

State Agency Letters

Letter S1



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Dave Freudenthal, Governor

John Corra, Director

May 4, 2007

Chuck Valentine, Realty Specialist
Bureau of Land Management - Rawlins
1300 North David Street
Rawlins, WY 82301

re: Response to the Draft Environmental Impact Statement for the Overland Pass Natural Gas Liquids Pipeline Project

Dear Mr. Valentine:

These comments regarding the Draft Environmental Impact Statement for the Overland Pass Natural Gas Liquids Pipeline Project are specific to this agency's statutory mission within State government which is protection of public health and the environment. In that regard these comments are meant to, in association with all other agency comments, assist in defining the Official State Position.

There are two Water Quality Division (WQD) permits that may apply to the project. Any or all of them may apply depending on the eventual scope of the project.

- Discharge Permit. Any discharges to "waters of the state" must be permitted under the Wyoming Pollutant Discharge Elimination System (WYPDES) program. This program is part of the federal Clean Water Act, but is administered by the WQD. Coverage is required for discharges from cofferdam dewatering, discharges from hydrostatic pipeline testing, or discharge of other waste waters to waters of the state. For clarification waters of the state include rivers, streams, dry draws, wetlands, lakes, reservoirs and even stock ponds. This permit will require some sampling and will incorporate effluent limits for any constituents of concern. Roland Peterson (307-777-7090) can provide additional information.
- Storm Water Associated with Construction Activities. This permit is required any time a project results in clearing, grading, or otherwise disturbing one or more acres. The disturbed area does not need to be contiguous. The permit is

Responses to Letter S1

S1-1 All major permits, approvals, and consultations are listed in the Draft EIS on Table 1.5-1, including WDEQ stormwater discharge and NPDES permits.

10-13

S1-1

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
--	---	---	---	--	--	---



Letter S1 Continued

S1-1 required for surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, equipment staging and maintenance areas and any other disturbed areas associated with construction. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570.

S1-2 Temporary Turbidity Variance. While not mandatory, a temporary turbidity variance would ensure compliance with the turbidity standard during work within all drinking water supplies and fisheries that may be crossed during the project. In accordance with Section 23(c)(2) of the Chapter 1 Surface Water Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) of the Standards in response to an individual application for a specific activity. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place. Please contact Jeremy Lyon at 307-777-7588. A copy of the application and instructions are attached.

S1-3 Section 404. While not a state permit, this project will require a section 404 permit from the US Army Corps of Engineers. Any time work occurs within waters of the US a 404 permit may be required. Please contact the Corps (307-772-2300) for specific information regarding jurisdiction and requirements.

S1-4 Ground Water. At the bottom of page 4.5-15, The DEIS States; *"In the event of a pipeline rupture or spill, groundwater impacts from pipeline operation likely would be minimal due to the rapid volatilization of NGLs once released from pressure and their marginal solubility in water."* NGLs (condensate) have been one of the most common contaminants in oil and gas operations in Wyoming. We have dozens of contaminated sites due to pipeline leaks or other releases of NGLs. The impacts from a release should not be downplayed or dismissed. Even a small release, if it reaches groundwater, would most likely take many years to clean up. This language needs to be modified to acknowledge the potential affects.

These are the permits most likely to affect the project. The Department of Environmental Quality would like to see the NEPA analysis and resulting project address any potential effects to surface water quality that may occur as a result of existing or proposed construction practices in riparian areas. Also, every effort to prevent erosion of any kind should be taken. Any sediment created by the project can enter and affect the water quality of the receiving water.

Responses to Letter S1

S1-2 All major permits, approvals, and consultations are listed in the Draft EIS on Table 1.5-1, including WDEQ Temporary Turbidity Variance.

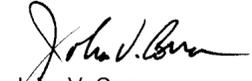
S1-3 All major permits, approvals, and consultations are listed in the Draft EIS on Table 1.5-1, including USACE 404 permits.

S1-4 Condensate and natural gas liquids are not synonymous terms. Condensate is a general term used to describe a material known as natural condensate, pentanes plus (C5+), or natural gasoline. Natural gas liquids (NGLs) include natural gas plant liquids (primarily ethane, propane, butane, and isobutane) as well as condensates (primarily pentanes). The BLM evaluated the chemical analysis of the NGL proposed for transportation by Overland Pass and determined that the primary constituents are natural gas plant liquids (ethane, propane, butane, and isobutane). The toxicology of Overland Pass' NGLs was evaluated in Appendix J of the Draft EIS (Appendix L in the Final EIS) along with an assessment of spill scenarios should a spill occur or pipeline rupture.

Letter S1 Continued

We appreciate the opportunity to comment in this process and look forward to working with you in the future. If you have any questions, please feel free to contact Jeremy Lyon at 307-777-7588.

Sincerely,



John V. Corra
Director

Department of Environmental Quality

JVC/JML/rm/7-0378

cc: Governor's Planning Office, Herschler Bldg, 1st Floor, East Wing
Todd Parfitt, Deputy Director, DEQ Cheyenne

d:\spcwpd\spc07\overlandpass_pipe.doc

10-15

Responses to Letter S1

Letter S2



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006
Phone: (307) 777-4600 Fax: (307) 777-4610
Web site: <http://gf.state.wy.us>

GOVERNOR
DAVE FRUDENTHAL
DIRECTOR
TERRY CLEVELAND
COMMISSIONERS
BILL WILLIAMS, DVM - President
JERRY GALLES - Vice President
CLARK ALLAN
CLIFFORD KIRK
FRRO LINDZEY
RON LEVERCHECK
ED MIGNERY

May 10, 2007

WER 11284
Bureau of Land Management
Rawlins Field Office
Draft Environmental Impact Statement
Overland Pass Natural Gas Liquids Pipeline Project
Sweetwater, Carbon, Albany, and Laramie Counties

Tom Hurshman
Bureau of Land Management
Rawlins Field Office
1300 North Third Street
Rawlins, Wyoming 82301

Dear Mr. Hurshman:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement for the Overland Pass Pipeline Project within Sweetwater, Carbon, Albany, and Laramie Counties in Wyoming. We offer the following comments for your consideration.

Terrestrial Considerations:

It appears our Green River and Laramie Region comments have been adequately addressed, and we have no additional concerns for these areas. Within Lander Region, however, from Creston Junction to the North Platte River, we stress that particular attention be drawn to pronghorn crucial winter range at Red Rim, mule deer crucial winter range near Fort Steele, and the numerous raptor nests and sage grouse leks.

The pipeline crosses crucial winter range for Red Desert pronghorn near Wamsutter, and lies in or near crucial winter range for the Platte Valley mule deer herd east of Sinclair. We recommend no construction activities occur within crucial winter range for big game from November 15 through April 30.

On our Red Rim Wildlife Habitat Management Area (WHMA), existing roads, fences, structures, and/or drainage facilities damaged during construction should be replaced or repaired to a condition equal to (or better than) that existed before construction. Width and alignment of existing roads should not be altered, and existing roads should be used to the extent possible during construction. Roads should not be used if deep rutting (in excess of 4 inches) could occur. If necessary to install gates where the pipeline crosses our fences on the Red Rim

Responses to Letter S2

S2-1 Thank you for your comment. Overland Pass has agreed to adhere to the November 15 through April 30 timing restriction in their Conservation Measure Plan.

S2-2 In general, construction across the Red Rim Wildlife Management Area will follow procedures identified in Overland Pass' *Construction, Reclamation, and Revegetation Plan*. Where federal lands occur within the Red Rim Wildlife Management Area, applicant-committed mitigation and adopted BLM additional mitigation measures would be applicable.

10-16

S2-1

S2-2

Letter S2 Continued

Mr. Tom Hurshman
May 10, 2007
Page 2 - WER 11284

- S2-2 | WHMA, gates should remain unlocked. Following construction, the pipeline corridor on this
S2-3 | WHMA should be inspected at least annually for exotic weeds, and infested areas promptly
S2-4 | treated. Maintenance activities on the constructed pipeline on our lands should be scheduled to
avoid the winter period (November 15 – April 30). We remind the operators that if the pipeline
crosses any Wyoming Game and Fish Commission lands, a special use permit from the
Commission is required.
- S2-5 | We recommend the powerlines to pumping stations and metering stations be buried along
station access roads to protect sage-grouse habitats.
- S2-6 | Several alternative routes are under review for this pipeline, particularly around Rock
Springs. The choice of alternative would potentially impact two to three miles of pipeline within
the Lander Region, and significantly more miles of habitats within Green River Region.
- S2-7 | When pipeline construction entails a large work force, we recommend construction
workers be bussed or carpooled to the work location to minimize impacts to wildlife from
multiple vehicles. We also recommend the pipeline company and its contractors discourage
long-term camping, or “squatting” on public, state, or our lands by construction workers
throughout the construction period.
- S2-8 | It appears this pipeline will cross Wyoming Highway 71 south of Rawlins near the
pullout used for our fall hunting season check stations. For public safety and convenience, we
recommend construction of this length of pipeline be accomplished prior to September, if
possible. If pipeline construction does extend into fall, we recommend every effort be made to
maintain steady flow of traffic through this portion of highway to avoid undue delays for
travelers and unsafe backup of hunter traffic at our check station.

Aquatic Considerations:

We provided aquatic comments in a letter dated April 14, 2006. We have no additional
aquatic concerns.

Thank you for the opportunity to comment.

Sincerely,


for JOHN EMMERICH
DEPUTY DIRECTOR

JE:VS:gfb
cc: USFWS

Responses to Letter S2

- S2-3 | Refer to response to comment S2-2.
- S2-4 | Refer to the responses to comments S2-1 and S2-2. Additionally, this information
has been forwarded to the applicant.
- S2-5 | This has been incorporated into text as a recommendation. Overland Pass will
not be constructing the powerlines and cannot commit to this measure. A separate
analysis where this stipulation could be applied will be completed for powerline
construction. Please refer to Section 1.1.
- S2-6 | Comment noted.
- S2-7 | In their Construction, Reclamation, and Revegetation Plan (Appendix B of the
Draft EIS; Appendix C of the Final EIS), Overland Pass has committed to
restricting camping on public lands. Overland Pass would utilize buses and/or
car pooling to the extent possible when transporting workers to the ROW
during construction. Unnecessary vehicle traffic would impede the progress of
construction activities.
- S2-8 | Overland Pass has agreed to keep Wyoming Highway 71 south of Rawlins open
during hunting season.