

**Biodiversity Associates
Greater Yellowstone Coalition
Jackson Hole Conservation Alliance
Natural Resource Defense Council
Wyoming Chapter of the Sierra Club
The Wilderness Society
Wyoming Outdoor Council
The Wyoming Wildlife Federation**

September 25, 2001

Prill Mecham
Field Manager
Bureau of Land Management
Pinedale Field Office
PO Box 768
Pinedale, WY 82941

RE: Energy Development in the Upper Green River Basin

Dear Prill,

We are writing to outline our position on energy development on public lands within the Pinedale Resource Area.

As you know, the Pinedale Field Office covers an ecologically crucial portion of the Green River Basin (Basin). Nestled between the Wind River and the Wyoming Ranges, the Basin is the largest publicly owned block of big game winter range for the Greater Yellowstone Ecosystem and serves as one of the last strongholds for sage grouse.

In the midst of this important natural area is the current natural gas development boom. We appreciate that the BLM recognizes its existing planning documents are inadequate for this issue, and accordingly has secured money for a new land management plan. However, we are greatly disturbed that the BLM intends to approve future energy development proposals based on those deficient plans, prior to completion of the new plan. It is apparent the BLM lacks adequate information to understand the cumulative environmental damage that will result from developing existing energy leases.

In a previous letter we requested that you grant a temporary moratorium on such approvals pending completion of a new plan. You refused to do so. We will continue to advocate for a moratorium. However, we are providing your office our position on energy development within the Pinedale Field Office so that you may avoid some of the potential conflicts ahead.

1. Lack of Public Involvement:

Our first concern is the manner that the Pinedale Field Office approves energy proposals. In a letter dated June 19th we requested your office commit to providing us notice of any action that may require a NEPA document. The letter was triggered when we learned that BLM was

considering a massive 200 plus square mile Western GECO seismic project, and yet failed to provide us notice of the proposal. In a separate letter to Bill Lanning we requested that the BLM provide at least a 30 day comment period on the NEPA document prepared for this project. Instead, on August 10 you approved the Western GECO seismic project without any opportunity for public comment on the EA/FONSI. In fact, the seismic work had already commenced before the BLM notified us of the decision. BLM's refusal to provide a comment period on this document violated the NEPA and its implementing regulations. Further, the EA for this enormous seismic project was inadequate. For these reasons the decision was appealed.

Approximately three months after our request for notice you responded that "[the BLM is] aware of specific activities in which you have expressed an interest, and we will notify you concerning those actions to the extent possible. We will try to keep you as informed as possible, but we cannot assure you that you will be notified of every action that is either presented to, or considered by this office."

We will take this as a positive commitment by the BLM to heed the Council on Environmental Quality regulations that require agencies such as the BLM to involve the public in decision making to the "fullest extent possible." See 40 CFR section 1500.2. We will assume that the BLM will not limit public involvement simply because it is inconvenient for the gas industry, as it appeared occurred with the Western GECO decision.

Public notice is of course meaningless unless it is accompanied by the opportunity for public comment. Accordingly, we also request that there be, at a minimum, a 30 day public comment period on any NEPA document or FONSI prepared for proposals such as APDs or seismic projects.

We will continue to challenge energy proposals that are approved without opportunities for public involvement, or which are approved based on deficient NEPA analysis.

2. Inadequate Baseline Information and Cumulative Impact Analysis.

Substantively, we are concerned that the BLM continues to issue leases for this area that convey development rights although the agency does not have adequate information to understand the potential harm to natural values should all of these leases be developed.

We believe the agency must place a moratorium on issuing new leases until it has prepared a basin-wide EIS which addresses the issues of the direct and cumulative impacts of energy development on all areas available for leasing. Specifically, we are concerned that the natural sagebrush steppe ecosystem and its accompanying riparian habitat are being reduced to minimum values: to bare compliance with the law and to human commodity production. We believe that NEPA requires consideration of both native biodiversity and ecological processes.

To comply with this degree of thoroughness this basin-wide EIS needs to consider all BLM sensitive species. In the Pinedale area this list must include white-tailed prairie dogs, swift fox, Idaho and Wyoming pocket gophers, and grassland sparrows. We are equally concerned about other sensitive species not on the BLM list such as burrowing owls, ferruginous hawks and bald eagles. The wide ranging nature of energy development will additionally impact aquatic resources throughout the basin. We are concerned about habitat fragmentation in the forms of roading, linear miles of power-line, surface clearing, and increases in road traffic. Finally, the document should consider the impacts on big game winter range and migration routes; water quality; air quality of adjacent wilderness areas; sage grouse leks and nests; cultural sites, including historic trails; fisheries; open space; and special places such as WSAs and de facto

roadless areas. The EIS should cover all lands that could be potentially developed within the Basin, including the Bridger-Teton National Forest and private lands.

Until a moratorium on new leases is implemented, we will continue to challenge all leases issued within the Pinedale Field Office area.

3. Erosion of Required Mitigation Measures for Big Game.

As we approach the winter season the oil and gas operators will most likely be seeking exceptions to restrictions on drilling in crucial winter range. As you are well aware, our groups learned that last season your office granted 48 of 55 big game winter range exception requests or 87% of the exceptions to lease restrictions applied for between November 15, 2000 through April 30, 2001. Such a high level of exceptions is unwarranted and makes meaningless the entire ROD and AEM planning process. This season we expect the BLM to enforce the winter range closures and to deny the industry's request from exceptions. We expect any rigs will be out of identified winter range by November 15th, particularly as the transitional ranges are admittedly in poor condition and that winter range readiness is marginal this year.

4. Incomplete Implementation of BLM's Decisions.

Finally, the BLM must begin enforcing its own decisions. For example, the Record of Decision for the Pinedale Anticline Natural Gas Project (ROD) requires that the BLM fully implement the Resource Protection Alternative (RPA) if the BLM is to fully implement the drilling program on the Anticline. It was for this reason that we did not challenge this decision, though we were still concerned by the level of drilling approved. Unfortunately, your office has failed in a number of ways to implement the RPA and thus drilling activities must come to an immediate halt. Specifically, your office has unilaterally failed to implement the Adaptive Environmental Management (AEM) planning process stating that "[T]he BLM will not further use these committees in any fashion until all requirements of FACA have been met." Thus, BLM is currently violating its own Record of Decision.

As another example, and as previously discussed at length in our comments on Questar's proposal to drill in crucial winter range, the Anticline ROD requires that your agency monitor pronghorn antelope populations for changes in numbers, distribution, and reaction to oil and gas development. Despite this clear directive, your office has failed to complete any studies of antelope. While we support your decision to deny Questar's winter drilling proposal, the failure to enforce your own monitoring requirements deeply concerns our organizations and members.

Conclusion.

In light of the above we ask that you please let us know the following:

-whether you will provide us notice, and an opportunity to comment, on all future FONSI/RODs issued for the Pinedale Field Office in the future.

-whether you will fully enforce your office's own decisions by halting drilling until the AEM process is again functioning, and the required antelope studies are in progress.

-whether you will deny exceptions to timing restrictions given the expected state of winter range during the 2001-2002 winter season.

We will look forward to your response by October 10, 2001.

Thank you for your attention and please call if we can answer any questions.

Sincerely,

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