

## Office of the Governor

March 11, 2011

Jacqueline A. Buchanan, Forest Supervisor  
Bridger-Teton National Forest  
United States Forest Service  
P.O. Box 1888  
Jackson, WY 83001

Re: Comments on Eagle Prospect and Noble Basin MDP DEIS

Dear Supervisor Buchanan:

Thank you for the opportunity to comment on the Eagle Prospect and Noble Basin Master Development Plan (MDP) Project Draft Environmental Impact Statement (DEIS).

**PXP has valid existing rights, subject to development only upon adequate data and with sufficient environmental safeguards.**

I have met with many people and organizations that are passionate about this project one way or another. Certainly its location southeast of Bondurant in Sublette County stirs emotions. That part of the state is a spectacular entrance to some of Wyoming's most dramatic landscapes and important tourist destinations. But I have repeatedly stated to all those voicing their opinion about this matter that any Wyoming location -- the high grass prairies of Goshen County, the Alkali Flats in the Big Horn Basin, or elsewhere -- is equally important. Regardless of a landscape's more or less glamorous qualities, any decision must include a thoughtful approach to protecting as well as enriching Wyoming's people, economy and environment. These are not mutually exclusive options. I appreciate your consideration of my comments and the views of other interested stakeholders, as we are all interested in finding the right balance. This is not a winner take all situation; rather it requires the right balancing of interests.

The project involves a major headwaters and development must not diminish its delicate nature. The area is unique for its wildlife and so much more. The area also has economic value for the state -- not just for tourism and outdoor pursuits but for energy, too. There is a lot to weigh in this process, including valid existing lease rights. Counter to a statement in the DEIS Executive Summary (ES-3, 1<sup>st</sup> paragraph), I believe it is critical that valid lease

rights be respected in the same manner that we protect other private property rights. That said development has to be pursued responsibly. Permanent withdrawal of most Bridger-Teton National Forest lands from future oil and gas leasing has occurred under the Wyoming Range Legacy Act, named in memory of Senator Craig Thomas who originally pursued it. The wisdom of that Act is that it not only provides protection to a large area, it also protects existing leases such as those held by Plains Exploration and Production Company (PXP).

The Forest Service's DEIS has arrived at a preferred alternative – Alternative C. This is a positive start, but not without criticism and need for further consideration. This alternative allows phased development subject to buffer areas, seasons, and documented productivity. The September 30, 1991 Environmental Assessment for the Cliff Creek Management Area and the Upper Hoback Management Area provides your agency with considerable and wide-ranging authority to require significant mitigation measures that will protect the sensitive environment and habitat in the project area. I understand that PXP has proffered other conservation and mitigation measures. The State of Wyoming and local communities must work with the Forest Service, PXP and other interested stakeholders to consider final measures. Two federal agencies, the Forest Service and Bureau of Land Management, derived the alternatives in the DEIS without the input of any cooperating agencies. This has raised a deep concern among cooperating agencies that there will be little or no opportunity for meaningful involvement before the Forest Service issues the final EIS. It is my understanding that meetings were held this week between the Forest Service and cooperating agencies and there was common agreement to work cooperatively in the days ahead. I appreciate the Forest Service's response to cooperator concerns.

I offer the following additional comments related to this project. These comments are of a general nature and state agencies will provide more detail in their individual comments.

**Regarding wildlife, there is inadequate baseline data and adequate baseline data is required before development proceeds.**

The Wyoming Game and Fish Department (WGFD) has provided detailed comments outlining terrestrial and aquatic concerns with the DEIS. WGFD concerns must be adequately reviewed and addressed in developing the final EIS. Specifically, the Forest Service must fully consider the probable impacts to all major game species including elk, moose, mule deer, and pronghorn. Baseline data must be established and serve to outline the short and long-term impacts that this project will have on an area that serves as crucial winter range for elk and moose and seasonal and transitional habitat for mule deer and pronghorn. I encourage the Forest Service to work with WGFD to ensure all data is as current as possible. These populations are valuable to sportsmen and outdoor adventurers alike and should be protected accordingly. It is not clear to me that there is data to suggest there is successful lynx breeding population in the Wyoming Range.

Collectively the Forest Service, PXP and the State of Wyoming have committed funding to accurately assess the Sublette moose herd. This assessment will provide for detailed baseline information about the habitat selection and migration patterns prior to energy development, thereby ensuring that energy development occur in a manner that is not

disruptive to moose. This is a positive step, which can be used in building a framework for future actions related to this herd. Currently, such information and analysis is lacking in the DEIS.

I must also request full consideration of aquatic species. The pristine rivers and streams within and surrounding the proposed project sustain world class fisheries and support many fish species, including the Snake River cutthroat trout. The WGFD has articulated its concerns related to water quality and quantity, erosion, monitoring, buffers, road development and maintenance, and other associated impacts to fisheries. All these concerns must be considered, addressed in full and incorporated into the final EIS.

**Regarding air quality, there is inadequate baseline data, and adequate baseline data is required before development proceeds.**

I am concerned about air quality issues in the region. While volatile organic compound emissions and nitrogen oxide emissions have declined in the neighboring Pinedale Anticline and Jonah fields because of the measures operators there have implemented, we see occasional, yet very troubling, spikes in ozone. And while these spikes are unique to particular winter conditions, the problem may only get harder to solve with more development in the area. For these reasons I support the Wyoming Department of Environmental Quality, Air Quality Division's urging that mitigation be developed to encourage innovation and progress towards new solutions to reduce emissions. The Air Quality Division has expressed its satisfaction with the cooperation demonstrated by your office in analyzing the air quality impacts and the commitment to mitigate adverse impacts of development by PXP, including a willingness to verify the effectiveness of mitigation through additional monitoring. The Forest Service, of course, must follow up and carry through on these action items.

I have met with stakeholders who have articulated the need for additional baseline air quality data and modeling closer to the development site. Given recent events in Sublette County, I concur, and I ask that the Forest Service consult with all parties, including PXP, to address this data need.

**Regarding water quality, there is inadequate baseline data, and adequate baseline data is required before development proceeds.**

The Wyoming Department of Environmental Quality, Water Quality Division has previously shared concerns and continues to remain concerned that the analysis outlined in the DEIS is based on inadequate data. This is a significant issue and must be addressed.

As noted above, the project area sits at the headwaters of a critical watershed. I remain concerned that this project has the potential to disrupt domestic water wells and other surface water uses within and adjacent to the development site. I strongly encourage the Forest Service to work with cooperators, including PXP, state agencies, and other stakeholders to develop a monitoring framework and mitigation plan for ground and surface water before

any development occurs. I do not believe that current monitoring objectives, including who will be responsible for these activities, are adequately defined in the DEIS.

Finally, according to the Water Quality Division, the Forest Service has identified potential impacts on the hydrology of the project area. Unfortunately, the DEIS analysis of hydrologically-connected roads was conducted at the landscape scale using proximity to streams, rather than actual hydrologic data. This deficiency should be remedied, given the nature of the topography and relation to streams and other water features.

With this project, all available measures must be used to ensure that our water systems remain intact and undisturbed.

**In sum, adequate baseline data regarding wildlife, air quality, and water quality is needed as well as a comprehensive plan developed by the Forest Service together with stakeholders for siting, development, monitoring, production and reclamation.**

Thank you again for the opportunity to comment on the Eagle Prospect and Noble Basin MDP DEIS. I look forward to working with you.

Best regards,



Matthew H. Mead  
Governor

Cc: Senator Mike Enzi  
Senator John Barrasso  
Representative Cynthia Lummis  
BLM State Director Don Simpson  
Kurt J. Davis, Big Piney District Ranger