



Board of Lincoln County Commissioners

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May 05, 2011

Kellie Roadifer, Project Manager
NPL Natural Gas Development Project
BLM Pinedale Field Office
1625 West Pine Street, P.O. Box 768
Pinedale, WY 82941

RE: Normally Pressured Lance Natural Gas Development Project

Dear Kellie,

Thank you for the opportunity to comment on the proposed Normally Pressured Lance Natural Gas Development Project within the Pinedale Field Office. As County Commissioners we support the request for development. Continued access to energy and mineral resources associated with public lands is paramount to the well being of County residents and its economy, the state of Wyoming, National Economy and Security.

The following points summarize the issues which are of great importance to Lincoln County.

- ❖ Coordinate transportation planning with respective county governments to ensure that road jurisdiction is properly documented and to address impacts on county transportation systems;
- ❖ Facilitate effective reclamation to provide for soil health, water quality, and restoration of vegetation communities;
- ❖ Pave roads when they serve more than five well sites to reduce soil erosion and dust;
- ❖ Site pipelines above ground, where technically feasible, to reduce surface disturbance, soil erosion, and visual impacts;
- ❖ Support the use of horizontal drilling where technically feasible to reduce roads and related surface disturbance;
- ❖ Support waivers of seasonal restrictions to avoid annual boom-bust cycles that concentrate construction, traffic, and influx of temporary workers during the tourist season and stress county and local government services;
- ❖ Design a mitigation and monitoring plan that is tailored to address the actual impacts at the site, such as projects that increase forage used by livestock, wild horses, and wildlife to mitigate forage temporarily lost to development;

I. Request for Cooperating Agency Status

As part of these comments, Lincoln County requests cooperating agency status. Lincoln County has special expertise with respect to local government resources, land use, zoning, and transportation. 40 C.F.R. §1506.16. Wyoming law delegates to the counties broad authority to provide for the public health, safety, and welfare of the citizens. The county depends on a viable local economy to provide services including law enforcement, emergency services, and to support the necessary infrastructure for the county residents.

Even though the proposed project does not fall within the jurisdiction of Lincoln County, the County is nevertheless directly affected because some of the well services and construction firms are based in Lincoln County. Lincoln County brings significant expertise regarding gas development impacts on the communities and businesses as well as the environmental interests. Its communities and businesses will supply equipment and workers for much of the project. Lincoln County will likely provide much of the housing for the construction and field workers, thus related social and law enforcement services will also be affected. The workers will use county roads to reach the fields, thus directly affecting county transportation system. These impacts and experience addressing them qualify Lincoln County as a cooperator.

Even when a project is not within the jurisdiction of a local government agency, CEQ rules recognize that cooperating agency status is appropriate. In addition to cases when the local government agency has overlapping jurisdiction, it may be granted cooperating agency status when it has “special expertise with respect to reasonable alternatives or significant environmental, social or economic impacts. . .” 40 C.F.R. §1508.5; see also CEQ Memorandum Designation of Non-Federal Agencies To Be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (“NEPA”) July 28, 1999; BLM A Desk Guide to Cooperating Agencies 2005 pp. 6,8.

II. Transportation Issues

A. Document County Roads and Impacts

The EIS needs to display the affected county roads both within the project and the access to the project. The maps do not show the county roads. Impacts on county roads are not listed as a scoping issue, although they are likely to be significant. The counties are prepared to work closely with BLM in addressing the impacts and identifying necessary upgrades to meet anticipated demand.

There is some concern that BLM has issued rights-of-way to oil and gas lessees over county roads. The Local Governments object to issuance of rights-of-way on their roads and urge BLM to begin the process of reviewing county records and maps and displaying these roads on project maps.

B. Coordination with Counties on Transportation Planning

There needs to be close coordination between the project proponent and local governments to address road maintenance, road reconstruction, and traffic impacts. The transportation plan should closely involve affected counties to ensure coordination with the county transportation system and to address conflicts early in the process.

C. Road Standards

Experience with other gas field developments shows that development can have significant dust and erosion impacts. BLM Gold Book calls for building the lowest standard road possible. Where a road serves several wells, the road needs to be paved to keep dust down and reduce erosion. Otherwise, during summer months, the resulting haze will adversely affect all uses, including the tourism industry.

III. Conservation Measures

A. Pipelines Sited Above Ground to Reduce Surface Disturbance

In many cases, project proponents are required to bury pipelines on the theory that it reduces visual impacts. The Local Governments experience is that buried pipelines have their own and often greater impacts due to the surface disturbance and visual evidence of the pipeline, often more than a decade after construction. Thus, if technically feasible, the proponent should be allowed to construct the pipeline above ground or if small enough, the rip the pipeline in, to reduce surface disturbance, soil erosion, and potential increase in noxious weeds.

B. Horizontal Drilling To Reduce Number of Well Pads

Where technically and economically feasible, Lincoln County supports the use of horizontal drilling techniques to reduce the number of well pads and related surface disturbance.

C. Seasonal Restriction Waivers

The project area includes some crucial big game winter range and raptor areas. Our experience during the last 12 years is that the seasonal restrictions have significant adverse environmental impacts. They concentrate development during seven short months, thus increasing the intensity of the impacts. Because most tourism occurs during the same time, this increases traffic, air emissions, dust, and resulting haze.

The seasonal restrictions also make it impossible to attract and keep permanent workers. Providing local government services for a temporary work force also result in adverse environmental impacts, in terms of housing, motor vehicle traffic, and related social services.

The long-term impacts of seasonal restrictions to the communities are equally adverse. Where development is year-round, permanent homes yield a predictable revenue flow from property and sales taxes. As one example, Wyoming oil and gas revenues are in part distributed based on the number of school children. When workers are only needed for 7 months, families do not move into the area and impact dollars do not find their way into the local school systems. Other impact dollars are distributed based on residents and again temporary workers are not counted. Nevertheless, the local governments must still provide law enforcement, medical and other services for the temporary workers. These services must be available year-round even when the peak needs fluctuate.

The restrictions are imposed to reduce human intrusion on big game during the winter and spring. There is a genuine scientific controversy about the rationale, as it applies to winter areas. Research shows that after initial construction big game return to the area. See Taylor, R. 2006. As more data is developed, waivers should be granted based on a broader view of the science and current game and wildlife numbers.

D. Adopt Effective Reclamation Plan and Monitoring

Lincoln County supports an effective reclamation plan that is based on actual soil types, precipitation, and altitude. Reclamation in the high desert areas can be challenging and needs to be adjusted for each site.

The reclamation plan needs to take into account other uses by livestock, wildlife, and wild horses. The project is located in a wild horse herd management area and includes crucial big game winter range. Game use and wild horses, neither of which is controlled, can adversely affect reclamation success.

Stockpiling soil for a long time will kill microbes and reduce its value. Stockpiled soil should instead be turned or spread to keep it viable. Similarly interim reclamation may actually create greater surface disturbance, where a site is reclaimed only to be torn up in a few years and then reclaimed again.

E. Mitigation

The mitigation plan needs to be specifically tailored to address the identified impact. For instance, if crucial winter range is developed, then crucial winter range within the project area should be identified. Similarly, if development removes livestock forage, the mitigation should increase forage within the project area, rather than supporting an effort outside of the project area.

Mitigation also needs to address the significant impacts on the demand for services from the affected communities. As mentioned above, this may include waivers on seasonal restrictions to allow for a year-round rather than seasonal or temporary work force. This and similar measures should be explored to develop a permanent work force that includes families and helps to build communities.

Off-site or compensatory mitigation needs to follow BLM direction closely. IM 2005-69. To date the project description would not support off-site mitigation. Lincoln County generally opposes mitigation that includes private land purchases. Such acquisitions remove land from the tax base and remove a viable ranch that is an important part of the local community and economy.

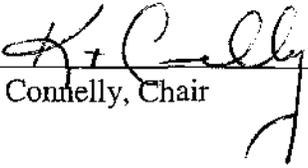
IV. Conclusion

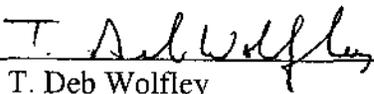
Any proposal or action taken that may result in restrictions on reasonable and economical access to resources shall be opposed by the County. We ask that there be no arbitrary restrictions on development activities. Any seasonal restrictions, closures, or spatial buffers should be scientifically based and show a demonstrated and documented need. We believe that any restrictions should provide for waivers, modifications or exceptions.

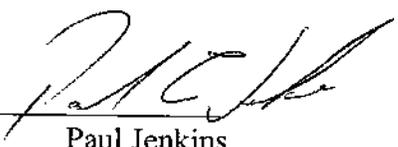
We believe that the location of well pads, road access and pipelines should be designed to reduce impacts on wildlife and fisheries, groundwater resources and sensitive areas. We believe it is technically feasible to permit appropriate access to mineral and energy resources while protecting other resources from irreparable harm. Lincoln County looks forward to working with BLM on this project. We thank you for the opportunity to comment.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
LINCOLN COUNTY


Kent Connelly, Chair


T. Deb Wolfley


Paul Jenkins