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RE: PAPA RDSEIS
MA 9 - NON FEDERAL LANDS

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Thank you for the opportunity to comment on the Revised Draft Supplemental Environmental Impact Statement (RDSEIS). My main concern is with Management Area 9 - Non Federal Lands where there is minimal revision concerning this subject in the RDSEIS compared to the Draft Supplemental Environmental Impact Statement (DSEIS). This is an area that needs constructive change, especially the Bureau of Land Management's (BLM) position that BLM has no jurisdiction regarding nonfederal lands.

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One of the problems created by BLM's position of having no jurisdiction is covered under "Land Use and Residential Area" Scoping Issues, which states: "There is concern that operators are industrializing nonfederal lands to avoid restrictions on BLM land." (Following under the heading of "Problems Encountered", I have cited an example of this.) Further, under "Management Area Well Pad Thresholds" a state section (Section 16, T. 32 N., R. 109 W.) has the highest density of pads. This state owned section is surrounded by federal lands in MA 5 - Big Game Winter Range and Sage Grouse Strutting and Nesting Habitat. Somehow, since there is no intervention from BLM, these areas are considered independently and without continuity of the surrounding big game winter area; as if the big game winter range stops at the United States Geological Survey section line of nonfederal land and then resumes on the opposite nonfederal boundary.

I live in the Wild Horse Ranch Subdivision (Section 21, T. 31 N., R. 109 W.) bordering a state section (Section 16, T. 31 N., R.109 W.) within the Pinedale Anticline Proposed Area (PAPA). My neighbors and I have felt the invasion of a gas well close to our

homes; have felt the loss of our privacy, peace and quiet; there is noise and dust from constant truck traffic on the Boulder-South Road and the Paradise Road, and why the trucks must use their "jake brakes" on these flat roads (especially in the middle of the night) is questionable and very disturbing to all homes in close proximity of these roads; have seen the beautiful view of the Wind River Mountain Range defaced with condensate and water tanks placed directly in front of the mountains and our view of the mountains; have seen a decline in the wildlife; have realized our property values have decreased; and have spent many hours and sleepless nights trying to keep industrialization from overwhelming our Rural Residential zoned property.

Following I have listed examples of the problems we have encountered from living in an area where there are no BLM rules or regulations to protect our properties; and after that, I have stated suggested changes. First, the problems encountered:

PROBLEMS ENCOUNTER: MA 9 - NON FEDERAL LANDS IN THE PAPA.

We know firsthand what it is like to have our whole home life changed by being surrounded by the "oil patch". But what is worse is the intrusion of our private lives wherein oil companies are only concerned with "sites" for their industrial and commercial activities. Such as: a site for a well pad; a site for a gravel pit; spot zoning for an industrial site; a site for a water cleaning facility; a state section as a site for injection water disposal wells; desiring to construct an industrial/commercial road overlying our residential roads; plus a thoroughfare for large electrical poles. All of these oil company connected actions have been/are on state and private lands with cumulative impacts. For the homeowner with Rural Residential (RR) 5 or 10 acre zoning, these oil and gas company activities can be detrimental to our lives and can devalue our properties. Following are the circumstances concerning the above mentioned activities:

1. Ultra Resources, Inc (ULTRA) surveyed and staked a well pad approximately 100 feet from a house in our subdivision and across our right of entry to our homes. This meant we would have to drive across the well pad to access our homes. Fortunately, the 2000 Record of Decision (ROD) prohibits a well pad from being this close to a house, and therefore, this activity was stopped. But this illustrates how oil companies are only concerned with the "site" without considering the surrounding area.
2. Questar Exploration and Production Company's (QUESTAR) Sidewinder 3-15 well is in close proximity to our homes. It is on land where the Looney Family Limited Partnership owns the land (surface rights) and QUESTAR owns the mineral leases. The homeowners in the Wild Horse Ranch Subdivision met with QUESTAR to try to work out a solution which would make the well site less intrusive to live close to. We asked that the condensate and water tanks be placed on the East side of the well pad making them less of an "eye sore" from our homes. QUESTAR agreed, verbally, but the actual placement of the

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tanks is on the West side of the well pad in direct view from all our homes. This illustrates how recommendations that operators voluntarily cooperate with private landowners to avoid impacts to area residences does not work. So for the life of the well, which will probably be longer than my life, I will see the tanks everyday as long as I will live there.

3. During the drilling of the QUESTAR Sidewinder 3-15 well, QUESTAR contacted the BLM office in Pinedale requesting that the BLM grant the use of the existing BLM road in order to gain continuing access to the Sidewinder 3-15 well during the winter season. (This well site is within MA 5 - Big Game Winter Range and Sage Grouse Strutting and Nesting Habitat.) When BLM denied this request, Mr Ronald Hogan, General Manager, Pinedale District, of QUESTAR wrote a Notice of Appeal to the BLM dated September 16, 2005, which contained the following:

"QUESTAR has researched the possibility of constructing an alternate access road entirely on private lands to avoid the excessive restrictions imposed by BLM. Although less desirable financially for QUESTAR, and from a public relations perspective for BLM, it is possible that an existing road could be upgraded through a small sub-division which is situated on private surface lands overlying our mineral lease. An access road there would traverse the surface of our lease, running parallel to the housing development and the New Fork River.....An access road in this area will be closer to sensitive wildlife area along the river and will likely be objectionable to homeowners in the area. This may, however, be QUESTAR's only viable solution for prudent and efficient development of its property if BLM enforces seasonal restrictions....."

The above clearly demonstrates how operators target nonfederal lands for industrialization in order to avoid restrictions on BLM land. Plus, it seems insignificant to the oil companies if the land is Rural Residential zoning.

4. In the situation of the gravel pit, the site was less than one-quarter ($\frac{1}{4}$) mile of some of the homes in the Wild Horse Ranch Subdivision. The site was on private land owned by the Nerd Farm and the company proposing the gravel pit was M & N Equipment, both companies owned by Mr Mick McMurry. The gravel was to be used for oil company access roads in the Jonah Field. This activity was to operate on a Conditional Use Permit requiring County Commissioners' approval. The County Commissioners recognized the humanitarian concerns and limited the gravel pit operation to two years; a solution which allowed M & N Equipment with temporary gravel while seeking an alternate site. However, for two years we had to endure the noise and dust from the rock crusher so there could be gravel on the roads in the Jonah Gas Field. The

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County Assessor recognized that such an activity would devalue our properties and granted an adjustment to our property taxes during the time the gravel pit was in operation.

5. The industrial site which was proposed off of the Paradise Road was on private land and it was desired to have such an operation closer to the Mesa than the site at Sand Draw off of Highway 191. It would require re-zoning the site area to Industrial zoning. But since it was surrounded by Agricultural zoning, the County Commissioners would not approve of "spot" zoning for an industrial activity.
6. The case of the proposed water treatment plant also off of the Paradise Road, also on private land, and also surrounded by Agricultural zoning, was to operate on a Conditional Use Permit. But the County Commissioners felt such an activity should be established on Industrial zoning; and again, they were not in favor of "spot" zoning for an industrial activity.
7. The proposal to install large power poles is to provide improved electrical service for the oil and gas companies. One of the routes selected is to cross private land owned by the Looney Family Limited Partnership and continue across the state section (Section 16, T. 31 N., R. 109 W.). The closest home in the Wild Horse Ranch Subdivision would be approximately one-half (½) mile from the power poles. What is so disturbing to us is that all of our electrical power lines are underground. The unattractive power poles would be directly in front of the Wind River Mountain Range and viewed from all our homes. This matter is still pending.
8. The location of the six disposal wells proposed by ULTRA is on the state land, Section 16. The produced waters that will be injected into the proposed disposal wells come from natural gas wells permitted by the BLM on federal lands, and therefore, are a consequence of a federal action that is subject to the legal requirements of NEPA. An Environmental Assessment of the proposed disposal wells, connected actions and cumulative actions should contain: the amount of water that is expected to be produced; how long the wells will be operating; other disposal site options; if there are thrust faults in close proximity to injection wells, and if over time, the injected water could lubricate faults enabling the injection fluid or formation fluid to enter the fresh water strata, etc. By the way, there a thrust fault going through Section 16 where these disposal wells are being proposed.

Furthermore, not discussed is the location of injected water disposal wells in conjunction with wildlife issues. For instance, in this situation, there is a historic migration corridor for pronghorn antelope that crosses the New Fork River exactly in this state section (Section 16). This migration corridor was revealed in the Wildlife Conservation Society's June, 2007, update on the

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pronghorn study entitled, "Wildlife and Energy Development: Pronghorn of the Upper Green River Basin." Page 37 states, "An examination of location data from 2004-2006 revealed several parcels of state and federal land that are of particular importance to pronghorn. Notably, pronghorn depend heavily on a parcel of State Trust land in the PAPA to facilitate movement across the New Fork River." (The exact location of the proposed disposal wells.) The Wild Horse Ranch Subdivision residents and other residents in the area presented this information to the WOGCC. But the WOGCC felt this information was not part of the evidence necessary for a water disposal well, and therefore, the wildlife issue was not discussed.

I have stated these examples so the BLM can recognize situations encountered with oil and gas activity and nonfederal lands. In viewing Map 3.7-2, Existing Well Field Disturbance in Relation to Sublette County Zoning Districts, please note the RR 5 zoning just off the Boulder-South Road. This is the Wild Horse Ranch Subdivision and comprises approximately 115 acres of the 2,093 residential area in the PAPA. (3.7.1.3 Residential Area and Subdivisions). With the Wild Horse Ranch Subdivision being only approximately 5.49% of the total residential area in the PAPA, it seems excessive that we have been targeted with eight different situations of industrial activities in close proximity of our subdivision. All but one have been less than one mile from us, and most have been distances of one-half (½) mile, one-quarter (¼) mile, 100 feet to within our residential subdivision. Plus, we have demonstrated how operators **DO** target nonfederal lands to avoid restrictions on BLM land. Our "problems encountered" help demonstrate how oil and gas activities have become the dominate land use and precludes on nonfederal lands.

Each of these activities on nonfederal lands have "connected actions" and "cumulative actions" as described under the National Environmental Policy Act (NEPA). In addition to "connected actions" and "cumulative actions", the situation of the six disposal water wells proposed by ULTRA has "improper segmentation" under the Council on Environmental Quality's (CEQ) regulations.

SUGGESTED CHANGES: MA 9 - NON FEDERAL LANDS IN THE PAPA

BLM must satisfy NEPA regulations and this would halt operators from industrializing nonfederal lands in order to avoid restrictions on BLM land. BLM's position of "having no jurisdiction on nonfederal lands" is incorrect under NEPA. "Connected actions" and "cumulative actions" must be considered where they occur, be it state, private or federal lands.

"Connected actions" (40 CFR 1508.25 (a) (1)) are those that automatically trigger other actions that may require EISs, can not proceed unless other actions are taken previously or simultaneously, or are interdependent parts of a larger action and depend on the larger

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action for justification.

“Cumulative actions” (40 CFR 1508.25 (a) (2)) are those that when viewed with other actions proposed by the agency have cumulatively significant impacts, and therefore, should be discussed in the same EIS.

Likewise, “related” actions (40 CFR 1502.4 (a)) include those carried out on non-BLM land.

BLM must also adhere to practices of “avoiding improper segmentation” which is the case of the six disposal wells being proposed by ULTRA since the pronghorn antelope migration corridor issue was ignored; as if to segment individual components of broader management activities to hide environmental impacts. The proposed injection wells are in the path of the pronghorn antelope migration corridor, and therefore, must be authorized through the same NEPA process. CEQ describes avoiding improper segmentation as follows:

4.4 Avoiding Improper Segmentation

CEQ’s regulations are directed at avoiding improper segmentation, wherein the significance of the environmental impacts of an action as a whole would not be evident if the action were to be broken into component parts and the impact of those parts analyzed separately. Although CEQ’s regulations do not specifically direct agencies to consider connected actions, cumulative actions, and similar actions in defining the scope of an EA (environmental assessment), the impacts from such actions should be considered together in a single EA.

Recommendations

- Take account of relationships between a proposed action and other actions the agency proposes to take that may affect the same environmental area.
- Include transportation activities as part of the proposed action when the transportation activities would be necessary to make the action happen.
- Think of a proposed action expansively, at least initially, and aim to include rather than exclude activities from the scope of a proposed action.
- Arrange consultations, through the NEPA Compliance Officers, among cognizant program and field offices and the Office of NEPA

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Oversight, and General Counsel, as appropriate, when there is a substantive question about the scope of a proposed action.

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BLM has created the situation of noncompliance with NEPA by stating they have no jurisdiction on nonfederal lands, and may have, in fact, created a headache for themselves. For instance, in the matter of the six disposal wells proposed by ULTRA on the state section of land, the homeowners may pursue litigation. BLM has made no comment or intervention in this matter, even with the activity being in the big game winter range and the pronghorn antelope migration corridor. Plus, the thrust fault would be considered under NEPA as a "reasonably foreseeable" impact. (40 CFR 1502.22 (b) (4)). ("Reasonably foreseeable" impacts includes the discussion of catastrophic consequences even where there is incomplete or unavailable information and the probability of the event is low as long as the analysis is scientifically credible.)

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Since Operators have requested increased access to the PAPA in the winter, it is vitally important that BLM's current position towards nonfederal lands be re-evaluated and brought into compliance with NEPA. Proposed site specific actions must be complete. Proposed actions must include all of the operations dealing with production, not just what happens on public lands. The direct, indirect and cumulative environmental consequences provided by the NEPA documents are worthless unless all of the activities in the proposed actions are addressed, such as, maintenance, surface water, etc. If proposed actions by lease holders for site specific actions are not complete, then the BLM analysis is useless. Cumulative impact analysis is flawed for all aspects of the environmental consequences. BLM can not be excused from NEPA duties simply because that is the way it has always been done in the past.

Thank you for your attention to my comments.

Sincerely,

Rose Sanchez

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