

Phoonswadi-Brewer, Sean

From: NPL_AR
Subject: Normally Pressured Lance Natural Gas Development Project Scoping Comments
Attachments: 110510_NPL_PublicScopingComments.docx

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05/10/2011 04:28
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To

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 Linn" <johnplinn@yahoo.com>

cc

Subject

Normally Pressured Lance Natural
 Gas Development Project Scoping
 Comments

Dear Kellie Roadifer,

On behalf of the Sublette County Commissioners, we submit the attached Normally Pressured Lance Natural Gas Development Project Scoping Comments.

If you could please confirm that you have received these comments, we would appreciate it. Thank you.

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 (See attached file: 110510_NPL_PublicScopingComments.docx)

NORMALLY PRESSURED LANCE NATURAL GAS DEVELOPMENT PROJECT
PUBLIC SCOPING COMMENTS

MEMORANDUM

To: Kelly Roadifer, Bureau of Land Management, Pinedale Field Office

From: Joel Bousman, John Linn, and Andy Nelson, Sublette County Commissioners

Date: May 10, 2011

Re: Normally Pressured Lance Natural Gas Development Project Scoping Comments

The Sublette County Commissioners thank you for the opportunity to provide the Bureau of Land Management (BLM) with scoping comments on the proposed Normally Pressured Lance Natural Gas Development Project (NPL). As an intended Cooperating Agency with the BLM, we appreciate that the Council on Environmental Quality (CEQ) recognizes our special expertise as particularly important, and therefore, we respectfully request that our comments are considered as special expertise as noted in CEQ Section 1501.6 (a) 2. Cooperating Agency involvement, especially during early processes such as scoping, ensures that the lead agency is aware of local knowledge and public interests that facilitate appropriate decisions. Additionally, we entrust that open communication as Cooperating Agencies will continue between Sublette County and the BLM throughout the duration of the project.

Given the level of energy development in the planning area and the associated environmental concerns, it is imperative that potential effects from project activities be analyzed in detail and disclosed in the Environmental Impact Statement (EIS). A thorough understanding of key issues will allow decision-makers to properly address and mitigate potential impacts. In this memorandum, we provide input on issues and alternatives that should be considered during project development and addressed in the EIS. Our goal is to ensure that the best available science is fully analyzed, evaluated, and incorporated into the environmental document. If so desired, we will gladly provide BLM decision-makers clarification on comments deemed unclear or incomplete.

Air Quality Resources

The environmental concerns associated with air quality in the region are of high importance. Any increases to total emissions volumes from this proposed project will possibly contribute to the deterioration of air quality, particularly with respect to impacts of elevated wintertime ozone on human health and impacts of reduced visibility on Class I areas. Thus, every effort should be made to reduce emissions from this proposed project, and all feasible emission reduction methods should be considered during mitigation development. For this to be accomplished, the existing air quality of the area must be accurately and fully characterized in the Affected Environment chapter of the EIS. We have provided air quality comments on the following:

Air Quality Setting

- Please consider an operator funded air quality monitoring station south of the project area.
- The air quality setting needs to discuss the location of nearby residential or sensitive receptors, particularly those located closer to the site than the nearest ambient monitor locations.
- The air quality setting needs to discuss the current National Ambient Air Quality Standards (NAAQS) attainment status and local monitoring data that shows compliance with and/or identifies exceedances of the NAAQS.
- Air quality trends and known seasonal air quality issues should be discussed in detail.
- Specific atmospheric chemistry issues, particularly ozone chemistry with regards to volatile organic compounds (VOC) and nitrogen oxides (NO_x) emissions, should be discussed in sufficient detail and with sufficient technical references to support any related project impact and mitigation requirements findings.
- Address the feasibility of a goal to lower VOC emissions to nearly zero.

Pollutant Emissions Estimates

- The pollutant (criteria and air toxic pollutant) emission estimate calculations should be provided in an appendix to the EIS. This appendix should show all of the assumptions used to calculate construction and operation emissions.
- The construction pollutant emission estimate needs to include:
 - Well pad construction emissions
 - New road construction emissions
 - New pipeline construction emissions
 - Well drilling emissions
 - Vehicle emissions from traffic supporting construction including heavy haul trips, all required support vehicle trips (such as fuel truck, worker sanitary facilities, water trucks, etc.), and construction employee trips.
 - Fugitive dust emission estimates for all soil working activities (dozing, grading, etc.), vehicle unpaved and paved road travel, and wind erosion from disturbed areas.
 - Clear assumptions regarding the control efficiencies for all proposed construction emissions and any needed mitigation measures.
- The operation pollutant emission estimate needs to include:

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- Well re-work drilling emissions.
- Gas and liquids processing facility emissions, including heaters, flares, etc. This should include both new facility emissions and any incremental operating emissions for existing facilities.
- Fugitive emissions from piping components (compressors, pumps, valves, flanges, pressure relief valves, etc.).
- Emissions from reasonably expected upset incidents based on historic records of such incidents.
- Vehicle emissions from traffic supporting operation including heavy haul trips, all required support vehicle trips (such as operation and management vehicle trips, water/soil binder trucks, etc.), and operation employee trips.
- Clear assumptions regarding the control efficiencies for any proposed operating emissions mitigation measures, and an assessment of whether the proposed controls meet regulatory requirements.

Specific Equipment Assumptions

- Well drilling and well re-work drilling have the potential for major quantities of emissions, such as NO_x. Therefore, technical support of the specific assumptions used for well drilling needs to be clearly provided. Specifically, the assumptions for the drill rig size and re-work rig size (engine numbers and horsepower) and duration needed to drill a well and re-work a well in this formation (i.e. total horsepower), as well as the assumptions for any proposed engine mitigation, need to be well documented and supported.

Impact Assessment

- A detailed impact analysis for criteria pollutant and visibility impacts should be included in the EIS and any air dispersion modeling that is included as part of this analysis should be fully described in the EIS. Air dispersion modeling files should be made available for review upon request.
- Cumulative air quality impacts from emissions resulting from drilling and production activities should be considered in detail, and include all other oil and gas development being implemented and proposed in Southwest Wyoming that may contribute to current and future effects to air quality.

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- Impacts at the project fence line and at the nearest residential receptors should be assessed in the detail necessary to ensure that localized exceedances of the NAAQS will not occur at the fence line or impact residences or sensitive receptors.
- The potential for odor impacts during well drilling/re-work activities and project operation, based on both normal expected emissions and upset conditions, should be fully analyzed, and additional appropriate mitigation recommended where appropriate.

Construction Mitigation Measures

- The following mitigation measures should be considered due to the air quality concerns in the area:
 - Use of electric drill rigs where electric service will be available.
 - Use of natural gas drill rigs with emissions no higher than the highest currently available EPA off-road engine Tier Level (Tier 2, 3, or 4) depending on engine size and date of the drilling.
 - Use of off-road diesel equipment (dozers, loaders, graders, cranes, etc.) that meet the highest currently available EPA off-road engine Tier Level (Tier 3 or 4) at their time of use.
 - Determination of and required use of the most effective fugitive dust controls for roads and other disturbed areas that will not be paved during construction. For example, the use of magnesium chloride, which does not maintain its soil binding properties when relative humidity is low, is extremely suspect in arid climates.
 - The feasibility of improving primary travel routes, including identification and development of shorter travel routes and paving primary access roads to reduce air quality impacts.
 - Site reclamation requirements should include appropriate biological reclamation (replanting) to naturally and permanently reduce wind erosion fugitive dust emissions to natural levels.
 - Limiting drilling activities to the same maximum levels analyzed in the EIS (rigs operating per/day and wells per/year).

Operation Mitigation Measures

- The following operation mitigation measures, where not required by air quality permits, should be considered:

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- In addition to the measures listed below, the BLM should work closely with the WDEQ and county to determine what mitigation measures they will require for regulatory compliance.
- A thorough Leak Detection and Repair (LDAR) program should be required to minimize fugitive VOC emissions from piping components.
- Use of electric well re-work rigs where electric service will be available.
- Use of natural gas well re-work rigs with emissions no higher than the highest currently available EPA off-road engine Tier Level (Tier 2, 3, or 4) depending on engine size and date of the re-work drilling.
- Determination of and required use of the most effective fugitive dust controls for roads and other disturbed areas that will not be paved during operation.
- Require emissions reduction for any existing high-emitting Encana facilities in the area to offset the projects emissions. Specifically, existing Encana facilities should be retrofit to current Best Available Control Technology standards.
- The requirement of other emission reductions (offsets) or the creation of a fund by the operator to create emission reductions, such as to fund retrofit/replacement of high emitting farming or municipal equipment in the county.
- Seasonal production/VOC emission limits or mitigation during the high ozone season.

General Conformity

The attainment status for ozone in the project area could, based on recent year monitoring data, be re-designated as non-attainment prior to the project receiving final approval. If any re-designation to non-attainment for any NAAQS standard occurs prior the Record of Decision, a General Conformity determination by the BLM will be required for the project.

Greenhouse Gases and Climate Change

Greenhouse gas emissions should be estimated for construction and operation activities and climate change should be addressed per current NEPA guidance.

Direct, Indirect, and Cumulative Effects

We believe that the impacts from this proposed project will likely have significant impacts on multiple resource areas. Therefore, the Cumulative Effects analysis needs to be inclusive for all projects in the area and have appropriately defined analysis boundaries per resource.

Grazing

The BLM should address how range improvements and lessee allotments will be affected by the proposed project. Any temporary or permanent changes in land use need to be disclosed. If the impacts analysis indicates that mitigations are needed, grazing mitigations should be consistent with those stated for oil and gas operations in the Resource Management Plan and Environmental Impact Statement for the Pinedale Office. In particular, please include a mitigation regarding compensation by the operator if reduced allotment numbers occur due to project activities. Further, the Sublette County Commissioners encourage annual meetings to address public concerns.

In summary, the Sublette County Commission wants to ensure that the impacts to permittees are completely documented and that any measures needed to mitigate ranch and grazing related impacts are fully implemented. Should energy resources in the field be expanded, we expect that these mitigations and any new ones necessary to protect permittees will be brought forward through any in-fill development. Our goal is to protect and maintain agricultural operations so as to maintain a diversity of businesses, especially agriculture during the lifetime of development and production of energy resources. We want to ensure that when the energy play is expired, that we continue to have a healthy and vibrant agricultural base.

Public Process and Educational Outreach

The BLM should consider all comments from the public, and should strive to incorporate those comments from Sublette County residents. Please communicate in writing the details of the public participation plan, including how public comments will be considered, how feedback will be provided, and how the public will be able to participate in the process after scoping is over.

It is also important for the BLM to recognize stakeholder fatigue, especially for Sublette County residents that are often faced with the challenges associated with oil and gas development. Therefore, please continue to involve the public during the course of the project. We suggest that Encana consider funding a community liaison that will assist with minimizing stakeholder fatigue throughout the NEPA process. This can be accomplished in part by providing education on the benefits and risks associated with energy development.

Social and Economic Resources

The Sublette County Commissioners support the development of oil and gas extraction in the Normally Pressured Lance formation. There are numerous financial benefits afforded by these activities, and we are very interested in maintaining a mutually beneficial working relationship with the BLM and energy operators. Before any further development is approved, we suggest that an updated socioeconomic

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analysis be performed. It is important that impacts to the affected environment be fully understood, disclosed, and documented prior to expanded extraction efforts.

Sublette County and its residents experienced significant socioeconomic stress and stimulus as oil and gas activity increased in the Jonah Field and Pinedale Anticline Project Area. As detailed in Phases I and II of the Sublette County Socioeconomic Impact Study Reports (Sublette County 2008; Sublette County 2009), effects were felt in housing, social services, public education, traffic, crime and criminal justice, and health care. Public infrastructure was particularly impacted. As of September, 2009, Sublette County and the municipalities of Pinedale, Marbleton, and Big Piney had identified over \$71 million of high-priority infrastructure projects considered necessary to mitigate the effects of increased energy development (Sublette County 2009). These projects included community water and sewer repairs or replacement, water treatment upgrades, and road repairs and repaving. Although energy operators paid over \$1 billion in cumulative tax payments during 2008, Sublette County and its municipalities received less than 6% of these funds, which was and is insufficient to address all the impacts related to energy development (Sublette County 2009). Therefore, we think it is important to (1) quantify new and continuing impacts and the associated costs of any needed mitigation, and (2) identify funding sources for any necessary mitigation activities.

Appendix 3 of the Pinedale RMP (citation) specifically states the following guidelines for socioeconomic mitigation:

Mitigate negative effects from growth; it will be necessary to calculate net costs and/or benefits. The BLM/operators will use the population projections developed in Chapter 4, and estimate effects to the counties based on current service and housing levels identified in Chapter 3. Where net effects are negative, the BLM/operators shall identify potential solutions to avoid such effects, or to reduce the impact.

Socioeconomic monitoring will follow the Pinedale Socioeconomic Monitoring Plan (6-24-08) developed by Dr. Robert Winthrop. Monitoring reports will be submitted to the BLM and cooperating agencies annually.

We request that the BLM provide the baseline data from Dr. Winthrop's Pinedale Socioeconomic Monitoring plan as well as annual updates, and incorporate this information into the NPL EIS. Additionally, we ask that the September, 2009 high-priority infrastructure project list be reviewed and updated

Transportation

Please evaluate the following potential transportation issues and address during project and alternative development:

- The effects of proposed alternatives with respect to county roads in the geographic scope of the project area, particularly their current standards and conditions, dust abatement, and traffic safety.

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- Please address the feasibility of project access from Reardon Draw Road during alternative development.
- As the county has limited gravel sources, please disclose gravel sources and amount planned for use for the period of the project.
- Please disclose which county roads will be used for water removal.
- Please analyze road impacts based on dust mitigation and traffic volume and consider paving main access roads if traffic volume indicates that it would be feasible.
- Methods to control garbage disposed of along county and state roads created from material hauled to and from project
- Please provide a comprehensive spill plan for main access routes.
- Please state how traffic safety will be addressed during periods of heavy industrial traffic.

Water Resources

The EIS should provide measures to minimize pollution and mitigate impacts if necessary. Baseline water quality data should be collected prior to the start of the project and should facilitate future monitoring analyses. Budgets for all baseline data studies should be included in the EIS.

Sublette County Commissioners request that backflow prevention mechanisms are installed on all well heads. Further, that all wells are sampled for quality immediately upon being drilled and are regularly sampled throughout project activities. Additionally, water wells drilled should remain functional (not plugged and/or abandoned) for use by livestock operators, monitoring, or other beneficial use.

Recent articles (e.g. Lustgarten 2008) regarding the oil and gas industry practice called hydraulic fracturing have uncovered a series of contamination incidents that raise questions over the Environmental Protection Agency's (EPA) stance that the process poses no risk to drinking water. Accordingly, the BLM should review recent incidents and the hydraulic fracturing process. Please provide information on the following potential issues linked to hydraulic fracturing:

- Where appropriate, disclose all hazardous chemicals used in the fracturing process, and consider the risks involved concerning the area's surface water and groundwater.
- Use best available models to make a probability estimate of contaminate mobilization to aquifers from fracking.

Wildlife Resources

The Sublette County Commission supports the proposed extraction of natural gas from the NPL project area. We also favor the protection of wildlife species and their habitats, particularly those species that contribute to the quality of life in Sublette County, provide for traditional uses, and contribute to the economic base through activities such as hunting, fishing, and guided expeditions.

Recognizing that natural gas extraction can conflict with wildlife habitats and species viability in specific situations, we expect the BLM to accurately analyze and fully disclose the impacts to wildlife resources and species. In general, we prefer that mitigation, including such measures as seasonal operating periods, disturbance buffers, and regular and continuous monitoring, be employed as the primary method for protecting species and habitats. We prefer that more restrictive measures such as No Surface Occupancy (NSO) and/or withdrawal of leases be used as a tactic only when all other measures prove ineffectual.

When severe adverse effects to wildlife and associated habitats cannot be avoided, we support the assessment of funds from lessees to be invested in Term Limit Habitat Contract accounts. Monies collected could be used for off-site mitigation, monitoring, and habitat restoration programs. We expect the amount of such funds be commensurate to the economic value of the resource(s) lost. Further, the Sublette County Commission request that any off-site mitigation be done at the county-level and not invested elsewhere. Lastly, when the need for off-site mitigation is identified, we do not advocate the purchase of private property to be used for wildlife habitat. Rather, we espouse mitigation measures that can be applied on private lands (for willing participants) that allow landowners to remain on-site, with the land remaining in the agricultural tax base, and with no loss of long-term landowner management sovereignty. Such mitigation measures could include purchase of standing grass, buy-down of herds, purchases of hay, water developments, or conservation easements that might preclude subdivision.

The Sublette County Commission has identified particular wildlife issues that we ask the BLM to carefully review and consider as the project goes through evaluation and analysis processes.

- On both important and crucial mule deer and pronghorn winter ranges, please include an in-depth analysis of impacts on wintering populations and develop appropriate mitigations if needed.
- To minimize overall disturbance to wildlife, coordinate with the lessees, when possible, so that the advance of drilling is concentrated and incremental across the project area (as opposed to scattered and continuous).
- To ensure continued nest success for greater sage-grouse and avoid federal listing more restrictive than the present Candidate status, please consider in one alternative implementing the Wyoming Game and Fish Department-recommended 2.0 mile No Activity zone (2008) buffer for all leks or concentrations of leks.

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- If potential impacts are identified during analysis, please request funding from the lessees to conduct research-level monitoring to ensure that wintering mule deer (Berger et al. 2006; Sawyer et al. 2003; Sawyer et al. 2004; Sawyer et al. 2005; Sawyer et al. 2006b; Sawyer et al. 2007), pronghorn (Berger et al. 2006), and nesting greater sage-grouse (Naugle et al. 2006) respond to drilling disturbance (or lack thereof) as expected, based on past research.

REFERENCES

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