

APPENDIX E

SUMMARY OF PUBLIC COMMENTS ON THE JONAH INFILL DRILLING PROJECT FEIS AND BLM'S RESPONSES

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Any person who participated in the EIS process and had an interest that may be adversely affected could comment on the FEIS for the JIDP. Comments had to be filed with the BLM within 30 days from the date the EPA published the Notice of Availability of the FEIS in the *Federal Register*. The comment period began January 13, 2006 and closed on February 13, 2006. Organizations and individuals who submitted comments on the JIDP FEIS during this time are identified in Table E.1.

Table E.1. Organizations and Individuals Submitting Comments on the JIDP FEIS

Organization (Cooperating Organization)	Signer (Additional Signer)
BP America Production Co.	David R. Brown, Manager, Regulatory Affairs-HSSE
Biodiversity Conservation Alliance (BCA) (Center for Native Ecosystems)	Suzanne H. Lewis (Jacob Smith)
C.E. Brooks & Assoc., P.C. (Brooks)	Constance E. Brooks
City of Rock Springs, WY	Timothy A. Kaumo, Mayor
EnCana Oil and Gas (USA) Inc. (EnCana)	John Schopp, Vice President, North Rockies Business Unit
Gene R. George Associates, Inc.	Gene R. George, Wyoming Regulatory Issues Agent for Yates Petroleum Corp. Tyler H. Vanderhoef, Wyoming Regulatory Issues Agent for Yates Petroleum Corp.
Independent Petroleum Assoc. of Mountain States (IPAMS)	Andrew Bremner, Director of Government Affairs
Jonah Field Livestock Grazing Permittees (Hittle Land and Livestock) (Rendezvous Ranch)	(Don Rodgers Jr.) (John and Joy Erramouspe)
KC Harvey, LLC, Soil & Water Resources Consult. (Harvey)	Kevin Harvey, Principal Scientist Douglas J. Dollhopf, Associate Scientist
Petroleum Association of Wyoming (PAW)	Ericka S. Cook, Vice President
Photon- <i>field</i> Engineering	Ronald P. Walker
Public Lands Advocacy	Claire M. Moseley, Executive Director
Robert Swigle, LLC	Robert Swigle
Rocky Mountain Energy Reporter	Geraldine Minick, Publisher
Roughrider Power	Kit Jennings
State of Wyoming, Office of the Governor	David Freudenthal, Governor
State of Wyoming, Office of the State Treasurer	Cynthia Lummis, State Treasurer
Sublette County, Board of County Commissioners	Betty Fear, Chairman
Sweetwater Economic Development Association	Patricia Robbins, Director
Town of Pinedale, Wyoming	Rose Skinner, Mayor
U.S. Energy Corporation/ Crested Corporation	Keith G. Larsen, CEO

Table E.1. Continued

Organization (Cooperating Organization)	Signer (Additional Signer)
U.S. Environmental Protection Agency	Robert E. Roberts
Wyoming Contractors Assoc.	Charles E. Ware, Executive Vice President
Wyoming Outdoor Council	Bruce Pendery
(Jackson Hole Conservation Alliance)	(Tom Darin)
(Center for Native Ecosystems)	(Jacob Smith)
(Greater Yellowstone Coalition)	(Lloyd Dorsey)
(The Wilderness Society)	(Peter Aengst)
(Biodiversity Conservation Alliance)	(Suzanne Lewis)
(Environmental Defense)	(Jana Milford)
(Trout Unlimited)	(Cathy Purves)
(National Wildlife Federation.)	(Michael Saul)
(Upper Green River Valley Coalition)	(Linda Baker)
(Wyoming Wildlife Federation)	(Dave Gowdey)
Individuals	
Andrikopoulos, Judy K. & John G.	Hunkins, Raymond B.
Berg, Eric M.	Kinnison, Allan
Bousman, Cotton	MaGee, Jim
Clark, Ronald	Peckler, Matthew K.
Dibrito, Larry	Reints, Lloyd
Donham, Rita	Reimers, Rebecca
Dunn, Duane	Reynolds, Stephen A.
Henderson, Leslie F.	Swigle, Robert
Hendricks, Curtis L.	White, Monte

Issue Summary

Comments on the JIDP FEIS raised a variety of issues, including the protection of local and regional air quality, the protection of cultural resources, livestock grazing within the JIDPA, socioeconomic impacts of the JIDP on local communities, wildlife impacts, reclamation activities, BLM’s legal responsibilities, and adequacy of oil and gas reservoir estimates. Significant comments and BLM responses, categorized by resource or resource use, are summarized below.

Air Quality

Several comments stated that the BLM had no authority to regulate air quality emissions. Several other comments expressed the concern that the BLM had not detailed how it would regulate air quality. In general BLM responded to all these comments similarly: “BLM recognizes that WDEQ has the authority and responsibility to regulate air quality. As the lead federal land manager, BLM has the authority and responsibility to set management guidelines for potential air quality impacts from BLM activities.”

Several comments expressed technical concerns regarding air quality data, monitoring information, the appropriateness of dispersion modeling, and the scientific correctness of model assumptions and methodologies. These comments received responses similar to the following: “BLM maintains that dispersion modeling results are defensible and not inconsistent with available monitoring data. The Jonah air quality model was developed cooperatively by an interagency team of experts.”

A few comments expressed concerns regarding monitoring of air quality. A typical response to these comments was that “BLM recognizes that better data might improve model predictions, and better document air quality. BLM, in consultation with the interagency air quality team and the JIO, may consider installation of additional air quality monitoring stations.”

Other air quality issues include the need for additional monitoring locations, adding the Dinosaur National Monument as a sensitive receptor, double counting of emissions, visibility impacts, and funding for monitoring and BLM’s annual monitoring budget.

Reclamation

Several comments were received concerning the method to be used to determine successful reclamation within the JIDPA and questioning feasibility of the metric that required “80% basal cover/density.” The need to fairly allocate allowable disturbance to each leaseholder was also raised. BLM responded to these comments by recognizing the need for equitable distribution of disturbance on an “operated-acreage basis” and to establish separate “rollover” and “release” reclamation objectives.

In addition to these comments, the use of the word “restoration” instead of “reclamation,” and the need for site-specific soil salvage requirements was identified in comments.

The pace of development and the need for Operators to provide baseline studies and inventories was identified as a BLM function that was being transferred to the Operators. BLM responded by “recognizing that published research was voluntary” and that “inventories were necessary to establish baseline conditions.”

Livestock and Grazing

One comment suggested that loss of grazing preference and purchase of lands for off-site mitigation could result in Sublette County completely losing its agricultural base and thereby make the county dependent on the oil and gas industry. BLM responded, “BLM addresses loss of grazing preference in the FEIS and this ROD. Losses will be mitigated through adaptive management. Effects to livestock grazing and local socioeconomic structures are considered in the FEIS. Outright land purchase is not contemplated at this time.” Furthermore, “The intent of mitigation of loss of wildlife habitat through compensatory mitigation is not to displace agricultural uses or operators, including the grazing of livestock.”

Compensatory Mitigation and the Jonah Interagency Office

Several comments stated that BLM could not require compensatory mitigation. BLM responded to these comments similar to the following, “Compensatory mitigation is a voluntary program, but once industry agrees that they will follow this path, it does become part of the mitigation that is considered part of the implementation of the decisions.” Other comments suggested that the JIO duties and procedures were not fully described, that BLM was improperly delegating its authority, and that there was no plan for

dissolving the JIO or overseeing JIO activities. All of these comments were addressed by referring the commenter to the JIO Charter in Appendix F of the FEIS.

A single comment requested that local government entities be allowed to have a member included in the JIO staff. BLM responded to this request “The BLM intends to conduct outreach and offer regular opportunities for local governments and other groups to participate and be informed in proceedings at the JIO. Addition to or contraction of the office members is not specifically addressed.”

Laws, Regulations and Policies

Numerous comments stated that the FEIS was inadequate, or did not properly follow the law. These comments alleged violation of BLM mandates under the Federal Land Policy and Management Act (FLPMA), inadequate range of alternatives, failure to provide for multiple use of the public lands, incomplete cumulative impacts analysis, and inadequate prevention of undue and unnecessary degradation.

BLM does not believe that these comments are valid and further that the agency has complied with the public land laws and policies in all cases.

Reservoir Management

BLM received two comments that the recoverable reserve loss calculation in the FEIS, as a result of requiring directional drilling, was in error. BLM responded to both comments that “BLM believes the commenter’s analysis is flawed. BLM technical experts have reviewed and concur with the recovery numbers used in the FEIS, based on available data.” Other comments were received on closed loop drilling systems and on mitigation requirements under the Energy Policy Conservation Act.

Socioeconomics

One comment questioned the effects of JIDP development on local governments’ infrastructure capacity. The BLM maintains it has properly disclosed and analyzed socioeconomic impacts of the various alternatives in the FEIS.

Wildlife

Several comments were received that alleged violation of FLPMA for failure to disclose impacts to wildlife. BLM disagrees with the comments that assert improper application of public land laws, including FLPMA. The BLM also “recognizes that the density of development underway and proposed for the Jonah Field results in impacts that cannot be mitigated within the field,” so that off-site mitigation is the primary option for wildlife mitigation. Again, the JIO will help to oversee monitoring and mitigation efforts and provide guidance for the development. One comment requested that the U.S. Fish and Wildlife Service Letter of Concurrence be included in the ROD. This has been done.