Interagency Working Groups Meeting
Sheridan, Wyoming
September 17, 2003

AGENDA

9:00 Welcome/Introductions (Dennis Stenger and Dave McIlnay)

9:15 – 9:30 Overview from June meeting/Task Group priorities (Paul Beels)

9:30 – 10:15 Discuss and finalize Working Group, Task Group charters and MOU (Scott Haight)

10:15 - 10:25 Break

10:25 – 10:30 Continue to discuss and finalize Working Group and Task Group charters and MOU (Scott Haight)

10:30 – 10:45 Confirm Work Group and Task Group representatives (Paul Beels)

10:45 - 11:45 Agency Round Robin of on-going monitoring work that may be of interest to the group. (5 minutes each)

11:45 – 12:45 Lunch on own

12:45 – 1:45 GIS presentation – Diana Hulme - University of Wyoming

1:45 - 2:00 Break

2:00 – 2:45 Hear reports from task groups/needs etc.

2:45 – 3:00 Need for Aquatics Task Group (Paul Beels)

3:00 – 3:10 Break

3:10 – 4:00 Establish schedule for IWGs and task group schedules for the upcoming year, communication protocol (Paul Beels)

WELCOME: Paul Beels welcomed everyone to the meeting and then did introductions.

MEETING PURPOSE: Dennis Stenger explained how the WGs were meeting to discuss the charter and that the primary focus was on monitoring as laid out in the EIS ROD's and the need to work together to benefit the development of resources. David McIlnay echoed Dennis and added how a lot of interests/agencies are talking about CBNG but there's not enough knowledge sharing. This is a forum for disseminating information.

OVERVIEW: The three main topics for the day: 1) primarily to finish the work that was started in June for the Charter and MOU. 2) identify representatives for each of the groups. 3) Develop a schedule for future meetings.

Paul then did a PowerPoint presentation summarizing elements agreed to at the first meeting explaining the three tiers of the organization. Level 1: Task Groups, Level 2: State Working Groups (WG) and Level 3: the Interagency Coordination Committee (ICC). He then covered the tasks, by resource, that were agreed to:

The Water Task Group went over the priority tasks for the water issues. Need to incorporate into the charter: water - TMDL/monitoring. We are developing monitoring plans, developing a gap analysis, available data, etc.

The Air Task Group discussed the air tasks in the short and long term. Dave Klemp, Montana DEQ is the lead for the group.

The Wildlife Task Group - Montana has a monitoring plan in their document, Wyoming does not, so group is more focused on developing a plan for Wyoming.

MOU/CHARTER COMMENTS

Scott Haight provided everyone with a handout of the comments submitted on the Charter and MOU. After much discussion on each of the comments, the following agreements were made:

CHARTER
Group Structure

1. Leave the structure of the three levels as agreed to during the first IWG meeting: Level 1 - Task Groups consisting of technical specialists from any agency that wants to participate; Level 2 - State Working Groups (1 for Montana and 1 for Wyoming) where the BLM Buffalo and Miles City Field Managers are the leads. These are the groups that will help define priorities for the task groups, determine funding sources, help resolve conflict within the task groups and report to the ICC. There was much discussion from agencies that felt they should duplicate the WG in the ICC. BLM explained that what was discussed at the last meeting was for the ICC to be composed of the agencies that normally issue the site-specific permitting - EPA, BLM and the State DEQs.

2. On page 5 of the charter, ICC, we will put in a bullet - “agencies consulted as needed and included.”

3. FWS stated that, if he agrees, their State Director is who should be the signatory on the MOU.

3. On the signature page, each state government agency will have a separate signature line.

4. We need to identify all of the counties involved and make sure they are invited to participate in the meetings.

Group Functions

1. Reiterated that WGs will meet, for the most part, concurrently. There was also discussion that some agencies may need help setting up meetings, and BLM volunteered to help. We will note in the Charter under task groups (on page 9) and work into the first bullet.

2. There was also a discussion on funding. Development of working plans will be funded by the agencies involved. If there's a gap and we don't have funds, we'll have to figure something out. If the task is a priority, the request for funding will need to move up in the organization. The beauty of the group is that we can pool dollars.

Work plans need to be approved at the WG level. If the WGs weren't here, we could end up duplicating efforts.

3. Groups discussed how often they will meet. We may not want a rigid schedule. Need to make available on our website, information regarding upcoming meetings so the public may attend if they desire.

The Northern Cheyenne Tribe explained how participating in meetings are an economic hardship. They need funding to help assist the tribe in addressing issues. The Tribe has technical people who could work on the Task Groups, but still need specialized (contractors, etc.) help.

4. The comment on page 2 of the handout (9th down in list) will be passed on to the Air Task Group (will be added). The next two comments in the list (10 and 11) were also agreed to and will be passed on to the Air Task Group.

Charter Language

1. The vision statement lacks cultural resources. Cultural resources will be added to the list.

2. The FWS needs to verify that their agency is in agreement with the WY and MT EISs and objectives for establishing this group.

3. The Northern Cheyenne Tribe requested that paragraph H of the Air Task Group Charter be amended to address NEPA. The tribe's participation may depend on funds being made available to the Tribe in order that they can participate. BLM responded that it will need to be discussed with agency heads.

4. A discussion was then held regarding the meaning of "consensus" - does that mean majority (take a vote), everyone agrees, no one says anything, or something else? It was agreed to for the remainder of this meeting, that if you are asked for your concerns and don't say anything (silence) that is consensus.

5. Discussed how the Charter needs to explain the purpose of the groups. May need to modify current text to explain how we are implementing the EISs and how the group will help determine if monitoring and mitigation is working, and if subsequent revision of the decisions is needed.

6. On page 1 of the Charter, the Introduction does not mention tribes. The Tribes will be added.

7. The Groups expressed their desire that the reps in the WG have the authority to make decisions for their agency, or we cannot move forward (have to do it again). We will put into a cover letter that the person representing the agency must have the authority to speak for the agency at the WG meetings.

The BLM will put together a final MOU/Charter draft, and send around for final comments. If there are no major comments, we will follow that up by sending around a signature page.

8. We will change page 1 to delete "particular" and insert "additionally".

MOU Comments

1. Once monitoring plans are developed, that information will be made available to the public. This concept was added to item 4 under MOU Purpose.

2. Discussed how "Authorities" are not all the regulations an agency follows - it's the agency's authority to enter into the MOU. BLM will check with an MOU specialist to confirm. (Follow-up: This is correct)

The Charter/ MOU discussion concluded and the group broke for lunch.

MONITORING ROUND ROBIN

Agency members gave an update on new information that would be of interest to the group.

BIA - We have not really had a lot of involvement since Barrett.

Montana DEQ - There is a permit out for Fidelity. One for Powder River Gas is out.

Wyoming DEQ (Air Quality Division) -

Particulate
WDEQ sponsored TSP, PM10, and PM 2.5. Include: Gillette, Write, Arvada, Sheridan, "Campbell City".

Coal Mines: required to do particulate monitoring in permit conditions. About 50 particulate monitoring stations.

NOx
WDEQ sponsored: 3 coal mines continuous NOx plus Thunder Basin National Grasslands, and Campbell County (15 miles south of Gillette in CBNG field).

O3
Campbell County, Thunder Basin National Grasslands.

Visibility
Thunder Basin and Cloud Peak.

There is an information sharing internet page at www.wyvisnet.com. There are live images and real-time data; galleries - haze, smoke events, spectrum; visibility information

Wyoming Game and Fish - are in the process of doing surveys for SE WY. Move into Belle Fourche and Cheyenne to look at native fish and habitat/species.

Park Service – Nothing to report

BLM Miles City FO – Approved Fidelity POD for Badger Hills. Wildlife – Cooperative Agreement with the University of Montana on sage grouse monitoring. There are 110-120 birds with collars. DOE accepted a follow-up PHD project with a $300K grant. We have tiered into 4 sites in MT for micro invertebrates. Cooperators are the DEQ and USGS. Signed an inventory contract with Greystone (Gillette) to look at raptors, prairie dogs and mountain plovers in Montana. It will start in one week. Cooperating with the Forest Service on breeding bird surveys across eastern Montana, but highlighting the CBNG areas. BLM is hiring a fisheries biologist that will be responsible for fisheries. There are 14-16 water monitoring wells drilled with USGS and MBMG. The Northern Cheyenne have 7 water monitoring wells. There are four gauging stations along the Tongue River, another at the mouth of Hanging Woman Creek.

EPA – Participated as a funding source and are stakeholders with USGS to develop a monitoring study. Developing gap analysis – there is a working group meeting coming up. What do we do about gaps, how do we find? Funded the WY DEQ and conservation districts to do sampling in basin. For baseline, may help group with potential modeling. In December/January the BPJ's (Best Professional Judgment) will be issued.

water quality standards for Montana were approved. This will affect how TMDLs occur. TMDL work on the Powder, Little Powder and Tongue rivers, scheduled to be out next spring to get better stakeholder involvement and modeling. (MT DEQ has a TMDL link).

Regarding the Northern Cheyenne Tribe water quality standards: the tribe will resubmit a request for treatment as a state.

Northern Cheyenne Tribe - are updating the standards. Once approved by EPA, the final studies package will be submitted by EPA. If approved, standards will go into affect. There were legal questions from Washington and they recommended the tribe amend, so the tribe is making revisions to alleviate legal concerns.

USGS MT - Passed out a handout (Monitoring Program Highlights see attachment 1).

Real time Specific Conductance data on the Web.

New surface water monitoring sites

Biological sampling initiated

The Draft Long Term Monitoring Plan is out for comment now. EPA cooperated on funding. The Water Task Group will find this guidance will help at least for the Tongue and Powder Rivers.

Six months ago, they submitted a proposal to Senator Burns for a comprehensive monitoring plan for the Tongue River in Montana and Wyoming. The Senate Appropriation Bill has included those funds. This will provide for one funding source.

BLM – The Long Term monitoring Plan guidance was accepted by The Water Group.

USGS WY - Passed out a handout, Map of surface water monitoring sites with brief summary of additional activities they are involved in relative to CBM development.(see attachment 2).

WY DEQ (Water Division) **-** The Governor asked them to add money to the budget to enhance a monitoring project for water quality (because of gaps?) It still has to be accepted by the government, and then the legislature. We may end up with more money for monitoring (little on Tongue, quite a bit on the Powder, Little Powder and Cheyenne).

Litigation on Wild Cat Creek. Schwartz vs. WY. In potential settlement agreements. May be model for permitting discharge. Allows more discharge but take into account agriculture. May end up being a new model for CBM discharge water.

We are participating with MT on a TMDL working group. Want one that meets both state's needs. Oct. 22nd in Miles City is the next meeting.

Looking at ways to expedite the permit process. The last legislature gave money to find ways to transfer paper heavy system into electronic. So operators will report electronically. If EPA gets up to speed, they can download immediately.

Grant for EPA to look at integrated electronic system. So if want to see all ops in a section, it will retrieve all of the information they have. Any environmental data could be accessed through that one system.

WY State Engineers – Their focus is on water rights and they want to protect existing water rights that might be impacted by CBM development. They are currently developing a map of all drainages in NE Wyoming identifying those drainages with existing water rights and streams in which DEQ has water quality concerns. The map is due to be completed by the end of September. It will be a tool for operators so they can see what water rights are in drainages along with surface waters that DEQ has water quality concerns. If an area is identified as a drainage of concern, the two agencies can work together with the company on what special permit conditions will be required. The Wyoming SEO is also continuing to process the reservoir permit backlog that has developed over the last several years.

CBM Coordination Coalition – Mission is looking more at local and county issues and their concerns. Focus is on road dust.

The Governor's office has a good streamline permit process. Report due to government within the next month.

FS (Custer) – Ashland really has no existing leasing document so no activity to report for monitoring. We can't do anything predecisional. Focus on baseline work with BLM. Dollars for land bird surveys, prairie dog surveys, raptors. The FS funded part of an amphibian/reptile survey.

Land bird surveys – 64 transects across SE MT. Available on the U of MT land bird website.

Satellite imagery data used. Gathered additional vegetation data across SE MT.

South Dakota DENR – DENR established 2001 water monitoring stats at border. Data is available online. Working with WY DEQ on permits. TMDL study related to Angostura Reservoir .

BLM Wyoming – Monitoring Actions in the Powder River Basin and 2004 monitoring funding. (see attachment 3).

FS – Joe Reddick. There are 26 wells being developed. Thundershed 40/41 wells EA end of October. Public participation. Big Porcupine. 200+ wells. 4 little props plus thunderbasin (10 wells)

Monitoring 3% of the area (60K). Inventory annual review of special concern just certified. Looking for hydrology monitoring points. Air quality person out on ground looking at CBM/coal issues so he'll be more informed. Presidents initiative for energy development – concern with how to implement. Natural Energy Assistance team.

FWS – National Energy?

Between FS.BLM to provide resources to promptly and correctly issue permits.

GIS PRESENTATION

Diane Hulme and Jim Oakleaf then did a presentation to the group to discuss the CBM Clearinghouse website.

Description of the WY center.

- Background
- needs (gaps) analysis
- responses from users
- overview of website – www.cbmclearinghouse.info

The advantage of using the clearinghouse is that all CBM data is kept in one place.

Assess reports should be done by the end of the month.

State agencies may be behind the tech curve.

The western Governor's Association BMPs – may be put into website also.

Haven't received any negative comments.

Look at their links page. Email directly with feedback or adding documents.

Jim – website itself.
    -homepage
    - What's new on the site.
    - Project background
    - Scope
Interactive map
    -documents
    - only want to link to data. Don't want actual data.
    - list of contacts
    - events. Email to him and they'll put it in.

Will accept documents (email and CDs) but prefer links only.
    - Glossary

- Learning section. For people to understand CBM better. Education tool, want feedback. Public asks help us learn, so that's this page.
- Photo section – links to CBM coordinate coalition site, Mickey's site has lots of photos.

Turn in different layers. Dark means on.
Remote control will zoom in and out and auto redraws.
Zoom to all WY or go back, don't have to set up a legend.
What's great is internet mapping, services with different agencies.,
Coal mines data not in there.
Combining data – great tool for that.
Promotes interoperability.
Also working with WY SHPO for their mapping service.

A discussion was then held regarding funding for the website and studies that may be available to include. The questions was posed whether an IT task group may be needed.

TASK GROUPS REPORTS

Water Task Group

The group report was given by Wyoming Fish and Game (see attachment 4).
There's a concern/need that little information is being collected on monitoring alluvium because of on-channel impoundments. Montana's are required to be off-channel; Wyoming's can be in-channel.

Wyoming plans to bond for cost of impoundments. EPA will check on procedures for closure of impoundments.

The Water Task Group meeting minutes will be posted by BLM on the internet.

No other task group reports were given.

WG REPRESENTATIVES

We need to know who the representative will be for each of the groups.

Aquatic Task Group

In the WY document: monitoring and mitigation of the EIS, there are 3 things we said we would collect.

1. Water quality in ponds developed for fisheries would be sampled on an annual basis for selenium, TDS, and sodium bicarbonate, at a minimum.
2. Sub-watersheds that will receive CBM produced waters and would be monitored for macroinvertebrates and fish populations

3. Stream channel monitoring for erosion, degradation, and riparian health would be conducted on an annual basis and after major storm events to determine the storm event's effects.

What are the priorities? Should the Group be part of Water or Wildlife, or be it's own group?

Group agreed that there needs to be a separate "Aquatic Task Group". Wyoming Game and Fish (Rick Huber) offered to lead the group, with BLM assistance in setting up meetings and other administrative tasks. They need an official request from BLM.

Miles City is hiring a fisheries biologist. Custer N.F. has a fisheries biologist who would be available.

When the group convenes, tasks need to be prioritized. What are the Aquatics Group objectives regarding CBM and coal development?

This group will review the monitoring data and let the WG know gaps.

SCHEDULING MEETINGS

The following ideas were discussed

1) The ICC would have two 2 meetings/year as stated in the Charter. These meetings could perhaps coincide with the Energy Initiative meetings(?)
2) Budget cycles are different with agencies
3) Have no set schedule
4) state work meetings could coincide with updates from Task groups
5) Summary report of accomplishments for the year (sometime after September 30)
6) review tasks/priorities
7) Individual WG meetings
8) Schedule meetings as early as possible so they can be posted on a calendar on the web site.
9) Task reports mailed out 2 weeks ahead for review.
10) WG schedule dependent on task group schedule
11) Tie in with ICC group meetings on the energy initiative. State and federal. One is coming up in December.
12) WGs need to meet more than ICC and Task Groups should meet as often as needed

The Water Task Group has already decided to try teleconferencing rather than traveling to meetings, especially in winter.

The objective for each Task Group is to develop a monitoring plan that addresses the monitoring schema. Another element of a monitoring plan, we need any ongoing studies or like studies that should be discontinued or combined. Concurrently with monitoring plan development, a Work Plan is needed. Work plans need to be submitted to the

working group coordinators (Paul Beels or Mary Bloom) and then disbursed to all work group members for review and approval. Work plans would identify each task, objectives, responsibilities, costs, deadlines/sequencing, needs/equipment etc

It was agreed that the deadline for Work Plans from the Task Groups would be January/February.

The WGs then discussed the decision process, the use of consensus on decisions and developing ground rules.

EPA will email options for the WGs to review and discuss at the next meeting.

-Meeting concluded-