

1033

"Bensel"
<billb@fiberpipe.net>
01/04/2009 09:42 PM
To
<BRMP_REV_wymail@BLM.gov>
cc
Subject
Bill Bensel

Please accept these scoping comments to the Buffalo RMP.

Thank you

Bill Bensel(See attached file: BLM Powder Basin RMP JAN 2008.doc)

Bill Bensel
P.O. Box 453
Ranchester, WY 82839

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

January 4, 2009

To whom it may concern,

Please accept these following comments regarding the Resource Management Plan amendment for the Powder River Basin, Wyoming.

The most necessary general comments to begin this letter are in regards to the need for a return to what was once a “multiple use” philosophy of public lands management. Over the past decade, the overriding emphasis of management has been energy development to the detriment of myriad other public resources in the basin. Recreation, wildlife, fisheries, livestock grazing, etc., etc. on BLM lands have assumed minor emphasis and protection due to the unbridled drive to issue permits to further energy development. This trend in public lands management must change. I trust that this RMP process will again return to a proper management of all valuable resources and greater protection of those that cannot be maintained in the face of unrepentant development.

The PRB contains large tracts of lands that should have wildlife management/recreational use priority. These include the three Wilderness Study Areas and the six Areas of Critical Environmental Concern. These places and surrounding lands require appropriate management and resource planning for continuity of experiences for recreationists. Increased public access is necessary, especially for the Fortification area designated as BLM surface lands.

Sage Grouse habitat and population issues have been hammered by climatic cycles of drought. Habitat conditions have been further damaged by that unbridled energy development mentioned earlier. All energy development,

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notably for coal bed methane extraction and traditional oil and gas drilling, must definitely contain management requirements to truly minimize impacts upon other resources. An example is requiring buried power lines to reduce predation on sage grouse. Sadly, this logical technique was deleted as a protective measure for wildlife in favor of extractive resource interests. Roads, power line corridors, pipelines must avoid critical habitat and leks so the species can be maintained and so that federal endangered species protections may be unnecessary. Distances of roads should be no less than 2 miles from breeding grounds and critical nesting habitat.

Other wildlife in the basin have been impacted by BLM's energy development process. Notably, a rare herd of prairie elk found in the Fortification Special Management Area and surrounding critical habitat areas will be extirpated if BLM's development strategy continues to progress in its present form. BLM's own research has made this obvious conclusion. Development should not be allowed in the Fortification Creek Special Management Area. Further, any development in habitat areas critical or necessary to elk and other wildlife propagation should be done in a truly phased approach with no area opened for development until others are fully reclaimed and operating with only very minimal human intrusion as extraction continues. With the lions share of BLM lands focused upon management for energy development in the PRB, greater consideration must be returned for other valuable resources, especially wildlife.

The impacts on other big game species, such as antelope and deer are occurring due to rampant development and high levels of human activity. What are the population trends and habitat conditions occurring to these species as a result of stresses from development? BLM should undertake studies to determine impacts to populations and their distributions and retool management to minimize conflicts that result in harm to wildlife populations.

Water Quality considerations with energy development should gain greater emphasis in the RMP since virtually all other uses depend so heavily upon available water. I would urge BLM to take a stronger role in fulfilling water quality protections on BLM lands through more active participation with the Wyoming Department of Environmental Quality's WYPDES permitting program. Surface owners, including agencies exercising a public trust, can bring more due diligence to management of water resources. I would urge

BLM to become a stronger voice in management of water resources on our public lands.

Energy development is another resource to be managed on our public lands. It is not the only resource to be emphasized at the expense of others, especially those that will be permanently altered and diminished by such development. A phased and balanced approach must return to management or all resources, including mineral development. The myriad assets on public lands must be considered.

The Environmental Analysis in process now for the Fortification area should become integrated into this RMP revision. Generating this EA separate from the entire Resource Management Plan is a transparent example of management that lacks balanced consideration of all resources collectively.

The lands managed by the BLM in the Powder River Basin extend from the Big Horn Mountains to the Black Hills and the Montana Border into Converse County. The varied and many resources here must be managed and protected for future generations as well as our own. Recreational, historic, paleontological, wildlife and air and water quality assets must again assume the great value sought by the public user.

Thank you for the opportunity to provide these scoping comments. If I may be of further assistance in this effort, please contact me.

Sincerely,

Bill Bensel

1034

Ted Lapis
<tlapis@vcn.com>

03/05/2009 11:51
PM

BRMP_Rev_WYMail@blm.gov

To

cc

Subject

BLM Buffalo Office RMP Comments

Hi-

Please see comments on proposed BLM RMP 2009 in attached PDF file and copied below.

Regards,

Lapis 1

BPO RMP Revision Project Manager BLM Buffalo Field Office 1425 Fort Street Buffalo, Wyoming 82834 January 2, 2009 Subject: BLM Buffalo Office RMP Revision 2009 Comments by Ted Lapis, PLUC Member BPO RMP Revision Project Manager: The most important resource that the US BLM manages that has suffered in my experience has been agency actions that undermine BLM credibility with the public. Not only does a 15 year planning horizon require a supreme effort to be effective, but when unforeseen or hidden opportunities present themselves; the qualitative values and boundaries arrived at during the full-disclosure public involvement phase of the planning process have too often been thrust aside to accommodate quantitative special interests.

This "regulatory capture" by private interests has been studied in modern times for public agencies granting monopolies to franchisees since Richard Posner first identified and named the modern process with regulatory agencies, but it is not a new problem. The ancient kings had generations of experience with value violations for special favors, and many suffered severe consequences due to undermining the public's faith and losing their good will.¹

Too often the itches for riches has been allowed to smudge the lines drawn with public input on the qualitative values for public resources, to satisfy the insatiable demands of well

Lapis 2

connected powerful people for quantitative personal gains. This changing of value based decision making to satisfy some incremental gain for a private party is a fundamental violation of the public's trust and in my experience is the root cause of many conflicts that undermine the planning process. Regulatory capture was illustrated by R.A. Posner as occurring when the public's representatives often effectively become

agents for the very parties they are supposed to regulate. One local expression of regulatory capture is "what happens when the game warden becomes a poacher." This regulatory capture phenomenon has been documented extensively for many years and in many societies. It is due to the influence of personal contact, the pervasive influence of money, and the desire by many to serve the most powerful. The pervasive influence should be expected, not treated as an exceptional outcome, so methods of dealing with this problem should be planned for, not reacted to as if it were so exceptional. Too often the BLM has resorted to "adaptive management" as an expedient solution to conflicts that pit financial gain against aesthetic or other intangible values. By their nature cultural value judgments are beyond the ability for measurement. If a mid-course change in qualitative values is required, the public process needs to be opened so that public values are reflected. Please error on the side of giving the public the benefit of the doubt. Starting the public input process just before Thanksgiving, and running it through the holidays, and ending near epiphany, is a way to insure that the public input will be minimized. This was brought out during the public meeting in Sheridan. Allowing a short time for public input, means that many groups have met only once since the announcement in November, which limits their ability to comment on this very important process. Comment periods should extend

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The public interest in respecting and protecting the Commons was a driving force that helped produce the "Magna Carta," a touchstone of our legal heritage and traditions. Wyoming's public lands include state, county, and city, but the vast majority are federal lands managed by the BLM or the USFS. If these federal agencies cannot do a better job than in the recent past, another scheme must be derived. The current system seems quite broken due to actions by the federal agencies entrusted with our public resources giving in to private interests.

Getting local as well as state or national groups together to work on planning strategic areas that need better access is likely to improve the results now and in the future. Typical concerns are: water quality, access to recreational uses of water bodies and streams, access to hunting areas, access to vistas, access to areas of historical value, access to unusual landscapes, improved access to other public lands with restricted access.

Suggestions for Regaining Public Trust Doing what you say you are going to do would be a great start, as actions do speak louder than words.

Limiting the use of scientific method to those areas where it is appropriate would solve many of the most volatile issues of public trust being eroded by private industries' concerns. The greatest error of judgment that a resource management agency can do is to try and use inappropriate metrics and techniques to solve value based conflicts of interest.

1. Measuring a poem or a visual rendering of a landscape with a ruler or a gas chromatograph does not indicate either the value of the art, nor its subject. Qualitative judgments of value are subjective and not suitable for appraisal by scientific method. Once lines of demarcation are

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control at the expense of the public's resource. The sunshine of public information disclosure and the clear demarcation of responsibilities reduce the ability for private parties to exploit jurisdictional ambiguities and accompanying opinions for private gain through regulatory arbitrage.

Public Resource Franchises Since Jean Baptiste Colbert who served as finance minister for King Louis XIV began granting monopoly rights to operate under national regulation to perform functions that the government chooses not to perform itself, in exchange for explicitly granted exclusive rights the franchisees are expected to invest their capital and assume all risks associated with the various ventures.² In recent times, it seems that profits have been privatized, and risks have been socialized, which has scandalized the public resource management and tainted the public agencies. When a franchise is granted, project review time-horizons, jurisdictional boundaries, and areas of responsibilities should be explicitly written so that both the public and franchisees have clear understandings of the terms and conditions of the grant of the privileges extended to develop public resources. While long-time horizons are often claimed to be required for planning, most business operations are done under the discipline of Net Present Value, which reflects the bulk of the time value of money to shorter than 15 years for most practical discount rates that consider appropriate risk-sensitivity ratios for assessing capital requirements, for those resource/land use qualities that are appropriately measured by financial calculations.

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This suggests that with appropriate incentives, leases for developing public resources (for example: mineral development) should not be viewed as open-ended grants, but rather development opportunities with built-in termination dates unless the franchisee can demonstrate some compelling evidence that his continuing to enjoy the sole rights to develop public property should be continued for a definite period of time. Sunset provisions are not a new concept, but they put the onus for proving the worth of franchise continuance on the franchisee; instead of the public

needing to prove that continuing the existing arrangement between the public's administrative agency and the private contractor is not in the public's interest. The public's interests must be the point of reference for adaptive management, not the interests of the people benefitting from the franchise granted by the agency representing the public. The granting of franchise rights to public resources should be done to maximize the benefits to the public. This implies both lowering costs of producing the resource in a safe, reliable, efficient, and productive manner, while allowing for innovation. For instance, significant progress has been made on developing microbiological agents to transform various materials into either more usable or less toxic forms. Future production/transport/processing innovations may incorporate new technology such as nanotechnology or MEMS with wireless automation, which show some early promise of reducing costs and improving yields. Whatever combination of technology and regulation is most beneficial for the public should be applied in ways compatible with maximizing resource utilization for the public's benefit.

1. Granting franchise rights for exploration, production, transport, or monitoring of resources

Lapis 7

and processes to enhance their public value will very likely change over the expected time horizon of this RMP. Franchise grantees should be required to produce resources to achieve the highest and best use of the public resource with the available proven technology, or provide incentives for the public agencies to permit them to develop superior methods of developing their resources.

2. When possible, resource development should be done to add value to the raw materials produced. Adding value will not only increase the revenues, but it will bring more stability to the work force, and provide higher technology jobs that allow local children to earn good livings near their families. Process Improvement By Adopting Standards

1. Standardized data collection methods reduce costs and make data more comparable: 1. ANSI and NIST have many standards available for data collection, data storage, and risk analysis. Standardized methods generally improve the transparency of the process by making data sets more accessible. Interested parties need to be able to access standardized information structured for uniform reporting with less reconciliation effort.

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obstructed horizons should indicate the reduced accuracy in GPS measurement caused by the high mask angle, so that people less familiar with the technology are informed that their readings will have a greater than normal error.

4. Wireless technology should be encouraged for data collection and equipment monitoring systems to reduce the need for multiple trips to production sites. ISA100.11a is very close to be adopted as a standard, and I would be quite certain it will be a standard before this RMP is put in service. There are many that believe it will be passed by the ISA committee and accepted in 2009 by many of the large producers active in Wyoming. Other standards for remote control of equipment (SCADA Systems) are works in progress, while not as close to completion, they are converging on a solution by virtue of customer demand and several new wireless automation standards are expected to be ready in the next few years, driven by customer demand. Savings of 90% over conventional (hard wired automation) installations for classified atmospheres is likely. While not suitable for all systems, most of the production reporting systems that BLM / US Department of the Interior / MMS have responsibilities for are highly likely to be suitable for reducing conflicts between producers, land owners, and the

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public at large.

5. NIST link-budget should be used as a means of designing Radio Frequency paths with good reliability. Wireless systems designed with the NIST link-budget parameters to achieve a 99% reliability rating will improve the real-time performance of automated data collection networks. Wyoming Changes that must be considered Wyoming's population is increasing, and the recreational importance of land management is increasing. The BLM has not been as concerned with noise, smells, and light pollution in the past, as much of the development was taking place in remote areas with few visitors. Future development of public resources should take noise levels, odors, vibrations, and stray lighting into consideration. As Wyoming population continues to increase and tourism is a renewable resource, these sensory inputs will become more critical. Signage is also important to reduce conflicts and improve public use of their lands.

The impact of federal lands in Sheridan, Johnson, and Campbell Counties is measured in many ways including:

1. Payment In Lieu of Taxes (PILT) for Sheridan County is a partially funded program that nets around \$1.30 per acre of federal land per year for Sheridan County when funded at the 66% level by Congress. While the cumulative amount (\$573,211 in 2007) contributes significant revenues to Sheridan County's coffers, nobody should be bragging about that productivity for 27% of the land in Sheridan County.

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2. Achieving such a low rate of return on one-fourth of Sheridan County's land means that federal programs to enhance the value of the lands by aggregating small, isolated parcels would appear to be an obvious solution. However my experiences so far with the Cow Creek Holding Company, LLC Land Exchange Protest and Appeals process (BLM WYW 151576 / IBLA 2009-50) shows that the land valuation is more about political connections than real estate values. There is no other way for land near Banner & Story Wyoming to be appraised at \$250.00 / acre for federal exchanges when the private real estate market is more than \$4,000.00 per acre in the same area. Sales or exchanges need to be open to the public and to any extent possible, prices should reflect market price to avoid the appearance of conflict.

3. We need a process to aggregate federal land that works. It needs to be more transparent, and more open to the public than the exchange process that is currently being used. The appraisals values should be in the public domain as soon as the proposed deal's final offer has been made, similar to the Wyoming Office of State Lands and Investments. That change would probably expedite the overall process, as well as providing the public with confidence that the government was working on their behalf in good faith.

4. Transporting resources has been the thrust of developing most Wyoming minerals, and while that will continue to be important, adding value locally needs to be a priority. Local upgrading or adding value to the resources needs to be encouraged. If that means turning coal, oil or gas into electric power or other valuable goods or services, taking some reasonable risks for technology development needs to be supported, as long as the land, water and air are protected from long-term damage. If transport methods add value, access methods must be worked out.

5. Public resources that support renewable technology (solar, wind, geothermal, etc.) need to

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have access routes planned to minimize conflicts. Development of new nonrenewable resources (shale gas bioprocessing of mineral resources, or energy storage technology) must be done with consideration of the neighboring land owners and transient visitors. For example, if bioprocessing of coal, gas, oil or uranium becomes economical, ground water, streams and lakes need to be protected more along U.S. Interstate Highways than in more isolated areas. Smelly gases, light pollution and noise pollution need to be controlled in areas where they impact Wyoming citizens and / or visitors.

Regulations are backward looking, so they need to be updated periodically to make adjustments, and the public needs to be included in revising the plans. Contracts should have long enough terms to allow planning and recovery of investments, but medium term reviews are essential to allow corrections due to unforeseen changes.

6. Recreational uses will continue to become more important, so hiring a recreational planner is a good start, but he or she will need resources (budgets) to get something done. I favor access fees because it seems that otherwise the public uses are looked at as a burden, due to the way the Department of the Interior keeps the score cards for field managers. Randall O'Toole of Cato Institute has written much about the inherent short-comings of the planning process. Some problems are unavoidable, but with planning and good faith efforts, many of the problems that have plagued the last RMP will be prevented.

Recreational areas of special interest include:

a. Wilderness study areas: Fortification Creek, North Fork of the Powder River, South Fork of the Powder River, and Gardner Mountain must be protected.

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b. Historical areas that must have their viewsheds protected and have access provisions include: Hole-in-the Wall, Ft. Phil Kearny, Bozeman Trail and Dull Knife Battlefield. Many areas still need to be surveyed for historical values.

c. Water is a natural draw for livestock. Any rules or regulations need to be drafted with a view towards Wyoming being a "fence out" state. When plans are made, the natural attraction of animals to water must be considered in this light.

Wyoming's public lands are a treasure that will be of benefit for generations, only if we do the best possible job of preserving them now.

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Consumptive uses are an important source of cash flow, but only cynics would throw away future treasures for today's convenience.

Striking the Right Balance

Balancing recreational uses and consumptive uses will always be a challenge, but by drawing the qualitative boundaries first, the rest of the areas can be settled by monetary negotiations. Thirty years in business have taught me that negotiations take place a whole lot closer to the poker table than the pulpit, so the process needs clear rules with penalties to prevent bad behaviors from being rewarded. The government's best leverage is an informed and involved public.

Regards,

Ted Lapis

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PO Box 294

Sheridan, WY 82801

1 Posner, R.A. Theories of Economic Regulation. Bell Journal of Economics, 1974, 5, 335-338.

2 Glaeser, MG Public Utilities in American Capitalism. New York: Macmillan, 1957.

(See attached file: BLM Buffalo RMP 2009.pdf) (See attached file: tlapis.vcf)

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Lapis 1

BFO RMP Revision Project Manager

BLM Buffalo Field Office

1425 Fort Street

Buffalo, Wyoming 82834

January 2, 2009

Subject: BLM Buffalo Office RMP Revision 2009 Comments by Ted Lapis, PLUC Member

BFO RMP Revision Project Manager:

The most important resource that the US BLM manages that has suffered in my experience has been agency actions that undermine BLM credibility with the public. Not only does a 15 year planning horizon require a supreme effort to be effective, but when unforeseen or hidden opportunities present themselves; the qualitative values and boundaries arrived at during the full-disclosure public involvement phase of the planning process have too often been thrust aside to accommodate quantitative special interests.

This “regulatory capture” by private interests has been studied in modern times for public agencies granting monopolies to franchisees since Richard Posner first identified and named the modern process with regulatory agencies, but it is not a new problem. The ancient kings had generations of experience with value violations for special favors, and many suffered severe consequences due to undermining the public's faith and losing their good will.¹

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Regulatory capture was illustrated by R.A. Posner as occurring when the public's representatives often effectively become agents for the very parties they are supposed to regulate. One local expression of regulatory capture is “what happens when the game warden becomes a poacher.” This regulatory capture phenomenon has been documented extensively for many years and in many societies. It is due to the influence of personal contact, the pervasive influence of money, and the desire by many to serve the most powerful. The pervasive influence should be expected, not treated as an exceptional outcome, so methods of dealing with this problem should be planned for, not reacted to as if it were so exceptional.

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4. Wireless technology should be encouraged for data collection and equipment monitoring systems to reduce the need for multiple trips to production sites. ISA100.11a is very close to be adopted as a standard, and I would be quite certain it will be a standard before this RMP is put in service. There are many that believe it will be passed by the ISA committee and accepted in 2009 by many of the large producers active in Wyoming. Other standards for remote control of equipment (SCADA Systems) are works in progress, while not as close to completion, they are converging on a solution by virtue of customer demand and several new wireless automation standards are expected to be ready in the next few years, driven by customer demand. Savings of 90% over conventional (hard wired automation) installations for classified atmospheres is likely. While not suitable for all systems, most of the production reporting systems that BLM / US Department of the Interior / MMS have responsibilities for are highly likely to be suitable for reducing conflicts between producers, land owners, and the

public at large.

5. NIST link-budget should be used as a means of designing Radio Frequency paths with good reliability. Wireless systems designed with the NIST link-budget parameters to achieve a 99% reliability rating will improve the real-time performance of automated data collection networks.

Wyoming Changes that must be considered

Wyoming’s population is increasing, and the recreational importance of land management is increasing. The BLM has not been as concerned with noise, smells, and light pollution in the past, as much of the development was taking place in remote areas with few visitors. Future development of public resources should take noise levels, odors, vibrations, and stray lighting into consideration. As Wyoming population continues to increase and tourism is a renewable resource, these sensory inputs will become more critical. Signage is also important to reduce conflicts and improve public use of their lands.

The impact of federal lands in Sheridan, Johnson, and Campbell Counties is measured in many ways including:

1. Payment In Lieu of Taxes (PILT) for Sheridan County is a partially funded program that nets around \$1.30 per acre of federal land per year for Sheridan County when funded at the 66% level by Congress. While the cumulative amount (\$573,211 in 2007) contributes significant revenues to Sheridan County's coffers, nobody should be bragging about that productivity for 27% of the land in Sheridan County.

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2. Achieving such a low rate of return on one-fourth of Sheridan County's land means that federal programs to enhance the value of the lands by aggregating small, isolated parcels would appear to be an obvious solution. However my experiences so far with the Cow Creek Holding Company, LLC Land Exchange Protest and Appeals process (BLM WYW 151576 / IBLA 2009-50) shows that the land valuation is more about political connections than real estate values. There is no other way for land near Banner & Story Wyoming to be appraised at \$250.00 / acre for federal exchanges when the private real estate market is more than \$4,000.00 per acre in the same area. Sales or exchanges need to be open to the public and to any extent possible, prices should reflect market price to avoid the appearance of conflict.
3. We need a process to aggregate federal land that works. It needs to be more transparent, and more open to the public than the exchange process that is currently being used. The appraisals values should be in the public domain as soon as the proposed deal's final offer has been made, similar to the Wyoming Office of State Lands and Investments. That change would probably expedite the overall process, as well as providing the public with confidence that the government was working on their behalf in good faith.
4. Transporting resources has been the thrust of developing most Wyoming minerals, and while that will continue to be important, adding value locally needs to be a priority. Local upgrading or adding value to the resources needs to be encouraged. If that means turning coal, oil or gas into electric power or other valuable goods or services, taking some reasonable risks for technology development needs to be supported, as long as the land, water and air are protected from long-term damage. If transport methods add value, access methods must be worked out.
5. Public resources that support renewable technology (solar, wind, geothermal, etc.) need to

have access routes planned to minimize conflicts. Development of new nonrenewable resources (shale gas bioprocessing of mineral resources, or energy storage technology) must be done with consideration of the neighboring land owners and transient visitors. For example, if bioprocessing of coal, gas, oil or uranium becomes economical, ground water, streams and lakes need to be protected more along U.S. Interstate Highways than in more isolated areas. Smelly gases, light pollution and noise pollution need to be controlled in areas where they impact Wyoming citizens and / or visitors.

Regulations are backward looking, so they need to be updated periodically to make adjustments, and the public needs to be included in revising the plans. Contracts should have long enough terms to allow planning and recovery of investments, but medium term reviews are essential to allow corrections due to unforeseen changes.

6. Recreational uses will continue to become more important, so hiring a recreational planner is a good start, but he or she will need resources (budgets) to get something done. I favor access fees because it seems that otherwise the public uses are looked at as a burden, due to the way the Department of the Interior keeps the score cards for field managers.

Randall O'Toole of Cato Institute has written much about the inherent short-comings of the planning process. Some problems are unavoidable, but with planning and good faith efforts, many of the problems that have plagued the last RMP will be prevented.

Recreational areas of special interest include:

a. Wilderness study areas: Fortification Creek, North Fork of the Powder River, South Fork of the Powder River, and Gardner Mountain must be protected.

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b. Historical areas that must have their viewsheds protected and have access provisions include: Hole-in-the Wall, Ft. Phil Kearny, Bozeman Trail and Dull Knife Battlefield. Many areas still need to be surveyed for historical values.

c. Water is a natural draw for livestock. Any rules or regulations need to be drafted with a view towards Wyoming being a “fence out” state. When plans are made, the natural attraction of animals to water must be considered in this light.

Wyoming’s public lands are a treasure that will be of benefit for generations, only if we do the best possible job of preserving them now. Consumptive uses are an important source of cash flow, but only cynics would throw away future treasures for today’s convenience.

Striking the Right Balance

Balancing recreational uses and consumptive uses will always be a challenge, but by drawing the qualitative boundaries first, the rest of the areas can be settled by monetary negotiations. Thirty years in business have taught me that negotiations take place a whole lot closer to the poker table than the pulpit, so the process needs clear rules with penalties to prevent bad behaviors from being rewarded. The government’s best leverage is an informed and involved public.

Regards,

Ted Lapis

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PO Box 294

Sheridan, WY 82801

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- 1 Posner, R.A. *Theories of Economic Regulation*. Bell Journal of Economics, 1974, 5, 335-338.
 - 2 Glaeser, MG *Public Utilities in American Capitalism*. New York: Macmillan, 1957.

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Rudolph Meeks
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com>

12/17/2008 05:20
PM

Please respond to
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om

BRMP_Rev_WYMail@blm.gov

blm land

To

cc

Subject

Please keep our public lands open for multi-use, including hunting, and fishing. Please keep blm roads open so that our older generation can have access to these lands also. Thank you.

"Dennis
Randleman"
<ddrcpl@vcn.com>
01/02/2009 11:55
AM

<BRMP_Rev_WYMail@blm.gov>
cc
Subject
BRMP public comment

December 31, 2008

Bureau of Land Management
attn: BFO RMP Project Manager
c/o: BRMP_Rev_WYMail@blm.gov

RE: Public Comment on BRMP

I am a resident of Johnson County, Wyoming. Since 1978 I have worked in Campbell, Sheridan and Johnson Counties as an oil and gas landman. My comments reflect the multiple aspects of my personal involvement in the BFO area:
as an avid outdoor recreationist (hunting, fishing, hiking, camping, horseback riding),
as an active member of the oil and gas industry, and
as a local resident.

First and foremost, the BRMP should incorporate a true multiple-use and long-term perspective for all the resources it considers. Although the various resource management perspectives are divergent and often are represented to be incompatible, no single resource management perspective should be adopted at the exclusion of other perspectives.

Mineral and Energy Resources -
Development and infrastructure are already in place for existing oil and gas (including CBM) exploration and operations, so continued development should be allowed as long as the development incorporates reasonable protection of physical and biological resources. Mineral development does not necessarily preclude protection of other resources, and mineral development should be allowed with appropriate conditions of approval.

Socioeconomic Resources -
The BRMP should consider the economic impact of the development of mineral resources within the BFO area to the local communities, the State of Wyoming and the entire nation. My livelihood depends on the ability to develop the oil and gas resources in the Powder River Basin. Restrictions on mineral development will have a direct negative impact on the ability of local workers to continue to support themselves and their families.

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Biological Resources -

Cattle ranching and other agriculture, as well as mineral resources development, can have a beneficial impact on vegetation resources and fish and wildlife resources. I have personally observed an increased presence of sage grouse, raptors, deer and antelope in the proximity of CBM produced water storage reservoirs. The BLM's existing wildlife timing limitation and surface disturbance stipulations effectively protect wildlife resources.

Land Resources -

The BRMP should consider alternatives to provide increased public access to public lands that heretofore have been excluded by adjacent private landowners. Alternatives should include fee/federal land exchanges, BLM acquisition of public right-of-ways across fee lands to access key public lands, and requirements for public access as a condition on BLM grazing permits.

Attached word doc is this same comment.

Dennis D. Randleman
22 Darton Court
Buffalo, WY 82834
307 684 7544
ddrcpl@vcn.com

(See attached file: BRMP comment DDR 12.31.08.doc)

December 31, 2008

Bureau of Land Management
attn: BFO RMP Project Manager
c/o: BRMP_Rev_WYMail@blm.gov

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"Liz"
<liz@wildwyo.org>
12/31/2008 03:57 PM
<BRMP_Rev_WYMail@blm.gov>
To
cc
Subject
Buffalo Field Office RMP Scoping
Comment

Our comments for the Buffalo Field Office RMP Scoping are attached as a pdf file. Please reply so that we can be assured that they are received.

Thanks,

Liz Howell

Wyoming Wilderness Association

PO Box 6588

Sheridan, WY 82801

307 672-2751 office

307 672-2752 fax

liz@wildwyo.org

We're on the WEB: www.wildwyo.org

(See attached file: PRB Revision Scoping Comment PDF.WWA 08.pdf)



December 31, 2008

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

Re: Comments on the Powder River Basin Resource Management Plan Scoping

Dear Messrs. Hanson and Bills:

Thank you for the opportunity to submit scoping comments on the BLM's proposed Resource Management Plan Amendment (RMPA, referred to henceforth as the RMPA) for the Powder River Basin (PRB). As an organization devoted to working for the protection of Wyoming's public wild lands, the Wyoming Wilderness Association (WWA) has a vested interest in ensuring the responsible management of the Powder River Basin, an area encompassing nearly eight million acres of landscapes that represent important and intact wildlife habitat and prairie land ecosystems. This region contains several area of special interest to our organization, including three wilderness study areas, six areas of critical environmental concern, six special recreational management areas, three state wildlife management areas, and a gorgeous river that qualifies for designation as a Wild and Scenic River.

The Powder River Basin exemplifies the splendor of open spaces for which Wyoming is renown nation-wide. *The New York Times* (8/2002) portrayed it in stirring prose: "It is a windswept, grassy landscape, pure ranch country, with a subtle beauty all its own." The same year, *Mother Jones Magazine* featured an article entitled *The Range Wars*, which described "a country that used to turn roadless pretty quickly. Its drama is its emptiness, its subtle beauty, its ability to sustain itself and the plants and animals that live upon it. To an outsider, the landscape may look simple, but it's really a complex maze of draws and arroyos and interconnected natural drainages, places where water might linger after a prairie storm, giving life to a late-summer flourish of grass, or where it might rush away in tumult, down into the Powder River or the Tongue."

These publication's statement serve a purpose in noting the strong affinity of the public to need wild land areas that are undisturbed and the strong appreciation for prairie landscapes in the American mind. The fact that the Powder River Basin has become the center of perhaps the densest development in the West must force the BLM to now with this changing administration to seek a balanced approach. WWA is urging the BLM to begin to tip the scales towards restoration of the destroyed prairie, poisoned waters and disturbed wildlife habitat throughout the Basin. Protect the areas that are special—the Wilderness Study Areas, the proposed ACEC's and

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the Special Management Areas; designate Wild and Scenic Rivers. Bring the Powder River Basin the protection it deserves after being the sacrifice zone for the last eight years.

The stated mission of the BLM is to “sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations,” and WWA is eager to submit comments outlying the goals of the revised RMPA in order to best fulfill this duty so that the Powder River Basin will continue to inspire generations to come.

1) Wilderness Study Areas (WSA)

According to a recent Zogby International poll of 1039 likely voters across the nation, nearly nine in ten Americans believe that protecting public lands is important, a conviction that is “broad and deep across every region of the country,” according to the executive director of the Campaign for America's Wilderness, a public-interest organization that commissioned the poll. “Americans understand that some places are irreplaceable and their value for wildlife habitat, importance for clean air and water, and opportunity as recreation sites are too important to sacrifice to development.”

Currently, there are three wilderness study areas in the area addressed by the BLM’s RMPA. Under the Federal Land Policy and Management Act (FLPMA), the BLM must manage these areas, which have been determined to contain wilderness characteristics and values as defined in the Wilderness Act “so as not to impair the suitability of such areas for preservation as wilderness”. Each of these three areas has unique and valuable characteristics that must be preserved against the threats of encroaching human developments; it is time for the BLM to recommend that Congress designate them as wilderness. The rarity of these landscapes, the lack of this ecosystem represented in the National Wilderness Preservation System, and the unique beauty found within these three areas warrant their recommendation as Wilderness.

A) Gardner Mountain WSA

The area offers excellent trout fishing, and recreation for wildlife. Gardner Mountain provides crucial winter habitat for 50-100 elk, important winter range for up to 700 mule deer (WG&F, 1992), yearlong range for both species and habitat for mountain lions and black bears. Turkeys, blue grouse, golden eagles, red-tailed hawks, and prairie falcons nest in the area, while bald eagles and peregrine falcons forage here seasonally. Great blue herons have used the middle fork of the Powder River for a rookery (WNDD, 1993). The Red Fork of the Powder River and Beartrap Creek are managed as a wild fishery (no stocking needed) for rainbow and some brook trout (WG&F, McDowell, 1993).

Several state priority plant species have been found in the area - Williams waferparsnip, Cusick's alkali-grass, Barr's milkvetch, and Nuttall townsend-daisy. There are no more than 20 populations of each known in the state (WNDD,1993).

The area is unsurveyed for archaeological sites, but has important heritage values for the Northern Cheyenne. Both historic and prehistoric cultural values are assumed to be high (Pomerinke and Schiche 1991). Nearby the Dull Knife Battlefield provides a historic context unmatched in the region.

Legal access is currently available on state and federal lands bordering the unit. In the 1990's citizens and the BLM built a public access trail with markers to manage any potential for trespass on adjacent private landowners. The area now has signage for public access clearly and constructed a horse and hiking trail into the unit across public lands, which has enhanced non-motorized access. The BLM needs to continue to keep up this access and markers for the trail.

The Gardner Mountain WSA should be managed to protect its wilderness qualities and its species of interest through habitat preservation, and the BLM should recommend wilderness designation as soon as possible.

B) North Fork of the Powder River WSA

Plentiful rainbow, brown, and some brook trout offer unparalleled fishing in the area. The North Fork of the Powder River is managed by the Wyoming Game and Fish for wild trout and is rated as Class II trout stream - a red ribbon fishing stream of State importance. A Wyoming State Priority Species, Goldeye, is found in one of the tributaries of the Powder River - Crazy Woman Creek (WNDD, 1993).

Canyon bottoms and lands above the rims provide crucial winter range for elk, an important antelope migration route, and habitat for black bear, blue grouse and 250-350 mule deer. Mountain lion, North American lynx, also reside in the area (WNDD, 1993).

The cliffs support peregrine, merlin, and prairie falcons, golden eagles, and many other raptors. In fact, the threatened bald eagle also nests in the area (WNDD, 1993). Lewis' woodpeckers --another Priority Species -- may nest within the unit, as suitable habitat exists and [one of only two known?] nesting concentrations in the state is nearby (Ritter 1991).

BLM should develop easier legal access efforts outside the area, whether or not the area is designated wilderness, however, landowners could be encouraged to support this effort. WWA would support the access if it would be assured to be on foot. Appropriate signage, easements or land exchanges by the BLM should allay any problems with trespassing that may arise.

Management of the North Fork of the Powder River WSA should adhere to strict standards that preserve these wilderness qualities in order to protect the habitats and landscapes contained within the area. This area is worthy of Wilderness and must be recommended as such by the BLM so that Congress may designate the North Fork as wilderness.

C) Fortification Creek WSA

Site vegetation represents the Sagebrush Steppe ecosystem/Great Plains Shortgrass Prairie province -- an ecosystem not represented or administratively endorsed for inclusion in the NWPS. This is one of the very rare chances to designate such an area. Nearly all of the area is crucial yearlong and winter range for about 300 elk in 1990 now stated that the herd size is about 200. 760 acres provide important calving grounds (BLM 1986). This elk herd is unique in that it is one of the last remaining elk herds to occupy a plains habitat in the nation. The herd was established in the 1950s with elk from Yellowstone National Park Hunting with permission of private landowners who control the access is greatly sought after.

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Fortification Creek provides roosting habitat for wintering populations of federally protected (Listed Endangered/Threatened) bald eagles (WNDD, 1993). The area also features migrant peregrine falcons, strutting sharp-tailed and sage grouse, coyotes, bobcats, and important deer winter and yearlong range. Visitors here find excellent deer hunting amid rugged dramatic scenery. Swift fox-- a federal threatened and endangered species candidate-- likely occurs in the unit's grasslands. The endangered black-footed ferret was last observed in 1975 in the area (WNDD, 1993).

The Powder River on the western edge of the Fortification Creek WSA region provides aquatic habitat for sturgeon chub, a federally protected fish species, and is one of the main strongholds for the silvery minnow in the entire State (WNDD, 1993). Other fish species include the shovelnose sturgeon, channel cat, sauger, goldeye, and walleye (WG&F, McDowell, 1993). A state priority plant species, slender bulrush, has been observed in the area (WNDD, 1993) in moist, sandy/clay soil.

Because the area is surrounded by private land, no place exists where the public could reach this unit solely on federal land. BLM needs to acquire public access to the area or secure the landowners consent so that the public may access and enjoy this area. In the 1990's, the BLM had the opportunity to trade the private landowner public access for not bringing charges upon him for building a winter road into the WSA to find his cows. The rancher had no permits to build the road, sought no permission, and was clearly in violation of the laws. However, the BLM backed down with no recourse to the landowner. And the public's opportunity to have public access was lost. The BLM must give high priority to getting public hiking access to the Fort Creek Area.

In regards to the Fortification Creek Elk Management Area, it is totally unacceptable for the BLM to allow the area be developed knowing full well that it will be adversely impacted. The Instruction Memorandum No. 2008-204 states: "A certain level of adverse impact may be acceptable and should be identified during the environmental review and acknowledged in the decision document." The memo suggests that areas may be traded to offset impacts. The Fort Creek area is not replaceable nor can be substituted for other places. It simply should not be developed.

The Fortification Creek WSA must be managed in a way that prioritizes the protection of its wilderness characteristics and habitat. Permanent wilderness designation should be sought and secured as soon as possible. The Fortification Creek RMP Amendment should be folded into the RMP revision and not treated separately. All development proposals within the Fortification Creek Elk Management Area should be put on hold until after the RMP revision is finalized, so the cumulative impacts are analyzed with the full capacity of an Environmental Impact Statement. This is one special and treasured area with much at stake to be lost to CBM development.

2) Areas of Critical Environmental Concern (ACEC)

According to the BLM website, ACECs are defined as places within BLM land where "special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values; fish and wildlife resources; or other natural systems or processes or to protect life and safety from natural hazards." Before being nominated for designation as an ACEC, an area must meet standards of both relevance and

importance, and six sites within the Powder River Basin were identified in the 1990's and have been determined to meet these criteria.

These areas offer a wonderful range of historical, archeological, paleontological and biological landscapes that need protection. All six of these areas merit protection into the future; the new RMP should sanctify all six as ACECs to ensure their continued survival. The stipulations for protection and monitoring must be strong with no drilling within the areas allowed.

- A) **Pumpkin Buttes** has been found to have active golden eagle and prairie falcon nesting sites, plus bald eagles in the winter. There is indication of historic Native American activity, and was most likely used as landmark for early settlers. There is great variety of wildlife in area
- B) **Dry Creek Petrified Tree Environmental Education Area** is a 40 acre parcel that already includes adequate public access, interpretive trail, outhouse, picnic table. It is frequented by tourists, local schools and hunters
- C) **Fortification Creek Area** is currently included among the ACECs. The BLM should take this time to expand it to include the Fortification Creek Elk Area and recommend wilderness designation for entire area. Give Fortification Creek Elk Management Area and ACEC the highest protection possible as the last remnant of high prairie break country. 20,000 comments have been submitted concerning the Fort Creek Amendment, and the BLM must address public concerns by acting now to grant the area the highest degree of protection possible.
- D) **Cantonment Reno** contains 480 acres and is one of few historic army fort sites along the Bozeman trail that can be found on public lands. The historic values of the area must be protected and could be developed with appropriate signage and trails to experience the history.
- E) **Hole-In-The-Wall** is another significant historic site famous as hideout for outlaws and unique rock uplifts. Because it is a popular tourist destination, the BLM has already done much work to improve public access and to protect the site. Keep up the good work, and go a step further by sanctifying this area as an ACEC.
- F) **Cow Creek Breaks**—Once considered as an ACEC, this area has become the Burnt Hollow Management Area (BHMA). In a land exchange completed in March 2002 the BLM Buffalo Field Office acquired 9,236 acres of land. The acquired lands are contiguous to 9,180 acres of previously inaccessible BLM and State of Wyoming lands, totaling about 18,416 acres of public land, in one accessible block. This block is located in Campbell County, north of Gillette. Wyoming Highway 59 borders the property on the west and the Cow Creek County Road borders the north end of the property.

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It is overseen by a Conservation Resource Management (CRM) team whose vision is to maintain the relatively pristine character of the land and provide for near-wilderness experiences. Sweeping vistas, pine covered hills, and rugged terrain offer abundant opportunities for hiking, horseback riding, wildlife viewing, hunting, and solitude. But for all its ruggedness, the BHMA is also fragile; the area contains steep slopes and erosive soils. Unmanaged, the CRM team believes erosion would increase, available forage and wildlife habitat would decrease, and user conflicts would escalate. The team firmly believes the land should be used, that livestock grazing, educational activities and recreation can coexist. And by retaining the primitive, semi-wilderness, character, the BHMA can complement the more developed areas in the nearby Thunder Basin National Grasslands and Weston Hills Recreation Area. (Burnt Hollow Management Plan Pre-Decisional Environmental Assessment 2003). WWA toured the area with the BLM and it is worthy of stronger protection, withdrawals from leasing and maintaining the walk in area access.

All six of these unique areas need to be adopted as ACECs and managed with consideration and protection for their exquisite characteristics, kept as non-motorized, un-industrialized areas.

3) Special Recreational Management Areas (SMA)

Special Area Management, the BLM website notes, proceeds according to the legislation establishing the area. Providing for public use and enjoyment of the areas' outdoor recreation opportunities is a consistent theme for the management of the areas.

The BLM has developed a management objective for special management areas in the PRB, including the Fortification Creek Area, along with the South Big Horns Area, the Dry Creek Petrified Tree Environmental Education Area, the Weston Hill Recreation Area, and the Mosier Gulch Recreation Area. This objective is to “ensure continued public use and enjoyment of recreation activities while protecting and enhancing natural and cultural values; improve opportunities for high-quality outdoor recreation; and, improve visitor services related to safety, information, interpretation, and facility development and maintenance.”

Now is the time to adopt SMA designation for all of these areas and grant them the highest level of protection possible.

4) Wildlife Habitat Protection

Under the Federal Land Policy and Management Act (FLPMA): “Wildlife Habitat Management” is one of the dimensions that define the BLM’s multiple use mandate.

The Powder River Basin area includes three state wildlife management areas, and several key ecosystems that support dozens of species of game animals, plants, birds and

fish. As more and more areas of the state are industrialized, each contiguous region becomes increasingly valuable. This means careful management of areas in the Powder River Basin is vital, and the cumulative impacts of management must be considered.

More species have likely become dependent on the remaining undeveloped areas in the Powder River Basin for habitat as surrounding areas have seen disturbances from industrialization. However, bioregions are never entirely isolated and the dynamism of nature must be considered in management decisions. Species will move across the landscape coinciding with successional changes in that landscape whether these stages are human or nature induced. You cannot simply set aside a parcel of land in isolation and expect the populations to stay within the geopolitical borders established. To maintain effective habitat, it must be actively maintained or replaced at the same time as other portions of the habitat are exploited.

Wildlife resources are an extremely vital asset for our state and also for our state and national economies. According to a recent U.S. Fish and Wildlife survey publication, 87.5 million people spent \$122.3 billion dollars hunting, fishing and watching wildlife nationwide. In Wyoming, 762,000 people hunted, fished and/or watched wildlife. Of these 643,000 engaged in wildlife watching. Preserving our open spaces and maintaining our wildlife populations is necessary not only to responsibly steward an ever shrinking global treasure, but also to sustain our economy beyond the fluctuations of energy development.

A) Elk Management

One of the most prominent wildlife species with dwindling habitat in the Powder River Basin is the elk. There are approximately 230 elk on more than 100,000 acres northeast of Buffalo, and “an isolated elk herd and its habitat” are listed among the area’s special resources by the BLM (Buffalo Bulletin article).

The BLM states that “although the elk are not a threatened or endangered or special status species they are the species of interest because of their history, isolation, and hunting importance” (RMPA, 3-25). As the species of interest in the Powder River Basin, provisions should be provided to ensure the overall viability and long-term survival of the herd.

B) Sage Grouse Management

Because all sagebrush habitat is sage grouse habitat: indicator species; populations have been declining in recent decades.

According to a Biodiversity Resource Council statement, “Sage grouse is a good focus for conservation because it is a great representative species that reflects the health of sagebrush ecosystems, upon which a host of rare and beloved wildlife depend. Sage grouse have been declining dramatically in all of their historic range in North America since the 1960s”; we must defend its habitat, nesting and lek sites, keeping its ecosystem from being disrupted by roads, fences, energy extraction projects, overgrazing and other agricultural development.

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In light of 2005 study, which found that BLM protection of sage grouse is insufficient to maintain habitat and populations in the midst of coalbed methane development in the PRB, and in light of state of Wyoming executive state executive order 2008-2, which outlines need to protect sagegrouse, improvements are warranted. A more aggressive approach to protecting this species is necessary, and now is the time to implement it by protecting the fragile habitat of this key species before it becomes endangered.

5) Water Quality Protection

Surface water bodies are a vital resource in the arid climate of the Powder River Basin as are the fisheries that are supported by many of these tributaries and ephemeral streams. Extreme care to preserve the waters and fisheries of the Powder River Basin must be taken. Both treated and untreated discharges to waters, reservoirs and soils must be carefully monitored to prevent stream degradation from erosional runoff, sediment loading and ‘non point’ seeping from discharge locations and holding areas of produced water.

6) Powder River Wild and Scenic Status

Wild and Scenic Rivers defined: “possess outstanding remarkable scenic, recreational, geologic, fish and wildlife... or other similar values shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.”

Areas within the PRB that have been determined by the BLM to meet criteria for WSR include lands along the Beartrap Creek, the Middle Fork of the Powder River, the Powder River at Cantonment Reno, and the North Fork of the Powder River. The Middle Fork has been added to the Wild and Scenic River System, but conflicts with private land and public access conflicts prevented the others from meeting the criteria.

Along with the main Powder River, the BLM should take this opportunity to also review and adopt its upper tributaries and protect them as well.

7) Energy Development

The foreseeable effects of oil, gas and coalbed methane development in the basin must be anticipated and potential concerns addressed proactively. While oil and gas development bring revenue and jobs to the state, other sectors of the economy are also very important and must be encouraged.

For example, the revenues from wildlife, hunting and fishing, tourism and other benefits of undeveloped land such as natural services such as aquifer recharge, water purification, erosion control etc must be considered.

It is BLM’s obligation and responsibility to consider first the people and lands of Wyoming for *both* the short and long-term success of the state and the preservation of Wyoming’s land and livelihood. It is not acceptable to develop public or private lands for oil and gas without the utmost mindfulness and requirement of the best development and reclamation practices available.

Especially within the WSA areas of the PRB, the BLM must keep in mind its stated objective: “to allow orderly development of mineral resources while *protecting wildlife habitat and subwatershed areas and maintaining wilderness values* (RMPA 3-50-51, emphasis added). This goal reflects a desire to strike a balance among the resource uses of the area, ensuring that mineral development will not preempt the other outstanding values the PRB has to offer.

Wyoming must set an example by producing energy in the most beneficial way for the state now and for the future. Special regard must be given to protect Wyoming’s other valued resources and public health. The Powder River Basin RMP must mandate that oil and gas companies comply with all existing Federal and state legislation including the elements of the Clean Air Act, Clean Water Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Emergency Planning and Community Right to Know Act (the Toxics Release Inventory) from which the industry currently enjoy exemptions.

8) Adequate Enforcement Staff

Without enough enforcement agents, even the best RMP will fail to adequately fulfill the BLM’s mission statement and serve the public’s needs. Compliance with the ambitious and necessary measures suggested in this document will require vigilant surveillance and enforcement. Currently

9) Cooperators Meetings

These meetings must be open to the public and the minutes made available on the web site. As part of BLM’s stated goal of “engaging citizens and stakeholders in the planning and decision-making process in a meaningful way,” public participation is crucial and citizens should be involved in every step of the process possible. Opening these meetings between representatives of the BLM and state and county cooperators is an important step in ensuring that the public has adequate voice in important decisions regarding management of public lands, but the public needs to be invited to listen and watch over these meetings with the opportunity to comment allowed at the end of the meeting.

Part of the new administration’s agenda will be to have open, honest and ethical government once again. “What makes this stance different from previous President-elect transition teams is that the meetings with outside organizations typically took place behind closed doors. By becoming more transparent than others have in the past, Obama’s administration is further establishing that it will be taking a completely different approach in many aspects of Obama’s term, and including the comments and concerns of the people.” (<http://www.socialtimes.com/2008/12/obama-social-change/>). If this is any indication of the change of the coming administration, it will be that no longer is industry getting a private seat at the table with the Buffalo Office of the BLM in closed door meetings that dictate the future management of our tax-payer supported public lands; no longer will the BLM be able to shut out private citizens, citizen organizations and conservation groups from being a voice and playing a role in public lands management; and no longer, we can only hope, should the BLM consider itself above the local citizens’ and organizations’ opinions and requests, but that we will be able to work together to achieve the sustainable stewardship and conservation of the Powder River Basin.

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Thank you again for the opportunity to comment during this important scoping period. Our organization looks forward to working together with the BLM to ensure the best possible management of Wyoming's public lands.

In light of the incoming president-elect's stated pledge to open the public process and bring ethics back into public lands management, WWA is optimistic that the revised RMP and its commitment to increase areas designated for special protection will fit into a broader framework that will allow public lands to be enjoyed sustainably well into the future. Wyoming recently distinguished itself on this front by leading the nation in clean coal development and becoming the first state to establish carbon-capture regulatory framework.

Sincerely,

Liz Howell, Director, and Cora Crecelius, Intern
Wyoming Wilderness Association

CC: Obama Transition Team, Senators Enzi and Barrasso, and Rep. Lummis, Governor Freudenthal

1038

Erik Kraai
<kraaierik@hotmail.com>
01/02/2009 01:49 PM

<brmp_rev_wymail@blm.gov>
cc
Subject
Buffalo Management Resource Plan

I am commenting on the 800,000 surface acres and 4.8 million acres of mineral estate managed by the BLM in Campbell, Johnson, and Sheridan counties in north-eastern Wyoming. The consequences of how these lands are managed will have consequences for years to come.

Mineral development in this agriculture rich area has dire consequences. Farmers and ranchers have been farming these lands for generations and unbalanced management of these lands could be devastating. Consider the consequences coalbed methane gas to this area. Coalbed methane gas wastewater has proven to be high salinity which would devastate any irrigation to the area. As shown by a study conducted by Ashley Roberts. Her research found that 81.8 percent of soil samples that received coalbed methane discharge were high in salinity. This is compared to the samples that she studied that had no coalbed methane discharge. None were high in salinity. In an area that is time after time ravaged by drought, the ability to irrigate these lands, let alone farm or ranch these lands, would become impossible and undoable.

The impact of wildlife concerns also needs to be considered. Wildlife provides an important economic stimulus to the area. Every fall, gas stations, restaurants and other businesses are bombarded by the hunters to this area for our wildlife. With the high salinity caused by coalbed methane gas, the habitats will diminish for great birds such as the peasant and other wildlife our visitors come to hunt. It also could lead to political mess, considering the potential of the sage grouse soon to be an endangered species. How do you suppose coalbed methane waste water will do to the sage grouses habitat?

The final management plan will have an impact for years to come. The final management plan could have a significant impact on farmers, ranchers, and businessman to the area. I hope that the Bureau of Land management considers this when managing these areas.

Sincerely,

Erik Kraai
914 West 27th St. #1
Cheyenne, WY 82001

1038

It's the same Hotmail®. If by "same" you mean up to 70% faster. Get your account now.

1039

"Michelle Cook"
<icd@vcn.com>

01/05/2009 01:54
PM

Please respond to
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"Richard VanCampen"
<Richard.VanCampen@Williams.com>

Subject
Buffalo RMP Revision comments

Please find attached the Campbell County Conservation District's Buffalo RMP Revision comments. Please contact Michelle Cook at icd@vcn.com or 307-660-5628 with any questions or concerns. Thank you for the opportunity to comment.

Michelle Cook

District Manager
Campbell County Conservation District
601 4J Court, Suite D
PO Box 2577
Gillette, WY 82717
307-682-1824 office
307-660-5628 cell
307-682-3813 fax

(See attached file: scoping comments 12-2008.doc)

1039

December 29, 2008

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,

The Campbell County Conservation District (CCCD) appreciates the opportunity to provide input on the Buffalo Field Office Resource Management Plan (RMP) Revision for your consideration

1. Physical Resources

COMMENT: BLM should analyze all management activities with potential to impact waterbodies to prevent degradation of existing water quality. This should be done on a case-by-case basis with respect to class of water (Wyoming DEQ water quality standard). Flow control devices should be installed on all new wells and spring developments within the planning area.

Air quality should be enhanced through an existing cooperative process with agencies, stakeholders, and public.

2. Mineral and Energy Resources

COMMENT: Manage conservation of leasable mineral resources without compromising the long-term health and diversity of public lands. Coordinate and work cooperatively with adjoining surface landowners on all split estate and access issues. Recognize and work cooperatively within existing regulatory regime of mineral extraction.

Travis Hakert Wanda Burget Brenda Schladweiler Richard VanCampen Jason Oedekoven

3. Fire and Fuels Management

COMMENT: CCCD would like to see any fire rehabilitation done with native species similar to surrounding area and completed in a timely manner. Recognizing constraints of availability of seed supply, coordination and planning with other agencies, industry, and landowners is necessary. CCCD realizes in certain areas with a high risk of erosion or weed reinvasion, the use of non-natives should be considered to stabilize the site but would still encourage the use of native species wherever possible. BLM should consider contributing to and supporting the Bridger Plant Materials Center.

4. Biological Resources

COMMENT: BLM should manage for the biological integrity of terrestrial and aquatic ecosystems to sustain vegetation, fish, wildlife, and special status species, while providing for multiple uses of BLM land. Review, coordinate, and utilize all available viable methods for controlling or eradicating distribution of invasive species (i.e. prairie dogs, cheat grass, etc) within a multi-owner landscape.

5. Land Resources

COMMENT: CCCD encourages multiple use of public lands. CCCD encourages the continuation of existing and the development of new rangeland programs that include structural practices and that increase both range health and livestock distribution of all lands. CCCD also encourages BLM Buffalo office to provide technical and financial assistance to permit holders or lessees in controlling noxious weeds on public lands.

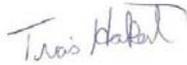
6. Special Designations

COMMENT: The District does not agree with any additional areas being designated as ACEC, WSA or other special management areas. Within existing proposed ACEC's in the Powder River Basin, multiple use is encouraged.

1039

Again, thank you for the opportunity to provide input. If there are questions or concerns please feel free to contact me at jcd@vcn.com or 682-1824.

Respectfully,



Travis Hakert
Chairman

Cc: CCCD Board of Supervisors
Bobbie Frank, WACD
Campbell County Commissioners

1040

"Cheryl Sorenson"
<cheryl@pawyo.org
>
01/05/2009 03:46
PM

<BRMP_Rev_WYMail@blm.gov>
To
cc
Subject
Buffalo RMP Revision Comments

Please find the enclosed comments on behalf of Public Lands Advocacy and the Petroleum Association of Wyoming.

Thanks!

Cheryl Sorenson
Vice President
Petroleum Association of Wyoming
Office - 307.234.5333
Cell - 307.262.4690

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(See attached file: PAWPLABuffaloRMPComments.doc)

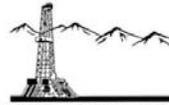
1040



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January 5, 2009

Bureau of Land Management
Attn: Linda Sloan RMP Project Manager
2987 Prospector Drive
Casper, WY 82604

Via Email: BRMP_Rev_WYMail@blm.gov

RE: Buffalo Resource Management Plan and Environmental Impact Statement Scoping

Dear Ms. Sloan:

On behalf of the Petroleum of Wyoming and Public Lands Advocacy (PLA) below are suggestions and concerns for Buffalo BLM's Resource Management Plan (RMP) and Environmental Impact Statement (EIS). The Petroleum Association of Wyoming (PAW) is Wyoming's largest and oldest petroleum industry trade association dedicated to the betterment of the state's oil and gas industry and public welfare. PAW members, ranging from independent operators to integrated companies, account for approximately ninety percent of the natural gas and two-thirds of the crude oil produced in Wyoming. PAW is recognized by politicians, regulators and the media as the state's leading authority on petroleum industry issues. PLA is a nonprofit trade association whose members include independent and major oil and gas producers as well as nonprofit trade and professional organizations that have joined together to foster environmentally sound exploration and production on public lands.

Fluid Minerals

It is necessary for mineral resources to be represented equitably in not only the planning criteria, but also in factors that will be considered by alternative, effects to be addressed in the analysis of environmental consequences and determinations used to select a preferred alternative.

The following factors should be included by BLM in the analysis:

- Management options that would protect or enhance opportunities to explore for and develop oil and gas resources will be examined.
- Management options for surface resource management that are compatible with oil and gas resource management objectives
- Reasonable mitigation measures designed to limit or avoid impacts to surface resources as a means to lessen restrictions on access to public lands for leasing
- Lack of oil and gas resource potential or current industry interest will not be used as a basis for closing lands or imposing constraints on exploration and development activities

The effects on oil and gas opportunities from surface management is only tied to – not limited to – economic impacts. Access to public lands for purposes of exploring for and producing oil and gas resources must be considered a separate issue from economic impacts. It must be explained how surface management constrains the availability of public lands for leasing, exploration and potential development. Moreover, compliance with the

various leasing laws that require all lands to be evaluated for lease is an access issue that has nothing to do with economics.

We recommend that an analysis of the following types of effects be included in the environmental consequences section of the RMP:

- Effects on opportunities to explore for, lease and develop oil and gas resources resulting from restrictive surface management decisions.
- The application and viability of reasonable mitigation.
- Limit the study to any residual effects that may be present after standard or special lease terms and conditions have been imposed. (For example, under the 43 CFR 3101 regulations, a two-month occupancy restriction can be imposed under standard terms and conditions of a lease for purposes of protecting critical habitat. Therefore, if the typical restriction used to protect calving areas is two months, no stipulation is needed because the BLM has the authority to restrict an operator, if necessary, to protect such areas under the standard terms of the lease. A lease notice apprising the lessee that calving grounds exist on the lease should be sufficient.)

Interim Development during the Planning Process

According to IM-2001-191: "*When a RMP is being amended or revised, BLM will continue to process site-specific permits, sundry notices, and related authorizations on existing leases in an expeditious manner while ensuring compliance with NEPA and other laws, regulations, and policies.*

The BLM has the authority and discretion to condition its approval of proposed actions (APDs and other site specific activities) with reasonable measures (including relocation, redesign or delays in the proposed action) so as to reduce the effect of actions on other resource values and uses, consistent with the lease rights granted (see 43 CFR 3101.1-2). That is, BLM can use its authority and discretion to condition its approval of proposed actions to not constrain alternatives under consideration in a RMP revision or amendment consistent with the lease rights granted. Actions that may appear to reduce a lessee's right to reasonably develop a lease should be cleared through the State Director and Regional Solicitor's Office."

We urge BLM to follow the requirements in the Instruction Memorandum during the current planning process.

Socio-economic Considerations and Benefits from Oil and Gas Activities

A comprehensive analysis of the socio-economic benefits of oil and gas development activities in the area should be included in the review. A chart representing costs of administering the mineral program and industry's financial contributions to local, state and federal treasuries would also be appropriate.

Management of Areas of Low, Moderate, High and Unknown Potential for Oil and Gas in the Study Area

BLM is responsible for assessing the potential for occurrence of oil and gas resources during the analysis process. We would like to emphasize that the lack of potential or lack of current industry interest should not be considered a basis for closing lands or imposing constraints on future development. Levels of interest can change overnight, rendering an area previously considered to have low potential highly prospective due to new information, technology or economics. It is important that future opportunities to explore for and develop oil and gas resources not be indiscriminately foreclosed.

Determining the Cumulative Impacts of Reasonably Foreseeable Oil and Gas Development

We recommend that BLM use a method that incorporates historical data on what types of impacts have typically occurred in the area. It will be impossible to determine exactly how many miles of roads will be needed or how big a specific well pad may be until an Application for Permit to Drill is filed. Therefore, the agency should use a local average for these types of uses. Furthermore, the discussion of cumulative impacts related to possible

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PAW/PLA Scoping Comments on Buffalo RMPA
January 5, 2008
Page 3

development should include not only possible impacts of oil and gas activities, but also the measures available to mitigate adverse effects. In addition, we recommend that BLM utilize a new approach for defining reasonably foreseeable development that addresses acceptable levels of surface disturbance rather than the number of wells in then planning area. This gives both BLM and industry needed flexibility in future development opportunities, such as drilling multiple wells from a single pad or taking into consideration wells that have been plugged and abandoned.

We also strongly urge BLM to periodically review the Reasonably Foreseeable Development scenario for oil and gas during the planning process to ensure it accurately reflects industry activity projections in the planning area. In so doing, BLM can ensure the plan will be a useful management tool.

Identifying Available Mitigation Measures to Minimize or Avoid Possible Impacts That Could Result From Future Oil and Gas Activities

Section 1502 of the Council on Environmental Quality Regulations on the National Environmental Policy Act directs that mitigation measures be identified in the EIS which may be employed to reduce or entirely avoid impacts to other resource values. While this could be construed to mean that only lease stipulations need to be identified, we believe it is necessary to discuss other types of mitigation which may be utilized at the time of oil and gas drilling, both exploration and development, such as area-wide standards and guidelines for oil and gas operations. This information is necessary because it illustrates that with appropriate mitigation, oil and gas activities are compatible with other resource uses, including those in sensitive areas.

The Effect on Opportunities to Explore for and Develop Oil and Gas Resources by the Management of Other Surface Resource Management Decisions

Many past BLM planning documents have discussed the impacts oil and gas activities may have on other resource values, but they have failed to adequately describe the effects surface resource management decisions may have on future subsurface opportunities and activities. Therefore, we strongly urge BLM to describe the impacts of surface management decisions and trade-offs selected as they relate to oil and gas opportunities.

Valid Existing Rights

Valid existing lease rights cannot be changed by a new plan. Voluntary compliance to the new plan may be sought from lessees if activities are initiated. Nevertheless, BLM needs to specify in the planning documents if and how valid existing lease rights could be impacted by the new leasing decisions. Specifically, potential conditions of approval for operations and other changes should be identified.

Directional Drilling

We urge BLM to recognize that the use of directional or horizontal drilling methods is based upon a number of factors that include geology, technological feasibility and economic viability. Even though this technology is viewed by many as a reasonable solution to surface disturbance concerns, BLM must recognize that these decisions can only be made with careful consideration to many other factors that influence a project's viability. Therefore, it would be inappropriate to impose across the Field Office a requirement that could render a well uneconomic or infeasible, particularly when existing leases do not require the use of alternative drilling techniques.

Sincerely,



Cheryl Sorenson
Vice President
Petroleum Association of Wyoming

Claire M. Moseley
Executive Director
Public Lands Advocacy

1041

"VanCampen,
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Subject
RE: Buffalo RMP Revision comments

(Embedded image moved to file: pic26021.gif)

Michelle:

I think the input to the BLM field office in Buffalo is very appropriate.
Thanks Richard

From: Michelle Cook [mailto:icd@vcn.com]
Sent: Monday, January 05, 2009 1:54 PM
To: BRMP_Rev_WYMail@blm.gov
Cc: Co. Commissioners; Bobbie Frank; Wanda Burget; Travis Hakert; Jason
Oedekoven; Brenda Schladweiler (E-mail); Brenda (E-mail); VanCampen,
Richard (E&P)
Subject: Buffalo RMP Revision comments

Please find attached the Campbell County Conservation District's Buffalo
RMP Revision comments. Please contact Michelle Cook at icd@vcn.com or
307-660-5628 with any questions or concerns. Thank you for the
opportunity to comment.

Michelle Cook

District Manager
Campbell County Conservation District
601 4J Court, Suite D
PO Box 2577
Gillette, WY 82717

1041

307-682-1824 office
307-660-5628 cell
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1042

"Bill Haagenson"
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us>

01/02/2009 03:41
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To
BRMP_Rev_WYMail@blm.gov, "Susan
Child" <SCHILD@state.wy.us>, "Tom
Blickensderfer"
<TBlick@state.wy.us>

cc

Subject
Buffalo RMP scoping comments

Attached in pdf format.

Bill Haagenson
Assistant State Forester - Forest Management
Wyoming State Forestry Division
307-777-5662

(See attached file: scoping comments0001.pdf)

1042



Wyoming State Forestry Division

THE FOREST RESOURCE AGENCY OF WYOMING



1100 W. 22nd STREET
CHEYENNE, WY 82002

PHONE: (307) 777-7586
FAX: (307) 777-5986

January 2, 2009

Re: Buffalo RMP revision scoping

Dear RMP Revision Team,

As managers of forested state lands in the area, we have a clear interest in land management activities on other ownerships due to the impacts on our resources. We thank you for the opportunity to provide some initial, general comments on the RMP revision.

With 65,000 acres of forest lands in the Bighorn Mountains, the BLM has the responsibility to manage those lands in a sustainable manner to maintain healthy forests, produce timber for harvest, manipulate stands to achieve age class/density/species diversity, improve wildlife habitat, provide recreational opportunities, and protect water quality. In an area of intermingled land ownership, such as the southern Bighorn Mountains, management or the lack thereof can have significant impacts on neighboring lands. This is a time for increased forest management within the planning area.

Wyoming's forests, including those addressed by the RMP revision, are facing significant forest health threats. A combination of long term drought, old and dense stands, and the combination of effective fire suppression and reduced timber harvesting have resulted in epidemics of all of the major bark beetles affecting stands across the state. Using active forest management to address the causes of the bark beetle epidemics and reduce the impacts will be critical in the near future.

The idea of "forest health" is often thought of in terms of only insects and disease. One of the major threats to the sustainability of forest stands is the age and structure of the stands. Too many stands are overly dense and too old, making them more susceptible to damaging agents. Using active forest management to establish age class diversity at the landscape level would be very helpful in maintaining healthy forests for the long term within the planning area.

Other resource management issues, such as wildlife hiding cover and protection of water quality, are often used as reasons to not implement forest management practices. In fact, it has never been more important to use management to protect other resource values. Bark beetles affect the very stands that would be retained for hiding cover or other habitat issues. Stand replacing wildfires affect the same stands. Maintaining healthy forests near surface water often requires active management. Without management, those stands are also susceptible to bark beetles. Heavy fuel loading and intense wildfires pose a significant threat to water quality.

Fuel reduction projects, including mechanical projects and the use of prescribed fire, will be important in the planning area. The wildland-urban interface is increasing and creating problems for fire managers. Forest stands outside of the WUI are burning more intensely than normal. Fuel reduction projects within and outside of the WUI will help fire managers protect various resources at risk. Prescribed fire should be utilized where appropriate, but only as one tool in the forest management toolbox, not as a solution by itself. Cooperation with Community Wildfire Protection Plans, local fire entities, and other government agencies will be important. Given the checkerboard ownership pattern, fire suppression must continue to

1042

be a priority within the planning area. Any potential wildland fire use must be carefully considered and planned with cooperation from other entities and agencies.

Access for management can be difficult given the complex ownership pattern. Every effort should be made to work cooperatively with other landowners to secure access for management and to provide the same to other landowners.

Continuation of wilderness study areas should be carefully considered during the RMP revision. Where the existence of a wilderness study area could impact access for other landowners or negatively impact other ownerships the WSA should be eliminated. Each WSA should be carefully evaluated during this process.

Finally, as you begin this RMP revision, please give consideration to the factors currently affecting the forested lands within the planning area. Inaction is probably not appropriate at this time. Thank you for the opportunity to provide these initial comments.

Sincerely,



Bill Haagenson
Assistant State Forester – Forest Management

January 5, 2009

January 5, 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,

Thank you for the opportunity to provide input on the Buffalo Field Office Resource Management Plan (BFO RMP). My comments are:

Physical Resources: Surface Water

- Although the extent of intermittent waterways may be limited in the Powder River Basin, the definition of such waterways should be included, considering recent industrial uses. A discussion of impacts and mitigation measures relative to intermittent waterways should be included.

Physical Resources: Soils

- Separation of suitable and unsuitable subsoil should be incorporated into management guidelines. Currently the 2003 PRB Oil and Gas Project Area EIS states “The COAs do not mention avoiding soil mixing, but this mitigation measure is recommended by numerous soil surveys in the area.” Use of suitable subsoil for reclamation purposes, if needed, should be considered.
- The definition of topsoil should be more clearly defined to exclude or include suitable subsoil. The terms subsoil, cover soil, and plant growth medium all need to be defined or one consistent term utilized in the writing of the new BFO RMP. Currently in the 2003 PRB Oil and Gas Project Area EIS it is unclear as to whether or not there is any distinction between topsoil and suitable subsoil.
- Surface disturbing activities are currently allowed to be conducted on slopes up to 25%. A 25% slope is relatively steep and erosion could be an issue with some soil textures (i.e., silts). Activity on slopes less than 25% should be texture dependent and may require erosion control measures.
- The impacts of surface disturbances on biological soil crusts should be discussed.
- The Rawlins Field Office RMP allowed vehicles to travel 300 ft off the marked road to pick up big game and access camping sites. Allowance of vehicle travel off marked roads should be site specific and related to land use.

Mineral and Energy Resources

- Renewable energy sources (i.e., solar and wind) that could impact resources in the BFO area should be considered in light of recent wind development projects.
- Uranium mining, especially in-situ, should be discussed and the current Reasonable and Foreseeable Development Scenario in the 2001 BFO RMP Amendment for uranium should be updated. The information contained within the 2001 BFO RMP Amendment is outdated and the

January 5, 2009

information relative to “high” or “moderate” areas of development are unclear and appear inconsistent with current placement of proposed or permitted in-situ uranium mines.

- The Reasonable and Foreseeable Development Scenario for oil and gas development and for coal development need to be updated and compared to current development levels.

Fire and Fuels Management

- When using prescribed burning as a vegetation management, wildlife habitat, and a fuels reduction method, it is possible cheatgrass could invade freshly burned areas causing additional forage and vegetation management issues. On burned areas at risk for erosion or invasion by cheatgrass, the use of non-native species for short-term site stabilization should be considered.
- Discuss how cheatgrass can influence fire frequency and/or risk and how these factors are incorporated into let burn policies and determination of prescribed burn areas.

Biological Resources: Vegetation

- Vegetation requirements within the BLM WY Reclamation Policy, if incorporated in the BFO RMP, appear appropriate; however, the similar composition and diversity requirements could be overlooked unless set definitions are developed for these terms. Reclamation success criteria should be quantified or more defined if the Reclamation Standards section of this Policy is utilized.
- Ute Ladies'-tresses survey dates should be re-evaluated and extended beyond 31 August, into mid-September. The earliest flower date for Wyoming is 3 August and the latest is 19 September, and surveys in eastern Wyoming have been conducted and flowering plants were observed from 5 August through 4 September (Heidel 2007a). Further Recommendations and Guidelines for Ute Ladies'-tresses Orchid Recovery and Fulfilling Section 7 Consultation Responsibilities (USFWS 1995), states “Ute Ladies'-tresses Orchids can only be reliably found and identified when it is flowering which typically occurs sometime during the period from mid-July through mid-September.” The Wyoming Natural Diversity Database (Heidel 2007b) and the Center for Plant Conservation, Wyoming Rare Plant Field Guide (USGS 2006) indicate Ute Ladies'-tresses flower from late July through September.

Heidel, B (a). 2007. Survey of *Spiranthes diluvialis* (Ute ladies'-tresses) in Eastern Wyoming, 2005-06. Prepared for Bureau of Land Management and the Medicine Bow/Routt National Forest/ Thunder Basin National Grassland. Wyoming Natural Diversity Database, Laramie, WY.

Heidel, B (b). 2007. State Species Abstract: *Spiranthes diluvialis* Ute Ladies'-tresses. Wyoming Natural Diversity Database. http://www.uwyo.edu/wynddsupport/docs/Reports/SpeciesAbstracts/Spiranthes_diluvialis.pdf

USFWS. 1995. Recommendations and Guidelines for Ute Ladies'-tresses Orchid (*Spiranthes diluvialis*) Recovery and Fulfilling Section 7 Consultation Responsibilities.

USGS. 2006. Wyoming Rare Plant Field Guide: Ute Lady's Tresses. <http://www.npwrc.usgs.gov/resource/plants/wyplant/spec/spirdilu.htm>

BFO RMP Comments
Schladweiler
January 5, 2009

Biological Resources: Wetland/Riparian Areas

- When stipulations are placed on the distance a surface disturbance must be from perennial (and intermittent) waterways, the distance should be measured from the outermost edge of the riparian zone where it meets the upland vegetation zone to ensure the integrity of the riparian zone. Currently it is unclear from where those distances are measured.
- The width of the buffer zone is probably less important than the point from where the disturbance is measured. The WGFD recommends a 500 ft buffer for riparian areas, wetlands, and stream channels. However, buffer width should be dependent, in part, on topography, soil texture and vegetative cover, and should be developed on a site specific basis.

Biological Resources: Noxious Weeds

- Noxious weed species lists and known occurrence information in the 2003 PRB Oil and Gas Project EIS need to be updated. There are three new species on the 2008 Wyoming Declared Weed and Pest List not on the 2000 list used in the 2003 PRB Oil and Gas Project EIS. It also appears the Johnson and Sheridan County Declared Weed and Pest Lists have also been updated since the 2003 PRB Oil and Gas Project EIS was completed. Known occurrences of county and state declared species should be updated and verified through records at the Rocky Mountain Herbarium. It is likely several species not previously known in this area have been introduced from recent disturbance activity.
- The area requiring an invasive species survey prior to disturbance should be defined.

Low Reclamation Potential Areas

- Based on the Draft Wyoming Reclamation Policy, Low Reclamation Potential Areas should be outlined in the BFO RMP.
- Low Reclamation Potential Areas, if identified, should not restrict multiple use. If necessary, greater planning detail and/or reclamation requirements could be considered to facilitate multiple use.

Special Designations

- ACEC designated areas should not be subject to no use designation, i.e., multiple use guidelines should be considered.

If there are questions or concerns, please feel free to contact me at bschladweiler@bksenvironmental.com or 686-0800. Again I would like to thank you for the opportunity to provide input on the Buffalo Field Office RMP.

Respectfully,



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