

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

November 7, 2008

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Dear Ms. Bose:

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to the Scoping Notice for the proposed Environmental Impact Statement (EIS) for the Pathfinder/Bison Pipeline Project (PBPP) being reviewed by the Federal Energy Regulatory Commission (FERC), known as FERC Docket No. PF08-22-000.

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 we be kept informed of proposed actions and decisions, and we continually be provided the opportunity to express pertinent issues and concerns.

We understand the PBPP will consist of 673-miles of 36-inch diameter pipe beginning in Meeker, Colorado, roughly crossing the state of Wyoming from Wamsutter (to the south) to Dead Horse (to the north), and then continuing into Montana and ending in southwest North Dakota. The project will also consist of six compressor stations and several metering stations located along the pipeline corridor in Wyoming, along with the many other facilities associated with the construction and maintenance of the pipeline.

The PBPP will undoubtedly create impacts to Wyoming's natural resources and livestock grazing operations. Following are some specific individual effects upon livestock grazing needing analyzed: direct disturbance to livestock and livestock operations due to construction activities, temporary and permanent loss of AUMs, increased off- and on-road traffic, construction of new roads, increased number of vehicles causing death or impairments of livestock, cut fences, opened gates, damaged range improvements, decreased palatability of vegetation and forage from road dust and construction activities, unsuccessful reclamation of disturbed areas, and the introduction and spread of noxious weeds and undesirable plants.

We strongly encourage FERC and TransCanada Pipeline USA, LTD (TransCanada) to work closely and communicate with all affected grazing permittees and agriculture producers to learn of their concerns and recommendations regarding this project. It is imperative that FERC and TransCanada continuously inform all livestock grazing permittees who are directly or indirectly affected by the issues, decisions, and actions of

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the proposed pipeline project. We support compensatory mitigation discussions with livestock permittees to lessen livestock stress and economic impacts imposed upon grazing permittees by the proposed pipeline project.

The impacts of this project may 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 the project area. The individual and cumulative impacts and the proposed remedies need to be thoroughly identified and evaluated in the analysis. The pipeline corridor crosses the state and a wide variety of ecosystems, in which reclamation criteria and chances for successful reclamation vary in region of the state. Reclamation can not be treated the same across the state and should be adapted to the specific area of the state and type of ecosystem present. In addition, timely and successful reclamation and mitigation are needed and should be required throughout the entire corridor. It is imperative that reclamation and mitigation requirements and the consequences of failing to accomplish successful reclamation and mitigation be clearly stated in the EIS.

Many environmental impact studies are deficient in identifying or analyzing social and economic impacts imposed by proposed energy development projects. We strongly recommend that the EIS includes 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 that that analysis includes the impacts upon livestock grazing in and adjacent to the planning area. The cumulative impacts of energy developments 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 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 NEPA documents. The consequences of the PBPP 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 EIS needs to include 1) these positive effects of

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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 that are made. The analysis needs to identify the science that supports the decisions and discussions regarding this project.

Decisions in the proposed plan should allow FERC officials, TransCanada, grazing permittees and private landowners the opportunity to work cooperatively. Flexibility to make the best site-specific, case-by-case decisions that are in the best interests of the affected resource and citizens throughout the life of this plan should also be addressed.

In conclusion, as the planning effort continues to develop and more specific details of the project are identified, we would appreciate the opportunity to further comment on these specific details and the progress of the planning document. 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 future proposed actions and decisions.

Sincerely,



John Etchepare
Director

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