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BUREAU OF LAND MANAGEMENT CASPER FIELD OFFICE
09 JAN -7 PM 12:42

January 05, 2009

Bureau of Land Management
ATTN: RMP Project Manager
2987 Prospector Drive
Casper, WY 82604
BRMP_Rev_WYMail@blm.gov

RE: Comments on Buffalo Field Office Resource Management Plan (RMP) Revision

RMP Project Manager:

Powder River Coal, LLC (PRC) appreciates the opportunity to provide comments and resource information to the Buffalo Field Office (BFO) of the Bureau of Land Management (BLM) as it begins the process of revising the BFO Resource Management Plan. Powder River Coal, LLC (PRC) is a wholly-owned subsidiary of Peabody Energy and is the owner/operator of three operating surface coal mines and is in the process of developing a fourth in the Wyoming Powder River Basin (PRB) in northeastern Wyoming. These operations which include the Rawhide, Caballo and North Antelope Rochelle mines shipped a record 140 million tons of coal in 2007. These operations serve over 104 power plants in 23 states.

The following comments and associated data are focused on three separate areas of interest or concern to PRC:

1. Wildlife Issues (including the greater sage-grouse) and Cooperative Conservation Opportunities
2. Resource Development Conflicts
3. Climate Change

Wildlife Issues

The following information briefly describes many of the existing regulatory mechanisms designed to protect and mitigate impacts to wildlife and wildlife habitat during the planning, leasing, permitting, operation and reclamation of surface coal mines. A review of relevant research and voluntary initiatives funded and implemented by PRC individually or as a contributing partner in broader efforts for the benefit of wildlife generally and the greater sage-grouse specifically is also provided. As the BLM proceeds with the revision of the BFO Resource Management Plan, PRC requests that the surface coal mining industry's extensive regulatory requirements, research and voluntary efforts to protect and mitigate impacts to wildlife and their habitat be recognized and taken into account.

Surface Coal Mining Regulatory Framework Overview

The surface coal mining industry operates under a substantial regulatory framework covering all aspects of the mining process; from exploration and leasing to reclamation and eventual release of reclamation performance bonds, which is summarized below. This regulatory regime includes requirements for protection, mitigation and reclamation of wildlife habitat which is designated, along with livestock grazing, as an approved post-mining land use at Powder River Coal, LLC's mining operations.

1072

Reclamation plans designed to return lands to conditions which will support the approved post-mining land use(s) are developed, reviewed and approved by the appropriate regulatory, wildlife and land management agencies.

Exploration

Coal operators must apply for an exploration license from the Bureau of Land Management and the U.S. Forest Service (in cases where the land surface is managed by this agency) or a state temporary use permit prior to exploration drilling. Surveys for cultural resources, wildlife and threatened & endangered species must be completed, reviewed and approved by the appropriate agencies as part of the exploration licensing process. Timing restrictions or other mitigation measures applicable to wildlife (including sage-grouse) are imposed where appropriate through exploration license stipulations.

Leasing

The process to lease federal coal reserves involves the collection and review of baseline data related to wildlife and wildlife habitat. Data collection follows strict protocols developed and implemented by relevant wildlife and land management agencies including the Wyoming Game and Fish Department, Wyoming Department of Environmental Quality – Land Quality Division, the U.S. Forest Service (in cases where the land surface is managed by this agency) and the BLM.

Impact assessments for threatened or endangered species and their habitats along with an extensive list of sensitive species are completed. Prior to approving a specific tract of federal coal for sale, the BLM consults with the U.S. Fish and Wildlife Service. The lease document includes very robust stipulations for wildlife protection.

Support Infrastructure Development

Development of support infrastructure, such as access roads to the mine site, is regulated under the Surface Mine Control and Reclamation Act and, where applicable, the U.S. Forest Service (where land surface is managed by this agency). U.S. Fish and Wildlife Service consultation for these undertakings is provided via Section 7 of the Endangered Species Act. Timing restrictions or other mitigation measures applicable to wildlife are imposed where appropriate through permit conditions.

Mining and Reclamation

Surface coal mining operations in the PRB are regulated through several federal and state laws. Following is a list of several of these applicable laws:

ENVIRONMENTAL LAWS APPLICABLE TO PRB MINING OPERATIONS	
• Clean Air Act • Clean Water Act • Safe Drinking Water Act • Resource Conservation and Recovery Act • Endangered Species Act • National Historic Preservation Act • Federal Land Management and Policy Act • Multiple-Use Sustained Yield Act • Mineral Leasing Act • Migratory Bird Act	• National Forest Management Act • Comprehensive Environmental Response, Compensation and Liability Act • Emergency Planning Community Right to Know Act • Wilderness Act • Toxic Substances Control Act • Surface Mining Control and Reclamation Act • WY Environmental Quality Act • National Environmental Policy Act

The State of Wyoming holds primacy to implement some of these laws – most notably the Surface Mining Control and Reclamation Act which is delegated for implementation to the Land Quality Division (LQD) of the Wyoming Department of Environmental Quality. In some cases, there are

certain responsibilities and decisions that cannot be delegated to the State. In these cases, the Wyoming LQD has a signed "Working Agreement" with the Bureau of Land Management, U.S. Forest Service and federal Office of Surface Mining (OSM). Additionally, certain state agencies – notably the Wyoming Game and Fish Department and the Wyoming State Historic Preservation Office – provide direct review of relevant parts of mine and reclamation plans that deal with the resources under these agencies purview. The U.S. Fish and Wildlife Service reviews raptor and migratory bird mitigation plans and provides Section 7 consultation on federal agency decisions (USFS, BLM, OSM).

Surface coal mines are required to develop and implement a highly detailed life-of-mine mine and reclamation plan. Federal and state laws are strictly enforced to ensure that all affected land is reclaimed. Furthermore, these laws require that reclamation must be completed contemporaneously with the mining process. As noted earlier, Powder River Coal, LLC's surface coal mines in northeastern Wyoming are reclaimed to a dual post-mine land use of livestock grazing and wildlife use.

Stringent reclamation standards are in place for re-establishing rangeland and wildlife habitat on the postmining landscape. The coal mining industry has been progressive in developing reclamation techniques (Best Technology Currently Available – BTCA) for successful vegetation re-establishment. The increased availability of native plant materials in both kind and quantity has aided in this success. Sage-grouse use of mine-reclaimed plant communities providing summer foraging and brood-rearing habitat has been documented at one of PRC's mining operations.

Reclamation requirements also include the re-establishment of sagebrush on surface coal mined lands in Wyoming. Sagebrush is established through specialized seeding techniques and post establishment management and will eventually provide the necessary structure for nesting cover and winter habit requirements of sage-grouse along with other sagebrush-associated species.

Surface coal mining operations temporarily remove wildlife habitat during the mining process. This includes habitat used by sage-grouse. The Northeast Wyoming Local Sage-grouse Plan indicates that from inception of mining through May 2006, eight leks within the PRB coal mine area have been classified as destroyed due to coal mining activity. These situations are anticipated and addressed in wildlife monitoring and mitigation plans which are an essential component of a surface coal mine's approved permit to mine. Following is an excerpt from one such agency-approved (USFS, DEQ-LQD, WY Game and Fish, USFWS) plan (Powder River Coal – North Antelope Rochelle Mine Permit) specific to sage-grouse:

> *"One active sage grouse strutting ground has been identified in a playa in the north end of the permit area. . . The Mine and Reclamation Plan calls for restoration of three playas in this area. Sagebrush, Grasslands and associated Shrub Mosaics will be planted near the playas extending to the east permit boundary (where native sagebrush stands occur). Other shrub areas will be established to provide food, escape cover, nesting cover, and to maximize habitat interspersion. The operator may also participate in off-site mitigation strategies to maximize habitat."* **The North Antelope Rochelle Mine initiated reclamation of the first of the three playas as part of its approved reclamation plan in 2008.**

Furthermore, ongoing sage-grouse monitoring is a surface coal mine permit requirement in the PRB.

Lek Searches

Coal operators are required to search all suitable lek habitat on the term-of-permit area and a 1-mile perimeter at least once each spring. Every third year, the lek searches will expand to cover the entire permit area and its one-mile perimeter.

Lek Attendance Surveys

1072

At each known lek, a minimum of three (3) attendance counts will be conducted during April through early May.

Annual Reporting

Each annual reclamation report will include a complete record of the status and history of all leks, including those, which have been destroyed or have become inactive.

Summary

In summary, PRB coal mine reclamation efforts support wildlife in general and sage- grouse in particular by:

- Setting the conditions for post-mine climax communities
- Creating diverse habitats
- Sustaining data collection and reporting

Voluntary Implementation of Recommended Management Practices – Powder River Coal, LLC

Powder River Coal, LLC has implemented several of the applicable recommended management practices (RMP's) identified in the Northeast Wyoming Sage-Grouse Conservation Plan which are listed below:

- Coal Exploration, Mining and Reclamation Recommended Practices
  - Manage water production to enhance or maintain sage-grouse habitat
  - Tailor reclamation to replace or augment sage grouse habitat to the extent practicable in instances where such habitat is adversely affected
  - Continue sage-grouse and sage-grouse habitat-related research and monitoring efforts.
  - Continue the effort to establish Wyoming big sagebrush, to meet shrub density requirements
  - Consider alternative mitigation measures for mining impacts on known sage-grouse habitat. This may include, but not be limited to, implementing offsite mitigation measures for enhancing sage-grouse habitat to offset the temporary impacts of coal mine surface disturbing activities. (See Thunder Basin Grasslands Prairie Ecosystem Association – below)
  - Control mosquito larvae, to the extent practicable and feasible, in mine-related surface water impoundments
  - Install wildlife escape ramps in mine reclamation-related livestock watering facilities (tanks).
- Invasive Plants – Recommended Management Practices
  - Implement strategies to assist in prevention of the spread of noxious weeds or invasive plants detrimental to sage-grouse
  - Prioritize and aggressively treat invasive plants in identified areas of concern
  - Voluntary use of mechanical means (mowing) to control cheatgrass.
- Livestock Grazing – Recommended Management Practices
  - Develop and implement rotational grazing system on surface coal mine reclamation that supports seasonal sage-grouse habitat needs

Voluntary Research – Powder River Coal, LLC

The Prairie Project

In 2001, Powder River Coal's North Antelope Rochelle Mine voluntarily initiated and funded a project designed to gather data on the status of Greater Sage Grouse populations using habitat in and adjacent to the mine area. The immediate goal of this ongoing study was to identify key habitats (nesting, brooding and wintering) so that the mine could adequately plan reclamation and/or mitigation strategies for this species. Second, vegetative data was collected to evaluate the

quality of the available habitat. Third, reproductive data (nest fate, clutch size, chick survival and adult survival) was collected. Fourth, use of reclaimed mine lands was monitored. (Of particular note was the documented use of reclaimed lands at the initiating mine by hens and broods. The reclamation used by these grouse supported a diverse and prominent (>25% cover) mosaic of forbs).

The monitoring program initiated by this mine was expanded to neighboring mines and funded in 2003 through the Wyoming Abandoned Coal Mine Lands Research Program (ACMLRP). Today, the initiating mine is continuing to manage and fund the project on a voluntary basis and has expanded it to a partnership with local landowners.

The ACMLRP research project was entitled: "Ecology of the Greater Sage-Grouse (*Centrocercus urophasianus)* in the Coal Mining Landscape of Wyoming's Powder River Basin" and was conducted by Kimberley G. Brown and Kort M. Clayton – Thunderbird Wildlife Consulting, Inc. (Technical report is attached). The report abstract states, "In light of long-term conservation concerns for greater sage-grouse and the continued expansion of coal mining in Wyoming's Powder River Basin, it is important to understand how grouse use the landscape in the vicinity of active mines and how lands can be reclaimed after mining to benefit those local populations."

To address these questions, 39 sage-grouse from the Rochelle Sage-Grouse Population were radio-collared and monitored in the southern Powder River Basin from April 2001 through October 2003. It is important to note that the Rochelle Sage-Grouse Population, along with other studied populations at the eastern edge of the PRB, are non-migratory populations. These populations must be evaluated and considered separately from the "Powder River Basin" population (migratory) located east of Buffalo, WY in the coalbed natural gas area of the central PRB.

Notable conclusions to this study are as follows:

- Hen survival and mortality was comparable to that documented in other populations (Note – The most prominent difference were additional mortalities caused by West Nile Virus)
- "Despite the proximity of mining and other disturbances (e.g., oil wells, and traffic on gravel county roads), the Rochelle sage-grouse population did not appear to be negatively affected by these activities during the course of the study."
- "The observed nest initiation rate of 97% is higher than what has been reported for most studies (63%-93%; Connelly et al. 1993, Schroeder 1997)"
- "88% of nests in the study area were within 3 km of active leks. Whereas Lyon and Anderson (2003) found that sage-grouse nested further from leks in areas that were affected by oil and gas development than in undisturbed areas. They reported that 91% of nests were within 3 km of leks in undisturbed areas and that only 26% of nests were within 3 km of leks in disturbed areas."
- "Overall nest success (52%) was well within the 'normal' range for sage-grouse (30-60%; Schroeder et al. 1999) and was comparable to that (50%) reported by Lyon and Anderson (2003) for both disturbed and undisturbed areas."

The Prairie Project – 2004 – Present

As noted above, Powder River Coal, LLC has continued to manage and fund the radio-collaring and tracking of sage-grouse in the proximity of its North Antelope Rochelle Mine following the conclusion of the ACMLRP study. The company has also partnered with two interested landowners within the southern PRB area (northeastern Converse County and southwestern Weston County, Wyoming), thereby expanding the aerial extent of the study and providing sage-grouse habitat use information to the landowner participants. Biologists with Jones and Stokes (formerly Thunderbird Wildlife Consulting) are contracted by the North Antelope Rochelle Mine to complete the necessary monitoring and reporting. Reports are filed annually in the North Antelope Rochelle Mine Annual

Reclamation Report. It should be noted that the objectives of this phase of the project were restricted to monitoring the nesting activities and survival of female grouse.

Notable conclusions as of the 2007 report (compiled 7 years of results) include:

- "Despite the proximity of mining and other disturbances (e.g. oil wells and traffic on gravel roads), The Rochelle sage-grouse population has not yet demonstrated evidence of adverse effects related to those activities over the last seven years."
- "Peak male counts on the Payne lek have increased in each of the last three years (2005-2007), with hen counts also higher than in most previous years during the same time period."
- "Even with small sample sizes, nest initiation rates (average of 94%) at North Antelope Rochelle Mine have remained relatively stable over the years, and are comparable to or greater than those reported for most other studies (63%-93%; Connelly et al. 1991, Schroeder 1997)."
- "Overall nest success (at least 57%) for the entire seven-year period at North Antelope Rochelle Mine was well within the normal range for sage-grouse (30-60%; Schroeder et al. 1999) and exceeded that (50%) reported by Lyon and Anderson (2003) for both disturbed and undisturbed areas."
- "Lyon and Anderson (2003) also found that sage-grouse nested further from leks in areas that were affected by oil and gas development than in undisturbed areas, but that trend has not been supported in the North Antelope Rochelle Mine study area."

Study: Sagebrush Establishment on WY Coal Mined Lands

Long-Term Survival of Direct Seeded Wyoming Big Sagebrush Seedlings on a Reclaimed Mine Site by Schuman and Belden (Powder River Coal, LLC). This study evaluated the effects of topsoil management, mulch and grass seeding rate on sagebrush survival after eight years, and also discussed effects of wildlife browse on sagebrush. Some of the results of this study have been published in the following paper: Establishing *Artemisia tridentata* spp. *Wyomingensis* on Mined Lands: Science and Economics. This paper (attached) provides a summary of sagebrush establishment and practically discusses economics of seeding and transplanting of sagebrush as establishment methods.

Coal Industry-Funded Research

Wyoming Abandoned Mine Lands Research Program

The Abandoned Coal Mine Land Research Program (ACMLRP) is the result of the 1989 agreement between the University of Wyoming and the Abandoned Mine Land Division of the Department of Environmental Quality (DEQ). Funding for the program has been provided through the Abandoned Mine Land Fee paid by Wyoming coal companies.

The ACMLRP is intended to stimulate applied research and development projects related to underground and surface mine reclamation techniques, in order to increase transfer of information on state-of the art technology and to increase the exchange of research information and expertise between the academic, state agency, engineering, mining, and construction communities.

Since its inception, several research projects on issues affecting wildlife in general and sage-grouse/sagebrush ecosystems in particular have been funded and completed. These projects are listed below:

- Strategies for Establishment of Big Sagebrush
  - Schuman, Booth
- Influence of Post-Harvest and Preplanting Seed Treatment on Sagebrush Seeding Vigor

- Booth, Roos
- Climatic Control of Sagebrush Survival for Mined Land Reclamation
  - Perryman, Olson, Hild
- The Effects of Variable Topsoil Replacement Depth on Various Plant Parameters within Reclaimed Areas
  - Schladweiler, Wolden, Munn, Haroian
- Grass Competition and Sagebrush Seeding Rates: Influence Sagebrush Seedling Establishment
  - Schuman, Hild
- Effects of Variable Topsoil Replacement Depth on Plant Community Development and Soil Ecosystem Development after 24 Years
  - Olson, Schuman, Ingram
- Impacts of Wildlife Utilization on Big Sagebrush Survival in Reclaimed Mine Lands
  - Olson
- Ecology of the greater sage-grouse in the coal mining landscape of Wyoming's Powder River Basin
  - Clayton, Brown
- The Effects of Seed Mix Species Composition and Seedling Rates on Attaining Species Diversity for Reclaimed Areas.
  - McDonald, Howlin, Lack, Bilbrough
- Evaluation of Previously Collected Coal Mine Related Wildlife Data
  - McDonald, Strickland, Johnson, Derby

Volunteer Conservation Efforts Affecting Sage-Grouse

Thunder Basin Grassland Prairie Ecosystem Association

Powder River Coal, LLC is a contributing member of the Thunder Basin Grassland Prairie Ecosystem Association (Association). Since inception, Powder River Coal has contributed approximately $300,000 to the Association in support of its goals and objectives. The Association is a non-profit organization established to provide private landowner leadership in developing a responsible, science-based approach to long-term management of the lands of its members. Members in the Association include ranchers and energy production (coal) companies who own land within a designated 945,000-acre mixed-ownership landscape in eastern Wyoming. The Powder River Coal, LLC – North Antelope Rochelle Mine is located in the northwestern corner of the designated planning landscape.

The ownership mix includes: Association membership - 30 percent; US Forest Service – 30 percent; private non-Association member- 30 percent; Bureau of Land Management – 4 percent; State – 6 percent. The Association has focused its efforts on developing an ecosystem management plan that will address the habitat needs of species of concern within the landscape while balancing those needs with sustainable economic and social activities.

Enhancement and restoration of sagebrush ecosystems is an important component of this landscape effort. In 2006, two sagebrush improvement pastures were established on privately-owned lands of Association members (total 731 acres). These pastures currently support sage grouse use and are located within Core Sage-grouse Habitat Areas (East Clareton and NE Corner Converse County) designated by the Wyoming Sage-grouse Implementation Team. Treatments were implemented in order to enhance existing sagebrush communities by reducing annual brome and increasing native grasses and forbs in the understory. These pastures were aerially-treated with herbicide in 2006 and aerially-seeded with native grasses and forbs in 2007. Powder River Coal, LLC provided funding, which was matched with Landowner Incentive Program (LIP) dollars in order to accomplish these treatments. Long term management plans (beyond those required by LIP) are currently being discussed and developed with the landowners. (NOTE: This project was submitted

for inclusion in the US Fish and Wildlife Service database of sage-grouse conservation actions through the Wyoming Interagency Team)

In 2008, Powder River Coal, LLC was a funding partner providing for baseline monitoring (vegetation and wildlife) and herbicide treatment of cheat grass on 3910 acres of privately-owned sagebrush areas which currently support sage grouse use within the Association planning landscape. These areas are located within or proximate to the Core Sage-grouse Habitat Areas (East Clareton and NE Corner Converse County) designated by the Wyoming Sage-grouse Implementation Team. Continued treatments and funding required for enhancement and long term management of these sagebrush communities along with expansion of monitoring and treatments to other privately-owned sagebrush areas are planned for 2009.

Sage-grouse Lek Count Results on Private Lands in the Association's Planning Landscape (2003-2007)

Sage-grouse leks have been surveyed on private lands within the Association's planning landscape every year beginning in 2003. During this time, new leks have been identified and added to the monitoring. Also, leks have been added to the monitoring program when new members join the Association. Two leks have been active and surveyed since 2003 and therefore provide a consistent record of sage-grouse numbers.

Results of sage-grouse lek counts on Association land for 2007 are presented in Table 1. This year, 5 leks were surveyed and a total of 195 male and 40 female sage-grouse were counted. Because the number of leks surveyed varies from year to year it is important to look at the number of males counted at each lek over time and the number of males that were counted on the two initial leks identified in 2003, to identify sage-grouse trends on Association members' land. The average number of male sage-grouse per lek has been gradually increasing since 2003. The number of male sage-grouse counted on the 2 initial leks identified in 2003 has increased from 64 in 2003 to 87 in 2007.

Table 1. Results of sage-grouse lek counts conducted on Association lands in the Thunder Basin of Wyoming between 2003 and 2007.

	Year of Sage Grouse Lek Survey				
	2003	2004	2005	2006	2007
Number of Leks	2	2	3	5	5
Number of Males	64	73	111	197	195
Males per Lek	32	37	37	39	39
Same Lek Count	64	73	86	85	87

Cooperative Sagebrush Initiative

The Cooperative Sagebrush Initiative was formed in 2006 and is a region-wide program to provide leadership, coordination and funding for sagebrush conservation and recovery. Landowners, communities, and conservation groups have the proven ability to deliver conservation on private and public lands. Government agencies have the scientific knowledge and technical capacity to help make that happen. Industry has the leadership and resources to energize the former and leverage the latter. A collaboratively-governed conservation initiative, built on the bedrock of incentives and committed to building a lasting infrastructure of landowner and community stewardship, has the power to galvanize all stakeholders into an orchestrated force for effective landscape-level conservation in the 11-state range of the greater sage grouse.

Cooperative Sagebrush Initiative: Mission Statement

- Recovery of the western sagebrush steppe biome
- Through a collaborative, coordinated, and cost-effective public-private partnership

- Built upon incentives for landowners, local communities, and private industry to invest in habitat restoration and other conservation actions
- Resulting in long-term, verifiable recovery of the greater sage grouse and improvement of other species of concern in the sagebrush range.

Powder River Coal, LLC is a partner in the Cooperative Sagebrush Initiative (CSI) and has a representative who serves on the Partnership Council. At its annual meeting in September 2007, the CSI Partnership Council selected an application submitted by the Thunder Basin Grassland Prairie Ecosystem Association (Association) as one of three landscape-scale demonstration projects. The Thunder Basin/CSI demonstration project is focused on improving sagebrush ecosystem diversity which is an important component of the Association's larger landscape effort. CSI will provide technical and funding support for the demonstration projects if available and will be monitoring the results, learning and adapting future management actions based on the outcomes of these projects.

Cooperative Conservation Opportunities

PRC respectfully requests that the BLM Buffalo Area Resource Management Plan Revision consider and include appropriate processes for the agency, the State of Wyoming, non-governmental organizations, industry, private property owners, or a combination of parties to expand opportunities for "Cooperative Conservation" of species so that listing under the Endangered Species Act is unnecessary. At a minimum, this should include integrating conservation efforts across intermingled land ownerships. The U.S. Fish and Wildlife Service recently published "Guidance on Using Existing Tools to Expand Cooperative Conservation for Candidate Species on Mixed Federal and Non-Federal Lands" on September 8, 2008 (attached) which describes how this can be accomplished. The "Introduction" section of this document states: "The approach is applicable to intermingled surface lands, as well as "mixed estate" lands where the surface is in non-Federal ownership but the subsurface is Federal (e.g. managed for energy/mineral leasing), or *vice versa.*"

PRC also encourages the BLM Buffalo Area Resource Management Plan Revision to consider and include "off-site mitigation" as described in WO IM No. 2008-204 (attached) for use as an effective management tool in appropriate circumstances.

Concluding Remarks – Wildlife Issues

In addition to conducting its surface coal mining operations in accordance with existing and extensive regulatory requirements, PRC has voluntarily initiated, managed and funded sage-grouse/sagebrush research and conservation projects since 2001. Although PRC's operations (present and foreseeable future) fall well outside of any of the "core sage-grouse population areas" designated by the State of Wyoming Sage-Grouse Implementation Team, the company has been directly involved in initiating and supporting sagebrush enhancement projects in cooperation with private landowners in some of the core areas in the general vicinity of its North Antelope Rochelle Mine. PRC has also implemented voluntary activities within its mine permit areas and through reclamation practices for the benefit of the sage-grouse. The estimated cost of these activities to date is approximately $650,000 with a substantial portion of these dollars matched with funds from appropriate private, state and federal sources. In addition, beginning as early as 1991, Powder River Coal, LLC along with other Wyoming coal companies participated in and funded sage-grouse and sagebrush research through the Abandoned Coal Mine Land Research Program. Since that time, 10 sagebrush/sage-grouse research projects were completed at a total cost of $598,306.00.

Resource Development Conflicts

1072

While the scope of prior Resource Management Plans has included an evaluation of the conflicts and/or potential conflicts associated with multiple land use/resource development in the Powder River Basin, it is worth reiterating and listing those potential conflicts for inclusion in the scope for the latest update of the BLM Buffalo RMP. In addition, other potentially new conflicts should be evaluated as well.

With the search for energy fuels and alternatives becoming increasingly important in today's American economy, there will, without doubt, be more complicated issues to deal with in determining the relative value of the development of competing resources on public lands. Over the past 10 years, or so, this conflict has manifested itself most clearly in the development of CBM gas fields immediately in advance of long-established surface coal mining operations. The CBM production wells, spaced every 80 acres ahead of the coal mining operations, have created significant obstacles to orderly exploration, leasing, permitting, and recovery of the more valuable coal resource. While these CBM conflicts have abated to a great degree as the near-mine gas has been produced, there are still potential problems to be dealt with as the coal mines advance into deeper cover and the oil & gas operators develop more efficient liquid ring compression technology that has and will significantly extend the life of the CBM gas wells. A thorough review and analysis of existing BLM policy with regard to CBM development should be included in the Buffalo RMP Scope.

Deep gas well development has also become increasingly noticeable in the PRB. Horizontal drilling and other advanced development techniques have made it possible to complete wells in widespread pay zones from a single well site. While this has the effect of reducing the footprint of development on public lands, it may also place a long term obstacle in the path of advancing coal mine activity. Since these multiple/horizontal completion sites are so capital intensive and long-lasting, they could pose serious conflict issues with the coal operations unless the BLM thoroughly evaluates the impact and develops a policy that addresses siting of these wells so as to avoid conflicts with coal development.

Another potential conflict, which received little attention in the past, is the siting of electric generation, transmission and transportation infrastructure on or across lands containing mineable Federal coal resources. Specifically, the BLM will probably begin to see the permitting and development of wind generation "farms" and associated power collection lines on surface overlying mineable Federal coal resources. The BLM needs to consider how it should respond to proposals for such infrastructure developments where surface land is held by the BLM, where surface land is Federal but managed by another agency, and where surface land is privately held.

While it is unlikely to result in direct conflict with coal operations, the renewed interest in uranium exploration and development could strain the resources of the BLM land/resource managers even further. The resulting additional workload increase may result in significant delays in evaluation of pending and future coal lease applications, which already take anywhere from 7 to 9 years from exploration license through to active mining. A major end result of the updating of the Buffalo RMP should be an evaluation of the adequacy of staffing levels at the BLM.

Climate Change

It would be inappropriate for BLM to consider climate change as an issue to be addressed in the Buffalo Area Resource Management Plan. Carbon management is a global issue which only Congress can resolve in concert with other nations. Therefore, any attempt by BLM to address climate change through individual resource management plans is misplaced since these plans and subsequent federal actions allowed under these plans are not global in scope.

Information Request

1072

PRC requests that the BLM provide the public online access to the actual resource GIS coverages. The coverages showing the areas of "Special Designation" (i.e. Areas of Critical Environmental Concern; Scenic or Backcountry Byways; Wild and Scenic Rivers; Wilderness Study Areas; and, Special Recreation Management Areas or Recreation Management Zones) are a high priority for PRC.

Powder River Coal, LLC appreciates this opportunity to provide comments and resource information and looks forward to other opportunities as afforded to participate in the Wyoming Bureau of Land Management - Buffalo Area Resource Management Plan Revision process. Please contact me at (307) 687-3920 or email – wburget@peabodyenergy.com, if you have any questions concerning these comments and/or resource information.

Sincerely,

Wanda Burget

Wanda Burget

Sr. Manager – Regulatory Services – West

Powder River Coal, LLC

Caller Box 3034

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January 6, 2009

Linda Slone
Casper Field Office
2987 Prospector Drive
Casper, WY 82604

Re: Scoping Comments on the Buffalo Resource Management Plan Revision and Accompanying Environmental Impact Statement

Dear Ms. Sloan:

We represent a number of oil and gas producers which explore and operate on the public lands in Wyoming and hereby submit the following scoping comments in response to the Bureau of Land Management's ("BLM") Notice of Intent to Revise the Resource Management Plan for the Buffalo Field Office and to prepare an accompanying Environmental Impact Statement as announced in the Federal Register on November 14, 2008. 73 Fed. Reg. 67542 (Nov. 14, 2008). We would like to thank the Bureau of Land Management for the opportunity to submit scoping comments regarding this project.

The existing planning area is located in several counties in Wyoming and contains approximately 800,000 public surface acres and 4.7 million acres of Federal mineral estate. When preparing the Buffalo RMP the BLM must clearly understand the role and purpose of a land use plan. Pursuant to the Federal Land Policy and Management Act of 1976 ("FLPMA"), the BLM is required to develop land use plans to guide the agency's management of federal lands under its administration. 43 U.S.C. 1711 (2006). When preparing the Buffalo RMP the BLM should not attempt to make site-specific decisions, but should develop only broad management goals and objectives. Further, the BLM should not expend unnecessary resources attempting to analyze the potential impacts of oil and gas development on a site-specific basis. Individual development projects will be analyzed on a case-by-case basis if and when operations are actually proposed. Based on the BLM's own policies and binding legal precedent, the BLM should ensure that the agency does not utilize the land use planning process to impose site-specific conditions of approval or unreasonably limit future management actions when revising the Buffalo RMP.

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January 6, 2009
Page 2 of 2

Natural gas production from the Buffalo Resource Area will benefit the national, state, and local economies. Development of one oil or gas well can yield hundreds of thousands of dollars that are paid to governments and reinvested in the local community. Production of natural gas provides revenue to county, state, and federal governments through royalties and taxes. Furthermore, development of the natural gas resource will require increased employment, and the Operators will make substantial economic investments in the local economies.

Finally, with continued geopolitical instability, the need for reliable, domestic sources of clean burning fuel continues to grow. Areas in Wyoming must be utilized to their full extent for energy development. As gas produced from traditional supply sources decline, the untapped oil and gas potential in this area, as well as other federal lands, must take a larger role in meeting the nation's continually increasing energy needs. The BLM must ensure that oil and gas development is not unreasonably limited in the revision to the Buffalo RMP. Oil and gas operators have demonstrated over the years that oil and gas development can take place on the public lands without significantly impacting the environment.

Please place our office on the mailing list to receive paper copies for all future project information and paper copies of the draft EIS, final EIS, and Record of Decision for this project at the address provided above.

Very truly yours,

BJORK LINDLEY LITTLE PC

Linda Van der Veer

Linda Van der Veer
Paralegal

BUREAU OF LAND MANAGEMENT
CASPER FIELD OFFICE
09 JAN -8 PM 2:01

1074

BUREAU OF LAND MANAGEMENT CASPER FIELD OFFICE
09 JAN -7 PM 12: 51

Written Comment Form

Thank you for your input!

All comments must be received or postmarked by **JANUARY 5, 2009** to:

Bureau of Land Management
ATTN: RMP Project Manager
2987 Prospector Drive
Casper, WY 82604
Phone: (307) 261-7520

Electronic comments are encouraged and can be submitted to: BRMP_Rev_WYMail@blm.gov

NAME:	JASON WAYNE OEDEKOVEN
ORGANIZATION:	OEDEKOVEN RANCH
ADDRESS:	479 BITTER CR. RD.
CITY/STATE/ZIP:	RECLUSE WYO. 82725

Comments submitted to BLM for use in this planning effort, including names and home addresses of individuals submitting comments, are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 522). Written comments received during the public scoping process may be published as part of the environmental analysis process. After the close of the public scoping period, public comments submitted, including names, e-mail addresses, and street addresses of respondents, will be available for public review at the BLM Buffalo Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday (except federal holidays).

PLEASE PRINT

DATE: JAN 4, 2009

FOR MANY YEARS IN WYOMING AGRICULTURE, WILD LIFE AND INDUSTRY HAS EXISTED WITH GOOD MANAGEMENT PRACTICES. WHETHER IT BE FARMING, LOGGING, HOUSING DEVELOPEMENT, MINING OR MINERAL PROJECTS. ANY CHALLENGES CAN BE OVER COME IN THESE TOUGH ECONOMIC TIMES IF PEOPLE LOOK AT THE EFFECTS WITH A POSITIVE OUTLOOK!

I'M AM HERE TO ASK THAT THE BLM LOOKS VERY HARD AT THE RULES REGULATIONS, LAWS AND STANDARDS THEY CREATE. THAT THEY NOT ONLY KEEP AN OPEN MIND, BUT OBJECTIVE MIND SET, NOT JUST AS A BLM REPRESENATIVE, BUT AN OUTSIDER LOOKING IN AND TRYING TO LIVE BY THESE SAME STANDARDS WICH YOU CREATE.

LAWS CREATED TO PROTECT PEOPLE CAN BE OVER LOADED TO THE POINT THAT PROGRESS AND FREEDOM FADS AWAY!

DEC-11-2008(THU) 13:37 CCCO (FAX)13076821824 P.004/004

1075

Written Comment Form

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Electronic comments are encouraged and can be submitted to: BRMP_Rev_WYMail@blm.gov

NAME:	Sheila K. Jeremiah
ORGANIZATION:	Rancher-Lessee
ADDRESS:	1831 Wolff
CITY/STATE/ZIP:	Gillette, WY 82718

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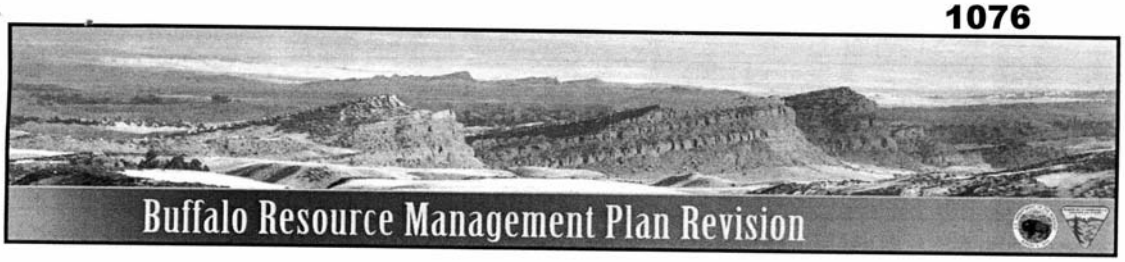
PLEASE PRINT **DATE:** 1-4-09

I urge the BLM to keep the lands managed by the Buffalo Field Office under the current policies and regulations. Because the rancher benefits economically when the land is kept in good condition he/she must protect the land carefully. This motivation is good for all plants and wildlife. When the land is not abused, all living things benefit. The rancher continues to be the best steward of the land. Please allow the rancher, as he/she has for decades, to protect the land for the future of all of us.

09 JAN -7 PM 12:51

BUREAU OF LAND MANAGEMENT CASPER FIELD OFFICE

1076



Written Comment Form

Thank you for your input!

BUREAU OF LAND MANAGEMENT CASPER FIELD OFFICE 09 JAN -8 PM 2:00

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Casper, WY 82604
Phone: (307) 261-7520

Electronic comments are encouraged and can be submitted to: BRMP_Rev_WYMail@blm.gov

NAME:	Joanne Tweedy
ORGANIZATION:	
ADDRESS:	P.O. Box 713
CITY/STATE/ZIP:	Gillette Wy 82717

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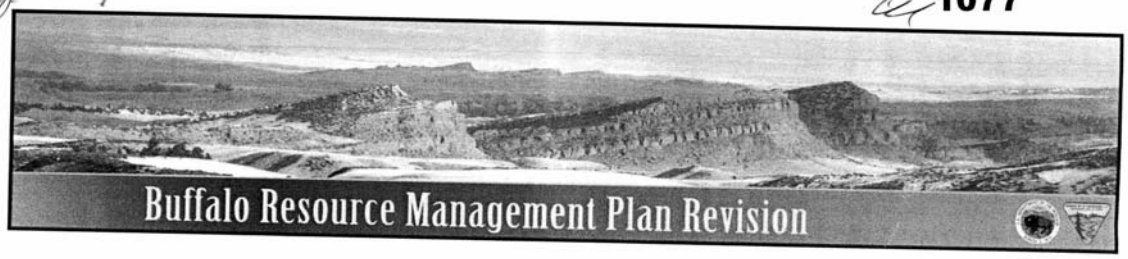
PLEASE PRINT **DATE:** 1-5-09

I believe the Plan Revision should include as many resources as possible. It is very important to do a socioeconomic study on the effects on the economy. We have a good economy here in this area and I want it to stay that way.

1077



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Casper, WY 82604
Phone: (307) 261-7520

Electronic comments are encouraged and can be submitted to: BRMP_Rev_WYMail@blm.gov

BUREAU OF LAND
CASPER FIELD OFFICE
09 JAN -7 PM 12: 50

NAME:	Marilyn Mackey
ORGANIZATION:	
ADDRESS:	8466 N. Hwy 14-16
CITY/STATE/ZIP:	Gillette, Wy 82716

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PLEASE PRINT

DATE: 1-3-09

Mineral development contributes to the local economy and provides much needed energy for the nation. Best available science should prevail in managing energy development & mineral resource use. Excessive regulation can make development too cost prohibitive and should be discouraged.

The current RMP has worked well for as long as it has been in force and should only be updated to address changes that have occurred in recent years.

Livestock grazing helps manage the grass resource, reduces fire danger, ~~and~~ contributes to the local economy & keeps ranching operations viable. These operations provide wildlife habitat and protect many resources which

1077

BFO RMP Scoping Comment Form
Comments must be received or postmarked by January 5, 2009

are lost when they are sold for housing developments.

Hunting is a tool to manage wildlife numbers and provides revenue for many local businesses. The BLM should continue to work with local government + state agencies to use hunting to help with wildlife population control.

BLM lands are interspersed with private lands, ~~and~~ therefore, BLM management decisions can affect those private landowners. The BLM should work in partnership and cooperation with adjoining landowners regarding management decision making and implementation.

In order to streamline the BLM agency + reduce costs, a mechanism should developed to sell isolated parcels of BLM land at a local appraised value. As these parcels are surrounded by private landowners + are generally leased by those landowners for an agriculture operation, priority should be given to them in a purchase arrangement. Private property rights are to be protected in any purchase mechanism. Returning these lands to private ownership would help local governments by putting ~~them~~ lands back on the tax role. It would also reduce the federal governments PILT liability.

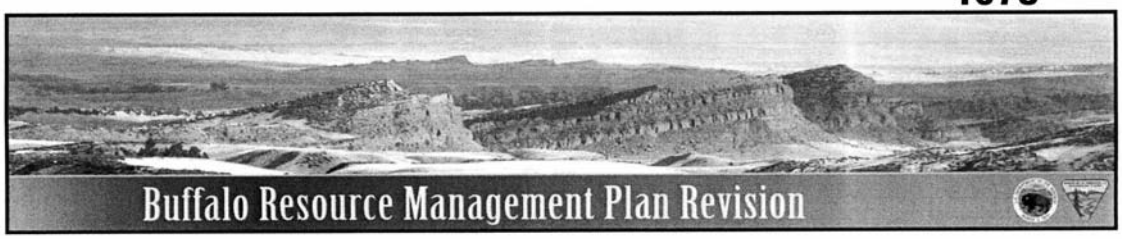
Current access routes and transportation corridors should continue to be used. Local governments + adjoining property owners are those most affected by access issues + should be a part of decision making in these issues.

Fire management is vital to protecting resources ~~and not impacting adjoining land owners~~. Timbering is a cost effective method of fire management, provides jobs + revenue to local governments and enhances a renewable resource. Timbering, done with Best Management Practices, contributes to a healthy forest, reduces the danger of rampant wildfires, helps provide lumber for affordable housing and can provide income for agencies + businesses.

Local governments, ~~and~~ local adjoining landowners, private property rights should be involved in management decisions regarding endangered or sensitive species listing, management + delisting. Best Management Practices and peer-reviewed science should be used. Once Management Objectives have been reached, endangered species should be delisted and not remain listed in perpetuity.

This RMP revision should not require private property owners to follow its regulations on their property no matter how it is written. This RMP applies to BLM owned land only.

1078



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BLM
JAN 06 2009
BUFFALO FO

Bureau of Land Management
ATTN: RMP Project Manager
2987 Prospector Drive
Casper, WY 82604
Phone: (307) 261-7520

Electronic comments are encouraged and can be submitted to: BRMP_Rev_WYMail@blm.gov

NAME:	Tom Harriet
ORGANIZATION:	Harriet Land & Livestock LLC Ranching and mineral developement
ADDRESS:	P.O Box 477
CITY/STATE/ZIP:	Buffalo, Wy 82834

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PLEASE PRINT **DATE:** Jan 5, 2009

The biggest issue I have, is with the sage grouse recovery plan. You will never get to the recovery numbers you want until you address the predator problem! When the feds took away 1080 poison, that lead to a population explosion. This data is backed up by county trappers.

1079

"Tom Blickensderfer" <TBlick@state.wy.us>

01/09/2009 07:53 PM

To: linda_slone@blm.gov

cc:

Subject: Document # 1

Linda:

Wyoming's general comment letter from the Governor's Office.

TB

Tom Blickensderfer
Policy Analyst
Office of the Governor
122 W. 25th Street
Herschler Building, 1st Floor East
Cheyenne, WY 82002

(See attached file: CommentLet.pdf)

1079

DAVE FREUDENTHAL
GOVERNOR

THE STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

January 9, 2009

Buffalo RMP Revision
Attn.: Thomas Bills, RMP Technical Coordinator
Buffalo Field Office
1425 Fort Street
Buffalo, WY 82834

Re: Scoping Comments, State of Wyoming as a Cooperating Agency; Buffalo Resource Management Plan.

Dear Mr. Bills:

As a cooperator in the rewrite of the Buffalo RMP, the state of Wyoming provides herein comments for the BLM to consider in the scoping phase of this resource management planning process.

Various agencies of Wyoming state government seek to have the Plan address a variety of significant issues. The Department of Agriculture; the Department of Environmental Quality, Water Quality Division; the Game and Fish Department and the State Forestry Division have raised issues in the attached letters.

The Governor's Planning Office would like to highlight the following issues enumerated below.

Greehouse Gas and Overall Global Warming Analysis

The abundance of the coal resource in the Powder River Basin (PRB), contained within the Buffalo Resource Management Planning area, will likely be a significant focus of government and other public interests. Many will press for extensive analysis of greenhouse gas emissions based on coal consumption. The state of Wyoming advises planners to adopt a cautious approach in reviewing the power generation and carbon dioxide emissions effects at the land use planning level of analysis. In the absence of national standards limiting the emissions of greenhouse gases, state air quality regulators are limited in their ability to judge or gage ultimate emissions. While standards may be forthcoming from the federal government, limitations currently exist in conducting any useful analysis to inform the land use planning process.

TTY: 777-7860 PHONE: (307) 777-7434 FAX: (307) 632-3909

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Analysis of coal consumption on the current national and world market requires a clear delineation of whether PRB coal is additive or replacement to the national and world coal market. Knowing that coal consumption worldwide has increased steadily since 1990, planners need to recognize that willing buyers generate the market for coal. If the extraction of PRB coal is limited at the land planning stage, buyers will still force a market and find the coal from a willing seller resulting in the ultimate generation of the same greenhouse gas (CO2) emissions regardless of the coal source. In a replacement circumstance, scaling back to a localized land use decision from consumption on a worldwide market does not necessarily result in a reduction of greenhouse gas emissions.

Alternatively, analyzing consumption of PRB coal in an additive circumstance, especially in a contracting economy, may also yield limited increases in greenhouse gas emissions. Assuming that an additive circumstance by PRB coal, additional greenhouse gas generation must be calculated against the full nationwide production (1.1614 billion short tons in 2006 according to the U.S. Coal Supply/Demand Review of the U.S. Energy Information Administration). Given such extensive nationwide production in the first place, additional greenhouse gases attributed to PRB coal would seem to be a minimal amount.

Sage Grouse

Governor Freudenthal has developed a "Core Population Area" strategy ("strategy") to protect and conserve sage grouse throughout Wyoming by means of identifying the population clusters of sage grouse leks. The strategy involves a menu of conservation actions, stipulations to be considered by land users in and around the greatest concentrations of sage grouse, and an Executive Order from the Governor advocating maintenance and enhancement of grouse habitats and populations in core population areas. The strategy is intended to serve as one of many conservation measures undertaken at the federal, state and local level, especially as the U.S. Fish and Wildlife Service considers listing the sage grouse. We ask the BLM to defer to this strategy as much as possible in the planning process as it already has done in the context of coal bed methane leasing and development adjacent to several core areas in the PRB.

In conjunction with the BLM and the U.S. Fish and Wildlife Service, the Governor's Office is undertaking the preparation of a Candidate Conservation Agreement with Assurances (CCAA) under the Endangered Species Act (ESA). Such agreements are available through the ESA in order to promote conservation of species which are or may become candidates for federal listing by providing assurances of no future regulatory requirements on private property for owners who implement conservation measures on their property. Wyoming has requested that the BLM prepare a similar conservation strategy (a "CCA" - Candidate Conservation Agreement) for sage grouse conservation on federal property. Both of these conservation tools will be undertaken and hopefully be put in place during the pendency of the revision of the Buffalo Resource Management Plan.

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Wind Energy

In conjunction with the effort initiated by the Western Governor's Association to identify renewable energy zones throughout the west, the state of Wyoming has undertaken extensive mapping of wind resources in the state. Through that mapping exercise, the State has produced a map which appears on the website of the Wyoming Infrastructure Authority to assist wind developers in siting wind facilities in areas where developers will encounter minimal jurisdictional and environmental interference while using higher classes of Wyoming's wind resource.

The resulting map shows that much of Wyoming low conflict wind resource is in the Buffalo resource management planning area, primarily in extreme southern Campbell County. This map is attached and should provide a sound starting point for the BLM's analysis of wind generation and electrical generation in the Buffalo Plan amendment.

Thank you for this opportunity to assist in the scoping process. The state of Wyoming and all associated cooperators look forward to working with you on this plan amendment.

Sincerely,

Tom Blickensderfer
Policy Analyst
Wyoming Governor's Policy Office

1079

Sage-Grouse Implementation Team

September 24, 2007

Dear Governor Freudenthal,

Attached is the list of recommendations developed by your Sage-grouse Implementation Team over the course of the past two months. This group identified actions we believe will contribute to stabilization of sage-grouse populations and long-term conservation of sagebrush habitat. These recommendations apply to the entire State of Wyoming, and reflect areas of concern identified by local working groups, industry, agriculture, and conservation groups. Specific management recommendations are not on this list.

The recommendations are divided into three general areas, funding, policy, and procedure. In each of these cases, we recognize that many of these recommendations will require commitment from more than state or local efforts. The Implementation Team views the cooperation and commitment of federal agencies as essential to the successful conservation of Sage-grouse in Wyoming.

Each of the specific funding recommendations has an estimated cash cost. All of the recommendations in this report identifies the agency we believe is best suited to achieve the objective. While responsible parties are limited to Government agencies in this report, the Implementation Team clearly understands the role of private landowners, energy companies, and others in achieving the objective of maintaining and enhancing sage-grouse.

The Implementation Team is convinced that if the recommendations are adopted, we can and should immediately request the U.S. Fish and Wildlife Service begin the process of developing Candidate Conservation Agreements for the State of Wyoming. Wyoming provides a substantial contribution to the range-wide sage-grouse population, and hence plays an important part in the long-range conservation of the species. By displaying this level of self-discipline Wyoming can best demonstrate its determination to avoid a need to list this iconic species.

The Implementation Team remains supportive of the concept outlined in the Comprehensive Statewide Sage-grouse Plan that management should remain as local as possible, and we support the ongoing efforts of local Sage-grouse working groups, local offices of federal and state agencies, and the continuing efforts of industry and private landowners.

We appreciate your concern for sage-grouse, and look forward to implementation of these recommendations. At this time, the Implementation Team has completed its

1079

charge, and should be dismissed so that these efforts can be completed by the appropriate entities.

Respectfully,

Bob Budd, Chairman

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SAGE GROUSE STRATEGIES IDENTIFIED BY IMPLEMENTATION TEAM SEPTEMBER 24, 2007

The primary objective of the statewide Sage-grouse Implementation Team is to provide guidance for implementing strategies that enhance sagebrush ecosystems in varying stages of life form, age, and condition throughout Wyoming, including identification of costs and sources of adequate local, state, and federal funding. The ultimate goal is to stabilize and increase Sage-grouse populations. The primary mechanism to achieve this goal is development of agreements (Candidate Conservation Agreements with Assurances, Candidate Conservation Agreements, Memoranda of Understanding) and incentives to insure management actions on private and public lands will continue in a manner that is ecologically, economically, and culturally sustainable.

FUNDING RECOMMENDATIONS

Funding strategies are actions that will require supplemental funding to implement. Funds identified are in addition to existing agency funds, and are generally viewed as minimum amounts required to achieve an immediate conservation objective.

1. Complete extensive statewide mapping of seasonal habitat types, and identify areas by seasonal use. Document and map current efforts oriented toward sage grouse habitat enhancement (e.g. NRCS, WWNRT, etc.).

   PRIMARY RESPONSIBILITY: WGFD
   SECONDARY RESPONSIBILITY: BLM, LWG
   ADDITIONAL COST: $2,000,000 ($1,000,000/year)
   SOURCE OF FUNDS: Legislature
   START DATE: immediate
   COMPLETION DATE: December 2008

   RATIONALE: Sagebrush habitat status and sage-grouse use information is currently incomplete. Without being able to identify important sage-grouse areas and use levels it is impossible to effectively plan any activity (e.g. development, mitigation, etc.) in a way that meaningfully conserves the species, particularly on a landscape scale.

2. Identify and fund a single coordinating entity for all mapping efforts statewide, including required capacity to manage data.

   PRIMARY RESPONSIBILITY: WGFD
   SECONDARY RESPONSIBILITY: UW, USGS
   ADDITIONAL COST: $500,000
   SOURCE OF FUNDS: Legislature
   START DATE: immediate
   COMPLETION DATE: July 2008

   RATIONALE: Mapping information is currently stored in many different locations, some of which are not known or not accessible to all parties that require the information for development planning and conservation activities. Consolidating maps and supporting data into one accessible location, in one "language", will assist in providing the most current tools for those that are working to conserve sage-grouse (either through development design, mitigation planning, etc.) We anticipate restrictions may be placed on data from private lands, if requested, to protect landowners from unwanted intrusions.

3. Assure funding for long-term landscape monitoring of sage grouse populations and habitat uses, and expand monitoring to track sage-grouse movements and migration corridors.

   PRIMARY RESPONSIBILITY: WGFD
   SECONDARY RESPONSIBILITY: LWG
   ADDITIONAL COST: included in FY 09-10 budget
   SOURCE OF FUNDS: Legislature
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: Long-term monitoring is essential to track natural changes in the sagebrush landscape and resulting sage-grouse use so that development and conservation activities can be adjusted accordingly. Monitoring is also essential to determine the effectiveness of any conservation or mitigation effort. Sagebrush ecosystems are typically slow to respond to reclamation/enhancement activities (in some cases requiring greater than 50 years). As sage-grouse are a landscape species, using expansive areas to meet all their life needs, monitoring must occur on a large scale.

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4. Fund educational efforts, on-the-ground resource enhancements, project monitoring, and other efforts identified and coordinated by local sage-grouse working groups, existing CRM efforts, and other entities.

   PRIMARY RESPONSIBILITY: WGFD
   SECONDARY RESPONSIBILITY: LWG, WDA
   ADDITIONAL COST: $4,000,000 ($2,000,000/year)
   SOURCE OF FUNDS: Legislature
   START DATE: immediate
   COMPLETION DATE: December 2009

   RATIONALE: Many are unaware of the concerns facing sage-grouse and the sagebrush ecosystem, or don't know how to address these concerns. Education through existing mechanisms will enhance the understanding of sage-grouse and sagebrush, and facilitate effective conservation efforts. On-the-ground enhancements identified as being necessary to conserve sage-grouse will fail without adequate funding for implementation and monitoring. Local sage-grouse working groups have identified many projects that are important to local sage-grouse conservation, but lack sufficient funding for implementation.

5. Fund conservation easements in areas of crucial habitat. Identify alternative intermediate and long-term conservation strategies, including term easements and habitat leasing. Include management stipulations to meet the mitigation purpose of easements or leases as separate contractual agreements with landowners. Identify lands that could be used as offsite mitigation or set-asides, including impacted lands that may be restored to sage-grouse habitat.

   PRIMARY RESPONSIBILITY: WWNRT
   SECONDARY RESPONSIBILITY: JIO, WLCI, NRCS
   ADDITIONAL COST: $20,000,000 (one year funding)
   SOURCE OF FUNDS: Legislature
   START DATE: immediate
   COMPLETION DATE: July 2009

   RATIONALE: In some areas the only way to meaningfully protect crucial sage-grouse habitats is through conservation easements. These are very expensive to implement, but are essential in areas of intensive development for long-term sage-grouse conservation. Funding at this level is estimated to conserve between 10,000 and 15,000 acres of sage-grouse habitat.

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6. Implement aggressive invasive species prevention and control in sagebrush ecosystems, including full application of mill levies in counties that do not currently collect the full authorization.

   PRIMARY RESPONSIBILITY: WDA
   SECONDARY RESPONSIBILITY: BLM, USFS, State Lands
   ADDITIONAL COST: $800,000 ($400,000/year)
   SOURCE OF FUNDS: Legislature
   START DATE: immediate
   COMPLETION DATE: December 2009

   RATIONALE: Invasive species are identified by the U.S. Fish and Wildlife Service as a primary threat to sagebrush ecosystems. Preventing and combating invasive species to ensure the conservation of intact, healthy sagebrush habitats is critical to conserving sage-grouse. This strategy will also provide benefits to other habitats and activities by preventing the spread of invasive species in Wyoming.

POLICY RECOMMENDATIONS

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Policy recommendations identify needs in the existing framework of local, state, or federal management of sage-grouse and sage-grouse habitats. While these recommendations may carry some personnel burden or other financial implications, they are not viewed as immediate fiscal needs.

1. Create a state mechanism to identify and enforce conservation thresholds for species of concern, and to preclude the need to list species under the Endangered Species Act.

   PRIMARY RESPONSIBILITY: Governor's Planning Office
   START DATE: January 2008
   COMPLETION DATE: July 2008

   RATIONALE: The ability of the State of Wyoming to enforce conservation thresholds (the level at which the species needs to be maintained to ensure long-term survival and persistence in the State) for species of concern will result in reducing the need to list species in the future under the Endangered Species Act. Successful implementation of this strategy will ensure that Wyoming retains control of its wildlife resources. Conservation thresholds will be determined by the State, with assistance from the U.S. Fish and Wildlife Service when requested, and will be based on the best scientific information available. These thresholds should be considered by all land managers when making decisions on how to design and implement projects.

2. Implement aggressive wildfire prevention and control in primary sage grouse habitats. Prioritize fire control and response to essential core areas of crucial need for sage-grouse, as identified by statewide mapping.

   PRIMARY RESPONSIBILITY: State Forestry
   SECONDARY RESPONSIBILITY: BLM, USFS, county fire
   START DATE: July 2008
   COMPLETION DATE: July 2009

   RATIONALE: It is extremely difficult to successfully reclaim sagebrush habitats after a wildfire. Preventing wildfire or reducing its footprint in crucial sage-grouse habitats will protect these areas. This will also minimize reclamation expenses and help prevent the spread of invasive species.

3. Identify undeveloped lands that have high biological value for sage grouse. Protect identified areas through repurchase of valid existing rights, use of No Surface Occupancy lease stipulations, preclusion of leasing, or other appropriate measures as a means to insure high-quality habitat retention in the short-term, until reclamation or mitigation within the home range of the affected population is able to meet the needs of sage grouse in the immediate area.

   PRIMARY RESPONSIBILITY: BLM/USFS, State Lands
   SECONDARY RESPONSIBILITY: WGFD
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: Restoring sagebrush habitats is extremely difficult and expensive. Retaining high quality areas that are important to sage-grouse (as identified by mapping) will contribute to persistence of sage-grouse while allowing for development activities in other areas.

4. Minimize the footprint for energy development, recognizing that all developments are unique, by implementing techniques recommended by local SG working groups, science advisory group, and industry that achieve this objective (e.g. mat drilling, multiple wells). Develop incentives to minimize footprints that may include tax exemptions, streamlined permitting, bond reductions, stipulation exceptions, and other innovative means to achieve conservation of Sage-grouse and their habitats.

   PRIMARY RESPONSIBILITY: BLM/USFS, State Lands
   SECONDARY RESPONSIBILITY: WGFD, OGCC
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: Restoring sagebrush habitats is extremely difficult and expensive. Reducing the footprint of energy development will facilitate retention of local sage-grouse populations, which is critical in re-establishing the birds once development is complete, and will minimize reclamation expenses. Minimization techniques that are appropriate for each ecological area should be implemented.

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5. Increase the acreage exemption for subdivision from the current 40 acres to 640 acres. Provide incentives for actions that minimize the footprint of housing development. Include natural resource values in subdivision planning requirements.

   PRIMARY RESPONSIBILITY: Legislature, county government
   START DATE: January 2008
   COMPLETION DATE: July 2008

   RATIONALE: Sage-grouse are a landscape species and require large open spaces, with suitable habitats, for survival. This strategy is proposed to minimize the impacts of subdivision development on sagebrush and sage-grouse. A statewide standard would allow for consistency in development planning.

6. County governments should participate financially in habitat conservation efforts, by providing matching funds, planning and policy assistance in areas of high impact to sage-grouse and sage-grouse habitats.

   PRIMARY RESPONSIBILITY: county government
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: County governments exert considerable influence on local development activities, and wildlife habitats. Engaging counties in conservation activities will enhance protection of crucial sage-grouse areas, as well as facilitating local education about sage-grouse and the concerns surrounding this species.

7. Develop a state regulatory framework for wind energy.

   RESPONSIBLE PARTIES: **WDA, ISC, WBC**
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: There is currently no defined State regulatory authority for wind energy development, unlike all other energy activities. While renewable energy development, particularly wind in Wyoming, is important, it should be done in a way that sensitive to Wyoming's natural resources in general, and sage-grouse in particular.

PROCESS RECOMMENDATIONS

Process recommendations identify actions that will lead to better management of sagebrush habitats. These recommendations are not intended to identify specific management actions, but to identify broad procedures that should be implemented locally to enhance sagebrush habitats, particularly habitats that have been, or may be, impacted by human activity.

1. Develop a means for immediate response to wildfire, including stockpiling of native seed, control of invasive species, and alternative forage resources to allow rangelands to recover from fire events.

   PRIMARY RESPONSIBILITY: State Forestry, BLM/USFS
   SECONDARY RESPONSIBILITY: WDA
   START DATE: immediate
   COMPLETION DATE: July 2008

   RATIONALE: Reclamation of areas burned by wildfire is often limited by the restricted availability of native seed sources and the intrusion of invasive species. Additionally, wildfire results in the loss of important rangelands which can result in consolidating livestock resources in smaller areas to maximize forage use. Providing alternative forage resources will help alleviate these situations if they occur.

2. Allow for adaptations to and exceptions from drilling/timing stipulations or conditions of approval where such would not unduly impact other species, and would clearly enhance sage-grouse. Allow for exceptions from stipulations where sagebrush habitat can be reclaimed or enhanced, without undue impact on other species.

   PRIMARY RESPONSIBILITY: BLM/USFS, State Lands
   SECONDARY RESPONSIBILITY: WGFD, USFWS
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: Development activities are often temporally or spatially restricted to protect other wildlife resources that are not at risk. Allowing adaptations and exceptions to stipulations or conditions of approval may result in increased reclamation opportunities and success, as well as facilitating implementation of other enhancement activities.

1079

3. Identify strategies to develop forage reserves and/or lease alternative forage for livestock in areas of full-field development, or where rangeland restoration is desired.

   PRIMARY RESPONSIBILITY: WDA/WGFD
   SECONDARY RESPONSIBILITY: BLM, USFS, State Lands
   START DATE: immediate
   COMPLETION DATE: July 2008

   RATIONALE: Loss of forage from energy development can result in consolidating livestock resources in smaller areas, which may have negative impacts on sage-grouse. Providing alternative forage resources will help alleviate these situations, and provide flexibility for rangeland restoration.

4. Use state and private lands as a model laboratory to test mitigation, reclamation, and management alternatives where permitting or other issues may limit management flexibility on federal lands.

   PRIMARY RESPONSIBILITY: State Lands
   SECONDARY RESPONSIBILITY: WDA, WGFD, NRCS, UW
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: Creative alternatives to mitigation and reclamation are often untested due to the difficulty of complying with NEPA requirements on federal surfaces. By using State and private lands (with landowner cooperation), alternatives can be tested and monitored in a timely manner. Results may reveal better methodology or practices for the conservation of sage-grouse and their habitats, and will likely receive better reception for subsequent implementation.

5. Develop a mechanism to coordinate and target project funding.

   PRIMARY RESPONSIBILITY: NRCS, WWNRT
   SECONDARY RESPONSIBILITY: WGFD, WDA, USFWS
   START DATE: immediate
   COMPLETION DATE: July 2008

   RATIONALE: There are several resources currently available, and in development, to fund conservation activities for sagebrush and sage-grouse. There is little if any coordination between funding sources, resulting in a "scattering" of projects on the landscape with unknown results for sage-grouse. Coordinating and targeting funds will ensure that highest priority items are accomplished and will leverage additional project funding.

6. Identify and adequately fund implementation of grazing strategies that enhance sagebrush ecosystems, using the best available science and information.

   PRIMARY RESPONSIBILITY: WDA
   SECONDARY RESPONSIBILITY: BLM, USFS, NRCS, WSGB, CDs
   START DATE: immediate
   COMPLETION DATE: December 2008

   RATIONALE: Livestock grazing can be economically and ecologically compatible with successful management of sagebrush and sage-grouse, and may enhance sage-grouse habitats. Incentives will allow increased participation in grazing strategies that enhance sage-grouse habitats.

7. Identify, develop, and utilize proven and reproducible mitigation measures for all impacts on Sage-grouse and their habitats, using the best available science and information.

   PRIMARY RESPONSIBILITY: BLM, WGFD
   SECONDARY RESPONSIBILITY: USFS, State Lands
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: Where habitat protection is not possible, mitigation will be necessary to conserve sage-grouse. Mitigation techniques need to address direct and indirect impacts of development on sage-grouse.

8. Implement water management strategies that limit the potential of West Nile virus infections, and otherwise benefit sage-grouse on all lands in Wyoming.

   PRIMARY RESPONSIBILITY: BLM, DEQ
   SECONDARY RESPONSIBILITY: State Lands, State Engineer, WDA
   START DATE: immediate
   COMPLETION DATE: ongoing

   RATIONALE: West Nile virus is nearly always lethal in sage-grouse and can have significant effects on local populations. Designing and managing water developments to minimize habitat for mosquitoes will reduce the incidence of this disease in sage-grouse, and perhaps other species. However, if properly designed, sited and managed, water developments can enhance brood-rearing habitats for sage-grouse.

1079

DAVE FREUDENTHAL
GOVERNOR

THE STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER

Order 2008-2

GREATER SAGE-GROUSE CORE AREA PROTECTION

WHEREAS the Greater Sage-Grouse (*Centrocercus urophasianus*) is an iconic species that inhabits much of the sagebrush-steppe habitat in Wyoming; and

WHEREAS the sagebrush-steppe habitat type is abundant across the state of Wyoming; and

WHEREAS the state of Wyoming currently enjoys robust populations of Greater Sage-Grouse; and

WHEREAS the state of Wyoming has management authority over Greater Sage-Grouse populations in Wyoming; and

WHEREAS the U.S. Department of the Interior has been petitioned to list the Greater Sage-Grouse as a threatened or endangered species in all or a significant portion of its range, including those populations in Wyoming; and

WHEREAS the listing of the Greater Sage-Grouse would have a significant adverse affect on the custom and culture of the state of Wyoming; and

WHEREAS the listing of the Greater Sage-Grouse would have a significant adverse affect on the economy of the state of Wyoming, including the ability to generate revenues from state lands; and

WHEREAS the Wyoming State Legislature has appropriated significant state resources to conserve Greater Sage-Grouse populations in Wyoming; and

WHEREAS the state of Wyoming has endeavored to conserve Greater Sage-Grouse populations in order to retain management authority over the species through its statewide sage grouse working group, local sage grouse working groups and the efforts and initiatives of private landowners and industry; and

TTY: 777-7860 PHONE: (307) 777-7434 FAX: (307) 632-3909

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WHEREAS the Governor's Sage Grouse Implementation Team developed a "Core Population Area" strategy to weave the many on-going efforts to conserve the Greater Sage-Grouse in Wyoming into a statewide strategy; and

WHEREAS on April 17, 2008, the Office of the Governor requested that the U.S. Fish and Wildlife Service review the "Core Population Area" strategy to determine if it was a "sound policy that should be moved forward"; and

WHEREAS on May 7, 2008, the U.S. Fish and Wildlife Service responded that the "core population area strategy, as outlined in the Implementation Team's correspondence to the Governor, is a sound framework for a policy by which to conserve greater sage-grouse in Wyoming".

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State, and to the extent such actions are consistent with the statutory obligations and authority of each individual agency, I, Dave Freudenthal, Governor of the State of Wyoming, do hereby issue this Executive Order providing as follows:

1. Management by state agencies should, to the greatest extent possible, focus on the maintenance and enhancement of those Greater Sage-Grouse habitats and populations within the Core Population Areas identified by the Sage Grouse Implementation Team and modified through additional habitat and population mapping efforts.
2. Current management and existing land uses within Core Population Areas should be recognized and respected by state agencies.
3. New development or land uses within Core Population Areas should be authorized or conducted only when it can be demonstrated by the state agency that the activity will not cause declines in Greater Sage-Grouse populations.
4. Funding, assurances (including state-conducted efforts to develop Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances), habitat enhancement, reclamation efforts, mapping and other associated proactive efforts to assure viability of Greater Sage-Grouse in Wyoming should be focused and prioritized to take place in Core Population Areas.
5. State agencies should use a non-regulatory approach to influence management alternatives within Core Population Areas, to the greatest extent possible. Management alternatives should reflect unique localized conditions, including soils, vegetation, development type, climate and other local realities.
6. Incentives to enable development of all types outside Core Population Areas should be established (these should include stipulation waivers, enhanced permitting processes, density bonuses, and other incentives). However, such development scenarios should be designed and managed to maintain populations, habitats and essential migration routes outside Core Population Areas.

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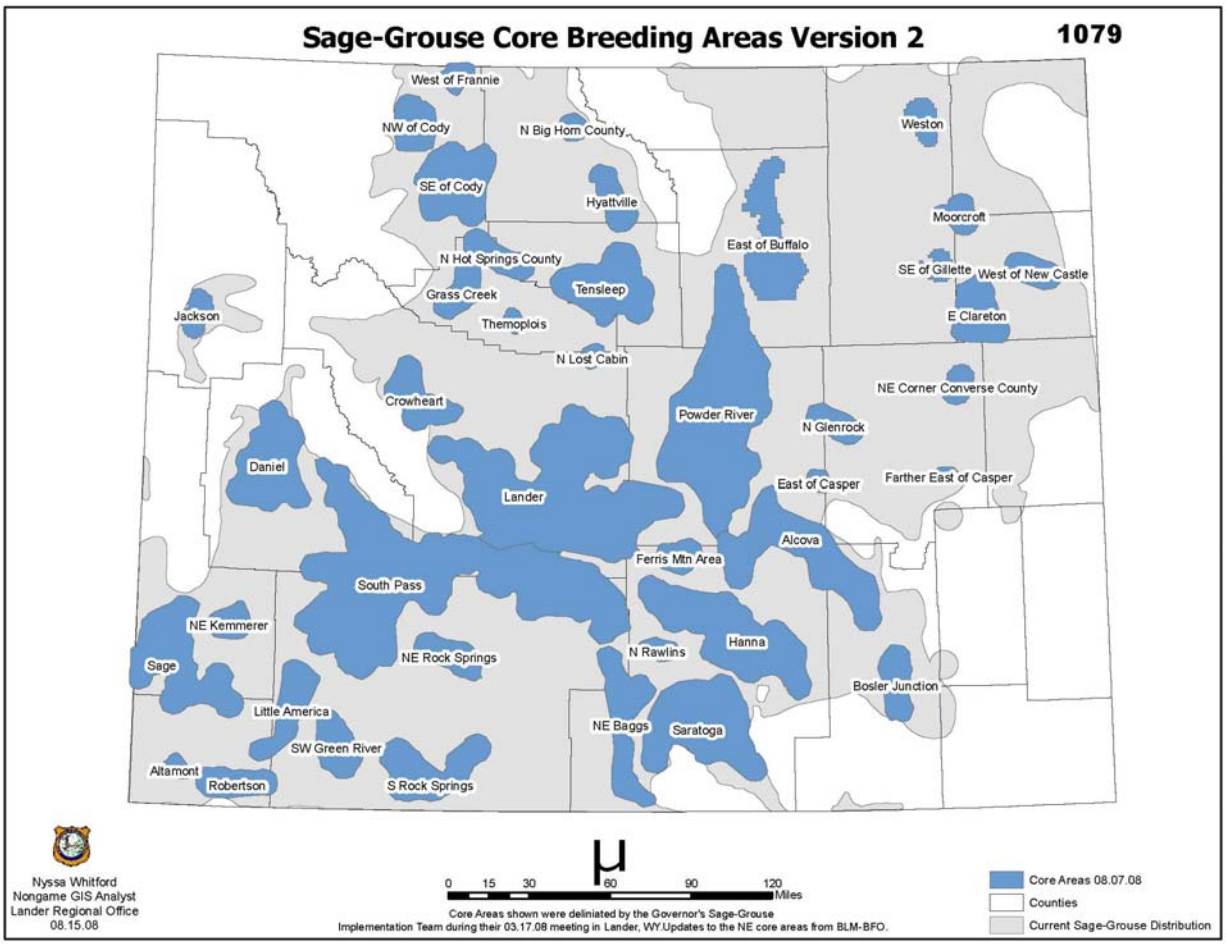
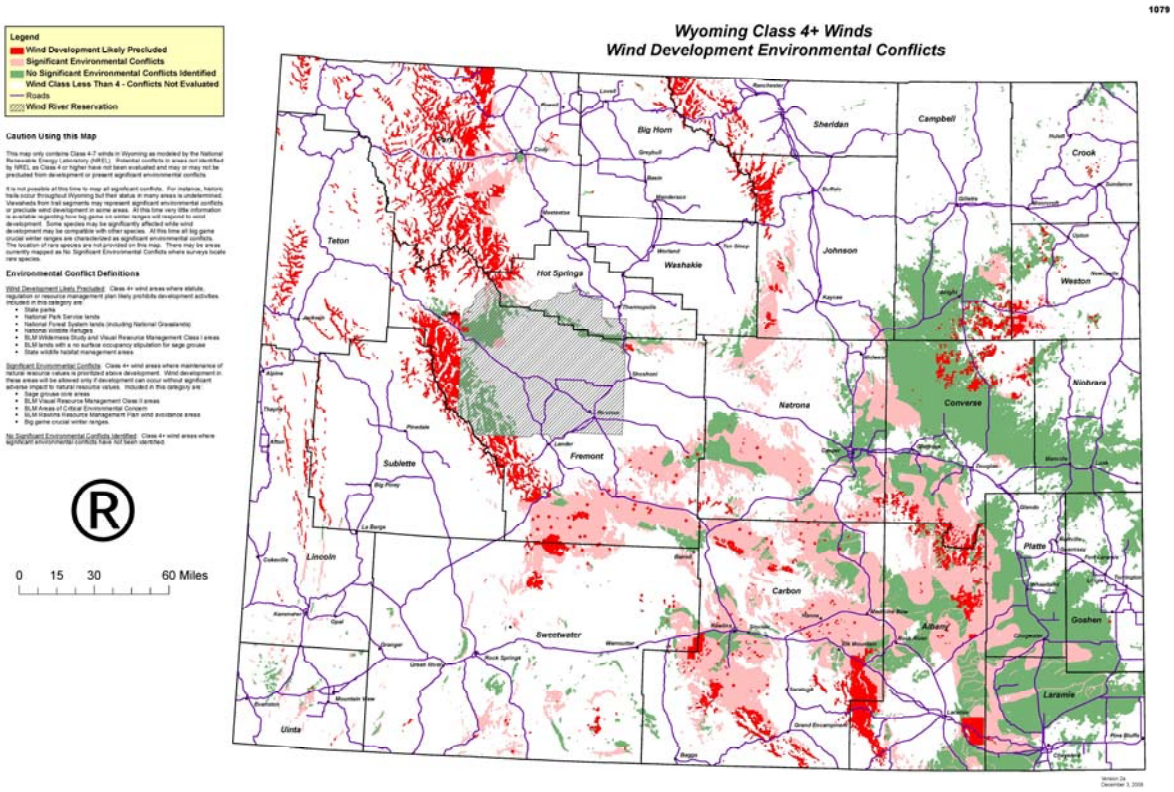
7. Incentives to accelerate or enhance required reclamation in habitats adjacent to Core Population Areas should be developed, including but not limited to stipulation waivers, funding for enhanced reclamation, and other strategies.
8. Existing rights should be recognized and respected.
9. On-the-ground enhancements, monitoring, and ongoing planning relative to sage grouse and sage grouse habitat should be facilitated by sage grouse local working groups whenever possible.
10. Fire suppression efforts in Core Population Areas should be emphasized, recognizing that other local, regional, and national suppression priorities may take precedent. However, public and firefighter safety remains the number one priority on all wildfires.
11. State agencies work collaboratively with the U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, and other federal agencies to ensure, to the greatest extent possible, a uniform and consistent application of this Executive Order to maintain and enhance Greater Sage-Grouse habitats and populations.
12. State agencies shall work collaboratively with local governments and private landowners to maintain and enhance Greater Sage-Grouse habitats and populations in a manner consistent with this Executive Order.

Given under my hand and the Executive Seal of the State of Wyoming this 1st day of August, 2008.

Dave Freudenthal
Governor

Page 3


Sage-Grouse Core Breeding Areas Version 2
1079
West of Frannie
NW of Cody
N Big Horn County
Weston
SE of Cody
Hyattville
Moorcroft
East of Buffalo
N Hot Springs County
SE of Gillette
West of New Castle
Tensleep
Grass Creek
Jackson
E Clareton
Thermopolis
N Lost Cabin
NE Corner Converse County
Crowheart
Powder River
N Glenrock
Daniel
East of Casper
Farther East of Casper
Lander
Alcova
Ferris Mtn Area
South Pass
NE Kemmerer
Hanna
N Rawlins
NE Rock Springs
Sage
Bosler Junction
Little America
NE Baggs
Saratoga
SW Green River
Altamont
Robertson
S Rock Springs
Nyssa Whitford
Nongame GIS Analyst
Lander Regional Office
08.15.08
0 15 30 60 90 120
Miles
Core Areas shown were deliniated by the Governor's Sage-Grouse
Implementation Team during their 03.17.08 meeting in Lander, WY.Updates to the NE core areas from BLM-BFO.
Core Areas 08.07.08
Counties
Current Sage-Grouse Distribution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Wyoming Class 4+ Winds
Wind Development Environmental Conflicts
Legend
Wind Development Likely Precluded
Significant Environmental Conflicts
No Significant Environmental Conflicts Identified
Wind Class Less Than 4 - Conflicts Not Evaluated
Roads
Wind River Reservation
Caution Using this Map
Environmental Conflict Definitions
0 15 30 60 Miles
Sheridan
Campbell
Big Horn
Crook
Teton
Hot Springs
Washakie
Johnson
Weston
Natrona
Converse
Niobrara
Sublette
Fremont
Lincoln
Carbon
Platte
Goshen
Sweetwater
Albany
Laramie
Uinta

1080

"Tom Blickensderfer" <TBlick@state.wy.us>

01/09/2009 07:59 PM

To: linda_slone@blm.gov

cc:

Subject: Document #5

Linda:

Wyoming Department of Environmental Quality, Division of Water Quality comment letter.

TB

Tom Blickensderfer
Policy Analyst
Office of the Governor
122 W. 25th Street
Herschler Building, 1st Floor East
Cheyenne, WY 82002

(See attached file: DEQWaterQualLet.pdf)

1080

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

January 9, 2009

Linda Slone
Buffalo RMP Project Manager
Bureau of Land Management
2987 Prospector Dr.
Casper, Wyoming 82604

Dear Linda,

The Wyoming Department of Environmental Quality Water Quality Division (WQD) appreciates the opportunity to provide scoping comments on the Buffalo Resource Management Plan (Buffalo RMP). We believe there are several major principles which should guide the RMP development process so that the many small details regarding water quality can be successfully incorporated: clear communication and collaboration; building on existing RMP templates; recognition of the different BLM and WQD roles in protecting water quality, and; management and decision making based upon scientifically valid and representative monitoring data. Additionally, the RMP needs to address a number of issues to improve and protect water quality within the Buffalo Planning Area.

We believe clear communication and collaboration between the BLM and the WQD (and other cooperating agencies) throughout the EIS and RMP development process will not only improve the quality of the resulting RMP, but will also ensure the EIS process will proceed as efficiently as possible. Additionally, the RMP should stress the importance of collaboration during implementation of the RMP, and during project level environmental analysis planning and implementation. The WQD appreciates that the BLM will utilize recent RMPs, which were developed through collaborative efforts between the BLM and cooperating agencies in Wyoming, as a template which will be fine-tuned for the Buffalo RMP. This should greatly streamline the process since it avoids rehashing many issues which have already been addressed elsewhere in the state. We recognize that many BLM specialists in the Buffalo Field Office have not recently worked through the RMP development process in Wyoming. Therefore we are more than willing to collaborate with those BLM specialists to help them understand WQD's position, and why certain goals, objectives and management actions regarding water quality were developed in other recent RMPs.

Both the BLM and WQD have responsibility for protecting water quality, however the mechanisms for doing so vary between the two agencies. The WQD has sole primacy for enforcing Wyoming Water Quality Rules and Regulations, including permitting of most

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

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

produced water disposal. However, the BLM has the responsibility to ensure its authorized actions do not result in degradation of water quality or violation of Wyoming's Water Quality Standards. Therefore, the BLM must recognize and clarify this responsibility in the RMP.

Good management and planning decisions to protect water quality, or any other resource, must be based upon scientifically valid and representative data. For example, because groundwater has been contaminated in areas of intensive oil and gas development elsewhere in the state, we believe an important tool to meet the objective of protecting groundwater quality is prioritizing monitoring where intensive oil and gas development coincides with areas most vulnerable to groundwater contamination. We recognize that the BLM has limited resources and personnel to monitor potential effects of their authorized actions, therefore the BLM must ensure that sufficient resources are made available as part of the approval process for those authorized actions so that the BLM can make good management decisions which protect water quality and other resources they are entrusted with.

The substantial existing and predicted energy development within the Buffalo planning area can impact water quality in a number of ways. Coal bed natural gas (CBNG) development has the potential to impact surface water from the discharge of produced waters and due to the surface disturbance associated with developing the infrastructure.

Given the highly erosive nature of many soils in the planning area, water discharge and disposal must be carefully planned. The deep cuts and steep slopes are sensitive even to normal precipitation events; even more so to increased water discharge from CBNG discharges exacerbated by flashier flows due to increased surface disturbance. The EIS should fully analyze the potential effects of increased CBM development on stream channel stability and water chemistry, and effects of increased surface disturbance surface disturbance.

The BLM should consider reducing the footprint of surface disturbance as much as possible. For example, many roads associated with energy development have minimal amounts of traffic during the production phase, yet are often built to standards for roads with considerably more traffic. WQD requests the BLM develop and analyze alternatives which minimize the amount of surface disturbance associated with minimally travelled roads, including minimizing road widths and limiting the use of crown and ditch construction techniques. Likewise, the RMP should consider not allowing any surface disturbance of any type on slopes greater than 25%.

Regardless of the amount and type of surface disturbance, disturbed areas should be reclaimed as quickly as possible to reduce erosion and water quality impacts. Successful reclamation and reclamation monitoring should be a priority management action in the RMP.

Riparian areas on BLM lands must be managed to meet standards for healthy rangelands, including Proper Functioning Condition (PFC), however many riparian areas within the Buffalo planning area do not meet these standards. The RMP should require management changes in those areas to ensure that riparian areas will meet standards during the life of this plan.

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We look forward to working with the BLM to develop an RMP which allows multiple uses of BLM lands and mineral development in manner which is protective of water quality and other resources.

Sincerely,

John Wagner
Water Quality Division Administrator
Department of Environmental Quality

JFW/MAC/rm/9-0002

cc: Governor's Planning Office, Herschler Bldg, 1st Floor, East Wing

1081

BLM
JAN 08 2009
BUFFALO FO

Buffalo Resource Management Plan Revision- Public Comments
Jan. 6, 09

I would like the BLM/Gov. to:

1. Maintain and *increase* public access and recreation opportunities in the area for hunting to hiking. The Buffalo Office has fallen way short of this responsibility. You have way more responsibility/thing to do in this area than just Oil and Gas.
   -example: Moser Gulch/Clear Creek Trail. We used to be able to access the Moser Gulch area heading east towards town for pick nicks, getting away, etc. Know it is blocked off. Only hikers and bikers get to use it. What a great place to put in a bunch more parking areas, like it used to be. We need more vehicle access to our Public lands in the Big Horns not less. We keep getting crammed on top of eachother more and more (i.e. the end of Billy Ck Rd., how come so small? Make some room up there for several cars, P.Us, trailers etc. so they can turn around. Same thing at the Poison Creek trail head. It looks like whomever is planning these places, is trying detour public use or has no ideas about what is needed to accommodate several cars, P.Us and camping/horse trailers.
2. You need to stop acting like "Earth First/Wilderness Society and Green Peace" representatives and uphold our traditional uses as well as include "new" recreational uses. From what I have seen over the years, there has been an is a number of employees who hate hunting and hunters or anyone else that does not fit their idea of allowable uses on our public lands.
   Remember, it is ours not just yours. Remember multiple use for everyone, OHVs included.
3. Start a program, in the field that identifies BLM lands clearly, especially where they meet with private land. Use signs, spaced staking, etc.
   Example: Fort Creek Area, Powder River Basin, Middle Fork, etc.

Thank You for your time and consideration.

1082 BLM

JAN 06 2009

BUFFALO FO

IPAMS
Independent Petroleum Association of Mountain States

410 Seventeenth Street ◆ Suite 700 ◆ Denver, Colorado 80202 ◆ 303/623-0987 ◆ FAX: 303/893-0709 ◆ www.ipams.org

January 5, 2008

Bureau of Land Management
Buffalo Field Office
BFO RMP Revision Project Manager
1425 Fort Street
Buffalo, Wyoming 82834

Re: Comments to the Notice of Intent to Prepare a Resource Management Plan for the Buffalo Field Office and Associated Environmental Impact Statement

To whom it may concern:

These comments are submitted on behalf of the Independent Petroleum Association of Mountain States and its over 400 member companies regarding the Bureau of Land Management's (BLM) Notice of Intent to a Prepare Resource Management Plan (RMP) for the Buffalo Field Office and associated Environmental Impact Statement (EIS). IPAMS represents over 400 member companies committed to developing the significant oil and natural gas resources on non-park, non-wilderness public lands in Wyoming and the Intermountain West in an environmentally-responsible manner.

General Comments

IPAMS strongly supports revisions to the Buffalo RMP that provide for the fullest development of natural gas and oil resources in the planning area. IPAMS urges the BLM to recognize that oil and gas resources are vital to our Nation's energy security. Public lands in the Intermountain West contain significant domestic energy resources that the public owns and demands. The Intermountain West currently supplies 27% of the nation's natural gas, more than any other region in the country. Natural gas is an essential, clean-burning energy source for American factories, farms, schools, and public transportation, and is used to create electricity. The Intermountain West is the nation's best future supply source for natural gas. It is estimated that this region has 284 trillion cubic feet (Tcf) of technically recoverable natural gas – that's enough gas to provide all of America's current household energy needs for 60 years. The Intermountain West contains one-third of all U.S. gas reserves for the lower 48 states. Based on forecasts by the Department of Energy, this region is poised to expand to nearly 40% of of lower 48 onshore production by 2025. Any attempts to limit access to this resource in any given area, such as in the Buffalo planning area, requires our nation to rely more heavily on foreign sources of energy. According the Energy Information Agency (EIA) Wyoming produces 1.8 Tcf of natural gas each year which makes it the nation's second largest producer of gas. The majority of lands in the Intermountain Region are managed by federal land management agencies, and new development will only occur if the BLM and other federal agencies recognize the importance of allowing reasonable access to natural gas reserves to provide energy to an estimated 62 million American households.

President's Executive Order 13212

The BLM must follow the President's Executive Order 13212 (2001) in completion of the RMPs and EIS. In the Executive Order, the President directs federal agencies to evaluate current programs, policies and rules, and to reduce barriers to America's energy self-sufficiency. The RMP/EIS should reflect federal law and policy and the nation's need for secure sources of domestic energy. The RMP/EIS should acknowledge that industry can develop the resources in an environmentally friendly manner while providing the nation with an abundant source of clean affordable energy. Furthermore, the BLM has a Congressionally mandated multiple-use mission, which must be honored and not compromised by the single-use land management objectives promoted by certain interest groups.

Legal Framework

It is the "*continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in…the orderly and economic development of domestic mineral resources.*" 30 U.S.C. §21a. When the Federal Land Policy and Management Act ("FLPMA") was enacted in 1976, Congress declared that "*the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals.*" 43 U.S.C. §1701(a)(12).

FLPMA dedicated the public lands to multiple use and sustained yield, and identified mineral exploration and development as one of the principle uses. 43 U.S.C. §1702(c),(l). Multiple-use, therefore, assumes the ongoing and obvious presence of mankind and his many extractive uses.

Congress also directed the President to encourage federal agencies to "*facilitate availability and development of domestic resources to meet critical material needs.*" 30 U.S.C. § 1602(7). The 2000 amendments to the Energy Policy and Conservation Act ("EPCA") required the Interior Department to produce a scientific inventory of oil and gas resources underlying federal lands, and to identify the extent and nature of any restrictions or impediments to the development of such resources. Section 604, Pub. L. 106-469, 42 U.S.C. § 6217 (2000).

The RMP/EIS must substantively and procedurally comply with the foregoing direction and policies that require BLM to promote and facilitate the development of energy resources on public lands. Robert Glenn, 124 IBLA 104, 108 (1992); Ellis Ferguson, 69 IBLA 352 n.2 (1983) (terms and direction in manuals and instruction memoranda are binding on BLM employees).

Wildlife

IPAMS and its members are committed to responsible oil and natural gas development that protects environmental resources, minimizes surface use impacts and contributes to the local and state economy. Our members work cooperatively with the BLM, the Wyoming Department of Game & Fish, wildlife conservation groups, ranchers, and other organizations to improve wildlife habitat and reduce the impact of development on the environment. IPAMS members are committed to being good stewards of the land. Besides the fact that daily operations follow

strict government guidelines to ensure environmentally-responsible development, oil and gas companies have a rich legacy of improving wildlife habitat in the areas where they are developing energy resources. IPAMS member companies take their stewardship responsibilities seriously and over the years have voluntarily taken on many projects to improve habitat throughout the Rockies.

Collaboration with Stakeholders

IPAMS members work cooperatively with private landowners, ranchers, cattlemen, agricultural groups and others to ensure the balanced use of the resources in the planning area. For example, a significant portion of the water being produced in association with the coalbed methane in the Powder River Basin is currently being utilized by landowners and ranchers. Stakeholders other than oil and gas producers see this unaltered water as a valuable resource, and use it to water their livestock and agricultural projects.

Sage Grouse

Lands designated as sage grouse 'focus areas' in the planning area should not be used to preclude oil and natural gas development. Conditions of Approval (COAs) and other stipulations may be used to ensure energy development occurs in a manner that effectively conserves sage-grouse habitats and populations. Recent studies indicate that sage-grouse lek occupancy responds to human activity at multiple spatial scales. Further, differences in lek occupancy trends among different geographical areas limits the value of applying a given management strategy from one population to a larger geographic area. Accordingly, IPAMS recommends that the sage grouse management alternatives in the revised RMP reflect the findings found in the attached studies (Appendices A, B, & C)[1].

Environmental Impact

IPAMS member companies strive to ensure that the impact of natural gas development is as small as possible. Each year, improvements in technology reduce the footprint of development, and reclamation techniques continue to improve so that the impact to the land is small and temporary. The BLM should consider that the impacts of development are indeed temporary when developing vital energy resources, and should balance that fact with the erroneous public perception that once the land is developed, it is 'lost' forever. Once wells are plugged and abandoned and final reclamation occurs, the disturbance to the land is barely discernable if at all. The BLM should remind the public throughout the process of developing the RMP and EIS that natural gas development does not preclude other multiple uses. Once a well is drilled, which usually takes just a few weeks, interim reclamation occurs and the land is available for hunting, hiking, and other recreational purposes.

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[1] Appendix A: *Thresholds of energy development and greater sage-grouse populations*, Harju et al.
Appendix B: *Factors affecting lek-occupancy dynamics in greater sage-grouse*, Clark et al.
Appendix C: *Human impacts and multilevel processes in the regulation of greater sage-grouse*, Harju et al.

While advances in technology continue to reduce the surface disturbance per well each year, BLM must not make assumptions that industry can directionally drill in every situation. Geological factors may prevent the use of directional drilling, and the additional cost coupled with mechanical challenges may make directional drilling infeasible in certain circumstances.

Coalbed Methane Development in the Powder River Basin

The Powder River Basin is a major supplier of coalbed methane. According to the Department of Energy, coalbed methane production in the Basin has increased 200 percent since 2001 and now comprises over 20 percent of U.S. annual coalbed methane production. Coalbed methane accounts for 10 percent of all domestic natural gas reserves and accounts for over nine percent of U.S. dry gas production. According to the Wyoming State Geological Survey, coalbed production in the Basin is expected to grow from 350 Bcf in 2006 to 400 Bcf by 2010. Accordingly, BLM must ensure that access to the vast resources of coalbed methane found in the Powder River Basin remain unrestricted.

Socio-Economic Factors

As part of the planning process, BLM should ensure that all the economic benefits of natural gas development are included in the socio-economic analysis. The industry contributes significantly to the local, state, and national economy, providing millions of dollars each year in royalties, bonuses, and severance taxes, besides other benefits of direct capital investment to local economies and high paying jobs. In 2007, over $1 billion in federal royalties from oil and gas development was distributed to Wyoming. Counties with coalbed methane development have seen steady and sometimes dramatic increases in taxable value, generating millions of dollars for local coffers.

Oil and gas development is compatible with the tourism industry, and will not cause irreparable damage to hunting, fishing, and other recreational activities, as is often argued by groups seeking to curtail the industry. Recreation is often presented in the public sphere as much more important to Wyoming than oil and gas. IPAMS asks the BLM to provide balance when performing the socio-economic analysis, and to analyze the impact of measures that restrict development of energy resources.

Reasonably Foreseeable Development

The RFD must reflect recent technological advancements that have increased operators' ability to recover oil and natural gas. Technologies like directional drilling and hydraulic fracturing have dramatically increased operators' ability to recover hydrocarbons from unconventional resources, depleted fields, and plays that were once considered uneconomic. When determining the RFD in the planning area, BLM should use the latest available data on the resource potential, factoring in unconventional reserves and technological advances. Estimates of proved reserves in the

1082

Intermountain West increase every year, and the RFD must factor in the vast conventional and unconventional resources found in the planning area.

Conclusion

Environmentally-responsible development of natural gas and oil resources in the Buffalo planning area will provide significant benefits to local communities, the state, and the nation. To successfully develop the resources in the area, all parties must work together to establish reasonable multiple use alternatives that will provide environmentally sound development of natural resources and minimize impacts on wildlife, plants, and recreational interests. We appreciate this opportunity to provide BLM with our comments. Please do not hesitate to contact IPAMS should you have questions about our comments or recommendations.

Sincerely,

Spencer Kimball
Government Affairs Specialist