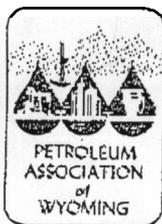


00101



## PETROLEUM ASSOCIATION OF WYOMING

951 Werner Court, Suite 100  
Casper, Wyoming 82601  
(307) 234-5333

fax (307) 265-2189  
e-mail: paw@pawyo.org  
www.pawyo.org

Date: 10/19/06

To: Linda Stone

From: Jason

Fax #: (307) 261-7587

Notes:

Casper Draft RMP

### RECEIVED

OCT 19 2006

Bureau of Land Management  
Casper Field Office

00101



ASSOCIATION

Casper, Wyoming 82601

e-mail: paw@pawyo.org



(303)860-0212 • fax 1-866-718-2692

October 19, 2006



Ms. Linda Slone  
Casper RMP Project Manager  
Bureau of Land Management  
2987 Prospector Drive  
Casper, WY 82604-2968

**RE:** Draft Environmental Impact Statement and Resource Management Plan for the Casper Field Office

Dear Ms. Slone:

On behalf of the Petroleum of Wyoming (PAW) and Public Lands Advocacy (PLA) following are comments on the **Draft Environmental Impact Statement (DEIS)** for the Casper Resource Management Plan (**CRMP**). PAW is Wyoming's oldest and largest trade organization, whose members account for over ninety percent of the natural gas and over eighty percent of the crude oil produced in the State. PAW is recognized as Wyoming's **leading authority** on petroleum industry issues and is dedicated to the betterment of the state's oil and gas industry and public welfare. PLA is a non-profit organization whose members include major and independent petroleum companies as **well as** non-profit trade and professional organizations that **have** joined together to **foster** the interests of the oil and gas industry relating to responsible and environmentally sound exploration and development on **federal** lands. **As** such, we appreciate this opportunity to provide you with our views and concerns regarding the **DEIS**.

#### **GENERAL**

We commend BLM's success in preparing a **DEIS that** is at the same **time easy to** understand **as well as** comprehensive. **It is** clearly evident the **preparers took great** care to respond to criticisms of past and recent land use planning efforts by addressing **several** previously identified deficiencies. In particular, we support the changes made to Chapter 4 - Environmental Consequences where BLM has carefully documented routine, as well as extraordinary, mitigation measures **used** to reduce or eliminate impacts to surface and other resource values. We have long held that **it is** important to avoid **limiting** the environmental consequences and cumulative effects analyses to a worst case scenario. The only way to avoid presenting a worst case scenario is to **recognize** in the analysis that extensive mitigation **is** employed to ensure minimal long-term impacts result from **oil** and gas exploration, development and production activities.

#### **WAIVER, EXCEPTION OR MODIFICATION OF LEASE STIPULATIONS**

**Comment:** We strongly support the incorporation of criteria for **granting waivers, exceptions and modifications** (WEM) of lease stipulations. While we recognize their inclusion is a requirement of

PAW/PLA Comments on Casper RMP DEIS  
October 19, 2006

00101

RECEIVED

OCT 19 2006

Bureau of Land Management  
Casper Field Office

BLM's planning policy, the Casper Field Office has clearly outlined when and why a WEM could be granted. This information will facilitate industry's and the public's understanding of how stipulations might be subject to change depending upon conditions that exist at the time an activity is proposed. Their identification provides needed management flexibility to the agency.

While we support the identification of WEM Criteria, an alternative approach is worth consideration. Obtaining a **WEM** is time consuming, requires extensive paperwork and frequently requires public scoping. In our view, it would be more efficient to write the stipulations in a manner where they would be effective only if the resource value(s) or concern(s) to be protected are present. For example, an exception to a timing limitation may be granted because big game species **may** not be utilizing the project area during the period *for* which the stipulation **is** intended. It would be beneficial to both the agency and the oil and gas project proponent if the stipulation went into effect only when the species were present at the time the operation is proposed. **This** does not mean a survey to document the absence of the **species** would not be necessary. It would merely reduce the time and paperwork required to approve the **exception**. Approval delays would be avoided because the process would be streamlined and there would **be** no need for public involvement.

## ALTERNATIVES

Comment: We **support** BLM's decision not to analyze in detail several exceedingly imbalanced alternatives, such as:

- Suspend all existing federal minerals leasing and development operations and cancel existing oil and **gas** leases.
- Emphasize the protection of resources by removing most, if not all, human uses.
- Designate the entire planning area **as** a Special Management Area (SMA) to meet **Class I** Visual Resource Management (VRM) objectives.
- Remove all stipulations and restrictions from oil and gas leases.
- Open the entire planning area to unregulated public access, OHV use, and other uses
- Prohibit surface water disposal of coalbed natural gas (CBNG) wastewater.
- Survey for, identify, and protect lands of wilderness quality.
- Mandated direction drilling

None of these alternatives warrant **in-depth** analysis because they represent extreme approaches to land management that fail to comport with existing laws, regulations and policy.

Comment: The range of alternatives considered in detail provided BLM with an acceptable array of management options from which to craft a preferred alternative. There has been great concern with previously released proposed RMP revisions for other field offices because the analyses were limited to four alternatives. These included the no action alternative, an unconstrained alternative, and a maximum protection alternative, thereby restricting BLM's management options to only one alternative that incorporated a "purported" balanced management approach. We are pleased that the Casper Field Office chose to develop five alternatives because they allowed for a broader **range** of management opportunities to be analyzed.

PAW/PLA Comments on Casper RMP DEIS  
October 19, 2006

00101

Page 3

**RECEIVED**

OCT 19 2006

Bureau of Land Management  
Casper Field Office

Comment: We support the preferred alternative with the following recommended changes.

Page 2-4 - "Oil and gas lease stipulations may be modified or eliminated using the exception, modification, or waiver criteria outlined in Appendix F or through more **site-specific** environmental analysis. *The BLM's authorized officer could modify those stipulations determined to be either too restrictive or too lenient relative to desired outcomes.*"

**Comment:** *The assumption that BLM can modify stipulations to make them more restrictive is incorrect because it fails to acknowledge that valid existing rights are associated with a lease contract. According to statute and regulation, the agency has no authority to change stipulations or the terms of the lease contract without voluntary agreement from the lessee. Moreover, the agency's authority to impose conditions of approval on a proposed project is also limited by the terms associated with the issued lease, as directed in 43 CFR 3101.1-2, Surface Use Rights:*

*"A lessee shall have the right to use so much of the leased lands as is necessary to explore for, drill for, mine, extract, remove and dispose of all the leased resource in a leasehold subject to: Stipulations attached to the lease; restrictions deriving from specific, nondiscretionary statutes; and such reasonable measures as may be required by the authorized officer to minimize adverse impacts to other resource values, land uses or users not addressed in the lease stipulations at the time operations are proposed. To the extent consistent with lease rights granted, such reasonable measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. At a minimum, measures shall be deemed consistent with lease rights granted provided that they do not: require relocation of proposed operations by more than 200 meters; require that operations be sited off the leasehold; or prohibit new **surface** disturbing operations for a period in excess of 60 days in any lease year." [Emphasis added]*

BLM's Instruction Memorandum 92-67 further clarifies how valid existing rights are to be honored,

*"The lease contract conveys certain rights which must be honored through its term, regardless of the age of the lease, a **change in surface** management or conditions or the availability of new data or information. The contract **was** validly entered into based upon the environmental standards and information current at the time of lease issuance...**Any** application of mitigation to a post-lease operation is subject to State Director Review (SDR), if requested by the operator, Such a review would consider whether the identified impact is considered to be unnecessary and undue degradation. If so determined, the mitigation would be upheld as being consistent with the granted lease rights and within the government's reserved authority to mitigate operations. If determined to be necessary and due degradation, the mitigation **WOULD NOT** be allowed. If the mitigation **was** developed in an RMP then a plan amendment may be necessary to correct **any** decisions which infringe on valid existing [lease] rights."*

It is legally required that Valid Existing Rights be honored. Therefore, not only must their acknowledgment be incorporated into the section that outlines Management Common to All Alternatives, but throughout the entire environmental impact statement and the resulting resource management plan as well, including the Glossary.

PAW/PLA Comments on Casper RMPDEIS  
October 19, 2006

00101

Page 4

RECEIVED

OCT 19 2006  
Bureau of Land Management  
Casper Field Office

#### AIR QUALITY

We support that BLM took a qualitative instead of a quantitative approach to addressing air quality issues due to the lack of site-specific data and the fact that the WDEQ regulates air quality through permitting and associated BACT and modeling.

Page 4-7 - The third paragraph discusses the potential impact of AQRV's within the Bridget and Fitzpatrick Wilderness Areas. BLM points out that the air quality in these areas may be impacted based on previous quantitative analyses for the Powder River Basin EIS.

Comment: It is important to note that the modeling analysis is highly dependent upon meteorological conditions such as wind direction, wind speed, ambient temperatures, etc., the characteristics of the emission sources, including type, spacing, emission height, emission temperature, etc, and topography. Consideration of these elements would provide a more balanced analysis. It is questionable to assume that because the Powder River Basin EIS predicted impacts 200 miles away that an analysis for this EIS would do the same. On the other hand based upon our data, we support BLM's finding that under all alternatives oil and gas operations would not likely not cause an exceedance of National or Wyoming Ambient Air Quality Standards.

Page 4-9: H<sub>2</sub>S and its potential impacts.

Comment: It is stated that APD's would include a contingency plan. We recommend that BLM list the requirements of such a plan, including a statement that it will be evaluated on a case-by-case basis depending on the expected levels of H<sub>2</sub>S.

#### WATER QUALITY, WATERSHED, SOILS MANAGEMENT, VEGETATION AND NOXIOUS WEEDS

Page 2-24: "Like alternatives C and D, the use of pitless technology for oil and gas drilling operations is required when there is potential for adverse impacts to surface water, groundwater or soils."

Comment: The BLM does not have the authority to regulate surface or ground water quality. Additionally, by requiring pitless technology for oil and gas drilling operations, BLM does not consider the use of lined pits. Similar to pitless technology, lined pits also protect surface water, groundwater and soils. For these reasons, the above language should be amended as follows:

"The use of lined pits or pitless technology for oil and gas drilling operations is recommended when there is potential for adverse impacts to surface water, groundwater or soils."

Table 2-3: Record#1033

Comment: The requirement under the Preferred Alternative E is the same as Alternative C, which is to use pitless drilling technology to protect surface water, groundwater and/or soils. The BLM does not have the authority to regulate surface or ground water quality. In addition, pitless drilling

PAW/PLA Comments on Casper RMP DEIS  
October 19, 2006

00101

Page 5

RECEIVED

OCT 19 2006

technology is expensive, inefficient and cumbersome. Lined pits, on the other hand, are commonly used, less expensive and are designed to protect surface water, groundwater and soils. For these reasons, the BLM should not automatically require Operators to use pitless drilling technology.

Table.33: Record #2018

Comment: Under the Preferred Alternative, Record #2018 requires directional drilling on a case-by-case basis. Requiring directional drilling on a case-by-case basis is too subjective. It must be recognized that the application of this technology is technically and economically limited within the planning area. Therefore, we recommend that BLM remove this requirement from Table 2-3 or clearly specify criteria, acknowledging technical and economic feasibility, that would be used to require directional drilling.

Page 4-76 "Alternative E requires re-treatment of reclaimed areas that do not have 30 or 50 percent of pre-disturbance vegetative cover in 3 or 5 years, respectively, similar to Alternative C."

Comment: The above requirement (1) does not account for weather conditions that are beyond an Operator's control (e.g., drought and wind) and (2) it could be interpreted to mean that reclaimed areas must have better vegetative cover than the surrounding undisturbed land. Operators have and will continue to make a good faith effort to reclaim disturbed land. This should be reflected in the BLM's requirements.

**REASONABLY FORESEEABLE DEVELOPMENT**

**Comment** While it is evident that BLM conducted a thorough analysis of reasonably foreseeable development (RFD) in the study area and identified surface disturbance associated with wells by alternative, it is unclear how the agency developed the RFD. No technical data are provided to demonstrate that the analysis is correct. We recommend that the Final EIS and Proposed Plan contain requisite technical information utilized to develop the RFD.

**SAGE GROUSE**

Table 2-3, Pages 2-55 through 2-56

**Comments:**

It is unclear whether the Bates Hole and Fish Creek Willow Creek Areas are one and the same. Based on Table 2-3 and related sections within the Casper Draft RMP, we assume that the Fish and Willow Creek areas are located within the Bates Hole area. We recommend that BLM clarify this issue.

We recognize that BLM has determined it must manage the Bates Hole and Fish Creek Willow Creek areas differently from the remaining planning area - The Bates Hole and Fish Creek Willow Creek areas are subject to a 3/4-mile CSU buffer and a 4-mile timing restriction buffer around occupied Sage-grouse leks while the rest of the planning area is subject to a 1/4-mile NSO buffer

PAW/PLA Comments on Casper RMP DEIS  
October 19, 2006

RECEIVED 00101

OCT 19 2006

Page 6

Bureau of Land Management  
Casper Field Office

and 2-mile timing restriction buffer around occupied Sage-grouse leks. The agency does not, however, provide a reason why these areas **should** be managed differently and fails provide the data to show that a  $\frac{3}{4}$ -mile CSU buffer and a 4-mile timing restriction buffer around occupied **leks is** warranted. To strengthen and add credibility to the Draft **RMP**, **we** recommend that BLM incorporate detailed information justifying **this** change in management in the FEIS.

Finally, the **DEIS** infers there is a difference between suitable and identified Sage-grouse habitat. In §4.4.9, however, the agency **does** not use the word suitable to describe protected Sage-grouse habitat. The discussion is limited to identified Sage-grouse habitat. To clarify this issue, the BLM should first determine whether **it is** necessary to distinguish between suitable and identified Sage-grouse habitat. If **it is** found necessary, we recommend that BLM explain the difference between the two.

Page 2-24 *The Bates Hole and Fish Creek Willow Creek area under Alternative E have a  $\frac{3}{4}$ -mile CSU buffer for occupied greater **sage-grouse** leks (20,823 acres of BLM-administered surface and 39,070 acres of BLM-administered mineral estate) to protect breeding habitats. Occupied greater sage-grouse leks also have a 4-mile buffer (190,856 acres of BLM-administered surface and 339,906 acres of BLM-administered mineral estate) where surface development or **wildlife-disturbing activities are restricted** from March 15 through July 15 (TLS). Surface disturbance is required to avoid (year-round) sagebrush stands (of greater than 10 percent canopy cover)."*

Comment: It is clear from the above language that the  $\frac{3}{4}$ -mile CSU buffer for occupied greater sage-grouse leks **applies** only to the Bates Hole and Fish Creek Willow Creek areas. It is unclear, however, where the 4-mile timing restriction buffer applies. Since the 4-mile timing restriction buffer **is** discussed in the same paragraph **as** the  $\frac{3}{4}$ -mile CSU buffer, **we** assume the 4-mile timing restriction buffer similarly applies only to the Bates Hole and Fish Creek Willow Creek areas. To clarify this matter, the second sentence in the above paragraph should be rewritten as follows:

*"Occupied greater sage-grouse leks within the Bates Hole and Fish Creek Willow Creek area **also** have a 4-mile timing **restriction** buffer (190,856 acres of BLM-administered surface and 339,906 acres of BLM-administered mineral estate) where surface development or wildlife-disturbing activities are **restricted** from March 15 through July 15 (TLS)."*

Page 3-73 *The WGFD and the BLM have annually surveyed and monitored greater sage-grouse **leks since** the 1950s."*

Comment: The above language implies that greater sage-grouse leks are surveyed every year. This **is** not the case, The BLM should clarify when and how greater sage-grouse **leks are surveyed**.

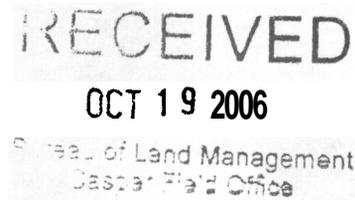
Page 4-99 *"BLM is responsible for managing habitat, **whereas** state **and** federal wildlife management agencies (e.g., **WGFD**, **USGWS**) oversee management of wildlife species."*

Comment: With respect to wildlife, **it is** extremely helpful to explain what the BLM **is** responsible for and what the state and federal wildlife management agencies are responsible for. We appreciate that BLM pointed out this distinction.

PAW/PLA Comments on **Casper** RMP DEIS  
October 19,2006

00101

Page 7



## SURFACE DISTURBANCE MITIGATION GUIDELINES

Appendix I, Wyoming Bureau of Land Management Mitigation Guidelines for Surface-Disturbing and Disruptive Activities

**Comment:** According to Page 1-2, Appendix I, one of the purposes of integrating mitigation guidelines into the **RMP EIS process** is to “*providemore consistency with planning decisions and plan implementation than has occurred in the past.*” Historically, operators have struggled with the inconsistency of not only the BLM but other agencies **as well**. **As** a result, we support the idea of providing more consistency with planning decisions and plan implementation.

## HERITAGE RESOURCES

Page 2-59, Goal HR:1.1, Alternative E: “*...,except block inventories would be applied when full field development is identified..*”

**Comment:** While block cultural inventories may **be** realistic **in** some circumstances, **BLM** must remain flexible in their expectations. For example, spacing requirements may only allow development on 160/80/40 acres which leaves a large percentage of land in a project area undeveloped. The requirement of block surveys on an entire project area may create an unwarranted increase in project costs because it **fails** to consider spacing requirements. We recommend modifying this language to apply block inventories on a case-by-case basis in consultation with the project operator(s).

Page 2-59, Goal HR:1.1, Alternative E: “*...except linear inventories would cover a minimum of 100 feet on either side of surface disturbance.*”

**Comment:** BLM provides no justification for the change in management to require linear inventories that would cover a minimum of 100 feet **on** either side of the disturbance. We recommend that BLM provide an explanation for this change **as it** creates additional financial **burden** on the operator without providing an explanation of benefits or that the current management prescription **is** not working effectively. This requirement should **be** deleted and replaced with language that the area to be surveyed for linear inventories be negotiated on a case-by-case **basis** with the project proponent.

## PALEONTOLOGICAL RESOURCES

Page 2-59, Goal HR: 3.3, Alternatives **D & E** “Develop interpretive facilities **...at** specific localities with high paleontological **values on a case-by-case basis.**”

**Comment:** **It is** appropriate for **BLM** to work with other outside groups and organizations to provide interpretive facilities. It would be inappropriate for BLM to develop interpretive facilities **as** mitigation for oil and **gas** projects.

PAW/PLA Comments on Casper RMP DEIS  
October 19, 2006

00101

Page 8

RECEIVED

OCT 19 2006

Bureau of Land Management  
Casper Field Office

## NATIONAL HISTORIC TRAILS **AND** OTHER HISTORIC TRAILS

Page 2-61, Goal HR: 5.3, Alternatives C & E *“The foreground/middle ground of NHTs will be managed as **Class II** until inventories are completed...”*

Comment: It is necessary for BLM to retain flexibility in management prescriptions while the inventories for congressionally designated trails are being completed. The integrity of some portions of the trail setting has already been compromised and those areas **do** not warrant Class II protection.

Page 2-97, SD: 14.1, Alternative E *“NHTs and other Historic Trails Where Setting **Does Not Contribute to NRHP Eligibility.**”*

Comment: In the case where trail segments and settings do not contribute to eligibility, **Class IV** management may be more appropriate than Class III. Again, BLM needs to maintain flexibility in management prescriptions.

Regarding direct surface disturbance to trails, whether they are NHTs or other trails, we support a **CSU** requirement of avoidance within  $\frac{1}{4}$  mile or the visual horizon, whichever **is** closer.

Page 2-97, SD: 16, Alternative E: *“Where Historic Setting **Contributes** to NRHP Eligibility.”*

Comment: To protect all trails with the **same status as** a congressionally designated trail **is** unacceptable. Furthermore, the protection of all trails from the foreground (3 miles) to the middle ground (5 miles), as defined in the **glossary**, is excessive and unsupported. BLM **must** provide flexibility for VRM management prescriptions while the trail inventories for congressionally designated trails are being completed. The integrity of some portions of the trail setting has already been compromised **and** those areas do not warrant Class II protection.

We **support** the Class II protection of congressionally designated trails within the 2 miles **ONLY** where the segments and settings are pristine in nature and are eligible for the NRHP. For all other trails not congressionally designated (Bozeman and Bridger Trails), the protection measure for direct surface disturbance should not exceed the  $\frac{1}{4}$  mile from the centerline of the trail or visual horizon, whichever **is** closer.

Page 4-267, 4.7.3.1, Methods and **Assumptions**, Bullet **5**: *“...all protective zones **begin** at the outer **edges** of trails, rather than a centerline, which **is** difficult to define.”*

Comment: We disagree with this methodology and assumption **as** it is too subjective and creates inconsistent management. Protective zones must begin from the centerline **and** not the outer edges of trails. This statement **should** be revised to reflect that change.

PAW/PLA Comments on Casper RMP DEIS  
October 19, 2006

RECEIVED

00101

Page 9

OCT 19 2006

Bureau of Land Management  
Casper Field Office

Page 4-274, 4.7.3, National Historic Trails and Other Historic Trails: "...a CSU restriction extends to the viewshed foreground (out to a maximum of 3 miles) or the visual horizon, whichever is closer...The viewshed foreground is managed to **VRM Class II...**"

Comment: We agree with the qualifier of "whichever is closer," but the protection of settings that contribute to the **NRHP** out to a maximum of **3** miles is excessive and unsupported. Consistent with the PAW/PLA Rawlins RMP Revision comments, we support Class II protection of congressionally designated trails within the 2 miles **ONLY** where the segments and settings are pristine in nature and are eligible for the NRHP. Again, BLM must retain flexibility for VRM management prescriptions while the trail inventories for congressionally designated trails are being completed. The integrity of some portions of the trail setting has already been compromised and those areas do not warrant **Class II** protection.

For all other trails not congressionally designated (Bozeman and Bridger Trails), the protection measure for direct surface disturbance should not exceed the ¼ mile from the centerline of the trail or visual horizon, whichever is closer.

#### AREAS OF CRITICAL ENVIRONMENTAL CONCERN & SPECIAL MANAGEMENT AREAS

Page 4-237, 4.7.1.5, Salt Creek Hazardous Area ACEC, Alternative E: "Alternative **E** does not retain the **ACEC**...the BLM would implement a weed-management plan..."

Comment: We **support** lifting the **ACEC** designation **as it is** not warranted. It is also our understanding that the Salt Creek field operator **has** completed the weed management plan. In addition, any weed management plans **need** to be conducted in consultation among the operator, BLM, and County Weed and Pest agencies.

Page 4-238, 4.7.1.7, Alcova Fossil Area (Proposed ACEC/SMA), Alternative D: "Alternative **D**...involves establishing an **SMA** rather than designating an **ACEC**."

Comment: We support the designation of the Alcova Fossil Area **as** an SMA **versus** an ACEC. It would provide more management flexibility **while** protecting the resource. This is particularly important because "oil and **gas** drilling on *production* facilities *would* be allowed if development *did* not cause undue degradation of paleontological resources within the **SMA and would result in less** adverse impacts *than* Alternative A."

Page 2-85, SD: 5, Black-tailed Prairie Dog (Proposed **ACEC**), Alternative D & E:

Comment: We **support** Alternative **E**, which does not create an ACEC for the priority management and protection of Black-tailed Prairie Dogs. In **response** to a **petition** to list the species under the Endangered Species Act (page **3-115**), USFWS determined that the species was not likely to become endangered in the foreseeable future. There are currently protection measures in place to practice avoidance of areas that are identified as having certain levels of prairie **dog** colonies or complexes. The current **management** of this species **is** sufficient for its protection **and an ACEC designation is** not warranted.

PAW/PLA Comments on Casper RMP DEIS  
October 19, 2006

RECEIVED 00101

OCT 19 2006

Bureau of Land Management  
Casper Field Office

Page 2-86, SD: 6, Cedar Ridge Traditional Cultural Property (TCP) (Proposed **ACEC** or **SMA**), Alternative E:

Comment! We support Alternative E, which does not create an ACEC or an SMA for the protection of this area. However, **due** to development in the area with the Madden Deep Field and Hitchcock Draw Unit, an NSO would significantly restrict further access to full field development. Operators are already subject to Section 106 cultural resource surveys prior to surface disturbance. **An** NSO/CSU on future leasing to require directional drilling or twinning may not be technically, geologically, or economically feasible. The NSO/CSU would be costly and possibly unrealistic to maximize recovery of the resource. Either stipulation **is** unwarranted and should be dropped from further consideration as other mitigation techniques can be applied to adequately protect the resource.

Page 2-88, SD: 7.1, North Platte River (Proposed ACEC, **SMA**, SRMA), Alternative **E**:

**Comment:** We support Alternative E and the creation of an SRMA **as long as** oil and **gas** leasing, development and geophysical activity are allowed to continue within the ¼-mile of the high water mark and mitigation is negotiated on a case-by-case basis.

Page 4-253, Salt Creek SMA (Proposed), Alternative **C & E**:

Comment: We strongly support the creation of the Salt Creek **SMA** and Alternative E in its entirety. We support BLM's recognition that the Salt Creek oil field is the prevailing **use** of the area. Moreover, we are pleased that the Casper Field Office has taken the initiative to establish an energy related designation for the area. There are few areas that

Page 2-91, SD: 10, **Sand Hills** SMA (Proposed), Alternative **A**

Comment: We **support** Alternative **A**. **BLM** states that limited development has occurred in the area and protection of the resources remains stable. With the recent multi-million dollar geophysical project being conducted, the area could contain significant mineral resources. Oil and gas leasing and development should **continue** and the requirement of a mitigation plan to protect the resource prior to development is sufficient to protect the Sand Hills.

Page 2-93, SD: **1.1& 1.2**, South Big Horns/Red Wall (Proposed **ACEC** or **SMA**), Alternative E

Comment: **We** support **the** creation of an **SMA** in Alternative E. However, due to development in **the** area **with** the **Madden Deep** Field and Hitchcock Draw Unit to require directional drilling or twinning **on** existing leases may not be technically, geologically, or economically feasible. This approach would be costly and possibly unrealistic to maximize recovery of the resource. This restriction **is** unwarranted and should be dropped from further consideration **as** other mitigation techniques can be applied to **adequately** protect the resource.

Page 2-94, SD: **12**, Wind River Basin (Proposed **SMA**), Alternative **C**:

Comment: We support the creation of the Wind River Basin SMA and Alternative C in **is** entirety.

PAW/PLA Comments on Casper RMP DEIS  
October 19,2006

00101

Page 11

**RECEIVED**

OCT 19 2006

Bureau of Land Management  
Casper Field Office**CULTURAL, VISUALS, NATIONAL HISTORIC TRAILS -- GENERAL**

BLM must acknowledge that private land ownership patterns are intermixed with federal lands in areas where mineral development occurs. Clearly, management of cultural resources is often further complicated when attempts are made to apply federal standards to resources on private lands. Recognizing the complexities associated with split ownership, patterns is important to understanding the context in which cultural resources are managed. Respect of private landowner rights is critical to ensuring our knowledge of cultural resources can continue.

In addition, this section does not recognize the difficulty in managing an area for Class II or III VRM for lands that fall within the a mosaic land pattern (private and federal): the agency does not provide any flexibility in the language for management options. If the Class II or III VRM remains in place, the agency will likely be faced with the need to amend the RMP once oil and gas activity on the surrounding private lands compromises the current VRM status. BLM must provide flexibility for VRM management prescriptions. The integrity of some portions of the trail setting **has** already been effected and they do not warrant Class II or III protection.

**APPENDIX A: SPLIT ESTATE LANDS**

While BLM does have the mandate through **NEPA** to **analyze** for cumulative effects of a proposed action, it does not give the agency *to* authority to manage private property. Cultural resources are the property of the surface owner unless the landowner has an agreement with the agency to manage the resource. The request for the survey of cultural resources on private surface must be subject to landowner approval. If the landowner denies a survey request for cultural resources on private surface in the project area, BLM should not deny the POD or **APD**. A statement can be included in the **POD** or **APD** submittal that the agency requested a cultural survey and was denied by the landowner. That would demonstrate that the agency addressed cultural resources in its analysis.

With regard to BLM split estate policy, we support the requirements in, or the current version of, Onshore Oil and **Gas** Order No. **1** along with the Washington Office Instruction Memorandum **131-2003** (Permitting Oil and **Gas** on Split Estate Lands and Guidance for Onshore Oil and Gas Order **No. 1**) and contend that this memorandum accurately reflects the appropriate process the agency must take prior to approving **APDs** on split estate lands. In addition, both organizations provided input to BLM pertaining to the agencies report to Congress required under the Energy Policy Act of 2005 provisions.

Regarding private property, should the company find it difficult to resolve issues with the landowner for the development of leases, we recommend the services of the Wyoming Split Estate Initiative (WYSEI). **It is** a voluntary program that outlines options to be considered by **both** parties **and** if utilized, could minimize or prevent conflict. Information regarding this program can be found on the WYSEI website at [www.u?/sei.com](http://www.u?/sei.com).

PAW/PLA Comments on Casper RMP DEIS  
October 19,2006

00101

Page 12

**RECEIVED****OCT 19 2006****OFF HIGHWAY VEHICLE MANAGEMENT**Bureau of Land Management  
Casper Field Office

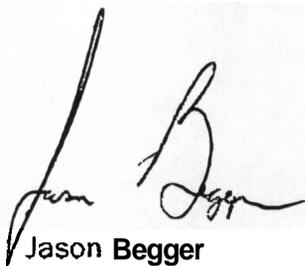
Appendix R, Pages R-13 through R-14 "Other necessary tasks (usually commercial in nature) require *off-road motor* vehicle travel may *be* allowed as long as resource *damage does not occur* and *new routes are* not created. They include *such* activities *as*, but are not *limited to*: geophysical exploration, maintaining range improvements and *surveying rights-of-way* or other *work-related tasks* associated with or which *lead to the* issuance of a permit or authorization. *Necessary tasks may* be allowed *by* the Field Office *in* advance of issuance of a formal authorization."

Comment We support the above language because it clearly states that regardless of the limitations placed on off-highway vehicle travel, geophysical activities will **be** allowed in all regions of the planning area. We support BLM's recognition that it is unnecessary to overly restrict geophysical/seismic exploration.

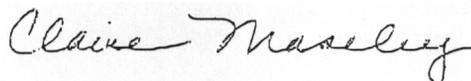
**CONCLUSION**

We appreciate this opportunity to provide you with recommended changes to be incorporated into the Final Environmental Impact Statement and Proposed Resource Management Plan for the Casper **Field** Office. Please contact either Jason Begger at **PAW** or Claire Moseley at PLA if you have **any** questions regarding our recommendations or if you would like to **discuss** them in greater detail.

Sincerely,



Jason Begger  
Vice President  
Petroleum Association of Wyoming



Claire M. Moseley  
Executive Director  
Public Lands Advocacy