

To: WYMail_PAPA_YRA@blm.gov
Subject: PINEDALE ANTICLINE SEIS
February 11, 2008

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Submitted via email to: WYMail_PAPA_YRA@blm.gov (Subject line – Pinedale Anticline SEIS)

COMMENTS BY THE THEODORE ROOSEVELT CONSERVATION PARTNERSHIP AND WYOMING CHAPTER OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS ON THE REVISED SEIS FOR THE PINEDALE ANTICLINE PROJECT

We are writing to convey comments on the Revised SEIS for the Pinedale Anticline (PAPA) Project on behalf of the Theodore Roosevelt Conservation Partnership (TRCP) and the Wyoming State Chapter of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). TRCP is a partnership of leading fish and wildlife organizations dedicated to assuring hunters and anglers a place to fish and hunt. The WY State AFL-CIO is made up of over 100 local unions, central labor councils, and building and trade associations throughout Wyoming. TRCP provided comments on the Draft SEIS on April 6, 2007 – these comments supplement our previous comments for the official record. Our comments focus mainly on the Preferred Alternative (Alt D), one of the two alternatives included in this revised draft, and the mitigation/adaptive management process.

Proposals for trading shorter term, intensive development on a restricted core of the PAPA (the Anticline Crest) started more than two years ago with a series of innovative concepts like directional drilling, clustering of development, narrowing the development focus to a restricted "core" area, developing that core in a sequential manner to finish some areas and go on to others to reduce disturbance, and protecting all other undeveloped habitat for the life of the project (the Flanks). But instead of developing the proposal with those as fixed entities meeting the needs for wildlife protection, this Preferred Alternative has adjusted each of those repeatedly - based not on what wildlife need to be sustained through development but what industry wants and what the Bureau of Land Management (BLM) will concede to. In the end this is a confusing package that looks innovative but has so many loopholes that none of the major new concepts are intact in a way that has much chance of making a real difference for wildlife – both now and for the future.

In public presentations the companies and BLM point to the unprecedented collaboration between companies (Shell, Ultra, Questar) and those companies are giving up a lot "in good faith". We agree that such collaborative work is welcome, although not all lease holders and operators are part of the cooperation, but do not agree that this work has balanced resource protection with development. A media blitz by industry proclaims that year-round access itself will provide balance between natural gas development and wildlife. This is a false statement and cannot be true given the presumption in this SEIS that further wildlife declines are inevitable for species like mule deer and sage grouse. Balancing development with wildlife conservation is inhibited by the presumption that full scale development has to happen at the pace desired by industry and we have to work around it. BLM has failed to identify actions in all alternatives where it has the discretion and legal mandate to moderate development for the sake of other resources like fish and wildlife.

The companies remind us that since the past use of seasonal restrictions has not worked, the new approach has to be better. The bottom line from industry is "we have authority now to develop under the old approach and use single well pads all over and it will not be good for wildlife" - not exactly a promise to balance development if they don't get what they want. We reiterate that seasonal and other protective stipulations have not been able to adequately protect wildlife because they have not been properly applied or enforced, too many exceptions have been granted, and the scale and pace of development has overwhelmed the ability of only site specific protections to mitigate development pressure. This proposal would increase those effects dramatically.

Some main problems with the SEIS Preferred Alternative are:

1. The SEIS only includes the information up to November 2006 and does not include the available most up-to-date information about what has been authorized, implemented, or planned between November 2006 and December 2007. This information includes wells drilled, approved or planned, roads built, approved or planned, pipelines and other infrastructure built, approved or planned, thresholds and maximum allowances from the original 2000 ROD and subsequent authorizations for development, and other information that is available and not part of this NEPA document and therefore the public is unable to actually determine the true impacts of what has already happened and what is being planned.
2. There is no "interim management" or other information about what the BLM will or will not authorize while this project is being contemplated and while the Pinedale Resource Management Plan is being revised.

— G-1 —

— EG-4-1 —

— G-2 —
— EG-4-2 —

G-3
EG-4-3

3. This proposal only addresses the current formations and does not take into account the “deep” formations for which the companies have been actively exploring in the last few years.

G-4
EG-4-4

4. This project does not incorporate all of the “pilot” or “demonstration” projects data and information nor does it present the information in a fashion that you can deduce that the BLM or the companies “learned” anything from these experiments.

W-1
EG-4-5
W-2

5. The protected areas of the "Flanks" protect some areas but many important areas are not included and were withheld by the companies, much of it is being partially developed now and will continue for the two years after the ROD is signed -a transition period for industry to "adjust" to the new program. The 24 month transition period is un-justified and un-necessary and could impact resources like mule deer, sage grouse, and pronghorn beyond what is considered in the SEIS. These intrusions of wells and other infrastructure are compromising the value of the supposedly protected areas for wildlife protection. All leases outside of the core development areas should be fully protected for the life of the project without exception – therefore providing real assurances that habitat will not be disturbed an allowing animals to use the area un-molested from energy development activities.

W-3
EG-4-6

6. A process called "delineation" allows the companies to drill new wells in protected areas to "outline the field boundaries" and thus make these ineffective as protected areas. Combined with continuing erosion of intact habitats from development ongoing through the prolonged period until the provisions of the SEIS are implemented (two years after the ROD is signed), what is left in protected status will be substantially eroded in value to wildlife. By the time development is focused on the Core there will be little opportunity left for the clustering of facilities and drilling that is a key provision of the plan to provide the maximum benefit to wildlife and may not provide any benefit therefore making the approach unlikely to provide any assurance for the sustainability of the wildlife and their habitats.

W-4
EG-4-7

7. Protection of the Flanks is limited to five years (industry claims that is a BLM choice), with exceptions as noted, and in the end BLM is supposed to meet with industry and Game and Fish to decide whether longer protection is needed. BLM has final say, and some development will have proceeded so far by then that it seems inevitable that companies will want to start developing some of those protected areas. Five years of the limited protection described above is not enough for wildlife based on current knowledge of wildlife responses to development on the Anticline, given the 17 year or longer field development plan. Protection should be for the life of the intensive development period and possibly

the life of the field, and should include more areas such as those withheld by industry, and then consideration should be given to whether it needs more time based on the status of the wildlife resource at the time. BLM has authority to suspend leases for the benefit of wildlife without cooperation from industry and this should be considered in all alternatives as mitigation for current and future impacts to fish and wildlife resources.

8. The core area for intensive development has been enlarged from early proposals and does not concentrate development enough to assure a positive effect for wildlife, especially mule deer. The expansion potential of the new "buffer" will enlarge the development and reduce wildlife protection including the ability of animals to move freely from one habitat to another, particularly in winter. This provides no certainty for wildlife, and reduces the amount of habitat animals may use with fewer disturbances.
9. Sage grouse are not afforded protection beyond that which has already failed on the Anticline, the nearby Jonah field, and elsewhere in Wyoming. We know so far that every lek close to drilling has declined, some to extinction. Five leks highlighted in the SEIS will be adversely affected by new wells already under way, or from the adjacent Jonah Field which will not have the same restrictions. This Alternative does not use current management experience or science about effects of development on sage grouse, and will repeat the same mistakes of the past. Actions that peer reviewed science has shown to not be effective in protecting sage grouse is most prominently exemplified by the ¼ mile surface occupancy buffer – an action that is completely inadequate for continued use.
10. This SEIS and its Preferred Alternative presents the clear premise that substantial further wildlife losses are expected, even planned for. Mitigation as proposed - starts at substantial, well documented reduced population levels of mule deer (>45%) and sage grouse without acknowledging the losses already experienced, or suggesting mitigation for those losses. The baseline has been readjusted to ignore losses and impacts from the first 8 years of development to a new highly diminished level for sage grouse and mule deer. The answer to "why" from industry at a public meeting is "we have to move on from here". The sequential steps in mitigation go through unspecified voluntary measures after waiting to document an additional 30 % loss in both mule deer and sage grouse. Changing well field management is the last measure to be considered down the road – not one that should be considered immediately from the lessons we have already learned from the first 8 years of development. Habitat work in mitigation will take more than a decade to display whether it will work positively for wildlife. The overall

W-4

EG-4-7

W-5

EG-4-8

W-6

EG-4-9

W-7

EG-4-10

M-1

M-1
EG-4-10

W-8

W-9

M-2

EG-4-11

AM-1

EG-4-12

M-3

EG-4-13

RC-1

EG-4-14

EG-4-15

mitigation package is not based on the most effective use of science to avoid or minimize impacts and will not protect the public's interest in its wildlife.

11. There is no stated intent to restore populations to predevelopment levels or even to sustain them at reduced levels. The thresholds identified are not reasonable given the losses already experienced and the current uncertainty for wildlife habitats and the reluctance to change or modify operations for the benefit of wildlife. Plans for habitat work on some of the Flanks provide little detail, such as what will be done if we continue to experience drought in an area that gets less than 10 inches of annual precipitation. In the best of cases, success will be far down the road, if it occurs at all. Planning for further wildlife loss without effective mitigation plans (one that is completed, committed to and funded BEFORE development is undertaken and authorized) is not balancing development and protecting wildlife.
12. The public is excluded from adaptive management and other deliberations, and management responses in mitigation of wildlife damage, as has been the case with development of this alternative. The role of the Pinedale Anticline Working Group – the only federally chartered adaptive management group for this project and one that was supposed to deal with the uncertainty of the impacts from development – is reduced in the preferred alternative and replaced by an industry/agency monitoring team with no mechanism for public input and one that has no track record for success under the adaptive management concept. The lack of transparency and promises for a functional process does not provide confidence in the outcome.
13. Removal of prior mitigation requirements and commitments in the 2000 ROD and under subsequent actions like the Questar Year Round Drilling "Experiment" approval are not acceptable (as requested by operators and included in the preferred alternative by BLM) and give up the chance to replace some of the values lost to the public. This aspect of the SEIS looks like an attempt to remove the evidence of requirements for balance between development and other resource needs that were not met during the first seven years of development.
14. The Reclamation Plan is useful but needs disturbance caps to be effective since nothing in the Preferred Alternative will prevent the entire Core area to be under development all at once, which could make reclamation ineffective.
15. Many of the operator-committed and other mitigation actions are actually required by public law, BLM policy, and previous commitments in the PAPA ROD and other legal documents. As identified in this proposal,

M-4
EG-4-15

the companies would have the option to do things that are currently required and subsequently weaken protections and mitigations for wildlife. This is unacceptable. The BLM should not look to the companies for land and resource management decisions and actions but require these actions and mitigation that have been, up until recent history, ones that any public land user had to comply with. There are risks while working on public lands and some of those risks are restrictions and protections for other valuable resources.

W-10
M-5
W-11
EG-4-16

In conclusion, we do not support any of the alternatives as an appropriate balance for wildlife. We further suggest that an effort to develop the PAPA in a way that could benefit and sustain wildlife be redeveloped through the appropriate NEPA process and complimentary conservation planning efforts. Such an effort should place meeting identified wildlife needs as clear objectives that can sustain wildlife through development along with development plans for energy extraction. The threshold for impacts should be at a level as to sustain current populations of fish and wildlife through all phases of development to achieve “no net loss” of habitat function or wildlife use of existing or restored habitats. The long-range intent for all mitigation and habitat management should be to restore wildlife populations to pre-development levels. The innovative techniques and methods proposed for operations are welcomed but should be implemented in ways that achieve the best outcome for industry AND wildlife. We fully recognize that the needs of industry must also be accommodated but we suggest that this accommodation has gone too far in this proposal. The benefits to wildlife as described are not enough to allow intensive, year-round development.

We stand ready to participate in any future revisions and efforts, and appreciate the opportunity to comment.

Respectfully Submitted,.

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