

Wyoming Department of Agriculture

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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.



Dave Freudenthal, *Governor*
John Etchepare, *Director*

September 22, 2008

Mr. James Roberts,
BLM, Kemmerer Field Office
312 HWY 189 N.
Kemmerer, Wyoming 83101

Dear Mr. Roberts:

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to the Scoping Notice for the proposed Bear Canyon Exploratory Well Development project by Fortuna U.S. L.P. (Fortuna) and the Kemmerer Field Office of the Bureau of Land Management (BLM).

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.

The WDA requests Fortuna and BLM analyze the following in the National Environmental Policy Act (NEPA) document:

- increased off- and on-road traffic
- increased number of speeding vehicles
- construction of new roads and modifications to existing roads
- destroyed cattle guards, cut fences, and opened gates
- increased number of vehicles in the area causing death or impairments of livestock
- damaged range improvements
- decreased Animal Unit Months (AUMs) and pastures for grazing
- decreased palatability of vegetation and forage from road dust and development activities
- unsuccessful reclamation of disturbed areas and introduction and spread of noxious weeds
- other detrimental social and economic impacts on livestock operators and livestock management operations.

We strongly encourage BLM and Fortuna staff to work closely and consistently with all affected grazing permittees and agriculture producers to learn of their concerns and recommendations regarding this project. Agriculture producers are intimately familiar

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with areas affected by this proposal and they possess irreplaceable long-term, on-the-ground knowledge. They are particularly aware of the individual and cumulative impacts upon wildlife and livestock, as well as rangeland health for the planning area. We highly recommend Fortuna and BLM staff seek and address the concerns and recommendations of these stewards of habitat, forage, and rangeland health. Moreover, it is imperative BLM officials continuously inform all livestock grazing permittees who are directly or indirectly affected by development of the issues, decisions, and resulting actions regarding this proposal.

We recommend the NEPA document include a full and thorough social and economic impact analysis. Since grazing on public lands represents a vital economic value to agriculture producers and local communities, we specifically suggest the analysis includes the impacts upon livestock grazing in and adjacent to the planning area. The cumulative impacts of energy developments in the area upon livestock grazing may jeopardize the livelihoods of grazing permittees. The loss or impaired ability of livestock grazing operations needs to be evaluated in the NEPA document.

Timely and successful reclamation and mitigation of disturbed surface areas is essential and should be considered as a requirement. Reclamation and mitigation requirements and the consequences for Fortuna failing to accomplish this reclamation and mitigation should be clearly stated in the document. Congressional mandates, federal statutes, and implementing regulations call for multiple use, and should be an integral part of the assessments. Moreover, the NEPA document should evaluate the impact of this project upon the intent expressed in the Federal Land Policy and Management Act of 1976 to manage public lands in a manner that will provide food and habitat for fish, wildlife, and domestic animals. The consequences of the proposed project upon food and habitat for domestic animals deserve the same degree of study and documentation.

Grazing is an essential tool to achieve desired environmental objectives in the planning area, including obtaining positive effects upon food and habitat for both wildlife and livestock. The NEPA document needs to include:

- The positive effects of livestock grazing upon the environment and how livestock grazing can be utilized as a tool to achieve environmental objectives.
- The impacts this project has on limiting the ability of livestock grazing to achieve environmental positive effects.

Decisions in the proposed plan should allow BLM officials, grazing permittees and private landowners the opportunity to work cooperatively. The WDA requests flexibility by the BLM and Fortuna to make the best site-specific, case-by-case decisions that are in the best interests of the affected resources and citizens throughout the life of this plan.

In conclusion, we appreciate the opportunity to comment on the Scoping Notice for the proposed project. We encourage continued attention to our concerns and we look forward to hearing about and being involved in proposed actions and decisions.

Bear Canyon Exploratory Well Project

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Sincerely,

A handwritten signature in blue ink, appearing to read "John Etchepare", written in a cursive style.

John Etchepare
Director

JE/CW

CC: Governor's Planning Office
Wyoming Game and Fish Department
Wyoming Board of Agriculture