

**MINUTES OF THE MEETING**  
**Wednesday, April 21, 2010, 12:30 PM to 4:00 PM**  
**Pinedale Anticline Project Office (PAPO)**  
**Joint Meeting of PAPO Agency Managers Committee**  
**and**  
**PAPO Pinedale Anticline Mitigation Management Board**  
**Held at Bureau of Land Management (BLM), Pinedale Field Office**  
**1625 West Pine Street, Pinedale, Wyoming**  
**Rendezvous Conference Room**  
**(Please contact John MacDonald, 307-367-5386, for information)**

**WELCOME AND INTRODUCTIONS:** notice that meeting is being recorded, as was the JIO meeting  
BOARD: John Corra (WDEQ Director), Steve Ferrell (WGF Director), Jason Fearneyhough (WY Dept Ag Director), Don Simpson (BLM Director), Joel Bousman (Sublette County Commissioner)  
STAFF: Jim Lucas, John MacDonald, John Ruhs, Brian Davis, Sheila Keating, Molly Keating, Cara Farr, Teresa Gulbrandson, Rob Schweitzer, Deej Brown; Lorraine Keith; Terese Hartman, WGF/PAPO; Dan Stroud, WGF/PAPO; Jennifer Frazier, DEQ/PAPO; Scott Smith, WGF  
PUBLIC: ; Stephanie Kessler, TWS; Sandy Wise, Shell; Renee Seidler, WCS; Pete Guernsey, QEP; Luke Lynch, Conservation Fund; Steve Belinda, TRCP; Teresa Hetrick, Shell; Linda Baker, UGRA; C.J. Schinewer; Tom Curry

**AGENDA: ADDITIONS OR CHANGES**

- John Corra: add Shell Reimbursement issue after UW presentation
- Don Simpson: add DEQ money issue right after the budget presentation
- Jason Fearneyhough: add Wood Stove Project as a line item in the PAPO Budget Summary

**REVIEW AND APPROVAL OF MEETING MINUTES, PAPO Committee/Board Meeting of March 15, 2010:**  
(Packet Tab "G")

**Jason Fearneyhough moved, Joel Bousman seconded, Board approved unanimously** and instructed Carmel Kail receive a copy as approved

**REVISED COMMUNICATION STRUCTURE CHART – the addition of the Pinedale Anticline Working Group (PAWG):** presentation by Jim Lucas, PAPO Coordinator (Packet Tab "H")

- Jim Lucas presented updated chart, which contained input from PAWG John Corra Kathy Purvis, showing the changes in reporting to FM of PFO, not the DM
- John Corra: need to adhere to this chart per communications; if the chart is not followed then need to inform the appropriate person of said action

**PAPO UPDATED BUDGET SUMMARY AND LIST OF DISBURSEMENTS:** presentation by Sheila Keating, BLM Budget Analyst (Packet Tab "J")

- balance agrees to the penny with the budget spreadsheet
- items approved last meeting have been updated on the budget spreadsheet so total commitments shown are current
- included the list of disbursements as had been requested

**FINANCIAL REPORT FROM WILDLIFE HERITAGE FOUNDATION OF WYOMING (PAPO Escrow Agent):**

presentation by Sheila Keating, BLM Budget Analyst (Packet Tab "I")

Discussion per line item for project reimbursement to Shell as shown in report, as added to the agenda:

- John Corra: need for the discussion is a result of a wrong perception and a lack of understanding of the agreement
- there is no written contract with Shell; it is a gentlemen's agreement between Shell and Wildlife Conservation Society (WCS) to accumulate data on pronghorn and share the 2009 data with Game and Fish; PAPO to pay Shell when Game and Fish receives all the data
- Shell would like to be reimbursed for expenses incurred Sept 2008 which was payment in advance for the 2009 data
- Board had told Shell they could get paid now; however has realized they cannot
- Renee Seidler, representing WCS, explained their policy is to not give out data until they've had a chance to get peer review and publish, which take two to three years
  - some data has been submitted... all of 2005, 10% of 2006-2008
  - Game and Fish/PAPO can't work with only a small part of the data, and needs all of what is to be presented by 2012
  - Renee Seidler confirmed all the data will be received by December 2012
  - because data won't be received for 2-3 years, as per agreement with PAPO, Shell cannot get paid until the 2009 data is submitted to Game and Fish

**Board concurrence: stay with original agreement that Shell will be reimbursed for the 2009 data once that data is submitted to Game and Fish, noting in budget a line item for future reference**

#### **WDEQ FUNDING**

- \$2 million committed by companies for air quality employee, analysis, and monitoring costs, etc., is included (clarification) in the \$36M PAPO Mitigation Fund
- John Corra wanted to know if there was any desire by the Board to augment from existing PAPO funds to pay for additional WDEQ employee costs, to cover those and other costs. (\$207,000 is needed over and above the \$2 Million)
- Don Simpson stated Board could ask Operators for the \$2 Million now and have the accrued interest cover the additional needed \$207,000 cost

**Board concurrence: WDEQ will put together a request to the companies for the money, detailing why the money is needed now and what for – 2 letters to be done to cover air and water**

**PINEDALE ANTICLINE PROJECT AREA (PAPA) Well Spud Reports** – presentation by Jim Lucas, PAPO Coordinator: Well Spud Report from 9-12-2008 (BLM Record of Decision), to date (Packet Tab “K”); Well Spud Report from 9-12-2009 to date (Packet Tab “L”)

Board reviewed the report:

- after the December 2010 payment, they will have a little over a third of the original \$36 Million
- expect approximately \$2.8m coming in December
- administrative budgets from the agencies are not included in the report, but should be at the next Board meeting
- once the original deposited \$9 million is committed, PAPO will have to cut back funding to about a \$2 Million annual budget depending on the number of wells spud

**PAPO PROJECT STATUS TABLE:** presentation by Jim Lucas, PAPO Coordinator, and Therese Hartman, Wildlife Mitigation Biologist with Wyoming Game & Fish Department (WG&FD), PAPO Staff Member and PAPA Wildlife Monitoring Review Team Leader (Packet Tab “M”)

Report presented and reviewed by Board:

- Sage Grouse Tab R; thanked Board for approval of grant agreement and contract award per previous electronic action

- Pigmy Rabbit Tab S, request for grant agreement approval from the Board for new 2010 project as required by ROD
  - Joel Bousman motioned, based on staff recommendation in Tab S: ‘move the pigmy rabbit proposal go forward, not to exceed \$167,554, and as further stated in the staff recommendation’
  - Don Simpson seconded
  - Discussion:
    - Jason Fearneyhough: noted to proceed with caution, per dollar amount to spend
- **Board approved unanimously**
- White Tail Prairie Dog (Tab T) by Western Ecosystems
  - Jason Fearneyhough: motioned: per Tab T staff recommendation to go forward and not exceed \$55,004; and as further stated in the recommendation
  - Don Simpson seconded
  - no discussion,
- **Board approved unanimously**
- Raptor
  - RFP out, 6 proposals under review, including doing reference checks, getting Game and Fish check off
  - there will be a request for an email approval before the next meeting, once dollars are known; needs to be finished before the next meeting takes place

**UNIVERSITY OF WYOMING, WYOMING COOPERATIVE FISH AND WILDLIFE RESEARCH UNIT, Third Party PAPA Review Reports for Sage Grouse, Pygmy Rabbits and White-tailed Prairie Dogs: presentation by Therese Hartman, WG&FD/PAPO (Packet Tab “N”)**

- The PAPO has reviewed the report: pleased the methods recommended are similar to methods proposed by contractors selected to fulfill the 2010 pygmy rabbit and white-tailed prairie dog monitoring contracts; will be sending the WY COOP sage-grouse review team follow up for clarification of what is being recommended for sage-grouse monitoring
- has sent the report out for further review by NGOs, operators, WGFD and BLM wildlife staff
- hopes to have those comments compiled by next meeting

**PUBLIC OUTREACH UPDATE:** presentation by Jim Lucas, PAPO Coordinator

- there is a new combined website for JIO/PAPO, adding links as they become available, i.e. videos, PowerPoints, etc.
- quarterly newsletter is being kept up
- annual outreach booklet is being updated – to be published soon
- open houses:
  - first one May 6 at Pinedale library with posters, staff, show and tell devices, etc
  - after that, one every other month with each targeted to a specific topic... reclamation, air quality, wildlife monitoring, etc
- May 15 is a community clean up activity, and BLM/JIO/PAPO is participating: there will be a booth for PAPO/JIO, where they will be passing out information, wildflower seed packets with contact info on packet, drawing for vouchers in the wood stove change-out program
- developing packets to be used with other events
- working with cultural staff

**Board commendation for plans and efforts**

**PINEDALE ANTICLINE OFFSITE MITIGATION PLANNING – PAPO Staff Follow-up Analysis and Status Report: presentation by Dan Stroud, Wildlife Mitigation Biologist with WG&FD and PAPO Staff Member (Packet Tab “O”)**

- update made via PowerPoint presentation (on file in the JIO/PAPO) '[Important Wildlife Areas](#);' thanked Questar for funding
- in response to Board questions, comments, discussion:
  - maps of prioritization areas/boundary lines are to be used as recommendations for future actions, primarily focusing on the mule deer herd which hasn't had much help yet
  - mitigation boundary lines have not been approved by the Board; just because recommendation has merit, don't assume Board will approve ultimate areas
  - in the future may want to look outside boundaries, or have more flexible lines, to accommodate air quality mitigations
  - possibly have both wildlife boundary and air quality boundary delineated to use in the future
  - adjust boundaries to identify all herds, but show pronghorn and mule deer delineated by individual herd boundaries
  - rank projects based on location within boundary
  - Mr. Stroud's task is mostly completed, but there will be updates for a time, including
    - developing a set of screens showing specific attributes
    - collecting proposals for offsite mitigation with this information, detail and recommendations attached

**Board concurrence: the cutoff date to evaluate plans before the budget year end needs to be shown as a line item in the budget discussion next meeting**

**CARNEY RANCH CONSERVATION PROJECT** – Phase II/DC Bar Ranch Funding Application: memorandum by Dan Stroud, WG&FD/PAPO (Packet Tab "P")

PowerPoint presentation '[DC Bar Project](#)' (on file in the JIO/PAPO) with map overview showing:

- value of properties, purchased with Carney phase 2 funds, which are requesting to be included as a wildlife conservation plan by PAPO and recognized as part of the wildlife corridor
- other wildlife values in the area
- how the proposal ties to other PAPO approved mitigation projects
- adjacent 'protected' lands
- other relevant information i.e. other approved projects, location, funding, proposed projects, and total acres [5290]
- value of lands in proposal puts PAPO in for \$1.3m for a \$4m project, because lands are of higher value
- JIO funding, along with other funding, has laid the groundwork for the addition of this new plan
- potentially new opportunities opening if the Forest Service recognizes more of its land for inclusion in the corridor
- animal values are high in this project
- Discussion:
  - money available for new projects at this time, as calculated by Sheila Keating: approx \$10k; this proposal is for \$500k
  - Phase II/DC Bar Ranch Funding Application area only helps a small area in the overall migration corridor
  - concerns were expressed about timing of the spending of the money, and the addition of operating funds into any proposal
  - public concern was expressed that Carney's interest in potential gas development in the area would be in conflict with this proposal
  - Luke Lynch: Carney is willing to limit production to the 2 existing wells, if proposal accepted
  - Callie McKee, for Ultra, Shell, Questar, expressed operators concerns: [IN A WRITTEN STATEMENT](#) (on file in the JIO/PAPO)
    - about this project and the next one on the agenda

- a fear of further spending down the funds so deeply there is nothing left for sufficient monitoring of existing projects
- belief that monitoring comes first, then mitigating impacts

The operators would like to ask the following questions:

- 1) What is the basis for a decision to spend more money at this time?
- 2) What was monitored that determined mitigation was needed per the matrix?
- 3) What is being mitigated?
- 4) How will it be measured for effectiveness in mitigating the identified impact?
- 5) And, if the PAPO board moves forward on future easement projects: What is the basis for the conservation easement dollar valuation? Who did it? Will they share the data they used? What was the date? If the data is more than one year old, the valuation should be redone, and there should be two separate dollar valuations by reputable/competent firms.

- Stephanie Kessler: concurred with operators' concerns
- At John Corra's request: Dan Stroud gave a brief description of [the next item on the agenda] **GREEN RIVER VALLEY LAND TRUST, WILDLIFE FRIENDLY FENCING INITIATIVE** – Phase II Funding Application: memorandum by Dan Stroud, WG&FD/PAPO, and Theresa Gulbrandson, Wildlife Biologist on the BLM Mitigation Team (Packet Tab "Q") (phase 1 of potentially 5) [phase 1 brochures provided to the Board members titled: ['Common Sense Conservation'](#) and ['Corridor Conservation Campaign'](#)] Presentation of PowerPoint titled: ['Wildlife Friendly Fencing Initiative'](#)
  - estimated to be approximately \$760,000 left over from phase I
  - at John Corra's request: fencing spacing issues for migratory mule deer were discussed by Scott Smith, G&F biologist

John Corra: two proposals on the table: one for half a million dollars and one for \$2 million. *Roberts Rules of Order* states that if a motion is tabled, there can be no further discussion. PAPO rules state if a motion fails the vote, the project is finished. Asked the Board's pleasure.

Board Discussion summarized:

- these are not bad projects
- should avoid any further approval of projects until more money is in the bank
- when the December money is in the bank, then staff should start prioritizing projects, based on budget, getting the most bang for the buck, and identification of the actual mitigation
- there could be some significant sage grouse projects in the coming year; not wise to spend all the money without taking everything into consideration; sage grouse mitigation is the most pressing
- there is no more income until December and the Board should stop spending until then

John Corra: called for a motion on DC Bar Ranch; heard none; called for a motion on Wildlife Friendly Fencing Initiative, Phase II Funding Application: heard none  
Praise for PAPO staff from the John Corra, concurred by Board

Further discussion:

The operating budget needs to take into account the general prioritization of projects as described in the above discussion; staff reported they are planning to have that for the next meeting

- Board needs to have a spending timeline to work from, showing what the cash flow will be, in order to be able to move forward

- This is the time for staff to work on a draft of how/when to solicit projects (open season), determine cutoff date, and outline the process for prioritizing the projects... for presentation to next meeting
- For ongoing projects, Board wants to see what the project mitigates and how that is to be measured
- Board also wants staff to include an estimation of income for the 2 years out
- Board should be presented with all the projects before voting on the individual projects

**TRANSPARENCY:** Discussion by the Board to try to accommodate the public’s desire to interact with project proposals at an earlier stage than now, but not to the extent equating to any formal comment period, as in NEPA.

*INSERTED FOR THE RECORD: FROM JIO/PAPO PREMEETING MINUTES:*

Discussion:

- Where in the process is there public opportunity to review the potential projects?
- Where in the steps below is it appropriate to make information public and what information should be made public?
- current steps in process identified:
  1. identify needs
  2. define projects
  3. RFP by agency, includes opinions from AG, agency, contractors, **BLM, operators** (items in bold added in PAPO meeting discussion to clarify process steps and clarify for Ms. Kessler’s concerns)
  4. evaluate bids by agency and Staff
  5. review/recommendation
  6. review by Board of grant request
  7. respective agency awards contract

<u>CURRENTLY:</u>	<u>CHANGED TO:</u>
PUBLIC INPUT not now happening in this process	<b>ADD:</b> prior to step 3 RFP, a new step to provide opportunity for public input
RFP COMMENTS AT STAGE 3 from PAWG before publication	<b>MOVE STEP 6</b> to be between 2 & 3

- The above two columns identify where the process will accommodate public knowledge. **THIS REVISION IN THE PROCESS RECOGNIZES CONCERNS ABOUT LACK OF PUBLIC KNOWLEDGE DURING THESE STEPS AND IS ACCEPTED BY THE BOARD.**

**PUBLIC COMMENT PERIOD**

Stephanie Kessler:

- agenda for meetings needs to be included on the website with meeting notice, so public can have clearer understanding of when to appear and what to prepare for
- re transparency steps in project contracting process:
  - does this create sole source contracting?
    - Steve Ferrell: must make sure the grant process is completed before the contracting process so folks can be involved prior to contract letting
    - John Corra:
      - ✓ answer is no; the state has a process for letting contracts and this will adhere to that
      - ✓ the wildlife review team is intact, and includes agencies and operators; urges letting them review, provide input

- ✓ operators, BLM, Game and Fish provide input into RFP and review of proposals; inclusion of operators/BLM into Step 4 above provides an opportunity to provide input; Game and Fish already had ability in Step 4 to make the award after taking all comments into consideration
- disagrees the ROD allows operators to be involved in development of wildlife monitoring RFP's
  - John Corra, speaking for the Board: this is an outline of the steps for a public process; he has not reviewed the ROD for accuracy per Ms. Kessler's assertion; Board members will read the ROD to answer that question when the minutes come out.

UW Co-Op report:

- NGOs have had a 3<sup>rd</sup> party peer review of the report, and that review says monitoring as designed for the first round is not sufficient to get the data needed by the study
- needs to know time line and comment rules for NGO response if there is an opportunity to comment
- the study was set up without NGO input; they are waiting to get into the door to see what it is, what it does
- wants to know if phase 1 information will be used or dismissed
- wants the board to follow the peer review recommendations
- population data wasn't collected last year, only mapping
  - John Corra: he has not read and doesn't expect to understand the report; it was designed to be an audit and self check; the Staff will take her information into consideration for future actions

Linda Baker:

- re TNC map presented earlier: as for pushing southwest boundary further southwest, it would then include an elk herd and sage grouse, further making it a very ripe area for mitigation; recommends Board pay special attention to that

Luke Lynch:

- praised Board for consideration and actions which will reach beneficially into the far future

SUMMARY AND WRAP-UP – none

Don Simpson moved, Steve Ferrell seconded, no discussion, Board unanimously adjourned the PAPO meeting at 4:10 pm.