paleontologist."</b> <b>Otherwise delete.</b>
C-2 BI-3-48	Page 4-15, paragraph 7	<i>"All major pipelines (12" and larger) proposed within would have paleontological open trench inspections and geologic research to resolve mapping issues discovered during the paleontological overview in the Jonah Field."</i>	The "mapping issues" identified for Jonah require identification. <b>REMEDY</b> <b>Delete.</b>
C-3 BI-3-49	p. 4-16, para 3	<i>"All personnel should be informed that collecting artifacts (including arrowheads) is a violation of federal law and that employees engaged in this activity may be subject to disciplinary action, which could include dismissal."</i>	BLM should refrain from imposing employment practices outside of their jurisdiction. <b>REMEDY</b> <b>Revise to read "... employees engaged in this activity may be subject to criminal prosecution."</b> <b>Otherwise delete.</b>

	Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
HW-1 BI-3-50	Appendix 4, Hazardous Waste Disposal, p. 4-17, para 1	<i>"Owners or operators of onshore facilities ... could reasonably be expected to discharge oil in harmful quantities ... into or upon navigable waters of the United States ...."</i>	This is a subjective statement. Hydrocarbons are exempted from HM. <b>REMEDY</b> <b>Delete this sentence.</b>
HW-2 BI-3-51	p. 4-17, para 2	<i>"An orientation should be conducted by the Operators to ensure that project personnel are aware of the potential impacts that can result from accidental spills and that they know the appropriate recourse if a spill occurs."</i>	<b>REMEDY</b> <b>Delete this sentence.</b>
HW-3		<i>"If reserve pit leakage is detected, operations at the site would be curtailed, as directed by the BLM, until the leakage is corrected."</i>	<b>REMEDY</b> <b>Delete this sentence.</b>
TE-1 BI-3-52	Appendix 4, 4-17 BLM's Standard Practices and Restrictions for the PAPA - T&E, Special Status Species	Surveys of T&E and candidate wildlife species would be implemented in areas of potential habitat by a qualified biologist prior to disturbance. Findings would be reviewed by the BLM <u>prior to or as components of</u> ROW applications and APD review process.	This differs from today's practices in which the survey needs to be conducted prior to construction but does not hold up actually receiving the APD or ROW. Based on the findings, operators are not allowed to construct or to move forward. The newly described process will hold APD's, which need have seasonally stipulated surveys up for longer periods of time waiting for approvals. <b>REMEDY</b> <b>Approve APD's with the COA's that specified studies must be conducted and reviewed prior to construction.</b>
TE-2 BI-3-53	p. 4-17, last para.	<i>"Proposed construction sites in the development area would be examined prior to surface-disturbing activities to confirm the presence or</i>	Prairie dog and black-footed ferret surveys should not be required for all construction. <b>REMEDY</b> <b>Delete this sentence.</b>

Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy	
TE-2 BI-3-53	p. 4-18, para 2.	<i>absence of prairie dog colonies.</i>	<b>REMEDY</b> Delete this sentence or add “should be site specific.” Should be subject to the parameters listed above. (US Fish & Wildlife guidelines.)
TE-3 BI-3-54	App 4-18	“A survey for black-footed ferret is required prior to approval of construction activities.” Raptor Stips	There is no relief provided for eagles, hawks, or Burrowing owls. BLM should provide relief. <b>REMEDY</b> At a minimum, this should be on a case by case basis.
TE-4 BI-3-55	App 4-18	Interagency Cooperation Regulations	What are these? <b>REMEDY</b> Need Definition or remedy
TE-5 BI-3-56	App 4-18, para 5 and p. 4-19	“Surveys for T&E and candidate wildlife species would be implemented in areas of potential habitat by a qualified biologist prior to disturbances.”	Does this reflect current expectations regarding T&E consultations with USWFS?
TE-6 BI-3-57	Migratory Birds, p. 4-18, para. 5	“... no surface disturbing or human activities would be authorized between November 1 and April 1 within 1 mile of known bald eagle winter use areas. All surface-disturbing or human activity ... would be seasonally restricted from February 1 through August 15 within 1.0 mile of all active eagle nests.”	Not in conformity with the intent of year-round development. <b>REMEDY</b> These restrictive statements should all be prefaced by “Except in areas approved for continuous operations under year-round development in this FSEIS, ....”
TE-7 BI-3-58	p. 4-19, first para.	“All surface-disturbing activity ... would be seasonally restricted from February 1 through July 31 within a 0.5 mile radius of all active raptor nests, except ferruginous hawk nests, for which the seasonal buffer would be 1.0 mile.”	<b>REMEDY</b> These restrictive statements should all be prefaced by “Except in areas approved for continuous operations under year-round development in this FSEIS, ....”
TE-8 BI-3-59			

	Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
TE-9	p. 4-19, para 4.	<i>"Surface disturbing and disruptive activity will be prohibited within 0.5 mile of burrowing owl nesting habitat from April 1 through August 15."</i>	Unless the word "occupied" is included here, any area within 0.5 mile of burrows (pygmy rabbit burrows, prairie dog burrows) could be considered burrowing owl nesting habitat. <b>REMEDY</b> These restrictive statements should all be prefaced by <i>"Except in areas approved for continuous operations under year-round development in this FSEIS, ...."</i>
TE-10	p. 4-19, para 5-9, Mountain Plover	<i>"If surface disturbing activity is requested to take place in mountain plover habitat between April 10 and July 10, presence/absence surveys are required. Survey results would determine when activities are proposed."</i>	<b>REMEDY</b> These restrictive statements should all be prefaced by <i>"Except in areas approved for continuous operations under year-round development in this FSEIS, ...."</i>
TE-11	p. 4-19, para 5-9, Mountain Plover	<i>"Surveys to determine presence/absence of the plover would be conducted between May 1 and June 15 throughout the breeding range."</i>	<b>REMEDY</b> These restrictive statements should all be prefaced by <i>"Except in areas approved for continuous operations under year-round development in this FSEIS, ...."</i>
W-4	Appendix 4, 4-20 BLM's Standard Practices and Restrictions for the PAPA - Sage Grouse	Field evaluations for sage grouse leks and/or nests – using proper survey methods	What are these methods – state protocol accepted by BLM. <b>REMEDY</b> State methods or make reference to protocols
W-5	Appendix 4, 4-21 BLM's Standard Practices and Restrictions for the PAPA -General Wildlife	Wildlife proof fencing on reclamation sites	This is a new requirement <b>REMEDY</b> Delete this sentence
W-6		<i>For all breeding birds observed, additional surveys would be conducted immediately</i>	This is a new requirement. <b>REMEDY</b> Delete this sentence.

Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy
W-6 BI-3-65	p. 4-20, para 9	<p><i>prior to construction activities to search for active nest sites</i></p> <p><b>'High wildlife value' is subjective.</b> <b>REMEDY</b> <b>Delete this sentence.</b></p>
W-7 BI-3-66	p. 4-20, para 9	<p><i>"Well locations and associated road and pipeline routes would be selected and designed to avoid disturbances to areas of high wildlife value ...."</i></p> <p>This statement is unclear. <b>REMEDY</b> <b>Delete this sentence.</b></p>
W-8 BI-3-67	Appendix 4, 4-21 BLM's Standard Practices and Restrictions for the PAPA - Visual Resource Management, para 6.	<p><i>"Avoid activities and facilities that create barriers to the seasonal movements of big game and livestock."</i></p> <p><b>Define what "barriers" would qualify for restriction of activities and facilities.</b></p>
V-2 BI-3-68	Visual Resource Management, para 6.	<p>Approval of well pad locations, new roads, buried pipelines, or other facilities would be conditioned upon the operator developing a visual resource protection plan, acceptable to BLM, for the mitigation of anticipated impacts in all areas of the PAPA.</p> <p>This is a new requirement and would be both costly and untimely to conduct. <b>REMEDY</b> <b>Delete this sentence.</b></p>
V-3 BI-3-69	p. 4-21, para 7.	<p><i>"... require the Operator to demonstrate to the Authorized Officer's satisfaction that the location and/or facilities have reasonably incorporated visual design considerations that would mitigate unnecessary visual impacts."</i></p> <p>Not all areas of the PAPA require visual mitigation. Requirement for mitigation should be based on the standards for the visual class. Class IV areas would not require mitigation because it allows for major modification of existing character of the landscape. Likewise, a location/facility in a Class III area should not be required to have mitigation unless the location/facility will "dominate" the landscape. <b>REMEDY</b> <b>Delete this requirement.</b></p>
RC-13 BI-3-70		<p><i>"New roads would be designed ...; every</i></p> <p>Alludes to BLM's intention to require Operators to close and reclaim existing in-use roads in favor of constructing a new</p>

Reference in Appendix 4	Specific Quote or Brief Description	Comments/Potential Remedy	
RC-13 BI-3-70	<i>opportunity would be taken to reclaim existing road ROWs that are not used when new roads are designed over them."</i>	road. <b>REMEDY</b> <b>Delete this reference</b>	
V-4 BI-3-71	p. 4-21, last para.	<i>"Topographic screening, vegetation manipulation, <b>project scheduling</b>, and traffic control procedures would all be employed as deemed appropriate by the BLM to further reduce visual impacts."</i>	Project scheduling should not be a mitigation for visual impacts. <b>REMEDY</b> <b>Delete this sentence.</b>
V-5 BI-3-72	p. 4-22, para 2.	<i>"Within Visual Resource Management (VRM) Class IV areas, the BLM and Operators would utilize existing topography to screen roads, pipeline corridors, drill rigs, wells and production facilities from view, where practical."</i>	Not required under Class IV standards. <b>REMEDY</b> <b>Delete this sentence.</b>
S-6 BI-3-73	p. 4-22, last para.	<i>"Well pads, roads and buried pipelines would avoid the sensitive soils shown on Map 3.17-1 in the Revised Draft SEIS."</i>	<b>REMEDY</b> <b>Delete this reference</b>
V-6 BI-3-74	Page 4-22, paragraph 2, last sentence	<i>"If BLM allows a well pad to be developed in any area managed for visual resources, roads and well pads may need to be surfaced ...."</i>	This implies that BLM has discretion to disallow a well pad in any area managed for visual resources, which is the entire PAPA. <b>REMEDY</b> <b>Delete this reference.</b>
V-7/S-7 BI-3-75	Page 4-22, paragraph 2, last sentence	<i>"One way to avoid visual impacts associated with construction of well pads, roads and pipelines in visually sensitive areas is to</i>	Numerous areas of sensitive soils (steep slopes) occur on our leasehold. <b>REMEDY</b> <b>Insert the words "where practical" or delete this sentence.</b>

**Reference in  
Appendix 4**

**Specific Quote or Brief Description      Comments/Potential Remedy**

avoid any surface disturbing activities on the sensitive soils shown on Map 3.17-1 in RDSEIS.”

PAW appreciates BLM taking into consideration our comments while drafting its Final Draft and Record of Decision. Should you have any questions or comments, please don't hesitate to contact Cheryl.

Sincerely,

Cheryl Sorenson  
Vice President  
Petroleum Association of Wyoming

V-7/S-7  
BI-3-75