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Department of Agriculture

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David Simons, Project Lead
Bureau of Land Management
Rawlins Field Office
P. O. Box 2407
Rawlins, Wyoming 82301

Dear David Simons:

Following are the comments of the Wyoming Department of Agriculture on the Draft Environmental Impact Statement (DEIS) for the proposed Seminoe Road Natural Gas Development Project.

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

After a review of the four alternatives, we support the adoption of Alternative C for the following reasons. This alternative calls for produced water to be piped into holding ponds to cool and then piped directly into Seminoe Reservoir, and thereby, into the North Platte River system. This river system needs additional water. In Wyoming, this river system is over-appropriated, yet an agreement among Colorado, Nebraska, and Wyoming calls for ensuring a volume of water sufficient to protect endangered and threatened species in Nebraska. Calls for water to provide this protection could jeopardize agriculture operations in the upper reaches of the river in Wyoming. Additional flows of water into the North Platte River would help ensure adequate water flows to protect the endangered and threatened species while also helping to protect agriculture operations that depend upon this water.

However, we predicate our preference for Alternative C upon assurances the water coming out of the reservoir will not adversely affect downstream agricultural operations. We believe monitoring of the water being fed into and released from the reservoir needs to occur while this project continues. Although unlikely, any degradation which would negatively affect downstream agricultural operations should result in the immediate termination of feeding produced waters into the Seminoe Reservoir until the cause and solution can be determined.

Sedimentation, salinity, and other harmful effects are our concerns with Alternative B. Adverse effects to resource values will be generated by the release of produced water into drainages and playas, as proposed in Alternative B. Although some drainages in the planning area are rocky with clay and these would display minimal effects from the release of produced water, there are many drainages with unstable sandy and alkaloid soils. The release of produced water in those drainages would yield high sedimentation, impairing water quality. Moreover, the release across these soils is likely to increase the salinity and mineral content of the water, further impairing water quality and increasing the potential for harm to wildlife, fisheries, and livestock.

We are also concerned with the effects of increased head cutting caused by the produced waters. Company representatives say the effects of flash floods from thunderstorms are often greater than the consistent flow of produced water. However, the release of produced water from the pilot wells shows that the combination of sudden rainstorms cutting through soils already soaked and softened with produced water magnifies the likelihood and effects of the cutting action.

Unless the sedimentation, degradation, and head cutting problems can be voided, we believe Alternative B should not be selected. If this alternative is selected, then drainages and playas would have to be analyzed to determine the damaging consequences created by the produced water from the 1,240 coal bed methane wells and the impacts of these damages upon fisheries, wildlife, and livestock. Produced water should not be allowed into those drainages and playas where damaging effects would be created.

Although Alternative D, re-injection of produced water, avoids the problems of releasing produced water into drainages and playas, it also fails to add water to the North Platte River, and, thereby fails to help provide protection for endangered and threatened species in Nebraska, which rely on the water flows of that river. This alternative is also the most costly for the proponent.

Even with the selection of Alternative C, this project raises grave concerns, including the following.

The energy company has not completed surface use agreements with affected landowners. Yet, because of the checkerboard ownership in the energy development area, energy development and operational activities will dramatically impact access and use of the private lands in this area. To gain access to public lands, the company must cross private lands. Moreover, road development and use, laying of gas and water pipelines, and the other energy development and operational activities must affect private lands. The Final EIS (FEIS) and Decision need to recognize that this project will have dramatic and possible irreparable effects on the private lands in the development area. It is imperative that surface use agreements be in place and that mitigation of impacts be agreed upon prior to the continuation of this project and to ensure compensation of landowners for these impacts.

Although this project currently calls for 160-acre spacing for well pads, the energy development activities will impair livestock grazing operations in the development area, with loss of use of pastures by livestock and loss of Animal Unit Months (AUMs) likely. The projected energy development activities will certainly increase costs and decrease revenues for grazing permittees.

Past energy developments in the Rawlins Field Office (FO) planning area have demonstrated that the following adverse and costly impacts to grazing permittees are likely to occur with this project: cut fences, opened gates, destroyed cattle guards, damaged range improvements, deaths of livestock from collisions from increased speeds and traffic, dead and sick livestock from the introduction and spread of noxious weeds, unpalatable vegetation from road dust, reduced water yield from artesian wells, seeps, and springs, increased interference with herding and animal movement, delayed and unsuccessful reclamation, and failure to meet Wyoming Bureau of Land Management Standards and Guidelines for Healthy Rangelands.

The results are (1) increased expenses to grazing permittees for rounding up livestock, replacing livestock, repairing fences and other range improvements, treating livestock, trailing livestock around noxious weeds, and (2) the loss of revenue due to dead and lost livestock, reduced weight gain, and sick and injured livestock.

Yet, mitigation for these losses is not apparent in the DEIS. The DEIS fails to specify (1) the monitoring needed to promptly identify the occurrence of these effects, (2) the mitigation needed to offset these effects, and (3) the consequences needed to be imposed if monitoring and mitigation does not occur. This project possesses the potential to critically affect the livelihoods of grazing permittees. For that reason, we strongly and unequivocally believe monitoring, mitigation, and consequences for this project must be identified. We understand this project has the potential to produce some benefits to livestock grazing and wildlife, including stock watering tanks and ponds and improved forage if reclamation is prompt and adequate. However, these benefits do not compensate for the severe effects imposed by this project upon livestock grazing permittees. BLM's final decision needs to reflect the Congressional intent expressed in the Federal Land Policy and Management Act of 1976 of managing federal lands in a manner that will provide adequate food and habitat for fish and wildlife and domestic animals (WDA emphasis).

For this reason, it is imperative that prompt and adequate reclamation and weed control occur throughout the life of this project. The FEIS and final decision need to specify those actions that will ensure prompt and adequate reclamation and weed control. Those assurances are not evident in the DEIS.

Regarding reclamation, we also recommend the requirement to use locally adapted seed whenever possible. We make this recommendation because in the past energy companies have used native, but non-local seed for reclamation. Often, this seed was not adapted to the growing conditions in the area. The result was unsuccessful reclamation.

We also recommend the FEIS require the energy company to inform grazing permittees and landowners of projected and current activities. These activities will directly affect the food and habitat of livestock, the management of livestock, and the livelihoods of grazing permittees. This need for coordination is magnified by the checkerboard land ownership in this area of energy development.

Moreover, this project provides the opportunity for placing stock watering tanks and ponds throughout the energy development area, improving the distribution and health of livestock and wildlife. Timely successful reclamation affords the opportunity for improved forage for livestock and wildlife. These are just two instances where communication among the energy company, Bureau of Land Management staff, and grazing permittees needs to occur.

Although the DEIS says this coordination will occur, we understand communications have been poor or non-existent. The FEIS needs to specify actions to ensure coordination with grazing permittees and landowners by the company and specify the consequences if this coordination does not occur.

Proposed revisions to Resource Management Plans in Wyoming allow the FO manager to create and consider the recommendations of Activity Working Groups (AWG). These groups of government representatives can study critical issues and potential conflicts and recommend actions to help find solutions. We strongly recommend the FEIS and final decision allow the Rawlins FO Manger the flexibility to create an AWG as necessary.

We are becoming alarmed about the synergistic impacts of the many energy development projects being implemented in the Rawlins FO planning area. The cumulative impacts of these projects nearly blanket the planning area and magnify the penalties and costs of development upon grazing permittees. The impacts also severely restrict possible mitigation. Although the impacts of each project can harm specific livestock operation in a specific project area, the cumulative impacts of all of these projects may jeopardize the livelihoods of grazing permittees and livestock grazing in the greater Rawlins FO planning area. The accumulating impacts can be catastrophic to many resource values, including livestock grazing.

The accumulating impacts of all of these projects point to the requirement for prompt and adequate on-site mitigation, including reclamation. Moreover, the vast scope of these many projects increases the need for off-site mitigation. Yet, the magnitude of these projects limits the area available for offsite mitigation.

For this reason, we believe the EIS for each of these projects must consider the accumulated impacts of all of these projects upon the environment and the multiple uses which the Rawlins FO and the BLM are directed to manage.

In conclusion, we appreciate the opportunity to comment on this DEIS, we encourage continued attention to our concerns, and we look forward to hearing about and being involved in proposed actions and decisions.

Sincerely,

John Etchepare
Director

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cc: Governor's Planning Office
Wyoming Game and Fish Department