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

March 12, 2018

Mr. Mike Robinson, Project Manager
United States Bureau of Land Management
Casper Field Office
2987 Prospect Drive
Casper, Wyoming 82604

Dear Mr. Robinson,

Following are the Wyoming Department of Agriculture (WDA) comments regarding the Bureau of Land Management, Casper Field Office (BLM) and United State Forest Service, Douglas Ranger District (USFS) Draft Environmental Impact Statement (dEIS) for the Converse County oil and gas project (Project).

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As the proposed project could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

Our primary concern revolves around the potential loss of permitted Animal Unit Months (AUMs) on federal grazing permits (both BLM and USFS). While the dEIS contains some information regarding overlap of federal grazing allotments with the project area, there is no clear articulation of which federal allotments would be most impacted. Additionally, language contained within the dEIS is confusing and seems to marginalize impacts to livestock grazing permittees. Please see our specific comments below:

1. Pg. ES-8, Range Resources, Lines 20-24: *"The CISA for range resources included 83 BLM and USFS grazing allotments that provide 66,500 permitted AUMs. The total loss of permitted AUMs from cumulative disturbance, including Alternatives B and C would be 25,198 and 22,812, respectively. The incremental disturbance from Alternatives B and C would account for 28 and 20 percent of the total cumulative loss of federally permitted AUMs within the CISA, respectively."*
 - We are unclear as to what *"incremental disturbance"* truly means. The analysis seems to indicate an initial boom in activity, followed by the production period for the Project. However, we feel the depiction of impacts to permittees is far too broad throughout the document and would point out what appears to be a discrepancy between the statements above and other parts of the document in terms of *"percent of the total cumulative loss of federally permitted AUMs"*. Please refer to our comments below for more discussion.

Equal Opportunity in Employment and Services

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2. Pg. ES-14, Table ES-2, under Land Use: *"Disturbance to agricultural lands (incremental acres disturbed)"* and *"Disturbance to grazing allotments (incremental acres disturbed)"*
 - Again, we ask the BLM to clarify what *"incremental"* disturbance means.
3. Pg. ES-14, Table ES-2, under Range Resources: *"Permitted AUMs Lost"* (BLM, USFS, and Total)
 - The numbers provided for the Alternatives in the rows under *"Range Resources"* do not appear to match the information provided elsewhere in the document. Totals given in other areas (see WDA Comment 1 above) are much higher and are nested in a different section of the document leading to confusion on assumed impacts to permittees. BLM must clarify and consistently portray the impacts in both sections.
4. Pg. 2-18, New Development Under No Action, Lines 18-20 and Table 2.3-2: *"Based on a review of historic drilling data from WOGCC (Table 2.3-2), a drilling rate of approximately 110 wells per year is projected under the No Action Alternative"*
 - We are unclear on how the estimation of 110 wells per year was derived. Data in the table indicates 350 wells were drilled over a 7 year period which would equate to an average of 50 wells per year. Using the 1,663 wells that could be drilled under existing National Environmental Policy Act (NEPA) documents¹ we are still unclear as to how this number is arrived at. Please clarify.
5. Pg. 2-30, Lines 9-13: *"Seeding would occur in the next appropriate seeding season...In the fall...and in the spring"*
 - We are pleased to see that seeding will be allowed in both spring and fall and support seeding at the most advantageous time in order to expedite reclamation.
6. Pg. 2-51, Table 2.7-2, under Land Use and Range Resources:
 - Please see WDA Comments 2 and 3 above.
7. Pg. 2-51, Table 2.7-2, under Socioeconomics:
 - We are concerned by the apparent lack of information with regard to agriculture and agricultural production in the Socioeconomics section of the table. Please add this information to Table 2.7-2. The analysis should at least estimate the reduction in revenue to producers based on AUMs that will be lost due to the project.
8. Pg. 3.9-2, Section 3.9.2-Existing Conditions; 3.9.2.1-BLM Allotments, Line 17: *"These BLM allotments provide for a total of 17,657 AUMs for cattle and sheep."*
 - Given the numbers provided prior to this section in the document, we are confused as to what losses in AUMs are being conveyed. The Executive Summary states the combined total for BLM and USFS allotments is 66,500 AUMs. The Executive Summary also states on page ES-8 the *"loss of permitted AUMs from cumulative disturbance, including Alternatives B and C would be 25,198 and 22,812, respectively"*. Given the majority of federal AUMs are likely to be on BLM land, we struggle to understand how these numbers are arrived at. We assume any *"permitted"* AUMs encompass the entire allotment, regardless of actual surface ownership (e.g., 53 allotments are classified as Custodial). Please clarify these sections.

¹ See page 2-18, lines 2 to 13

9. Pg. 3.9-3, Map of BLM Grazing Allotments and USFS Range Management Units:

- It is difficult to discern from this map which allotments/range management units are being listed on page 3.9-5. Please label the allotments or only include those that are listed in Table 3.9-1. We would also suggest changing the map so ownership (e.g., federal, state, private) is more clear.

10. Pg. 3.9-5 to 3.9-7, Table 3.9-1:

- In keeping with WDA Comment 9 above, please include a column disclosing the amount of overlap for each allotment/range management unit within or intersecting the Project Area. At this time, we cannot determine which allotments to expect to be most impacted by the project and which allotments may only be slightly overlapped by the Project Area.

11. Pg. 3.9-8, 3.9.2.2-USFS Range Management Units, Line 3: *"These USFS units provide for a total of 26,862 AUMs."*

- Please refer to WDA Comment 8 above regarding similar language for BLM allotments. Again, we are led to assume this is limited to USFS System Lands, not the allotment as a whole but are unclear as to how the various numbers in the different Range Resources sections correlate.

12. Pg. 3.9-8, Lines 14-16: *"This area limits developments that would support livestock grazing and emphasizes biodiversity and sustainable ecological processes and functions."*

- Proper livestock grazing has the ability to meet these objectives. This statement appears to be highly biased and is incorrect given the information in the Final Environmental Impact Statement for the Thunder Basin National Grassland from October 2009 and associated Record of Decision for the Broken Hills area. Please remove this statement.

13. Pg. 3.14-18 to 3.14-19: *"...potential suitable habitat..."*, *"...no documented occurrences..."*, etc.

- Given the recent push to streamline NEPA documents, we feel the BLM should consider reducing the length of sections such as this. Within the discussion on the two pages listed, only one species is even within the Project Area yet expansive discussion is provided on all the potential species. We also find *"potential suitable habitat"* for a plant to be extremely presumptive. While certain soils may be more conducive to a certain plant's life, the lack of a seed source within the area should indicate an extremely low likelihood, if not an impossibility, of recruitment. Further, one of the USFS plants is only found in South Dakota. We suggest the BLM review this section and when species are not in the Project Area they should not be discussed further. Similar can be said for wildlife and other sections of the document that refer to the occurrence, or lack thereof, of sensitive species.

14. Pg. 4.5-2, Lines 21-23: *"The estimated new surface disturbance would potentially affect approximately 33,447 acres of grazing allotments. Impacts to rangelands would be minimized by the implementation of a site-specific Reclamation Plan to be developed by the operator and submitted with the APD."*

- Again, we would point out changes in numbers and metrics used to estimate impacts. Information in Chapter 4 seems to combine acres across BLM allotments and USFS range units, yet AUMs were previously used, along with different acreage numbers. We would also point out the large difference in *"grazing allotments"* and all *"rangelands"* and ask that the same verbiage be chosen and used throughout. We would also suggest that, given the unknown success of reclamation, BLM change *"minimized"* to *"reduced"* in the second sentence.

15. Pg. 4.5-2, Section 4.5.2.2-Mitigation and Mitigation Effectiveness, Line 43: *"No mitigation measures, including compensatory mitigation, have been identified for Alternative B."*

- Table 4.9-2 on page 4.9-3 indicates the *"Percent of Permitted AUMs Lost"* on BLM lands would be 33% and on USFS lands would be 2%. We do not understand how a loss of one third of the BLM AUMs does not warrant some kind of mitigation. We also would point out the percentages provided here do not seem to correlate to the numbers provided in Chapter 3 which state *"...BLM allotments provide for a total of 17,657 AUMs..."* (pg. 3.9-2) and *"...USFS units provide for a total of 26,862 AUMs..."* (pg. 3.9-8) or with the total provided in the Executive Summary of 66,500 AUMs (pg. ES-8). We struggle to understand the math used to derive the ratios and estimated percentages of losses. Please clarify throughout the document.

16. Pg. 4.5-3, Lines 34-36: *"Under Alternative C, the estimated new surface disturbance potentially would affect approximately 255 acres of land in agricultural production and 22,689 acres of grazing allotments. Refer to Section 4.9, Range Resources, for a discussion regarding impacts to grazing in the CCPA."*

- Please refer to our comments above regarding calculations and mitigation of impacts to livestock grazing permittees.

17. Pg. 4.9-1, Lines 23-24: *"Federally managed lands that receive reclamation would not be eligible for grazing for a minimum of 2 years, or until the land management agency decides that reclamation is complete."*

- This effectively removes all federal lands from the analysis due to the fact locations have not been chosen for well pads yet. We do not support mandatory 2 year deferment and, given our experience working with reclamation, believe the last portion of this statement only serves to lengthen the amount of time these lands would be unavailable to livestock grazing permittees. Again, we do not see how this level of impact can go unmitigated on federal surface. Our experience has also shown that blanket deferment of reclaimed sites does not further reclamation success. In many cases, reclaimed areas promote heavy grass production which hinders forb and shrub growth without grazing and therefore does not move towards final reclamation objectives. Grazing should be used as a tool to further reclamation objectives. We recommend BLM change this to read: *"Federally managed lands which undergo reclamation may be available for grazing. In instances where deferment from grazing is deemed necessary, these sites may be fenced. Fencing and deferment of reclamation sites on federally managed lands is not required in all instances and should only be done based on site conditions and objectives."*

18. Pg. 4.11-44, Lines 33-34: *"No adverse impacts to socioeconomics or environmental justice populations have been identified; therefore, no compensatory mitigation is warranted."*

- Page 4.11-20, lines 40-45, of the Socioeconomics and Environmental Justice section state: *"Such changes would include reductions in authorized grazing of as many as 6,922 AUMs of grazing on federal lands (Section 4.9). Private surface owners are compensated for use of their land through surface use and damage agreements. On federal grazing allotments, permittees are not compensated for surface disturbance or other effects associated with reductions in authorized grazing levels. Such reductions could result in adverse effects on farm income for grazing permittees. The mitigation measures for range resources outlined in Section 4.9 would reduce impacts on permittees with grazing allotments on federal lands."*

While there may be a reduction due to *"mitigation measures outlined in Section 4.9"* there is clear recognition that adverse impacts are expected from the reductions in AUMs. Additionally, the *"mitigation measures"* on page 4.9-3 and 4.9-4 have nothing to do with the loss of AUMs but instead are focused on

range improvement inventory and replacement (RANGE-1), livestock fatalities (RANGE-2), construction schedules (RANGE-3), and signage and gates (RANGE-4). In the end, we are skeptical that the AUMs lost due to this Project will ever be returned or regained and urge the BLM to consider actual impacts to livestock grazing permittees. The Socioeconomic section should fully analyze the value of an AUM and acknowledge the adverse impacts due to AUM losses. BLM should also identify actual mitigation measures for livestock grazing permittees and the loss of AUMs.

19. Pg. 5-36, Lines 30-37: *"All other cumulative projects would result in a loss of approximately 6.2 percent of the federally permitted AUMs within the CISA. Alternative B would contribute an additional 2.4 percent loss of AUMs for a total cumulative loss of approximately 8.6 percent when combined with the other cumulative actions. Alternative C would contribute an additional 1.6 percent loss of AUMs for a total cumulative loss of approximately 7.8 percent when combined with the other cumulative actions. The additional disturbance from Alternatives B and C would account for 27.5 and 20.4 percent of the total cumulative loss of federally permitted AUMs within the CISA, respectively."*

- Again, we are concerned that impacts to livestock grazing on federal lands are being marginalized. We are also concerned that numbers again do not appear to be consistent. Since the Cumulative Impacts Study Area is the same as the analysis area (allotments that overlap or are within the Project Area) we do not understand how these numbers are calculated differently than those found in Chapter 4.

20. Pg. 5-39 to pg. 5-43, Socioeconomics and Environmental Justice:

- This section appears to be entirely devoid of any discussion of impacts to the agricultural sector although there may be multiple avenues by which the agriculture industry is impacted. For example, if demand for short- and long-term housing rises, pressure to sell rangelands will increase and further impact the industry as a whole and by county. BLM should add information on impacts to the agricultural sector in this section.

21. Pg. 6-7, Section 6.3-Federal Agency Management Goals and Objectives:

- This section does not include any information on BLM Range Management or goals and objectives for livestock grazing in the Casper Field Office. We suggest the BLM add information similar to the USFS (see page 6-15).

22. Pg. 6-19 and 6-20, Section 6.4-OG Committed Design Features, Lines 30-31 on pg. 6-19 and lines 18-22 on pg. 6-20:

- Page 6-19 states *"In addition to federal and state regulatory requirements and guidance the OG has committed to adhering to the following additional design features"* followed by language on page 6-20 stating the OG would *"...install temporary fencing around the outer disturbed perimeter of the well site, in accordance with committed surface use agreements."* and *"...inform employees and contractors regarding land ownership boundaries and any restrictions for on and off-road activity by employees and contract workers to the immediate area of authorized activity or existing roads and trails."*

Neither of these OG Committed Design Features should be considered an *"addition to federal and state regulatory requirements"*; the first is dictated by the *"surface use agreement"* noted in the statement and if the second is not recognized it would result in trespassing. We do not believe these commitments are above and beyond anything that would already be required and do not feel they should be listed in the Range Resources section. We suggest the BLM move them to the Land Use section and would hope the OG would put forth some actual measures for Range Resources.

Converse County Oil & Gas Project

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Overall, we found the analysis difficult to follow and would suggest the BLM review the sections our comments revolve around for clarity and/or accuracy. Thank you for the opportunity to comment. We look forward to working with you in the future.

Sincerely,



Doug Miyamoto

Director

DM/jb

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation
Wyoming County Commissioner's Association

Wyoming Game and Fish Department
Wyoming State Grazing Board
Wyoming Stock Growers Association
Public Lands Council