



Matthew H. Mead, *Governor*
Jason Fearneyhough, *Director*
2219 Carey Ave. • Cheyenne, WY 82002
Phone: (307) 777-7321 • Fax: (307) 777-6593
Web: agriculture.wy.gov • Email: wda1@wyo.gov

The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

February 11, 2013

Bureau of Land Management
Attn: Dave Simons
Rawlins Field Office
P.O. Box 2407 (1300 North Third Street)
Rawlins, WY 82301-2407

Dear Mr. Simons,

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to the Bureau of Land Management (BLM), Rawlins Field Office (RFO) Draft Environmental Impact Statement (EIS) for the Continental Divide-Creston (CD-C) Natural Gas Development Project.

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this project impacts our agriculture industry, our natural resources, and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and continue to provide us the opportunity to express pertinent issues and concerns.

The WDA appreciates the RFO in their efforts to include cooperating agencies throughout the development of the CD-C EIS. The inclusion of previous comments and efforts are reflected throughout the document. The WDA offers the following comments:

- **Page 2-17: Last bullet under Enhanced Resource Alternative Protections**

"During the production phase, as well as the construction phase, control by Operators of fugitive dust on well site, pipelines, and access roads as needed."

Comment: Replace language with, "Uniform application of dust-abatement procedures during construction and drilling operations year-round and seasonally, as needed, on well site, pipelines, and collector and well access roads."

- **Page 3-83: Invasive, Non-Native Plant Species**

Second Paragraph: *"Recent extended drought conditions in Wyoming, in conjunction with unprecedented energy development and other construction activities in western Wyoming, have favored the establishment and spread of invasive weed species."*

Equal Opportunity in Employment and Services

BOARD MEMBERS

Jana Ginter, *District 1* • Jim Hodder, *District 2* • Shaun Sims, *District 3* • John Moore, *District 4* • Alison Lass, *District 5*
Bryan Brost, *District 6* • Jim Price, Jr., *District 7*

YOUTH BOARD MEMBERS

Patrick Zimmerer, *Southeast* • Richard Schlenker, *Northwest* • John Hansen, *Southwest* • Cameron Smith, *Northeast*

Comment: Remove "western" Wyoming and replace with "south-central" or a more accurate geographical reference.

Fifth Paragraph: *"Prior to the onset of extended drought conditions in Wyoming beginning in 2000, halogeton was present at low densities in southwest and south-central Wyoming but its presence was primarily restricted to range sites degraded over time by heavy livestock concentrations such as near feed-grounds, corrals, and travel-ways..."*

Comment: We urge RFO to provide scientific literature regarding the reference specific to heavy livestock use and feed-grounds. Feed-grounds, if they do occur, are on private lands, and should not be conveyed as the seed source to all current halogeton infestations across southwest and south-central Wyoming.

- **Page 3-105 & 106: Special Status Species**

Last Paragraph, last sentence (p. 105): *"Leks are assigned an annual status of active, inactive, or unknown, and based on this leks are assigned a management status of occupied, unoccupied (destroyed or abandoned), or undetermined."*

Last paragraph (p. 106): *"...perimeter of occupied or undetermined leks. Quarter-mile buffers around the perimeter of occupied or undetermined status leks ...The 0.6-mile buffers around the perimeter of occupied or undetermined status leks..."*

Comment: The WDA made previous comments regarding the removal of any reference to undetermined leks, and would like to reiterate the comment to remove the use of "undetermined" in the EIS as well as the in the RMP.

- **Page 3-125: Wild Horses**

Third paragraph: *"...an unnatural cause, illegal killing, is also an unfortunate mortality agent."*

Comment: We ask RFO to remain neutral and to remove biased statements, such as "unfortunate."

- **Page 3-203: Range Resources**

Second Paragraph: We appreciate RFO utilizing NASS and WASS livestock data, but the data included is from 2008. We ask RFO to update this information with the most recently published information, possibly 2012.

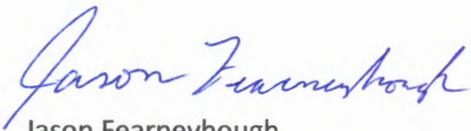
- **Page 4-215: Range Resources**

Third Paragraph: *"Surface disturbance thresholds would trigger further mitigation activities. If surface disturbance were to reach 5 percent of an allotment, a review of reclamation success in the allotment would take place and planning for further development, including potential range improvement projects, would take place. If the amount of unreclaimed surface disturbance were to reach 8 percent, the BLM would require that mitigation be implemented to avoid reaching the significance level of a permanent 10-percent loss of vegetation."*

Comment: WDA strongly appreciates and supports the inclusion significance criteria of livestock grazing allotments for energy development and surface disturbance. We understand a number of allotments are already above 5% and nearing the 10% criteria. WDA asks RFO to analyze and implement a strategy of how to address the significance criteria already being met, prior to any additional surface disturbance or the development of the CD-C. Additionally, the EIS interchanges the terms "long-term" and "permanent" in reference to the 10% criteria. We ask for additional clarification between the two. While we understand the Resource Management Plan states "permanent," we believe even temporary disturbance over 10% can greatly impact how an operator utilizes the allotment, the number of Animal Unit Months and the increase in poisonous plants on disturbed areas.

We appreciate RFO in their efforts to analyze CD-C and having the opportunity to provide comments throughout the development process. We encourage continued attention to the impacts the project has upon livestock grazing permittees and keep them informed of the direction RFO takes with CD-C. If we can be of further assistance, please feel free to contact us.

Sincerely,



Jason Fearneyhough
Director

JF/jw

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Game and Fish Department