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January 17, 2008

Bob Bennett
Bureau of Land Management
5353 Yellowstone Road
PO Box 1828
Cheyenne, WY 82003

Re: Public Hearing Testimony
Revised Draft Supplemental Environmental Impact Statement
Pinedale Anticline Oil and Gas Exploration and Development Project

Dear Mr. Bennett:

Following is Wyoming Game and Fish Department (WGFD) testimony regarding the Pinedale Anticline RDSEIS.

During the development of the 2000 Record of Decision for the Pinedale Anticline Oil and Gas Development Project, WGFD repeatedly asked that development components be included that would avoid, decrease, or mitigate impacts to wildlife. These included directional drilling, centralized gas pipelines, piping of water and condensate, minimal transportation corridors, mitigation for unavoidable impacts, a well-developed reclamation plan, and continuation of seasonal wildlife stipulations.

Because there were still uncertainties regarding directional drilling technology and Anticline geology, and because of the lack of strong mitigation and reclamation plans, the only major concession WGFD received for wildlife in the 2000 ROD was the continuation of seasonal wildlife stipulations.

Since 2000, advances have been made in drilling technology that provides more opportunity for decreasing impacts to wildlife. The Operators expressed interest in using that technology and working with WGFD to formulate a development plan that would allow year-round access while mitigating overall impacts to wildlife.

Given that development will continue on the Anticline, it was obviously in the WGFD's best interest that the wildlife impacts from that development be as minimal as possible. From the beginning, WGFD and the Operators agreed to try to develop a new plan under the condition that it would have to be a significant improvement for wildlife as compared to the 2000 ROD, including mitigation for unavoidable impacts and a state-of-science reclamation plan.

After nearly two years of discussions, planning, and negotiations, the Operators and WGFD have a joint proposal for BLM consideration that we believe will accomplish the major needs of both development and wildlife. The Operators and WGFD have jointly submitted the most detailed description of that plan as Alternative D in the RDSEIS. WGFD believes the description as submitted is a significant and obvious improvement over the 2000 ROD as well as the other alternatives included in the RDSEIS.

Major components include commitments for:

- Increased directional drilling, resulting in less well pads and roads
- Cluster development, resulting in a much smaller total disturbance area at any point in time
- Centralized gas pipeline, resulting in less scattered pipelines
- Liquids (water and condensate) pipelines, resulting in elimination of daily year-round truck traffic throughout the life of the field (up to 165,000 truck trips/year)
- Additional protection for sage grouse on south end of Anticline
- Lease suspensions on 49,903 acres on the flanks of Anticline, resulting in more assured habitat function there until habitat function returns to the core drilling area
- A state-of-science reclamation plan, with specific vegetative targets and time frames
- A specific monitoring and mitigation matrix, which outlines monitoring efforts and a sequence of mitigation efforts using specific mitigation thresholds
- Compensatory mitigation fund of $36 million to fund mitigation for past and future impacts
- An annual and 10-year rolling development plan, with guidance by an inter-agency Review Team, which allows adaptive management of monitoring and mitigation efforts

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Unfortunately, not all of the components of Alternative D, as proposed by the Operators and WGFD, are accurately described in the RDSEIS. While our review is continuing at this time, it is apparent from the review so far that raptor seasonal stipulations would not remain subject to exceptions, as they are under the current 2000 ROD. Exceptions have apparently been disallowed, not only under Alternative D but also as originally included in the first DSEIS under Alternatives B and C.

Year-round development, as described in the RDSEIS, would happen on small clusters of well pads on the Anticline and would require exceptions to wildlife seasonal stipulations for those small areas while they are being developed. Without a continued exception process for raptors, exceptions for other wildlife stipulations would be nearly useless, as raptor stipulations would by themselves prevent necessary access to those small areas. This would necessitate more scattered development on the Anticline landscape to avoid the raptor seasonal stipulation areas, and this would in turn eliminate the benefits of cluster development as listed above for all other wildlife.

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We strongly recommend that raptor seasonal stipulations (except for bald eagles) continue to be subject to the exception process for the cluster drilling areas so that the rest of the plan can proceed. We understand that discussions are occurring within BLM concerning this issue. Raptor mitigation is addressed in Alternative D, in the Wildlife Monitoring and Mitigation Matrix in Appendix 10 of the RDSEIS. Mitigation can be expanded in detail in that appendix, as necessary, to assure that any impacts from seasonal exceptions are adequately addressed.

In summary:

- WGFD supports Alternative D as jointly developed by the Operators and our Department. We are currently reviewing the RDSEIS to assure that all the components are included in that document.
- WGFD supports current efforts to reconcile the issue of non-bald eagle raptor stipulations that exists between Alternative D as proposed by the Operators and WGFD, and the wording of Alternative D that is contained in the RDSEIS.

To conclude, the total process for developing oil and gas resources on BLM land occurs at several levels, from Resource Management Plans and leasing decisions to activity planning and issuance of individual APDs. Each of these levels has its own components and issues. Speaking here only about the activity planning for individual oil and gas development plays, the working relationship among the Operators, WGFD, and other State Cooperators that took place in developing a jointly agreeable field development activity plan should serve as a model for how development planning should occur in the future.

Sincerely,

TERRY CLEVELAND
DIRECTOR

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