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.

September 15, 2009

Chuck Otto, Field Manager
Pinedale Field Office
Bureau of Land Management
P.O. Box 768
Pinedale, WY 82941

Dear Mr. Otto:

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to the Scoping Notice to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) for the LaBarge Platform Exploration and Development Project (Project). The Project proposes to analyze the addition of 1,000 additional wells within the existing LaBarge Platform Project Area (PA).

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 affects our agriculture industry, our natural resources, and the welfare of our citizens, it's 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 existing oil and gas development of approximately 2,940 wells has already heavily impacted the PA. We encourage the Pinedale Field Office (PFO) recognize and account for these impacts in the analysis of cumulative effects. The majority of the existing wells are located within the North LaBarge Common Allotment. The existing impacts, along with the additional proposed new wells may negatively impact vegetation, wildlife habitats, grazing allotments and livestock grazing operations. It is critical the PFO determine what criterion creates significant impacts to livestock grazing operations on the 25-grazing allotments, and develop methods to reduce/mitigate these impacts below the significance level.

Mitigation of impacts to vegetation and livestock grazing must be identified. The WDA has attached a list of potential mitigation measures to consider as part of a "tool box" to reduce impacts to rangelands and grazing operations (See attached Potential Mitigation Measures). We strongly encourage the PFO work extremely close with all permittees impacted by the proposed project. This entails incorporating annual meetings to discuss grazing plans and rangeland improvement projects for the upcoming year for the life of the field.

The WDA would encourage the NEPA analysis include the socio and economic importance livestock grazing and ranching has on the local economy, but also to the protection of open space and wildlife habitats as referenced in Ranching in the Rockies, Threats and Signs of Hope (Yarbrough et al. 2006[1]).

[1] Yarbrough, A., J. Kapela, and C. O'Brady. 2006. Ranching in the Rockies, Threats and Signs of Hope. The 2006 Colorado College State of the Rockies Report Card. 6 pages.
http:/www.coloradocollege.edu/StateoftheRockies/06ReportCard/21-26%20in%20the%20Rockies.pdf.

Grazing on public lands is a vital economic value to agricultural producers and to local communities. The PFO needs to include impacts on this economic activity in the analysis. We urge PFO officials coordinate with the University Of Wyoming - College Of Agriculture, Department of Agriculture and Applied Economics, who conducted several studies showing how federal policies impact agriculture throughout the state. The studies include the importance of Animal Unit Months, the significance of input and output of state agriculture, and the costs and revenues to counties of agriculture compared to development. Changes affecting the continuation of livestock grazing and other agricultural operations within the planning area and the economic impacts upon agriculture must be included in the analysis.

We urge the PFO to base its decisions on science, long-term monitoring data and real data collected in the field. Permittees possess irreplaceable long-term, on-the-ground knowledge that should be utilized. Livestock grazing is a resource management tool currently used to achieve desired environmental objectives in the PA, including obtaining positive effects upon food and habitat for wildlife and livestock. The EIS must include (1) the positive effects livestock grazing has upon the environment. For example, using livestock to improve elk forage (Anderson and Scherzinger 1975[2]), bird habitat (Derner et al. 2009[3]), and other natural resource objectives (Davies et al 1990[4], Severson 1990[5]), and (2) how livestock grazing assists in achieving environmental objectives and objectives set forth in the Resource Management Plan, such as how livestock grazing can decrease excessive litter accumulation and thus increase plant diversity and species richness (Manier and Hobbs 2007[6]). Producers are particularly aware of how impacts will affect rangeland health, habitat and forage. They understand it is in their best interest to continue to serve as stewards of rangelands in the project area and can offer recommendations which are both environmentally and economically sound.

The WDA strongly encourage the PFO provide for tracking and monitoring of all impacts within the PA. Monitoring data should include surface disturbance impacts, reclamation efforts, along with invasive and noxious weeds. These monitoring efforts should put a focus on Healthy Rangeland Standards[7] and the importance of reclamation success. We highly recommend the PFO provide this data to cooperators and livestock grazing permittees to follow field development and the ability to adaptively manage their operations.

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[2] Anderson, E. W. and R. J. Scherzinger. 1975. Improving quality of winter forage for elk by cattle grazing. Journal of Range Management. 28:120-125.

[3] Derner, J. D., W. K. Lauenroth, P. Stapp, and D. J. Augustine. 2009. Livestock as ecosystem engineers for grassland bird habitat in the Western Great Plains of North America. Rangeland Ecology and Management. 62:111-118.

[4] Davies, K. W., T. J. Svejcar, and J. D. Bates. 2009. Interaction of historical and non-historical disturbances maintains native plant communities. Ecological Applications. 19:1536-1545.

[5] Severson, K. E. 1990. Summary: Livestock grazing as a wildlife management tool. *In*: Can livestock be used as a tool to enhance wildlife habitat. General Technical Report. RM-194 p. 3-6. U. S. Forest Service, Rocky Mountain Experiment Station, Fort Collins, CO.

[6] Manier, D. J. and N. T. Hobbs. 2007. Large herbivores in sagebrush steppe ecosystems: Livestock and wild ungulates influence structure and function. Oecologia. 152:739-750.

[7] U.S. Department of Interior - Bureau of Land Management. Standards for Healthy Public Rangelands. http://www.blm.gov/wy/st/en/programs/grazing/standards_and_guidelines/standards.html

It is vital PFO evaluate all resources at the same level to ensure they are managed cumulatively. For example, the Project must include a travel management plan relating to livestock grazing operations and adjacent gas field development operations. More importantly, the Project needs to look outside the PA and make sure it considers adjacent activities in this planning effort.

With this in mind, management prescriptions in the analysis must reflect multiple use resource principles. Congressional mandates, federal statutes, and implementing regulations call for multiple uses on BLM administered lands. WDA particularly believes the Congressional policy expressed in the Federal Land Policy and Management Act of 1976 (FLPMA) regarding livestock grazing, needs to be specifically noted in the environmental document. FLPMA Sec. 102(8) states "*The Congress declares that it is the policy of the United States that...the public lands be managed in a manner...that will provide food and habitat for fish and wildlife and domestic animals...*" Many in the public are unaware of this Congressional policy and do not understand how critical the utilization of these lands are to livestock grazing, permittees, local communities, the continued health of the resource and the State of Wyoming.

We appreciate the opportunity to comment on the scope of the EIS. We encourage continued attention to our concerns and look forward to hearing about and being involved in future proposed actions and decisions.

Sincerely,

Jason Fearneyhough

Jason Fearneyhough
Director

JF/cw

Enclosure

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

Potential Mitigation Measures

Note: These are meant to be ideas to consider or tools in a "tool box" for consideration.

- 5% reduction in forage would begin the consideration of mitigation methods to reduce impacts, but a 10% reduction would be considered a significant impact.

- Mitigating impacts to grazing permittees and management activities below significance criteria as determined by permittees, the BLM, and County.
- Conducting two annual meetings with grazing permittees to discuss project-specific impacts and required mitigation. Industry would notify affected parties of proposed drilling and maintenance schedules during these meetings.
- Throughout the life of the project (LOP), if there are any substantial changes in the POD for the Project Area, additional meetings with grazing permittees would be held.
- Grazing permittees would be provided a map showing the location of new well pads and access roads when APDs are filed with the BLM.
- Impacts to existing livestock water would be mitigated such that there are no adverse impacts to livestock management, water availability, or water quality.
- If project activities cause impacts to wells, springs, or surface water improvements, new water well development may be required to mitigate these impacts. Industry would be responsible for drilling, maintaining, and monitoring new stock water wells and/or improving existing water wells as determined by grazing permittees and the BLM AO.
- Industry would construct fencing where necessary in order to mitigate impacts to grazing management. All fences would comply with BLM fence construction regulations.
- Water development projects could be used to mitigate impacts and protect the range by distributing livestock.
- Industry would continue to coordinate with grazing permittees to develop aquifer and water well data.
- Protections and mitigation of impacts would occur to sensitive livestock areas (ie. calving grounds, trailing routes, and identified summer and winter grounds).
- Industry would treat primary access roads, and heavily used resource roads as necessary during high use periods with dust suppressants (e.g., magnesium chloride), and would water construction sites and well pad access roads as necessary to control fugitive dust during the summer. Industry would control fugitive dust associated with surface disturbing activities with the use of water or mulch during the reclamation phase.
- Industry would continue to encourage contractors and employees to obey speed limits and support local law enforcement officials in enforcing speed limits to reduce fugitive dust concerns, as well as for human health and safety reasons.

- Industry would monitor noxious weed and invasive non-native species of concern occurrence and implement a noxious weed/non-native species of concern control plan in cooperation with the BLM and County Weed and Pest, to ensure noxious weed and non-native species of concern invasion does not become a problem. Weed-free certification by county extension agents would be required for grain or straw used for mulching revegetated areas. Gravel and other surfacing materials used for the project would also be certified weed-free.
- Weed control would be conducted through an approved weed control plan and any supporting Pesticide Use Proposal (PUP) and Pesticide Use Report (PUR). Weed monitoring and reclamation measures would be continued on an annual basis (or as frequently as the BLM determines) throughout the LOP.