The following brief comments are provided concerning the Proposed Action Alternative presented in the SEIS "Pinedale Anticline Oil and Gas Exploration and Development Project" These comments are offered on behalf of the North American Grouse Partnership, a non-profit [501(c)3] conservation organization whose mission is the conservation of grouse species and the habitats upon which they depend. Our comments are restricted to those aspects of the Proposed Action Alternative that bear on issues affecting Sage Grouse and are thus limited in scope by not directly considering the many other wildlife and non-wildlife related issues.

At the outset, it is relevant to reference comments that we provided 1) on the earlier related proposal for year-round drilling by Questar, 2) in a follow up letter to BLM, and 3) in our letter concerning the Operator's proposal that is subject of this SEIS [see attachments]. Each of these communications bears directly on the Proposed Action Alternative. We have long advocated for development plans that incorporate 'unitize' development and staged development, and that acknowledge up front that resource losses are likely and, in recognition of that, provide for a clearly defined adaptive management process and off-site mitigation as a final but often necessary option. In principle, we recognize and support these characteristics that are components of this Proposed Action Alternative.

G-1

EG-7-1

Although acknowledging the positive aspects of development plans and operating practices that may reduce impacts on sage grouse populations such as are described in the Proposed Action Alternative, we must also caution that effective and complete implementation of all the proposed provisions, actions and monitoring commitments is essential. In the earlier instance with respect to the Questar proposal, not all of the promised actions were completed or completed in a timely fashion as outlined in the attached letter "BLM letter-winter drilling". In that letter, written on behalf of several colleague groups, we raised questions and concerns that are equally relevant in this case. It is important to note here, while several conversations with BLM officials resulted from our requests in this letter, substantive responses were never completely provided. Assurances of Agency and Operators' adherence to the provisions of this Proposed Action Alternative are critical to our support now and on a continuing basis.

M-1

W-1

EG-7-2

This SEIS acknowledges the high probability of resource losses. In recognition of that fact promises a number of actions/practices to minimize those losses and to provide mitigation to offset those losses where they are unavoidable. Effective mitigation presupposes that we can and do adequately measure the losses, and furthermore are in fact able to undertake mitigation measures that fairly and quantifiably produce equal or better compensatory gains. Our organization is committed to assuring that such is the case through watchful monitoring of the progress of this development and associated research. We take seriously the commitment within the Proposed Action Alternative to an adaptive management process. We will expect clear evidence, in the form of positive actions, that changes will be made based on accumulating evidence of greater than anticipated losses, either in kind or magnitude. In fact, given the narrow buffers provided for sage grouse leks and the accumulating research concerning the sensitivity of these birds to disturbance, we believe that a greater than anticipated level of impact to this population can be expected. We are prepared to assist however we can to respond to the need for modifications of the development plans and/or enhancing mitigation

M-1
EG-7-2

measures.

We ask that this statement, including all attachments, be entered in the comment record, and thank you for your thoughtful consideration.

Jim Mosher, Exec. Dir.
North American Grouse Partnership
301-223-1533 phone/fax
(See attached file: BLM letter-winter drilling 7-05.doc)(See attached file: ASU-comments.doc)(See attached file: Questar_letter_final.doc)

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Bureau of Land Management

July 13, 2005

Mr. Robert Bennett, Wyoming State Director
Bureau of Land Management
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

Dear Mr. Bennett:

I am writing to you on behalf of the **International Association of Fish & Wildlife Agencies, North American Grouse Partnership, Theodore Roosevelt Conservation Partnership and Wildlife Management Institute** concerning issues relating to energy development in SW Wyoming.

The decision to allow Questar drilling activity in winter was an important modification in one of the most important protections for wildlife during drilling operations in the Northern Rockies. Our organizations supported limited winter drilling under the plan Questar proposed not because we think wildlife are immune to disturbance or that winter restrictions are unwarranted. We supported it as a better opportunity for wildlife as compared to the development plans for existing leases. We agreed that the Questar Plan offered less disturbance during and after the drilling phase, and we agreed that we might learn more about impacts on wildlife with such a managed approach.

We did not expect the final decision to be an endorsement of "all-year drilling" for Questar or anyone else. Yet that appears to have become the expectation and framework for consideration. This raises the stakes for wildlife in all decisions of this type, and increases our interest in how the Questar program is being implemented. Further, the recent scoping Notice on changing pipeline requirements for Questar raises the obvious question, "what actually is happening with implementation?"

Interest by other companies in similar exceptions has brought one of them to see several of us in Washington, D.C. and elsewhere, and we are aware they have filed a formal proposal with BLM in Pinedale, although no details have been provided publicly. Some of what has been presented by one company appears more beneficial for wildlife than what might occur if drilling were to continue without a different agreement, under current lease ownership and BLM management. We are very concerned about how quickly this is advancing and that few if any details are available, yet extensive negotiations seem to be occurring with large implications.

We are therefore requesting a detailed account of what is proposed for additional winter drilling, by which companies, and the schedule for public disclosure and project implementation. We think this may have ramifications for needed monitoring and research, including ongoing work. It seems to involve some new mitigation issues. Also, we are in continuing discussions with representatives of the energy industry, and a more complete understanding of such proposals would enhance those discussions.

Importantly, we have no results or accounting from the Questar experiment. The Record of Decision is the clear statement of the conditions under which Questar was allowed to pursue their winter program and we wish to compare it to what is actually happening. We will then be better able to evaluate future proposals for winter or all-year drilling activity.

We therefore request an item by item accounting based on the Record of Decision dated November 3, 2004, of exactly what has been required of Questar in compliance with the ROD. We request documentation, with justification, of any exceptions to ROD requirements made at the request of Questar. We are aware that significant exceptions to sage grouse protections during non-winter months, may have been made. We are interested in full information on any such exceptions granted to the ROD requirements, with justification. These exceptions should include any that fall under the original ROD for the PAPA which are referenced in the Questar ROD as conditions for this decision.

Questar's authorization by BLM for all year drilling targeted November 15, 2005 for compliance with various requirements, including some mitigation. We are interested in the schedule for Questar's implementation of those requirements as conditions of the Decision outlined on pages 2 and 3 of the ROD. If any of these might be waived by BLM we would appreciate that information and justification.

We appreciate your attention to this request in the spirit of the extensive work we have done with BLM to improve wildlife measures in energy development. It will greatly enhance our understanding of the implementation of the Questar project, and is essential for us to respond appropriately to the additional all year drilling requests that are coming soon.

Sincerely,

James A. Mosher
Executive Director

CC: Prill Meecham, Pinedale Field Manager, BLM
Kathleen Clarke, Director, BLM
Rebecca Watson, Asst. Secretary, DOI

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Wyoming
John E. Toepfer, *Biologist*
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Ben O. Williams, *Outdoor Writer*
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Bureau of Land Management

Submitted by: Dr. James A. Mosher, Executive Director
North American Grouse Partnership
P.O. Box 408
Williamsport, MD 21795

To: ASU YRD Demonstration Project
Bureau of Land Management
Pinedale Filed Office
P.O. Box 768
Pinedale, WY 82941

Re: WY-100-EA05-254

I have reviewed the proposal submitted to BLM by Shell Exploration & Production Company, Ultra Resources, Inc. and Anschutz Pinedale Corporation that describes a demonstration project involving year around operations on the Pinedale Anticline. The North American Grouse Partnership {NAGP} has general and specific interests in this proposal as we did in the similar and previously approved proposal from Questar. I mention the Questar proposal as it is relevant to the ASU Demonstration Project {ASUDP} in several ways to be explained below.

NAGP is a non-profit organization whose mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction. The ASUDP is proposed in sage grouse range and would likely impact important breeding habitat as suggested by monitoring data now available, but in ways that are not yet completely understood. All further comments should be considered in light of this concern.

As with the earlier Questar proposal, ASUDP clearly proposes a much reduced total level of activity. What isn't evident is whether this reduced level will be sufficient to avoid population level impacts to sage grouse and other wildlife species. In our comments on the Questar proposal, we specifically recommended that it be viewed as experimental, and that it thus provided an opportunity to answer such questions relating to impacts from year around activities. At this point in time, we have not had sufficient data collected to address those questions. The ASUDP is also in the nature of an experiment as acknowledged by the proposal title.

"The request to drill during 2005-2006 winter and wildlife stipulation periods is an element EG-7
of a longer-term, more optimal development scenario...." makes clear the likelihood of further requests for year around operations and the expectation that the ASUDP presages continuing similar development beyond the proposed demonstration project. It is thus essential that monitoring and related research be directed at questions of population effects. Though implied, it isn't clear from the proposal that would be the case. We recommend that that be made explicit in any final decision, and that experts in sage grouse biology and ecology concur in the adequacy of any monitoring and research protocols to address these questions. The proposal also offers to "contribute significant funds to enhance the viability of sage grouse". It will be critical that there is a solid consensus on how such funds are applied in keeping with the above comments.

The applicant proposes to "implement best management initiatives, both on-site and off-site if needed, which will have a net benefit to wildlife...." and further ".. to mitigate the unavoidable losses," . How it will be determined when these 'initiatives' are needed should be defined, as should the means by which losses are to be mitigated. True mitigation must show promise for compensatory gains in population on- or off-site, not simply monetary payment. The term "if needed" is repeated in several places without an indication of how the need is to be determined. Presumably some threshold of monitoring data would be established and response(s) follow in the form of altered practices or development plans in an adaptive management process.

Clearly, concerns about impacts on sage grouse have been recognized and considered. We should also recognize that it is not at all clear what the level of impact will be, though existing data support a conclusion that losses will occur.

Though implied, it is not evident that serious consideration has been given to implementing an adaptive management process such as is called for in the PAPA record of decision. This proposal, as did the Questar proposal, clearly begs for application of such a well articulated AEM process. That should be an important element of any final decision.

Thank you for the opportunity to comment on this proposal and NAGP is prepared to engage in specific discussions with the companies and with BLM to help fashion effective mitigation and operational practices that may minimize and/or compensate for impacts to sage grouse populations. We also offer assistance in assuring the adequacy of monitoring and research protocols.

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Executive Director

Steve K. Sherrod, Ph.D.
President

Kent L. Christopher
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Peter T. Toot, *Investor Texas*
James D. Weaver, *Rancher New Mexico*
Ben O. Williams, *Outdoor Writer Montana*

Advisor:
Stephanie Harmon, *Biologist US Fish & Wildlife Service*

July 9, 2004

Mr. Ron Hogan
Questar Market Resources, Inc.
Independence Plaza
1050 17th Street, Suite 500
Denver, CO 80265

Dear Ron,

I want to thank you for the time you took on June 18th and subsequently to explain your proposal for operations on the Pinedale Anticline. Our tour of your drilling activities and discussions were particularly helpful in understanding the approach that Questar is offering.

It is very important to our interests that valuable wildlife resources are adequately protected whatever land use activities occur on and in the area of the Anticline. That is especially true for sage grouse populations. Sage grouse have suffered declines over time for a multitude of reasons, and recent expansion of energy development within their remaining range is of great concern. Growing evidence shows a link between some levels of development and substantial reductions in grouse populations. The nearby Jonah development is instructive in that respect.

Your proposal is intriguing in the significant reductions in activity levels it promises. Fewer drilling rigs in operation at any point in time, reduced vehicular traffic, reduced surface area disturbance and a much shortened period of development would be welcome benefits for grouse. As you know, there are special seasonal concerns that encompass breeding and brood-rearing periods for grouse. Field data presented in Cheyenne indicates that measurable disturbance of grouse breeding activity extends out to 3 kilometers or more from active drilling. Your ¼ mile buffer should be at least re-evaluated in that light. The extent of buffers and seasonal activity in proximity to leks and nest sites are critical factors that can determine the chances for long-term continued use of those important areas. Further, attention to the potential impacts of noise would be of additional value.

It is critical that the provisions of your proposal be closely adhered to for two important reasons. First, there is a real risk, supported by field data, that year-round activity is stressful to wildlife populations within an undetermined distance from development activities. We know that such stress is often reflected in early mortality, lowered reproduction and area avoidance [i.e. loss of range] in many wildlife populations. Second, if we are to learn useful lessons from this departure from past operations, it is essential that this be treated as a controlled experiment. Practices and activities must be consistent and consistently applied. All provisions of the proposal must be implemented. And you must be prepared to adjust your operations, based on acquired data, in a timely manner. If implemented as described, your proposal offers specific opportunities to learn lessons of broad applicability. A team approach to the design and oversight of data collection and monitoring would increase the level of confidence of all who have a stake in the outcomes. It is this opportunity to learn useful information about the relationship between energy development activities and wildlife population dynamics that may compensate for the risks of year-round activity. We recognize your commitment to the long-term mule deer study and encourage similar research attention to sage grouse over the period of development. Expansion and extension of existing sage grouse research would be of great value, and we would welcome the chance to explore these and other specific information needs with you.

In summary, the North American Grouse Partnership sees positive opportunities and is prepared to work with Questar to assure that any year-round operations would be undertaken carefully and would provide sufficient offsetting benefits to outweigh the associated risks. The opportunity to learn from this 'experiment' is a benefit that promises to balance that risk, thus adequate monitoring and specific research investments are fundamental to our support.

I would be glad to discuss any questions you may have, and look forward to continued discussions with you to satisfy our respective interests.

Sincerely,

James A. Mosher
Executive Director

Cc: R. Watson
K. Clark
P. Mecham