



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

August 21, 2017

Mrs. Liz Dailey, NPL Project Lead  
United States Bureau of Land Management  
Pinedale Field Office  
1625 West Pine Street  
Pinedale, Wyoming 82941

Dear Mrs. Dailey,

Following are the Wyoming Department of Agriculture (WDA) comments regarding the Bureau of Land Management, Pinedale Field Office's (BLM) Draft Environmental Impact Statement (EIS) for the Normally Pressured Lance Natural Gas Development Project (NPL).

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.

The following are specific comments for BLM's consideration:

1. Executive Summary; Table ES-2; pg. ES-18: "Alternative A" and "Alternative B"
  - Table ES-2 discusses potential impacts yet fails to mention miles of roads in the Livestock Grazing section. Please see page ES-31 and the Wildlife and Big Game sections and use this language or similar in the Livestock Grazing section.
2. Chapter 3; Livestock Grazing; pg. 3-83: "Suspended AUMs on public lands are not authorized for use, usually due to poor rangeland conditions, and may only be removed from suspension under the provisions of the grazing regulations..."
  - "Usually due to poor rangeland conditions" is not accurate. Many suspended AUMs exist due to historic stocking rate differences. We insist "usually due to poor rangeland conditions" be removed.
3. Chapter 3; Livestock Grazing; pg. 3-83: "However, all of these AMPs...were prepared between 1969 and 1983, and may need to be reevaluated and revised to reflect current conditions"
  - While these AMPs may appear dated, if they still function there is no reason to reevaluate them. Additionally, AMPs are revised through a different process and should not be considered under an EIS for oil and gas development.

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4. Chapter 3; Soil Resources; pg. 3-152: *"Erosion generally increases when the vegetation community is disturbed by intense grazing, fire, road construction..."*
  - Grazing intensity is, and has been, an effective tool for range managers for a long time. Changes in intensity do not automatically result in erosion. Change "intense" to "improper".
5. Chapter 3; Vegetation; pg. 3-163: *"This arid landscape is very sensitive to grazing pressure which may promote the invasion of weeds such as Russian thistle, cheatgrass, and the toxic halogeton (Chapman et al. 2004)"*
  - Although the landscape may be sensitive to improper grazing, this statement implies any grazing pressure will result in weed invasions. Additionally, upon reviewing the References section of the document we found Chapman et al. 2004 is cited as "color poster with map, descriptive text, summary tables, and photographs" depicted at "map scale 1:1,400,000". We disagree with the statement regarding grazing pressure and the use of a "color poster" as a reference. We recommend BLM rephrase this section to read: "This arid landscape is very sensitive to multiple inputs. Extreme grazing pressure, by any animal, and extended dry or wet cycles, and unsuccessful reclamation can lead to increases in weeds such as Russian thistle, cheatgrass, and halogeton."
6. Chapter 3; Vegetation; pg. 3-168: *"Cheatgrass (Bromus tectorum) has become a significant problem species in livestock allotment areas directly east, west, and southwest of the Project Area."*
  - While these areas are used for livestock grazing, this statement implies there is a relationship between "livestock allotments" and cheatgrass becoming "a significant problem." Please remove "livestock allotment" from this statement.
7. Chapter 4; Livestock Grazing; pg. 4-108: *"As a result of the Proposed Action and alternatives, reductions to active, temporary suspended, and suspended AUMs listed in a grazing permit/lease would be made in proportion to their contribution the listed permitted AUMs"*
  - WDA strongly opposes any changes to AUMs as a result of this project. The document repeatedly states there will be little to no impact from any alternative to livestock grazing (see Section 4.10; specifically at 4.10.7 and 4.10.8). Further, changes in AUMs are made through the permit renewal process, not an EIS for oil and gas production. Remove this statement.
8. Chapter 4; Livestock Grazing; pg. 4-112: *"Beneficial impacts on livestock grazing would result from the construction and improvement of roads..."*
  - Many of the potential adverse impacts associated with the project are directly tied to roads (e.g., dust, collisions, etc.). An increase in roads does not necessarily provide a net benefit to all permittees. Increases in dust, collisions, recreational use, and implications to husbandry are cumulative impacts to livestock operators.
9. Chapter 4; Livestock Grazing; pg. 4-115: *"Reduced Annual Level of Development"*

- This section appears to be dealing with air quality issues and is not directly tied to Livestock Grazing. Further, *“failure to meet or maintain the Wyoming Standards for Healthy Rangelands”* – in this case the air quality Standard – is not attributable to livestock grazing (livestock grazing is not the causal factor). We highly suggest the BLM review this section and provide clarity regarding air quality, Standards for Healthy Rangelands, and livestock grazing implications.

10. Chapter 4; Socioeconomics; pg. 4-172: *“Such economic losses would be largely avoided if affected permittees obtained alternative forage from neighboring ranches or through changes in grazing management (e.g., combining the affected allotment with another allotment)”*

- The suggested alternatives are rarely, if ever, feasible – especially combination of allotments. If there are socioeconomic impacts directly related to this project, WDA recommends including mitigation measures as part of the decision. The BLM should reference the agreement between Sublette County and Jonah Energy regarding livestock operations. Permittees should not have to find alternative forage every time a new project is undertaken.

11. Chapter 4; Wild Horses; pg. 4-285: *“Potential impacts on wild horses resulting from surface disturbance would include the loss of available forage or habitat components, which would affect the BLM’s ability to achieve designated AML levels”*

- First and foremost, the HMAs in the area are already over AML. We would direct the BLM to review the Existing Conditions section of the Wild Horse section on page 3-207, which states horse numbers are well in exceedance of high AML. Second, wild horses are not wildlife and should not be treated as such. *“Habitat components”* are not a factor in wild horse management, as they would be for a wildlife species. If anything, reductions in vegetation will force horses into areas they may not currently occupy, exacerbating issues with horses outside of HMAs (which is currently occurring).

12. Chapter 4; Wild Horses; pg. 4-288: *“All alternatives would result in direct, adverse impacts on wild horses due to the loss or degradation of forage associated with surface disturbance and clearing of vegetation”*

- In addition to the comment above, we question why the project will only have adverse impacts on horses, yet seems to have both positive and negative impacts to livestock. Wild horses commonly utilize the same watering locations as livestock, yet the BLM implies an increased number of watering locations (as discussed in the Livestock Grazing sections) would provide no benefit to wild horses. The BLM should use similar rationale and analyses for both grazing animals.

13. Chapter 4; Cumulative Impacts; pg. 4-432: *“Agriculture (irrigated crops, livestock grazing, and ranch management) and other natural resource uses within the CIAA would contribute to increased surface runoff...which could lead to greater erosion where anthropogenic surface disturbances and livestock concentration areas overlap...”*

- This entire paragraph is based upon mis-management of all agricultural lands and uses and not only portrays livestock grazing as a negative use, but neglects to recognize other

uses. We suggest the BLM review this paragraph and re-word it to appropriately reflect the situation on the ground.

14. Chapter 4; Cumulative Impacts; pg. 4-438: *"Other past actions, ongoing actions, and RFAs affecting wild horses include motorized and non-motorized recreation trails and livestock grazing that results in the loss of forage, water, or habitat components for wild horses that affect the ability to achieve AMLs."*

- Again, wild horses are not wildlife and should not be treated as such. We fail to understand what *"habitat components"* are not provided for wild horses in the area. Horses are extremely hardy and utilize virtually any available forage, as opposed to species like mule deer or sage-grouse which require specific habitats or have specific diets. Additionally, as the BLM acknowledges on page 3-207 of the EIS, the HMAs in the area are already over AML by substantial margins. To identify livestock grazing and recreational use as reasons AMLs are not maintained is entirely unacceptable. The BLM should use similar methodologies when assessing loss of forage for all ungulate species.

15. Chapter 4; Cumulative Impacts; pg. 4-451: *"Livestock grazing has been identified as a notable threat to Sage-grouse (Stiver et al. 2006)"*

- All livestock grazing has not been identified as a threat and in fact, numerous scientific papers point to livestock grazing as a potential tool for improving sage-grouse habitat. Additionally, the recent plan amendment for sage-grouse dealt extensively with livestock grazing. Either qualify *"livestock grazing"* with *"improper"* – as identified in the literature – or remove this section.

16. Appendix C; General Comment:

- We support adaptive and creative reclamation strategies and caution the BLM on the overly prescriptive nature of Appendix C. The operator(s) should have the discretion and ability to try new methods, techniques and approaches to achieve successful reclamation. We suggest the BLM remove overly prescriptive language in Appendix C and deal with issues at the field or APD level. Please see the comments below.

17. Appendix C; Topsoil and Spoil Handling; pg. C-7: *"Native species shall be used unless...it is determined all of the following criteria are met: the natural biological diversity of the proposed management area will not be diminished by introduction of non-native species"*

- The *"natural biological diversity"* of the area would actually increase with the addition of a non-native species. We suggest BLM replace with: *"natural successional processes are not stopped by the introduction of non-native species"*

18. Appendix C; Reclamation Timing; pg. C-8: *"If the operator cannot seed during the fall, they must coordinate with the BLM to determine an alternative seeding time or defer to the next fall."*

- While we understand fall seedings have typically been successful, we suggest the BLM allow the operator(s) to determine what methods work best and in what season to

plant. Additionally, to “*defer to the next fall*” is contrary to expediting reclamation and only exacerbates impacts and increases potential for undesirable species establishment.

19. Appendix C; Interim and Final Reclamation Objectives and Standards; pg. C-10: *“Baseline reference communities represent plant communities in their current state under existing management, which may not represent the most ideal or most desirable plant communities for the area”*

- We question the use of “*baseline reference*” and the true meaning of this phrase. Reference communities represent what is currently on the landscape and may or may not be comprised of native, non-native, desirable, undesirable, early-, mid-, or late-seral communities. The current composition of any one of these communities can be the result of years of changes (either natural or anthropogenic) or a single event. We suggest the BLM simply refer to these sites as “reference communities” or “reference sites” rather than “baseline reference sites”. BLM should review this paragraph and clarify multiple aspects within it. For example, “most ideal” has to be qualified; “most ideal” for wildlife may be very different than “most ideal” for recreation. Additionally, “most ideal” in terms of forage or soil health may be a non-native cover crop which the BLM appears to oppose.

20. Appendix C; Interim and Final Reclamation Objectives and Standards; pg. C-10: *“The quality and density of plant communities could be more accurately assessed based on ESDs, which would ensure that communities are compared to reviewed standards rather than existing communities that may or may not have been in good condition before disturbance.”*

- ESDs are a guide – not standards or rules. We support the use of ESDs, but do not support ESDs becoming rules for reclamation. Replace with: “The quality and density of plant communities within reclaimed areas should be similar to information found within the ESD for the site (or a reference site). Reclaimed sites could represent either successional communities (trending towards communities described in ESD) or the original plant community (pre-disturbance/reference site).”

21. Appendix C; Interim and Final Reclamation Objectives and Standards; pg. C-10: *“Additionally, whereas baseline reference sites typically represent a “late seral” community that may require larger disturbance to trigger a change in the vegetative community, ESDs represent multiple possibilities of any given site under differing management objectives”*

- Most reference sites are comprised of late-seral communities, however, BLM is portraying ESDs incorrectly. ESDs are simply a guide, not a set of rules. Most ESDs will have information regarding seral shifts and community phases. Most ESDs also have reference sites or relic sites which represent that system absent major influence by any form of management, as well as “historic climax plant community” which should be very similar to most reference sites. BLM should re-write this section for clarity. See Comment 19/20 above.

22. Appendix C; Interim and Final Reclamation Objectives and Standards; pg. C-10: *“Examples of wildlife species and plant communities that would most likely deviate from using ESDs include:...”*

- ESDs are a guide. "Deviation" from an ESD is not any issue since ESDs represent multiple different realities for a given plant community or site. As written, this implies a negative shift for certain wildlife species. Variation across the landscape supports multiple species at once and creates a mosaic of habitats that is beneficial to multiple uses, including livestock grazing. We suggest the BLM re-write this sentence to read: "In some instances, certain plant communities would be managed toward. For example, Mountain Plover habitat is typically short, grass-dominated communities. Managing for a certain plant community to benefit certain species may be done in areas that are most likely to provide beneficial habitat and "holding" these communities in different stages (other than Historic Climax Plant Community) can be done."
23. Appendix C; Interim and Final Reclamation Objectives and Standards; pg. C-11: *"Plant cover data must be collected before disturbance in order to establish reclamation objectives"*
- We question the need for data collection in these areas if ESDs are going to be used. Additionally, monitoring and documentation by way of photograph(s) should satisfy this objective. Similar to comments above, the BLM should review this paragraph for relevance.
24. Appendix C; Interim and Final Reclamation Objectives and Standards; pg. C-12: *"After topsoil is replaced, seeding would occur in the fall..."*
- We highly suggest the BLM provide operators with the ability to plant in the spring as well.
25. Appendix C; Discing; pg. C-13: *"After topsoil replacement, newly topsoiled areas would be disced or harrowed (optional methods and if necessary)..."*
- We do not believe "would be" indicates an "optional method." The BLM should leave reclamation to the operator(s) and provide suggestions or Best Management Practices rather than requirements for minute facets of the reclamation. If reclamation is not successful then the BLM can provide remedies or requirements to achieve success.
26. Appendix C; Revegetation; pg. C-14: *"Spring seeding will not be allowed"*
- We highly suggest the BLM allow for spring seeding. Without this ability, reclamation has the potential to take even longer. BLM should leave planting time to the operator's discretion and enforce their regulations if reclamation is not successful.
27. Appendix C; Revegetation; pg. C-14: *"The rangeland drill would be calibrated daily and after each move to a new location"*
- We do not see the necessity to calibrate the drill from one pad to another. If the drill is not properly calibrated that is the operator's problem and it will manifest as poor or unsuccessful reclamation. Please remove.

28. Appendix C; Weed Control; pg. C-16: "Herbicides would be applied..."

- This entire paragraph is above and beyond what is required by law. The BLM should remove this paragraph and replace it with: "Herbicides would be applied by certified personnel in accordance with the label."

29. Appendix C; Interim Reclamation Standards After One Year (year one through four); pg. C-18: "2. Reclamation actions would be initiated before the first growing season following disturbance"

- This implies spring planting would not only be allowed, but required, which contradicts other portions of the document. If the first growing season following disturbance is spring, the operator will have to initiate reclamation then. We support the option of spring planting. BLM should review this section compared to others (see comments above) to ensure continuity.

30. Appendix C; Interim Reclamation Standards After One Year (year one through four); pg. C-19: "5. Within one year to three years of initiation of reclamation, site will demonstrate the establishment of a viable desirable seedling frequency...[the site] shall consist of a vigorous, diverse, native (or otherwise approved) plant community or ecologically comparable species as approved..."

- We suggest the BLM replace with: "Within one to three years of initiation of reclamation, sites will demonstrate plant communities similar to (in composition and abundance) the applicable ESD or reference site. For sites where non-native species are used, communities should be ecologically comparable and functioning similar to native communities."

31. Appendix C; Native Forbs; pg. C-19: "Average frequency<sup>1</sup>..."

- Footnote 1 is missing.

32. Appendix C; Plant Species Composition Using BLM-Approved Methods; pg. C-19: "...the following requirement must be met: 1 forb per 2 meters squared (using density)."

- Please provide a citation for the recommended density methods. For example, "Sampling Vegetation Attributes: Interagency Technical Reference" as revised by the US Forest Service and BLM in 1999.

Link: <https://www.blm.gov/nstc/library/pdf/sampleveg.pdf>

33. Appendix C; Native Shrubs/Native Grasses; pg. C-20: "...or developing another strategy to meet native [shrub/grass] establishment will be determined upon establishing the ESD."

- ESDs should already be established. Additionally, ESDs will not provide a "timeframe" for establishment. We suggest BLM replace this language (throughout the document) with "...or developing another strategy to meet native shrub/grass establishment will be determined on a case-by-case basis."

34. Appendix C; Final Reclamation; pg. C-22: "Site productivity would match what is in the ESD;"

- ESDs are general guides. This statement implies productivity must be 100% of what the ESD suggests. ESDs typically have a range on productivity and the pounds of forage can differ based upon seral state or plant community. We suggest the BLM remove this sentence.

35. Appendix C; Native Forbs; pg. C-24: "...determined upon establishing the ESD."

- See Comment 33 above.

36. Appendix C; Reclamation Plan and Annual Report; pg. C-27: "Original surface disturbance and new surface disturbance (new surface disturbance can be re-disturbed reclamation on an existing pad or pipeline corridor, new pad expansion, etc.)"

- "Re-disturbed reclamation" would not be a new surface disturbance; it would be co-location or minimization. New disturbance is only that which occurs on an area that has not been disturbed before. Wyoming Executive Order 2015-4 promotes co-location and minimization of disturbance. As written, the above language discourages putting new disturbance on old disturbance and actually promotes further fragmentation of habitat and forage.

37. Appendix C; Best Management Practices; pg. C-28:

- This section includes what appears to be strictly opinion. The BLM should provide the operator(s) with multiple options for reclamation rather than limiting the available tools. We suggest the BLM review this section, remove supposition, and include references as needed.

38. Appendix C; Seed Mixes; pg. C-29: "Eliminate seed varieties that have not succeeded in the past;"

- Seed varieties may or may not work for multiple reasons. To eliminate the ability and option to use different seeds is illogical. Additionally, if a seed mix does not work, the operator will probably not use it again. We suggest the BLM remove this.

39. Appendix C; Seed Mixes; pg. C-29: "Calibrate seed drilling/broadcasting equipment at least once per day or more often when traveling..."

- We do not see the need for this. See Comment 27 above.

40. Appendix C; Biological; pg. C-31: "Use of livestock requires prior approval..."

- The NPL falls across multiple livestock grazing allotments. No prior approval should be required for an operator to utilize livestock grazing as a management tool.

**41. Appendix C; Initiate a Weed Education Policy; pg. C-32:**

- While we agree with the intent of this section, we do not believe the BLM has the authority to dictate this to the operator(s).

In conclusion, as currently written, we do not support Appendix C. We recommend BLM revise Appendix C and utilize existing reclamation plans (e.g., Continental Divide Creston, Pinedale Anticline, Jonah Field, etc.). Appendix C is overly rigid; BLM should provide as much flexibility as possible and improve upon existing Wyoming BLM and State of Wyoming reclamation plans to create an adaptable approach to reclamation within the NPL project area. We strongly discourage BLM from limiting the ability of companies to improve methods by confining them within a reclamation plan such as Appendix C. The ultimate goal should be properly reclaimed land; methods, planting times, equipment, etc. should not be limited so long as they result in successful reclamation.

We thank you for the opportunity to provide input. Please contact any of our Natural Resource & Policy personnel with questions regarding our comments.

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