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Department of Agriculture

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May 5, 2006

Tom Hurshman, National Project Manager
Bureau of Land Management
2465 South Townsend Ave.
Montrose, CO 81401

Dear Tom:

Following are our comments for the Scoping Notice for the proposed Environmental Impact Statement (EIS) for the Overland Pass Pipeline Project (OPPP) by 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.

This project will significantly impact grazing permittees, agriculture producers, landowners, and other citizens, as well as our natural resources, both in and near this 750-mile, three-state project area. For that reason, we were concerned the identified issues and concerns fail to identify issues or concerns involving livestock grazing or rangeland health by this project. Issues and concerns involving livestock grazing need to be identified, evaluated, and mitigated for several reasons. Congress specifically stated their intent in the Federal Land Policy and Management Act of 1976 that federal land management agencies must manage to provide food and habitat for domestic animals, i.e. livestock, not just wildlife. This project definitely will create significant adverse impacts on livestock grazing in and adjacent to the project area. Finally, the EIS needs to show that BLM and project officials are attentive, not oblivious, to the fact that livestock grazing occurs in the project area or that grazing permittees will be affected.

Following are some specific individual effects upon livestock grazing needing analyzed in the EIS: increased off- and on-road traffic, increased numbers of speeding vehicles, construction of new-roads and modifications to existing roads, destroyed cattle guards, deaths and impairments of livestock from increased traffic and noxious weeds, decreased AUMs and pastures for grazing, decreased palatability of vegetation and forage from road dust and development activities, cut fences, opened gates, damaged range improvements, unsuccessful reclamation of disturbed areas, introduction and spread of noxious weeds, and other detrimental social and economic impacts on livestock operators and livestock management operations.

The checkerboard of private and BLM lands within the project area intensifies the potential for conflicts between pipeline construction and livestock grazing management and increases concerns about access and adverse impacts to private lands. The EIS needs to specifically analyze these consequences, while recognizing and preserving the right and ability of land owners to work with pipeline operators and BLM staff.

Because of the checkerboard ownership and the existence of affected grazing permits in the project area, the BLM Rawlins Field Office (FO) should have sent this Scoping Notice to all affected landowners and grazing permittees who graze or own lands within and adjoining the project area. We strongly encourage the project operators and BLM officials to continue to keep these landowners and grazing permittees informed and to work with them to learn of their concerns and recommendations regarding this project.

The impacts of the OPPP project will definitely increase costs and decrease revenues for grazing permittees. The accumulated impacts of this and nearby projects could jeopardize the continued existence of grazing operations in this area. The individual and cumulative impacts and the proposed remedies need to be thoroughly identified and evaluated in the EIS.

In addition to individual impacts, the project office needs to evaluate the cumulative effects of this and many other energy development projects in southern Wyoming. The development in the OPPP project area coupled with energy developments on federal lands in this region of Wyoming could severely reduce Animal Unit Months (AUMs) and available pastures for livestock grazing and could cumulatively limit or terminate the ability of ranchers to graze their livestock and continue their livelihoods.

Within the last few years, reclamation in Wyoming by energy developers has often been non-timely and unsuccessful. Moreover, other energy development and pipeline EISs specify few, if any, enforcement mechanisms and set few, if any, consequences for poor or failed reclamation and mitigation. Yet, timely and successful reclamation and mitigation are critically needed and need to be required. The DEIS needs to include reclamation and mitigation requirements and the consequences for pipeline operators failing to accomplish this reclamation and mitigation. Given the poor reclamation and mitigation performance by several operators in the past and their tendency to disregard BLM's suggestions with few or no consequences, the DEIS needs to reflect BLM's reinforced recommendations, requirements, repercussions, and resolve regarding reclamation, monitoring, and mitigation.

We believe the OPPP operators during the life of this project should conduct research and monitor the effects of their project on livestock grazing within the project area. We support compensatory mitigation discussions between gas operators and livestock permittees to lessen the burden, livestock stress, and economic impacts to grazing permittees from this development.

Any off-site mitigation resulting from this project will also have a direct impact on livestock grazing in those areas. These areas have active grazing permits and offsite mitigation will likely cause decreases in AUMs, losses of pastures, increases in costs, and decreases of revenues. It's important that compensation be similarly awarded to grazing permittees who will be affected by offsite mitigation projects.

Due to the grave impacts upon livestock grazing noted above, we strongly encourage the OPPP operators and BLM officials to work closely and consistently with all affected grazing permittees and agriculture producers to learn of their concerns and recommendations regarding this project. BLM must address on-site and off-site mitigation and the requirement for successful reclamation in the EIS. Agriculture producers are intimately familiar with the 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 the wildlife and livestock habitats and forage and rangeland health for the planning area. They will best appreciate the agricultural practices that will be affected. We strongly recommend energy

development operators and BLM officials seek and address the concerns and recommendations of these of stewards of habitat, forage, and rangeland health during the planning process. Moreover, it is imperative BLM officials continuously inform all livestock grazing permittees who are directly or indirectly affected of the issues, decisions, and resulting actions regarding this proposal.

Most environmental impact studies are woefully deficient in identifying or analyzing social and economic impacts imposed by proposed energy developments. We appreciate the fact that BLM field office staff includes numerous and diverse environmental specialists but virtually no social and economic analysts. As a result, virtually all environmental impact studies ignore the detrimental social and economic costs imposed by proposed energy developments upon the citizens who are most affected by these burdens: those living within and adjacent to the planning area. We strongly recommend the DEIS include a full and thorough social and economic impact analysis as part of the EIS. We specifically suggest that the analysis includes the impacts upon livestock grazing in and adjacent to the planning area.

Grazing on public lands represents a vital economic value to agriculture producers and to local communities. Impacts on this economic activity, specifically within the affected area and in adjoining areas, be included in the study. The cumulative impacts of energy developments upon livestock grazing may jeopardize the livelihoods of grazing permittees. The BLM must evaluate and include the loss or impaired ability of livestock grazing operations in the EIS.

The true economic impact of livestock grazing upon local communities is often underestimated. Input-Output studies by the University of Wyoming reveal that nearly all livestock in Wyoming are sold out of state, yet nearly all expenditures by Wyoming ranchers are made in nearby communities. This infusion and turnover of out-of-state or new dollars into local communities created by livestock grazing needs to be reflected in the study. More importantly, the EIS needs to capture the impact of the loss of that infusion and turnover by ranching operation, which are impaired by increased costs and decreased revenues created by this energy development project.

Throughout Wyoming, ranches are being replaced by housing and industrial developments, resulting in a permanent loss of wildlife habitat, scenic vistas, wide-open spaces, visual beauty, historic rural landscapes, stable rural revenues, and the historic cowboy culture of this state. These developments arrive with a significant increase in the cost of supporting infrastructure imposed upon federal, state, and county officials. A recent study conducted by the University of Wyoming in Fremont County shows that ranches bring significantly greater revenues into the county than the cost of the infrastructure needed to support those ranches. Conversely, developments demand costs in county infrastructure support that far outweigh the revenues generated by developments. The study needs to be included in the EIS.

In addition to its economic value, grazing also represents irreplaceable environmental and social values, contributing to the preservation of open spaces, the scenic vistas and visual beauty of the area, and the traditional image of the historic rural landscapes of Wyoming and the West. Any loss of these important environmental, historic, and social values of livestock grazing to users and visitors of the area and residents of impacted communities should be included in the scope of the study and the social impacts analyzed in the EIS.

Congressional mandates, federal statutes, and implementing regulations call for multiple use, and should be an integral part of the assessments. Moreover, the EIS 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 impacts upon food and habitat for fish and wildlife are usually well documented in National Environmental Policy Act documents. The consequences of this project upon food and habitat for domestic animals deserve the same degree of study and documentation.

In fact, grazing is an essential resource management tool to achieve desired environmental objectives in the planning area, including obtaining positive effects upon food and habitat for wildlife and livestock. The EIS needs to include (1) these positive effects of livestock grazing upon the environment and as a tool to achieve environmental objectives and (2) the impacts of this project on limiting the ability of livestock grazing to achieve these positive effects.

Peer-reviewed science should underlie decisions and the EIS needs to identify the science that supports the decisions and discussions regarding this project,

Decisions in the proposed plan should allow BLM officials, grazing permittees, and company officials the opportunity to work cooperatively and the flexibility 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 scope of the proposed actions, we encourage continued attention to our concerns, and we look forward to hearing about and being involved in proposed actions and decisions.

Sincerely,

John Etchepare
Director

cc: Governor's Planning Office
Wyoming Game and Fish Department