

**Powder River Basin  
Interagency Work Group Meeting  
Clarion Hotel, Gillette, WY  
June 1, 2005**

**10:00 - Introductions**

**Round Robin - Each IWG representative will provide a short (5 minute or less) update on agency activities pertinent to the group.**

**11:00 - Update of progress on implementation of monitoring plans by task group reps. (15 minutes or less each)**

**12:00 - Lunch**

**1:00 - Pursuit of additional priorities by the Task Groups**

Task group reps. need to come prepared to make recommendations about pursuit of additional priorities identified in the charter for each group. Consideration should be given to whether or not those tasks are still priorities. If so, are they still prioritized correctly? Other options that should be considered are whether tasks should be dropped and/or replaced by other tasks that may be of higher priority .

**2:00 - Budget topics - Begin by reviewing budget needs identified by the task groups for implementation of monitoring plans, funds currently allocated by whom, and 2006 needs.**

**Discuss and develop protocols for:**

- **Coordination for programming funds**
- **Allocation/dispersion of acquired funds**
- **Pursuing outside funding (How best to seek outside funding sources)**

(IWG Reps. need to come prepared to provide agency specific budget cycle key dates and potential programs where funding could be acquired i.e. challenge cost share, CFP)

IWG Reps. or Task Group members should come with details about monies acquired for 2005 and what has been requested for 2006.

**3:00 - Break**

**3:15 - Continue Budget Discussion**

**3:45 - Annual Monitoring Report Discussion**

(Representatives need come with the name of a contact for their agency who will be responsible for providing annual information for each of the TG monitoring plan annual reports)

Review reports slated for 05

Needs to become a component of each agencies annual work load.

**4:30 - Adjourn**

Interagency Working Group Meeting  
Gillette, Wyoming  
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**1. Round robin with IWG members.**

Paul Beels, BLM Buffalo Field Office - Interagency Coordinating Committee (ICC) was to be briefed once a year. The ICC ( Directors BLM/EPA/DEQ) were briefed January 31, 2005. Covered status accomplishments and what we needed to accomplish in the future. March 31<sup>st</sup>, PAW meeting, briefed industry on working group. Opportunity to share with them the monitoring plans, budget issues.

Field Office (FO) operations: Permitted (out of Buffalo) from Oct. 2004, 1232 APDs issued for cbm. Target for the office this year is 2425. Paul will be combining the four monitoring plans and putting it on Buffalo's website. (As soon as we get a buy-off on the now complete air plan). Progress by the air task group had been slow going, but they have been very active of late.

State Office websites are now available to the public but no field offices yet. Shouldn't be much longer before the FO's are back up.

Dave McClnay, Miles City BLM - Miles City Field Office has processed and approved three PODs for Fidelity in the CX Field, and one exploratory POD for Powder River Gas. We are preparing an EA on a fourth POD for Fidelity in the CX Field. In April, the District Court Judge ruled that the 2003 Statewide MT FEIS was inadequate because a phased development alternative was not analyzed. The Court ordered BLM to prepare a Supplemental EIS to analyze phased development of CBNG. Injunctive relief from the Court's April order allowed BLM to approve up to 500 CBNG wells for production in a specific geographic area each year during preparation of the SEIS. On May 31, the 9th Circuit Court issued an injunction which enjoins MT BLM from approving any CBNG APDs for production until after a hearing scheduled in mid-September of 2005. Statement of work underway to begin the SEIS and Notice of Intent being reviewed by WO.

Bryce Christensen, MT Fish, Wildlife and Parks - They are doing existing water quality study and fish collection that focuses on Decker and Tongue River area. There are 10 sites. They are in the 3<sup>rd</sup> year of the proposed 4 year study. Sage grouse study (Naugle) is in the third year with one year left, there are a couple more proposed to extend to 2006. Sage grouse males at Decker have doubled since 2003, but they are still below average of 27. So, the take was reduced from 4 sage grouse/day to 2. Region wide the number of males is 24, and in many areas it's 33-40. Regionally, the populations are doing well. There is lots of pressure from landowners to close hunting due to West Nile. They feel the hunting of 5,000-6,000 /year has an inconsequential effect on the population.

Research project at Moorhead on Powder River on state line looking at chronic wasting disease (CWD). CWD – population studies not done. Use as baseline.

Leah Krafft, WY DEQ - CBM permitting continues. Pumpkin Creek and Willow Creek watershed based permitting looking at sub-basins for holistic approach. There are a lot of stakeholders helping. Will move into Clear and Fence Creek drainages in the next few months. Ultimate goal is to finish one drainage before moving to the next. Assimilative capacity determination is part of the process for the Powder. Companies will be allocated a proportion of the available capacity.

Steve Welch – MT DEQ – Two permits in place Fidelity and Powder River Gas. Fidelity is applying to renew an existing permit and for a new one that would incorporate treatment. Powder River's also requires treatment. . The Board of Environmental Review received a petition to initiate rules that would require reinjection of all water. If not technically feasible, then they would be required to treat the water or go to livestock tanks. The petition also want to from nonsignificant to harmful, so nondegradation would apply to EC and SAR. The board will hold a hearing on Friday and may adopt.

Melanie Clark, USGS - Has one page handout summarizing USGS Wyoming activities (see handout). Received EPA consolidated funding for interpretive report.

John Kilpatrick, USGS - water quality sampling on-going (see handout).

Continue to work with the Northern Cheyenne Tribe and hope to start spring inventory on the Reservation. Need to get agreements signed.

Rick Huber, WY Game and Fish - 1) Aquatic survey on? 2) Baseline survey in the Powder River watershed for reptiles, working with DEQ.

Have received a grant to do a 2 year study on Herps. Started in the spring and continue through the fall and one more field season (next year).

Brad Rogers, USFWS, Buffalo - Assigned to the BLM BFO as FWS field representative to streamline section 7 consultation.

David Hogle, EPA – TMDLs for Tongue and Powder rivers on track. The Northern Cheyenne Tribe gave notice to affected governments regarding Northern Cheyenne water quality standards. Unclear as to associated impact and effect on activities in Montana, on the Crow Tribe land and in Wyoming with regard to final outcome. EPA budget is now being considered in House with Interior department budget. House Energy Bill which passed directs EPA to put people in BLM offices to facilitate NEPA in Montana, Wyoming, Colorado, New Mexico, and Utah, mostly related to APDs.

John Barnes, Wyoming Engineers Office – Groundwater. 5000 – 6000 cbm wells a year permitted. In the past year, they have received several calls for determinations on interference between owners of permitted water wells and CBM companies west of Gillette. In March and April they reduced the backlog of applications to 700 and had processed 900 applications. They began looking for unpermitted reservoirs. They started with Rawhide Creek and found 100. They have put on some consultants to continue looking for unpermitted reservoirs. They now have on the books 2,339 on-channel reservoirs, 264 have been rejected, and 1,800 application backlog of which 1,200 to 1,300 are CBM.

John Ford, Department of Energy – Funding rigs and small diameter tools to do diagnostic work. Idea is to reach reservoirs that have been passed up in the past. Has been emphasis on CBM produced water and treatment options.

Mickey Steward, Johnson County Commissioners – Canvassed counties interested in CBM. All are interested. They will host a local government workshop focusing on tax revenues, bridge maintenance upgrades and social issues. Planning to have the meeting for late this summer with breakout sessions.

## 2. Updates by Task Groups

**WILDLIFE** - Tom Bills, BLM Buffalo Field Office - Wildlife monitoring plan.

Power Point presentation. Tom briefly went through the task tables in the plan to re-familiarize the group with what was planned.

FY06 Funding Requests – nothing received yet.

Unclear who has responsibility for amphibians and reptiles the wildlife group or the aquatics group.

✓ *A decision needs to be made relative to this issue.*

**AQUATICS** - Joe Platz, Aquatics biologist, Miles City Field Office

Power Point presentation ATG task one is fully funded and underway this field season for both monitoring and research aspects.

Also Fish toxicity work being done. EPA, FWP and USGS. Don Skaar is doing research. Iada Ferig, USGS, Jackson are co-leads.

✓ *Aquatics monitoring plan needs to be updated costs etc.*

**WATER** - Andy Bobst, Miles City BLM Hydrologist – A surface water plan was developed last September. We did good this year for monitoring, but funding was only for this year.

Andy covered the other priorities of the task group.

Shallow groundwater monitoring for impoundment subtask group being led by DEQ. Deep groundwater monitoring is being worked on in MT by John Wheaton, Bobst, Terry Brown. More work needs to be done to bring the MT and WY programs together into one plan. Andy proposed additional priorities relative to developing a pond siting and land application matrices.

**AIR** - Dave Klemp, MT DEQ – Air

Dave passed around the proposed air monitoring plan.

First task was to assess existing data and come up with recommendations.

A gap in Rosebud and Powder River counties for monitoring sites. Recorded one near Birney (non-Indian) and one near Broadus. Monitored for NOX, PM2.5 and PM10. Montana doesn't have a lot of compressor statistics in Montana so not too late to install monitors. Ambient standard – what's in the air? Increment standard – concentration in air based on a change. The Group recommends funding for additional sites in Eastern Montana (\$400K), and after installed, \$100,000 a year for operations and maintenance.

Maps are only for existing sites. If recommendation is accepted, we'll update the maps.

✓ *Paul will send out a note to IWG asking for adoption of the air plan.*

### **3. Revisit Task group priorities beyond monitoring plan development**

Three points each group is to address:

1. Whether or not tasks are still priorities.
2. If so, are they prioritized correctly?
3. Should any be dropped or replaced by others?

Paul Beels – I felt it was time to reassess these priorities. The task groups are busy people and do we want them chasing these priorities? If so, we need to verify.

#### **AIR**

Dave Klemp, MT DEQ –

##### **Priorities**

1. Assess existing data and come up with recommendations.
2. Development of a methodology for establishment of baseline emission inventories for Prevention of Significant Deterioration (PSD) increment analyses and analyses of air quality related values (AQRVs);
3. Development of a strategy for assessing and mitigating cumulative impacts (PSD increments and AQRVs) in impacted Class I areas and other affected Class II areas;
4. Identification of existing models and recommendations on appropriate uses, including the development of modeling protocols for use; and
5. Provide an on-going assessment of best available control technology analyses.

#2 and 3 – Where do we sit? Baseline – those sources in existence prior to development (or background). Increment is a huge deal. Can't violate. Difficult to do. A lot of baseline goes back to 1977. To recreate 1977 would be difficult (have our sources but not emissions).

The increments for emissions varies too. 1 hour standard, 3 hour standard, etc. Increment air quality related values are a big deal. Western States Resource Council went on a 15 month effort to answer # 2 and 3. This information was transmitted to EPA (on Westar website). Also developed acceptable approaches to mitigation effects in Class 1 areas.

General recommendation is to keep #4 and 5 and maybe reword and count on Westar work for accomplishment of 2 and 3. Will need to verify direction with the task group.

#### **WATER**

Andy Bobst, BLM MCFO –

##### **Priorities**

2. Develop an integrated groundwater-monitoring plan for aquifers anticipated to be affected by CBNG development. (Build off of MT-Technical Advisory Committee (TAC) recommendations, and existing monitoring in WY and MT).
3. Prepare an ongoing list of studies being conducted, and provide recommendations on additional studies that are needed.
4. Function as a forum for discussion of issues relating to the development of TMDLs. The entire task group will be involved in developing TMDLs for watersheds that cross state lines,

while state sub-groups will be used for watersheds which lie exclusively in a single state. The final decision on appropriate TMDLs is a State and EPA function.

Water Task Group (WTG) has not discussed this.

Paul Beels – #2 - Get a group together and recommendations together for IWG within a month. This is a challenge. Lots of data, but haven't interpreted it. Not much emphasis on doing so.

Andy Bobst – Could be contracted out to Bureau of Mines and Geology in Montana.

Paul Beels – Needs to be brought together in a better fashion. Accountability is not that great. Needs a push.

#3 - We don't have a list and there is higher priority stuff. The WTG will discuss. Consider dropping (need to talk to working group.) Revise the first points.

#4 – Things to accomplish are not something we can wrap our hands around. TMDLs are out of our jurisdiction. There's a process already in place for those. Consider dropping with the working group.

## **WILDLIFE**

Tom Bills, BLM Buffalo Office –

### **Priorities**

1. Develop key indicators or triggers to be used as a “need for additional action” indicator. Again, the Wyoming members will coordinate with Montana members because the “triggers” are already in effect in Montana.
2. Develop monitoring protocol to assess reclamation/restoration of habitat.
3. When requested by the ICC or a State Working Group, the Wildlife Task Group will provide review and technical assistance on wildlife issues that may arise from CBNG development.

#2 and 3 are basically accomplished.

#4 is an on-call task. Waiting in the wing when you want us.

## **AQUATICS**

Joe Platz – BLM Miles City –

### **Priorities**

2. Recommend measures to first avoid or minimize impacts to aquatic species and their habitats. If this is not possible, then attempt to mitigate impacts to aquatic species and their habitats, and develop methods of assessing the effectiveness of the mitigation measures.

#2 plan does a good job addressing this with objectives. A two-prong approach with research is good. Can't get an adequate answer yet. Some places have no baseline collected. The plan will help us out but we need funding. We need to rework the plan in the amount of funding needed to accomplish the plan and special parameters for completing. Need to coordinate with Wildlife Task Group on amphibians and need to update our plan.

USGS is doing monitoring baseline, repeating sites with different methods. We'll get long-term trends. The research focuses on water toxicity for example, to fish. How much sodium, for example, can the fish species take, etc. The research is on a short-term basis. USGS monitors long term with basin-wide coverage.

- ✓ *We need the task group's recommendations on priorities within a month. Paul will send out the recommendation from each of the Task Groups to the IWG for confirmation of priority recommendations.*
- ✓ *Decision was made to post whatever reports we may currently have on the web site. Andy mentioned two reports that could be posted. One for the Tongue and one for MT Groundwater Monitoring.*
- ✓ *A suggestion was made to put together a fact sheet that would state what the group has accomplished to date and also what is anticipated to be completed for the upcoming year.*

#### **4. Budget**

Spreadsheet handout is an attempt to have something to coordinate budget better.

Paul Beels – Shortcomings column is as complete as Paul could get it. Anyone have anything to add? Some agencies may be missing. No additions made.

Andy Bobst – For water, for 2005, look at what didn't get funded and how much it would cost.

- ✓ *Water group, needs develop methods to track what stations have been funded, and for what parameters.*
- ✓ *Joe Platz – Recent DOE proposals aren't in the table. Need to add to the spreadsheet under "requested" for 2006.*

In order to do protocols, we need to understand agency budget cycles and trigger points, then devise a strategy for when we need to touch base.

**BLM's** budget cycle is October 1<sup>st</sup> through September 30<sup>th</sup>. Do budget project submittals (BPS) one year in advance, so October, 2005 will submit proposals for 2007. January through March – get budget for that fiscal year. May through June – plan for upcoming fiscal year planning target allocations.

**State of Montana** has biennial appropriation. Fiscal year from July 1 to June 30. Start next January, 2006, submit to governor August, 2006, then November to legislature for 2007. Have money for 2006/2007 on July 1<sup>st</sup>. Submit November, 2007 for 2008 and 2009. In the interim, we can request grant documents to change budgets in May base funding for 2005/2006.

**EPA** doesn't learn about their budget until later in the spring can be as late as May.

USGS has an idea of the money they'll have for that fiscal year by January. USGS dollar requests for 2006 (gave the number three years ago). 820 is some matching dollars. Assumes they're there for the next year. Usually not significantly different than year before.

**State of Wyoming** does biennium but on alternate year from Montana. Fiscal year from July 1 to June 30. Wyoming is on alternate years. August, 2005 to governor for 2006/2007. July 1, 2006, budget start for 2006/2007 dollars. July 1, 2006, that goes into effect.

- ✓ *Decision - When something changes on spreadsheet, let Paul know so we can keep up on shortcomings for funding requests.*

## **5. Allocate disposition of acquired funds.**

- ✓ *Decision - A mechanism already in place with USGS. Otherwise will handle as need arises.*

## **6. Pursuing Outside Funding**

Paul Beels –we need to have a strategy to come to industry to request their funding assistance.

Needed to do a year ago, but didn't, so a fair amount of confusion when John Wagner invited industry to Cheyenne for aquatics. There was confusion with what aquatics is doing.

Paul went to PAW to help lessen the confusion and let them know that we were getting together today. Not just industry but other entities. Paul was going to ask industry for their budget cycle but they left the meeting. We also need a protocol for going to industry to request money. Need a contact person so when the time comes, it's a concerted IWG effort. Paul hasn't devised anything. Do we send letters or meet with them? Most groups with interest in the Basin are in the PAW group.

Eric Felbeck, Western Range & Water, LLC – Industry's budget cycle varies between companies.

- ✓ *Suggest updates at PAW annual meeting. Keeping in contact with John Robitaille and perhaps send letter to companies when we have a specific funding request.*

Jill Morrison asked– How are we interfacing with universities and how that rolls into research?

Paul Beels – We haven't directly, in Montana, it is funded partially by BLM. Generally a university won't kick money in. There is a benefit in coordinating with universities.

Jill – What is the protocol when you discover a monitoring issue, what's the protocol for implementing adaptive management?

Paul Beels – It varies. It depends on the agency with jurisdiction. It happens in different ways. It already has happened (example of Skewed Reservoir). In that case, it was DEQ's responsibility. As a result, they put together a policy that the companies are now required to follow relative to pre-siting.

## **7. Monitoring Reports.**



Need Representatives names responsible for compiling report material.

- ✓ *Paul will send note out to IWG members to ask for monitoring reports with a deadline. If not received by the 1<sup>st</sup> of September, he'll check with groups for status.*
- ✓ *Paul will canvas TGs for Fact Sheets material that will cover schedule and rationale for research along with a status report.*

IWG Budget Summary  
June 1, 2005

Task Group	Year	Project	BLM WY		BLM MT		USGS WY		USGS MT		WDEQ		MDEQ		R8EPA		Other	Total in Plan	Shortcoming
			Req.	Rec.	Req.	Rec.	Req.	Rec.	Req.	Rec.	Req.	Rec.	Req.	Rec.	Req.	Rec.			
<b>Water</b>																			
Surface	2005	Water quality/flow	212k	100k	151k	105k (116)		125k		820k	36k	329k+ 36k		46k		50k	13k MT DNRC + 6.5k WY State Eng.	1.6m	0
	2006		100k		300k				840k									1.6m	360k
	2007																		
Groundwater <sup>1</sup>	2005	Deep wells (drawdown)	200k	95k	56k	10k													
	2006		160k		60k														
	2007		100k		60k														
<b>Wildlife</b>																			
	2005	Landscape change	15k	0				135k										15k	
		Bald eagle winter roost			7.5k	3k													
		Sage grouse lek inv.			5.4k	5.4k													
		NCR big game spring survey			8.4k	8.4k													
	2006	Sage grouse winter use	10k		10k													10k	
		Herptile distribution and trend	20k															15k	
		Migratory bird dist. and trend	20k															13k	
		Small mammal inventory	20k															5k	
		Big game winter range use	10k															15k	
		Bald eagle winter use			5k														
		Landscape change	15k					135k										15k	
	2007	Sage grouse winter use	10k		10k													10k	
		Herptile distribution and trend	20k															15k	
		Migratory bird dist. and trend	20k															20k	
		Small mammal inventory	20k															5k	
		Big game winter range use	10k															15k	
		Landscape change	none scheduled																
		Sage grouse lek inv.			7k														
<b>Aquatics</b>																			
Monitoring	2005	Assessment of Aquatic Communities	218k	100k		100k		111k				102k				50k	4.5k <sup>2</sup>	468k	0
	2006	Assessment of Aquatic Communities	143k		137k		38k				70k			20k				204k	204k
	2007	Work needs to be conducted but currently not planned	143k																
Research	2005	Pot. Effects of CBNG on fish assemblages		30k	156k	13k											24k <sup>3</sup>	67k	0
	2006	Pot. Effects of CBNG on fish assemblages			146k													60k	
	2007	Pot. Effects of CBNG on fish assemblages																69k	
<b>Air</b>																			
	2006			0	55k	0													
	2007	Installation of 2 new stations <sup>4</sup>			55k													421k	
	2008	O&M of new sites			55k													97k	

<sup>1</sup> Not yet in the monitoring plan

<sup>4</sup> Includes operation and maintenance

<sup>2</sup> MT Fish, Wildlife and Parks

<sup>3</sup> MT State Coop. Fish. Res. Unit