

BLM WYOMING RESOURCE ADVISORY COUNCIL

March 28 and 29, 2012

Laramie, Wyoming

March 28, 2012

8:00 a.m.: Don Simpson, BLM Wyoming State Director:

- Introductions: Walt Gasson, RAC; Frederick Botur, former RAC; Marshall Dominick, former RAC; Gary Cukjati, RAC; Steve Dondero District Manager, Wind River Bighorn Basin District; Douglas Thompson, RAC; Mary L. Wilson, BLM Communications Director; Chris Aimone, RAC Interim Chair; Don Simpson, BLM Wyoming State Director; Ruth Welch, BLM Wyoming Associate State Director; Buddy Green, Deputy State Director, Resources Policy and Management; Stephanie Connolly, District Manager, High Plains District; Don Hartley, RAC; John Ruhs, District Manager, High Desert District; Dennis Carpenter, Rawlins Field Office Field Manager; Vickie Arends, BLM Secretary; Pete Stahl, UW; Mary Byrnes, UW, Bruce Pendery; Temple Stoellinger, WACC; Brett Moline, Wyoming Farm Bureau; Steve Smutko, UW; Mary Hogarty, UW.
- Nominations for the new RAC members are in Washington, awaiting approval.
- Ruth Welch is leaving the Wyoming State Office to take the National Operations Center director position in Denver.

8:15 a.m.: Dennis Carpenter, Rawlins Field Manager, Overview of Rawlins Field Office (power point presentation)

- Major ongoing projects include: Chokecherry/Sierra Madre wind projects, Hogback Wind Energy project; Lost Creek in-situ uranium recovery, Continental Divide Creston Natural Gas Development, transmission line projects, Deerwood Ranch wild horse eco-sanctuary; historic trails, JO Ranch, wildlife, Cave Creek Cave area; North Platte Recreation AMP, RMP amendments, fire/fuels, Industry/Government Conference, National Sign Center and the Wyoming Landscape Conservation Initiative (WLCI).
- Discussion of new wind project Sugar Creek, Sage-grouse amendment-Rawlins is one of the six BLM plans currently under revision. South Cottonwood Basin-50 wells-permitting being done by the Forest Service. Transmission corridor could be expanded from 3500 to 4500 feet, because of liability issues have to have enough room.

9:00 a.m. UW Panel: What's happening: Projects, Research and Opportunities?

- *Indy Burke, Director, Haub School and Ruckelshaus Institute of Environment and Natural Resources (ENR), Wyoming Conservation Corps, Wyoming Excellence Chair:* Discussed the programs at UW for second degree after natural resource studies. Internships for students during the summer. Joint degrees with the law school. Bring information together across the lines with education, research and outreach. Explained the different organizations: School of Energy Resources, Helga Otto Haub School of Environment and Natural Resources and the Ruckelshaus Institute. Workbooks are published on Bark Beetle, Wind Projects and Conservation. They also provide mitigation training.
- *Pete Stahl, Professor Soil Ecology, Director, Wyoming Restoration and Reclamation Center:* Record high number of students and research funds. The research they are working on regarding BLM includes: wildlife disease, beetle infestation, botany and

plant science, reclamation of disturbed lands, native seeds, range land and forage. Doing reclamation research with British Petroleum on reclamation, conservation, seeding to see what works and what doesn't. Involved in sage brush re-establishment, soil management, sage-grouse habitat, Seeds of Success program and biotic soil crust. They will conduct four reclamation schools this summer and will host a seed workshop in Casper on April 3.

- *Mark Northam, Director, School of Energy Resources:* School of Energy Resources partners with seven colleges at UW for workforce development. Oversees the Energy Resource Council. The reclamation/restoration program is the driver for balance investment across energy program and defensive technique to protect market, move to offensive techniques to increase value of Wyoming resources. Degree programs on technical/information programs that teach fundamentals in modern technology such as horizontal drilling. They have developed a degree program in Energy Resources for asset management.
- *Steve Easton, Dean, College of Law:* This is a post graduate three year program with curriculum split evenly between required programs and elective energy/resource programs. This gives students a strong legal and environmental background. They deal with regulatory issues along with legal and business aspects. They have two kinds of graduates: those who go in to general practice and those who are specialists working for energy companies or the government.

Questions:

- Discussion regarding renewable energy and how they focus on those issues and how in the long term would like to convert Wyoming's commodities into consumer products. NEPA training for the public, how to involve the public in the NEPA process. They have mitigation and RMP primers now, would be nice to have one on the NEPA process. Need to bring the public in on the NEPA process early in the planning process; proponents are relying on government officials and agencies to protect their interests. Federal laws don't allow for some public involvement in the process because of FACA. Statutory and regulatory process doesn't work in every instance and the law cannot be ignored. This makes it hard for public interaction/access. Discussion of the state seed lab in Powell and how forage kochia is still in the research stage. It was mentioned that it would be nice if there was a Natural Resource law center to answer questions on Wyoming problems such as coordination/cooperation on NEPA. There is a Rural Law Center that can provide support to municipalities, county commissions, etc. It is not a litigation representation center though.

11:00 a.m.: NEPA Follow-up Project Management-Don Hartley

The discussion began by exploring the mission of the RAC and to see where the group is at after its first year.

The following are notes from the flip charts.

Advise State Director

- Mission clarity:
 - What is good for Wyoming?
 - What are we doing as the RAC?

- What is our common goal?
 - What are we to do?
- Decisions based on NEPA.
 - Get people involved in pre-NEPA.
 - ✓ Develop project
 - ✓ NEPA
 - ✓ Public Comment
- Industry engage public comment process pre-NEPA
- Scoping-beginning NEPA
 - Concerns
 - Public scoping in pre-application process
 - Checklist for companies “need to do checklist” guidelines
- University of Wyoming Involvement
 - Considerations:
 - ✓ School of Energy Resources
 - ✓ Parameters
 - ✓ Analysis (Project)
 - ✓ Know how to make it work
 - ✓ Letter of record, put information together by both public and industry.
- Coordinate with BLM regarding recommendations:
 - RAC advises State Director to encourage UW participation
 - ✓ Training on processes, pre-project proposals.
 - ✓ Who’s who at BLM and UW
 - ✓ Good management
 - ✓ Create a tool kit for working in Wyoming
 - ✓ Provide an industry guide
 - ✓ Promote State and federal working together.
- RAC:
 - Subcommittees: Recommendations and contact to BLM
 - Documentation of Pre-NEPA process
 - Managing for Success Handbook with UW and State Director.
- Project Proponents:
 - Make them Successful
 - Outreach
 - Broad based-private
 - Citizen Education

1:00 p.m.: NEPA follow-up: Cooperating Agency- guidelines for Cooperating Agency/lead agency interaction:

- Carry public message
 - Not a lot of ways to involve public
 - ✓ Concerns about release of pre-decision material
 - ✓ Create expectations that cannot be met
- Charge BLM with creating more public touch points in NEPA (especially revisions)
- Counties can invite BLM to table to discuss issues in public forum (coordinated by counties with participants)

- Make better use of public outreach tools: web, workshops, field trips, etc.
- Alert public to what is going on
- County Land Use Plan revision schedule:
 - ✓ More communication, cooperation and cooperation. If public is engaged it's a better product
- Primer for commenting on RMPs and expanding public involvement
- UW can help to engage public
- Maximize transparency and education.
- Range of alternatives: help people understand range
- Involve many people, give as much information as possible and do what's best for Wyoming
- The more discussion the better, how do we do this in the best possible manner?
- Broker conversations between interests
- State Director sets tone for creative solutions
- Guidelines for cooperators to engage public through Wyoming County Commissioners Association
- Suite of choices for level and type of cooperator involvement
- Timeframe, Size and Readability:
 - Documents not written for public to easily read and understand.
 - How do we address the readability and size?
 - Need searchable/interaction of resource issues. Need tables, maps, charts-Mary Wilson's group will work on this
 - Disruptive vs. disturbing activities. Jargon explained meaning in regulatory framework and usefulness/usability
 - Front end load the process. Prime all players for involvement.
 - BLM will bring possible solutions to next meeting.
 - Develop RMP briefings for the public.
 - Continue public involvement through implementation phase.

RECAP/Recommendations (*from flip charts*):

1. How do we increase public involvement and education during and before NEPA?
2. The counties have the latitude to create discussion forums
3. Establish a cooperating agency MOU template. BLM will work with WACC.
4. Develop a tool kit to deal with readability of NEPA documents – BLM PAO
5. Yearly implementation report updates-public engagement – SD can encourage DMs to do this
6. SD sets the tone of how to make this work and promotes a proactive creative atmosphere

- BLM and cooperators working together will set tone for public involvement
- Things get accomplished in Wyoming based on relationships

BLM:

- Develop a template of a plan implementation process. Joe Meyer can draft and bring back to the RAC.

IMPLEMENTATION IDEAS (*from flip charts*):

- Agency accountability with public regardless of cooperator engagement
- Advertise cooperators update meetings
- Another avenue to involve public is local government and training
- Involve public in inventory workload
- Partnership to help get groundwork done
- Website

Adjourn for the day

March 29, 2012 8:00 a.m.

First Year of RAC: Brainstorm what went well and what areas could improve

Good things from first year	Improve
Develop ideas and suggestions to the designated federal official (Don Simpson)	Work on more nuts and bolts and address issues.
Meet neighbors in Wyoming-Interpersonal connections.	Staggered appointments/cognizant of terms for Chairs.
Team Dynamics.	Trying to figure out and move forward on process.
Full engagement.	More visual (maps, etc.)
Overview of BLM from FO's and DO's.	Plan 2 or 3 meetings ahead of time for dates and agendas.
Helpful to broaden focus and communication skills.	Finalize actions/feedback on progress. How have we done?
Meetings in multiple locations.	Landscape Management issues, more focus across agency lines.
Team Dynamics.	Avoid data dump, take on tough issues.
Common good thinking-broad range of topics and respect and trust.	Better scheduling, plan ahead to accommodate schedules.
Strong openness to new ideas.	
Sympathetic to BLM plight.	Better continuity for RAC. (term/appts)
Field Tours.	Explore ways to effectively provide advice to BLM.
BLM's commitment to RAC is high.	
No hidden agendas.	Nuts and bolts, how to get to, more time to develop issues and get to them. More aggressive issues.
Interaction with outside groups.	Coordinate RAC schedule with BLM needs and timing.
Respect for diverse ideas.	Agenda addresses long/short term issues.
Notes on agendas helpful.	Orient and integrate new members.
Discussion of mission of the RAC. Common idea of what's good for Wyoming.	District short term issues-add to agenda (immediate issues).

Prompt response from RAC members for requests of information

RAC bringing issues to BLM.

How do we get more public attendance?

Issues Topics for upcoming meetings in order of priority:

(Numbers indicate multi-votes given to each topic – higher number means more votes)

- Access/Travel management-8
- Vegetation management/Habitat enhancement-7
- Wild Horses-5
- Connectivity-interaction of agencies (federal and state)-5
- Protect multiple use concept on federal lands-3
- Holistic approach to species management: single vs. multiple-3
- Monitoring policy on public lands-3
- Invasive species (plants, mussels, ravens, etc.)-2
- Grazing-2
- Non-attainment/air quality-2
- Gathering and using data - 1

Suggested, but received no votes:

- Transfer/Exchange of land
- Access to all scientific data
- Checkerboard issues
- Cheat Grass
- Mule deer
- Split estate
- Bark Beetle
 - Nuts and bolts vs. details.
 - District office issues vs. whole state

9:45 a.m.: Reclamation and Restoration Wrap-up WLCI Presentation: Justin Caudill and Mary Thoman:

- Power Point Presentation
 - Mission
 - Area of Influence
 - Partnerships
 - Focus Communities
 - Priorities
 - Interactions
 - Tools
 - Project Funding
 - Communication
 - Local Project Development Teams

- CAP priorities and data
- Upcoming Events
- Discussion: WLCI can include private and government land, but cannot cross state lines. Colorado working on their version of WLCI.

Reclamation and Restoration Wrap-up (continued)

- *John Tanaka-Department Head, Professor Rangeland Economics and Policy:*
 - Human Footprint presentation.
 - Rangeland Roundtable, work with BLM, Forest Service, public and NRCS.
- *Pete Stahl: Professor Soil Ecology, Director, Wyoming Restoration and Reclamation Center:*
 - Educational outreach.
 - Undergrads minor in reclamation science, 15 students per year.
 - Student Club: ROAR-Reclamation Outreach and Restoration.
 - Service project-Laramie River restoration.
 - Internships in reclamation-summer jobs.
 - Reclamation jobs with industry, government, etc.
 - Expanding program and adding courses.
 - Offer one day courses for non-student certificate.
 - Add to RAC list
 - Discussion on land satellite imagery and remote sensing application.
 - Reclamation/restoration-larger scale is better. Evaluate large scale impacts.
- WLCI discussion:
 - Funds for projects
 - Range projects for improvement
 - Look at future and see how to solve-5 year plan.
 - Active field discussion
- MESA fertilization project-John Ruhs, High Desert District, DD District Manager
 - Discussed the 2010 fertilization project and monitoring results
 - Discussed 2011 fertilization project and monitoring results
 - Discussed future fertilization projects
 - Discussion on whether this will have negative effects on invasives. Looking at studies before doing entire 35,000 acres is a good strategy. Will using 20 pounds of fertilizer instead of 40 pounds work better since the 40 pounds did better than the 80 pounds? BLM is going forward with the 40 pound application. Discussion on whether there are cheaper products out there than the nitrogen. What is the resource value of enhancing habitat over species? Animal use months (AUM) for five years and rehab land back with native seeds/plants. Trying to improve habitat for benefit of landowners.

12:00 WORKING LUNCH:

- When and where for next two meetings?
 - Big Horn Basin will host the meeting in Cody. The date is 5/31 and 6/1 with an alternate date of July 9th to 13th.

- High Plains District will host the following meeting in Buffalo. The date is September 19th and 20th with an alternate date of October 24th through 26th.
- Would like to have a conference call before to set agenda. There will probably not be an elected chair before then. Elect chair via conference call when approval for appointments are approved.
- Potential Agenda Items:
 - Connectivity-interaction of agencies (federal and state)
 - Access/Travel management
 - Wild Horses
 - Holistic approach to species management: single vs. multiple
 - Vegetation management/Habitat enhancement

Mary Thoman: WLCI Chair

- All members have equal footing at table-ranking of criteria for projects.
- Huge amount of progress made over the last five years.
- WLCI has a website: <http://www.wlci.gov/>
- Look ahead at WLCI to see what can be used for other projects.
- Had some presentations for WLCI in November with interest from other parts of the state wanting to expand to include the whole state.
- Good model for other areas.
- More need for more coordination on projects.
- Get more public/landowner input.
- Tends to give more interagency cooperation.

1:00: PUBLIC COMMENT:

Linda Hanick: Wyoming/Colorado Wild Horse and Burro Partners

- Wild Horse advocate involves teachers, ranchers, etc.
- Population/census counts on Wyoming herds.
- Use PZP
- Assure accurate population counts
- Wild horses are economic and cultural value, they add to tourism and job creation. Both a fiscal and intellectual issue. Can't put a value on wildlife viewing.
- Need to manage to high end of AML.
- Enjoyed meeting today.
- RAC is discussing issues in a holistic manner – great job.

Bruce Pendery: -Wyoming Outdoor Council:

Thoughts on NEPA process and its Application to Land Use Planning and Project Level Analyses.

Handout attached

Michael Curran: UW Student:

- Question on how to connect the different agencies to work together on reclamation projects, concerned about the DEQ reclamation three year rule and 70 percent completion regulation. Is there anything being done to work with DEQ on regulation standards? Also asked about defining success on reclamation.
- It was suggested that Michael talk to a Project Manager, Eric Decker in the Pinedale Office. There is no single solution; there have been efforts to try and jump start sage brush. Need to see where project can be put with greatest chance of reclamation and the least disturbance. Need to draw in other agencies like DEQ, UW and land management agencies and see what needs to be done. Oil and Gas reclamation is still so new; it is hard to gauge success in the program.

Meeting Adjourned

Approved: Chris Demore
Interim RAC Chair

Date: 4-26-12

Thoughts on Improving the NEPA Process and its Application to Land Use Planning and Project Level Analyses

Bruce Pendery
Wyoming Outdoor Council

These are thoughts about improving the application and implementation of the environmental review process under the National Environmental Policy Act (42 U.S.C. §§ 4321-61) at the land use planning level of decision-making, and also its application to project level environmental review.

- I. Avoid focusing on “management issues” as the only purpose, need, or concern of NEPA review.
 - A. Staying on a predetermined schedule or inflexibly shortening review times.
 - B. Meeting a rigid budget—reducing costs even when additional review is needed.
 - C. Meeting just the bare procedural requirements of NEPA.
 - D. Requiring that “balance” be the outcome of the environmental review.
- II. Instead, ensure a primary goal of the analysis is meeting the purposes, values, and policies expressed in NEPA. This should be viewed as a primary need of all NEPA analysis.
 - A. NEPA expresses purposes, policies, responsibilities, and requirements for interpretation and administration that should be a primary focus of NEPA review and analysis.
 1. Purpose: encourage productive and enjoyable harmony between man and his environment, and promote efforts to prevent or eliminate damage to the environment. §4321.
 2. Policy: use all practicable means and measures to foster and promote the general welfare, create and maintain conditions where man and nature exist in productive harmony, and fulfill the needs of present and future generations of Americans. §4331(a).
 3. Responsibilities: use all practicable means to the end that six objectives are achieved: each generation acts as a trustee of the environment, assure healthful and pleasing surroundings, attain beneficial uses of environment w/out degradation, preserve important areas, balance population and resource use, and promote renewable resources and recycling. §4331(b).
 4. Interpretation and Administration: to the “fullest extent possible” the policies, regulations, and laws of the U.S. are to be interpreted and administered in accord with the policies of NEPA. §4332(1).
 - B. NEPA expresses other needs and values that agencies should recognize and adhere to.
 1. Unquantified environmental values must be given equal consideration with economic values. §4332(2)(B).
 2. Must recognize worldwide and long-range character of environmental problems, assist States and others with information for protecting the environment, and initiate and use ecological information in decision-making. §§ 4332(2)(F)-(H).
 3. EISs must provide a “detailed statement” of short-term uses vs. long-term productivity and irreversible and irretrievable commitments of resources. §4332(2)(C)(iv)-(v).