



100,385

May 23, 2003

VIA EMAIL AND FEDERAL EXPRESS

Ms. Renee Dana, Team Leader
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

**Re: Comments on Jack Morrow Hills Planning Area Supplemental Draft
Environmental Impact Statement**

Dear Ms. Dana:

On behalf of the National Trust for Historic Preservation (National Trust), we appreciate the opportunity to submit these comments regarding the Jack Morrow Hills Planning Area Supplemental Draft Environmental Impact Statement (SDEIS).

The National Trust has a strong interest in the preservation of our nation's historic resources. Congress chartered the National Trust in 1949 as a private charitable, educational, and nonprofit organization to "facilitate public participation in the preservation of sites, buildings and objects significant in American history and culture," and to further the purposes of federal historic preservation laws. 16 U.S.C. §§ 461, 468. The National Trust has grown to include more than 250,000 individual members and approximately 3,500 member organizations. In addition to our headquarters in Washington, D.C., the National Trust operates seven regional and field offices throughout the country, as well as 21 historic sites open to the public.

We want to commend BLM on its effort to undertake the Jack Morrow Hills EIS apart from the Green River RMP/EIS. Jack Morrow Hills is a special area with amazing cultural and historic properties, as well as ecological significance. Because Jack Morrow Hills is also relatively undeveloped, inventorying and documenting its significant value was an incredible undertaking. For this, we believe that BLM's efforts are commendable.

However, we are concerned with several aspects of BLM's SDEIS, and thus we raise these concerns with the hope that BLM will integrate our comments and suggestions into the SDEIS, as a means of making a better resource management plan. The following comments serve to highlight some deficiencies in the preferred alternative and provide recommendations on

Protecting the Irreplaceable



1785 MASSACHUSETTS AVENUE, NW • WASHINGTON, DC 20036
202.588.6000 • FAX: 202.588.6038 • TTY: 202.588.6200 • WWW.NATIONALTRUST.ORG

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 2

how the BLM can address these deficiencies. We further offer our suggestions for making the preferred alternative closer in line with Congressional mandates.

I. COMMENTS AND CONCERNS

A. Inadequate Native American Consultation

BLM has not adequately consulted with Native American tribes as required by National Historic Preservation Act (NHPA), Federal Land Policy and Management Act (FLPMA), and National Environmental Protection Act (NEPA). NHPA, FLPMA, and NEPA explicitly require federal agencies to consult with Native American tribes with respect to land management decisions that may affect tribal interests. NHPA, in particular, requires BLM to seek information, and consult when necessary, with Native American tribes as early as possible. See 16 U.S.C. § 470a(d). NEPA mandates that Federal agencies use any means to improve and coordinate Federal plans in order to "preserve important historic, cultural, and natural aspects of our national heritage." 42 U.S.C. § 4331(b)(4). NEPA regulations require Federal agencies to consult with Native American tribes. 40 C.F.R. §§ 1501.2(d), 1501.7.

Recognizing NHPA authority, BLM's handbook on tribal consultation points out that "[t]he key to making [NHPA, FLPMA, and NEPA] work as they should for Native Americans is to bring particular groups' cultural interests and concerns into the planning and environmental review process from the very outset." Bureau of Land Management, *H-8160-1 – General Procedural Guidance for Native American Consultation*, I.F. (released 11/03/94) [hereinafter *Native American Handbook*]. BLM's handbook on tribal consultation under the NHPA describes why early consultation is necessary – "to assure that tribal governments, Native American communities, and individuals whose interests might be affected have a sufficient opportunity for productive participation in BLM planning and resource management decision making." *Id.* at I.A. The handbook further recognizes that conventional NHPA and NEPA analyses "generally do not appropriately address the consequences felt by Native American practitioners." *Id.* at II.D.

In the SDEIS, BLM observes that legislative mandates require BLM to consider cultural resources in all planning actions and "that proposed land uses initiated or authorized by BLM avoid inadvertent damage to federal and nonfederal cultural resources." SDEIS at 3-24. FLPMA requires Federal agencies to "coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of . . . Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs." 43 U.S.C. § 1712(c)(9). BLM's *Native American Handbook* points out that its "land use planning process is . . . the primary mechanism for identifying places associated with traditional lifeway values, such as areas where plants and animals can be collected for cultural or religious purposes." *Native American Handbook* at IV.F. Again it is

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 3

noted that "[t]he most appropriate time to learn about traditional cultural properties and other Native American issues and concerns, not already identified in cultural resource inventories. . . is during the public participation phases of land use planning and environmental review." *Id.*

Given the federal authority surrounding consultation, BLM has failed to adequately consult Native American tribes in several respects. First, BLM indicates that it contacted the Northern Arapaho, Eastern Shoshone, Shoshone-Bannock, and Ute tribes via a form letter. SDEIS at 5-6. The letter requested information on heritage resources within the planning area. *Id.* Simply sending out form letters, however, does not satisfy BLM's responsibilities. See *Pueblo of Sandia*, 50 F.3d 856. BLM also invited these tribes on a tour of Jack Morrow Hills, but only Eastern Shoshone representatives attended. SDEIS at 5-6. The Eastern Shoshone identified areas it considered "respected places." *Id.* The other tribes did not respond to BLM's letter or tour offer. Nevertheless, BLM failed to make a "good faith" effort to determine whether other traditional cultural properties (TCPs) exist within the planning area. Therefore, it should have attempted to follow up with the tribes that did not respond to the letter or the tour. Often times, Native American tribes do not have the resources or the ability to handle BLM's requests.

Indicative of BLM's failure to adequately consult with the Northern Arapaho, Shoshone-Bannock, and Ute tribes, is the Northern Arapaho's recent objection to certain activities within Jack Morrow Hills. We are aware that the Northern Arapahoe, and the Eastern Shoshone, are deeply concerned with the lack of protection for Native American traditional and religious cultural and spiritual properties. In fact, it appears that some of their concerns mirror our comments. In particular, we understand the Northern Arapahoe believe that BLM's protection of visual resources, especially identified places like Indian Gap Trail, is not adequate enough to preserve the integrity of these sites. We too recognize that BLM's proscribed buffer for cultural properties like Indian Gap Trail, as well as Steamboat Mountain, Steamboat Rim, White Mountain Rim, Essex Mountain, Monument Ridge, and Joe Hay Rim does not effectively prevent the destruction and desecration of these significant traditional cultural properties.

Our second concern is that BLM has not adequately considered Native American traditional cultural properties (TCPs). Inadequate Native American consultation jeopardizes identified and unidentified TCPs or "respected places" as they are characterized in the SDEIS, and other cultural and historic properties. Consultation leads to an important dialogue between sovereign nations, Native American tribes, and BLM. Only those tribes with a religious, spiritual, or lineal connection with TCPs can accurately identify which areas should be protected. Therefore, BLM must make a "reasonable and good faith effort" to discover and consider Native American information in making land use decisions. See *Pueblo of Sandia v. U.S.*, 50 F.3d 856 (10th Cir. 1995).

BLM must consider TCPs early in the planning process so that adequate prescriptions can help prevent destruction of these sacred places. For example, BLM discusses The Indian Gap Trail as "a significant historic resource [that] . . . may or may not also be a Traditional Cultural

Ms. Rence Dana
Bureau of Land Management
May 23, 2003
Page 4

Property." SDEIS at 3-25 (emphasis added). BLM further admits that it has not determined the trail's exact route, nor has it mapped the trail. Yet, in BLM's preferred alternative, BLM opens the area for mineral development protecting the Indian Gap Trail only by stipulating a 100 foot buffer, as well as NHPA Section 110 obligations. The fact that Indian Gap Trail "may or may not be" a TCP indicates BLM did not take the necessary step to determine its value to the Native American tribes. *Id.* BLM should have consulted with the tribes about Indian Gap Trail in order to establish necessary protections to maintain its integrity and value to Native Americans. Because TCPs and sacred sites have irreplaceable value to living, historic cultures, BLM should make every effort to understand and define these places within the resource management planning process. Understanding these values requires consultation with Native American tribes.

Our third concern is that BLM did not make a "good faith effort" to contact other Native American tribes with respect to the SDEIS. BLM contacted only four tribes in or close to Wyoming, and the Medicine Wheel Alliance¹. SDEIS at 5-6. Historically, many Native American tribes roamed or lived in the Jack Morrow Hills area. However, either by displacement or migration some of these tribes are many miles, and states, away. Other tribes may have significantly important information regarding TCPs or other culturally significant resources within Jack Morrow Hills. We spoke with several tribes who were not contacted, but who have historical ties to the area. For instance, the Comanche tribe indicated that BLM did not contact them, even though there are known Comanche rock art sites around the Jack Morrow Hills area. In addition, BLM did not contact the Crow or the Blackfeet who were known to have occupied and traveled in this area.

In order to adequately address traditional cultural properties, and other cultural and historic resources, especially those relating to Native American traditions, BLM should conduct a more thorough consultation process. We understand that garnering participation may be time consuming and burdensome, but it is imperative that Native American resources are considered in depth prior to making decisions designating lands for specific uses. Failure to conduct adequate consultation jeopardizes irreplaceable cultural and historic places.

B. The SDEIS is Inadequate and Misleading and Underemphasizes the Potential Adverse Effects that the Planning Process May Have on Unidentified Historic Resources

BLM must make a better effort to inventory what resources are at risk during the resource management plan. Jack Morrow Hills consist of approximately 622,000 acres. Of the large planning area, less than 5 percent has been inventoried for historic or cultural resources, yet BLM has designated an overwhelming majority of the area as open for mineral development.

¹ The Medicine Wheel Alliance is a Native America coalition, which lacks authority to make tribal government decisions. Although the Medicine Wheel Alliance can certainly provide information regarding important cultural properties, its comments and information do not constitute an authorized tribal government action, but an informal opinion.

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 5

Designating an area for specific uses, especially those likely to adversely impact cultural resources, without understanding what cultural and historic resources are at risk is contrary to BLM's stewardship role under Section 110. The preferred alternative explicitly defers BLM's responsibility to inventory heritage resources until it evaluates resources in the area of potential effect as part of the approval process for any surface disturbing activity, which for oil and gas activity usually means after an area has been leased but before an application for a permit to drill (APD) has been issued. SDEIS at 4-88. Without an adequate and complete inventory of historic and cultural resources, it is not possible for BLM to adequately comply with the NHPA or NEPA. In particular, designating an area as open for a particular use, i.e. mineral development, could effectively foreclose the opportunity to withdraw certain areas that are extremely fragile or that cannot be mitigated by data recovery.

We have serious concerns with respect to BLM's management approach. The federal authority requiring BLM to conduct a review of cumulative impacts when examining multiple uses arising out of planning activities – FLPMA, NEPA, NHPA, BLM policies and procedures, Executive Orders 13007, 13287 – is overwhelming. The SDEIS opens certain significant cultural areas up for new mineral leases even though BLM has determined that these areas have a "low potential" for minerals. See SDEIS at Maps 54 and 69. Instead of making an attempt to outline potential environmental consequences associated with opening 469,251 acres available for mineral development, BLM simply states that surface disturbing activities could directly and indirectly impact heritage resources. SDEIS at 4-99.

BLM's discussion of cumulative impacts associated with surface disturbance due to mineral development does nothing more than quantify how many cultural resources may be disturbed. See SDEIS at 4-102. BLM estimates that new oil and gas development will disturb approximately 1,600 acres. *Id.*; see also Appendix 13, Table A13-7. Using an assumed density, 3.2 acres per 640 acres, BLM approximates that new oil and gas development will potentially disturb 13 sites. *Id.* We believe that BLM's estimates are dangerously misleading. Admittedly, BLM has surveyed less than 5 percent of Jack Morrow Hills' 622,000 acres. Given the isolation of Jack Morrow Hills, as well as its significant locale for cultural and historic resources, BLM should examine in greater detail how "surface disturbing activities," i.e. mineral development, will impact cultural and historic resources. In short, the lack of a qualitative discussion of impacts falls short of BLM's responsibilities to provide the public with adequate information surrounding the adverse effects associated with mineral development.

C. The Preferred Alternative Provides Inadequate Protection for Cultural Properties

First, BLM's stipulations to protect TCPs and other cultural and historic resources are inadequate to control damaging surface disturbing activities. Under management actions common to all alternatives, BLM provides a surface disturbance buffer of 100 feet for "respected places." SDEIS at 2-14. A strict stipulation of 100 feet may not be enough to protect the

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 6

integrity of "respected places." In fact, some respected places may require a much greater buffer, as well as a prohibition against all activities affecting the viewshed.

Cultural and historic properties may also require better stipulations than the preferred alternative offers. For instance, the preferred alternative provides a viewshed restriction of only three miles on either side of the historic trails found in South Pass Historic Landscape ACEC, which includes the Oregon, Mormon, California and Pony Express Historic Trails. SDEIS at 2-161. A large part of the national heritage significance of these historic trails is the landscape. Three miles does not adequately control the potential degradation of the historic trails' value. Alternative 2 would provide a more reasonable viewshed buffer of 5 miles on either side. *Id.* BLM should afford the Indian Gap Trail the same stipulations and restrictions that it provides for the other historic trails. In addition, Indian Gap Trail should be added to the Steamboat Mountain ACEC as suggested in alternative 2. See SDEIS at 2-158. We also suggest that BLM add an additional stipulation that prohibits activities beyond 5 miles that destroy the integrity of the National Historic Trails. In general, we suggest that BLM integrate stipulations that allow for greater limitations on surface disturbing activities to ensure that BLM complies with Section 106 and 110 of the NHPA.

It is unclear whether existing leases that currently do not have stipulations will be required to comply with the proposed resource management plan stipulations or conditions. The preferred alternative states that "[f]or existing leases without stipulations, COAs for APDs would allow necessary impacts for development to be technically feasible or economically viable." SDEIS at 2-83. Please clarify the application of new stipulations to existing leases.

In addition to better stipulations on mineral development, BLM should be more specific about where it will allow mineral development. To date, 156 wells have been drilled, of which only 66 were completed as producing wells. SDEIS at A13-8. The preferred alternative proposes an estimate of 205 oil and gas wells and 50 coalbed methane wells during the next 20 years. *Id.* at A13-28. These additional wells may not appear to be that many. However, for an area as undeveloped as Jack Morrow Hills, 255 additional wells could have a detrimental effect. Therefore, we suggest BLM limit mineral development to only those areas which have a medium or high potential, and that BLM institute clear stipulations as a method of mitigating or prohibiting activities that cause adverse impacts on cultural and historic resources. In the alternative, BLM should adopt Alternative 2, which proposes an estimate of only 163. *Id.* A13-24.

Second, the preferred alternative also opens many significant cultural and historic areas to fluid mineral development, providing only stipulations to control adverse effects. Lease stipulations attached to mineral development in designated areas are incompatible with BLM's Section 110 role as a steward of cultural resources. For instance, the preferred alternative opens White Mountain Petroglyphs, Oregon Buttes ACEC, South Pass Historic Landscape ACEC, Boars Tusk, Crookston Ranch, portions of Steamboat Mountain, and portions of Greater Sand

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 7

Dunes ACEC outside the WSA, to fluid mineral development. SDEIS at 2-157. Although these areas would have no surface occupancy (NSO) restrictions, we believe that the value as a part of our national heritage requires that these areas be completely closed to fluid minerals leasing, as is suggested in alternative 2.

Third, BLM mischaracterizes its stewardship responsibilities under NHPA as one of preserving "scientific values." Specifically, BLM maintains that its preferred method of mitigation of adverse impacts on sites eligible for inclusion on the National Register of Historic Places (NRHP) is preservation of scientific information. SDEIS at 2-14. BLM's description of its stewardship responsibility is defective because NHPA requires much more than preserving scientific information. NHPA policy is to preserve our "irreplaceable heritage" because the public has an interest in its "legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits," which must be maintained for future generations of Americans. 16 U.S.C. § 470(b). We are deeply concerned that BLM's gross mischaracterization of its stewardship responsibility not only threatens cultural and historic resources but undermines the Congressional purpose of NHPA.

Overall, we are concerned that the preferred alternative commits many areas to mineral development without adequately addressing impacts, thus foreclosing consideration of other competing potential uses that may be less harmful. For instance, each alternative recognizes ACECs and Special Management Area (SMA). However, each ACEC and SMA existed prior to the SDEIS, excluding the addition of West Sand Dunes Archaeological District. See SDEIS, Map 60. In essence, BLM did not take a critical look at other areas that have potential ACEC and SMA value, and therefore failed to examine these areas for all of their potential uses. Without any critical evaluation of these other areas, the preferred alternative identifies them as open for mineral development.

D. BLM has Failed to Integrate Section 110 of the NHPA into the SDEIS

Federal authority requires BLM to take a stewardship role in managing public lands. And further, federal legislation and several Executive orders support cultural and historic preservation as a national policy. See 16 U.S.C. § 470, et seq.; Executive Orders 13007 and 13287. The NHPA best reflects this national policy, stating that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order," of which "the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans." 16 U.S.C. § 470. BLM's stewardship role is found in Section 110 of the NHPA. Section 110 of the NHPA requires BLM to locate, inventory, and nominate properties to the National Register, as well as assume responsibilities for preserving historic properties. See *id.* § 470h-2(a).

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 8

BLM should integrate its Section 110 stewardship responsibilities within the SDEIS itself. Throughout the SDEIS, BLM recognizes that surface disturbing and disruptive activities could damage, degrade, or destroy "heritage resources." *See e.g.* SDEIS at 4-103. However in these statements of general cumulative impacts, the BLM fails to examine how it can inventory and institute proactive measures to protect these valuable resources. Although BLM considers better known cultural and historic sites, e.g. South Pass Historic Landscape (including the Oregon Trail, California Trail, Mormon Pioneer Trail, and Pony Express Route), White Mountain Petroglyphs, and the Greater Sand Dunes, BLM does not effectively discuss its stewardship role with respect to historic properties within the process itself. BLM gives little or no mention of its responsibilities at the planning stage. The National Trust believes BLM's stewardship role is not one which begins only at the implementation stage, that is, once cultural resources are threatened by site-specific activities. Instead, BLM's role should be a continuing one, providing guidance throughout the planning process.

E. Integration of Executive Order – "Preserve America"

President Bush's recent Executive Order, entitled "Preserve America," reiterates BLM's responsibility to manage public lands with the protection of cultural and historic resources. On March 3, 2003, Executive Order 13287, which requires each Federal agency to "prepare an assessment of the current status of its inventory of historic properties," expanding on the requirement found in section 110(a)(2) of the NHPA. Exec. Order 13287 § 3; *see* 16 U.S.C. § 470(h)-2(a)(2). Additionally, the President has required each agency to "ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties." *Id.* § 4. The SDEIS should not only take stronger steps to ensure that all designated uses comply with the NHPA, but that BLM has considered and integrated President Bush's proactive stewardship agenda.

F. Clarify FLPMA's Multiple-Use Mandates

We are concerned that BLM has not adequately balanced all "multiple-uses" required under FLPMA. FLPMA requires BLM to establish land use plans that consider a combination of "multiple uses." *See* 43 U.S.C. § 1701 et seq. A determination of designated uses is not based on "the greatest economic return or the greatest unit output" *Id.* § 1702(c). In fact, FLPMA requires a "systematic interdisciplinary approach" as a method for achieving a combination of multiple uses. *Id.* at § 1712(c)(1). Cultural and historic resources are included within the definition of "multiple use" – "a combination of balanced and diverse resource uses takes into account the long-term needs of future generations for renewable and nonrenewable resources, including . . . recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values." *Id.* § 1702(c) (emphasis added).

Our concern is that all resources are not considered equally. Instead, BLM evaluates land use designations based largely on mineral development. BLM has inventoried less than 5

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 9

percent of Jack Morrow Hills' 622,000 acres. *Id.* at iii. Despite the lack of information with respect to cultural and historic resources, the SDEIS makes 469,251 acres available for mineral development, or 75 percent of Jack Morrow Hills. *Id.* at A13-23. Because the disparity in lands inventoried versus lands open for mineral development is so great, we believe that the SDEIS is not in line with its responsibilities of the FLPMA.

Additionally, about two-thirds of the entire area is determined to have medium or low potential for mineral development. However, the preferred alternative would allow most of these areas to be open for mineral development, especially in low areas that are in or around identified cultural and historic properties. This seems to be completely inconsistent with the multiple-use mandates of FLPMA.

G. Inadequate Examination of Adverse Impacts Caused by Off Highway Vehicle (OHV) Designations

We commend BLM's effort to close Crookston Ranch, Boars Tusk, Oregon Buttes ACEC, Special Status Plants ACEC, White Mountain Petroglyphs ACEC, and all Wilderness Study Areas (WSA) to OHV use. However, we do have concerns about OHV use within other areas of Jack Morrow Hills.

BLM's discussion of adverse impacts on cultural and historic resources arising from OHV use is inadequate, especially with respect to OHV designations in and around known cultural and historic properties. The Preferred Alternative states only that managing travel and access will have beneficial impacts to heritage resources. SDEIS at 4-101. BLM also states that it will limit OHV use to existing roads and trails, and close WSAs, Boars Tusk, Crookston Ranch, Special Status Plants, Oregon Buttes ACEC, and White Mountain Petroglyphs ACEC to OHV use. However, BLM fails to discuss enforcement in areas closed to OHV use. It is well-documented that OHV impacts cultural properties. The following paragraphs provide specific areas of concern.

1. *Greater Sand Dunes Recreational Area*

BLM opens all of the Greater Sand Dunes for OHV use without examining the adverse impacts on cultural and historic resources. We believe that designating an area as open for OHV use is an "undertaking" triggering Section 106 of the NHPA. NHPA requires Federal agencies to consider the adverse effect of a federal "undertaking" on a "district, site, building, structure, or object that is included in or eligible for inclusion on the National Register." 16 U.S.C. § 470f. An undertaking is "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of the agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval. . . ." *Id.* at § 470w. A record of decision (ROD) would in effect be approval of OHV use, and thus, would constitute an undertaking. Given this, BLM must conduct a

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 10

Section 106 review of Greater Sand Dunes to determine whether there are cultural and historic resource that are on the National Register or eligible, examine adverse impacts associated with OHV use, and then seek to mitigate the impacts. However, first BLM must complete and an adequate and comprehensive inventory of historic and cultural resources. Without an inventory of these resources it is not possible for the BLM to comply with the NHPA or NEPA.

2. *South Pass Historic Landscape and Steamboat Mountain ACECs*

The preferred alternative allows for limited OHV use in South Pass Historic Landscape and Steamboat Mountain to designated roads and trails. See SDEIS at 2-135. BLM maintains that the Green River RMP OHV management prescriptions will apply to Jack Morrow Hills. *Id.* at 2-79. However, these prescriptions may not be adequate enough to prevent adverse impacts caused by OHV use. BLM should apply the alternative 2 designation for South Pass and Steamboat Mountain, which closes OHV use to areas considered ACECs or SMAs. This is the more reasonable designation for South Pass and Steamboat.

3. *Other ACEC Areas and Closed Areas to OHV Use*

In general, we believe that BLM has not adequately addressed how it intends to prevent OHV use in and around restricted areas. With respect to cultural and historic properties, OHV use can lead to destruction and vandalism. Although the preferred alternative closes ACEC areas and other special management areas to OHV, these areas allow some degree of mineral development. The BLM admits that right of ways (ROW) associated with mineral development in proximity to ACEC areas and protected respected places, as well as communication sites and saleable minerals operations, could disturb and affect the setting of these properties. SDEIS at 4-102. BLM, however, fails to adequately address how it will deal with OHV disturbances associated with new ROWs.

4. *OHV Use Within the Planning Area*

Our concerns addressed above are also relevant to Jack Morrow Hills as a whole. We are troubled that BLM has not adequately discussed how it intends to control OHV use. See SDEIS at 2-79. BLM quantifies surface disturbance caused by mineral development, but goes no further to describe indirect disturbances associated with the development of new access roads. Undoubtedly, new roads will increase the likelihood of OHV use, whether restricted within an area or not. OHV use could certainly led to adverse impacts on recorded and unrecorded cultural and historic resources. BLM should discuss such impacts, direct and indirect, within the SDEIS, as associated with specific designations.

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 11

H. Wyoming Outdoor Council's Citizens' Wildlife and Wildlands Alternative for the Red Desert

The National Trust supports Wyoming Outdoor Council's *Citizens' Wildlife and Wildlands Alternative* for the Red Desert. We especially agree with WOC's analysis of Heritage Resources, which "provides enhanced protection of culturally significant areas revered by Native Americans." In addition, we support WOC's concept of closing the planning area to new mineral leases until an adequate and comprehensive cultural resource inventory can be conducted. We recommend BLM integrate WOC's Alternative proposal in the planning process.

II. RECOMMENDATIONS

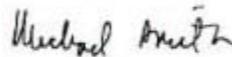
1. Determine what Native American tribes historically inhabited the Jack Morrow Hills area and make a "reasonable and good faith effort" to inform them of the Supplement DEIS. BLM should also give this extended list of tribes an opportunity to provide input regarding traditional cultural properties and other cultural and historic resources that may be present. In particular, BLM should allow the Comanche, Eastern Shoshone, Crow, Blackfeet, and other Native American tribes to address their concerns.
2. Before issuing a final EIS, BLM should conduct a more detailed inventory of cultural and historic resources. BLM should then provide Native American tribes and other interested parties an opportunity to provide comments regarding any conflicting uses that could impact the new detailed inventory.
3. BLM should consider closing areas designated as having a low potential for mineral development. Given that BLM has inventoried less than five percent of the Jack Morrow Hills area, it would make more sense to close low potential areas until BLM can determine whether other resource values exist, including cultural and historic.
4. As an alternative to Recommendation 3, BLM should institute specific stipulations for low and moderate mineral potential areas that would limit, if not prohibit mineral development, where cultural and historic resources are identified. The stipulations should clearly state circumstances in which BLM may choose to prohibit mineral development to ensure cultural and historic resource protection.
5. Integrate compliance with Section 110 and President Bush's "Preserve America" Executive Order in a revised SDEIS.

Ms. Renee Dana
Bureau of Land Management
May 23, 2003
Page 12

6. Conduct Section 106 of the NHPA review for OHV open areas. In particular, designating Greater Sand Dunes as an OHV area could threaten cultural and historic resources.
7. Discuss in detail how BLM will enforce OHV use in areas where OHV use is prohibited. Institute specific methods for controlling OHV use within Jack Morrow Hills.
8. In general, BLM should use Alternative 2 for OHV designations. However, BLM should specifically close South Pass Historic Landscape and Steamboat Mountain ACECs to OHV use, as well as all ACEC and SMA areas.
9. Close White Mountain Petroglyph ACEC to hunting as these resources are sensitive and vulnerable to vandalism. Often warrior shield are used for target practice.
10. Clarify the application of new stipulations to pre-existing leases.

The National Trust appreciates the opportunity to provide these comments on BLM's SDEIS for the Jack Morrow Hills area. We believe that the EIS and resource management planning process are critical steps in the stewardship and protection of cultural and historic resources. If we can provide you with additional information or otherwise be of assistance, we will be happy to do so.

Respectfully,



Michael Smith
Public Lands Counsel

cc: Richard Currit, Wyoming State Historic Preservation Office
Carol Legard, Advisory Council on Historic Preservation
Barbara Pahl, National Trust for Historic Preservation, Mountains/Plains Office
Darrin Old Coyote, Crow Nation
Jimmy St. Goddard, Blackfeet Nation
Jimmy Arterberry, Comanche Tribe
Carlton Underwood, N. Arapahoe Business Council



100,386

Vernon Hill – Chairman
 Arlen Shoyo, Sr. – Co-Chairman
 Richard R. Burnett – Councilmember
 Willie Noseep – Councilmember
 Ben O'Neal – Councilmember
 William Wagon – Councilmember

May 6, 2003

Ms. Renee Dana, Project Leader
 BLM Rock Springs Field Office
 280 Highway 191
 Rock Springs, WY 82901

Dear Ms. Dana:

We are writing to you on behalf of the Eastern Shoshone Business Council regarding the recently drafted Jack Morrow Hills Supplemental Draft Plan. The area in question, the 620,000-acre Jack Morrow Hills Study Area of Wyoming's Red Desert, has been an important cultural landscape for the Arapaho Nation and our ancestors for thousands of years.

To date, we believe that the Bureau of Land Management (BLM) has produced a plan that fails to protect Native American holy sites and parts of the Jack Morrow Hills Study Area that were used by our ancestors for hunting, medicine gathering and spiritual purposes. We would like to make the following observations regarding the plan:

- * The BLM has systematically provided for lesser protection for Native American cultural and spiritual sites than for other resources in the Red Desert or even with similar non-Indian cultural resources.

- * The BLM fails to provide the necessary agency support for study and identification of these important sites, as it does for other resources.

- * In the limited protections provided (100 ft. buffer zone), the BLM has failed to recognize the distinct differences in fragility, sacredness and importance of Native American sites, and that each type of site will require a varying degree of protection, instead of a one-size fits all approach. With Tribal consultation, the BLM should devise a ranking of protection strategies that will fit with the variety of sites that exist. Strong protection standards should be defined for site types, even for those yet unknown, so that at a minimum, disturbance is avoided prior to further analysis.

- * The BLM fails to protect the viewsheds of the Indian Gap Trail, the Boars Tusk, other respected features, and the composite of the sacred landscape of the Red Desert.

- * Even though very limited in information (and recognizing that only 2 % of the lands have been surveyed for cultural resources), the BLM report present a picture of a landscape with a rich and phenomenal number of Native American traditional cultural and religious sites. To ensure the future protection of the sites known, as well as those yet undiscovered, the most protective strategies to preventing land disturbance must be instituted, far beyond alternative #2.

Barbara K. Ferris-Mireau, Executive Secretary (307) 332-3532/4932
 P.O. Box 538, Fort Washakie, WY 82514
 Fax (307) 332-3055
 ShoshoneTribe@washakie.net

* The agency's "preferred alternative" is unacceptable as a plan for protecting Native American sites, due to all the failures noted above. These include: insufficient buffer zones; VRM classifications that are weak and allow too much disturbance to the visual landscape; lack of agency resources for studying and identification of these resources; poorly devised "adaptive management process" that fails to provide up-front protection; and failure to protect the overall landscape of the area.

* The Visual Resource Management (VRM) classifications should be increased for the entire area, to classes I & II, which the BLM states "would have beneficial effects on the visual quality of historic resources and Native American "respected places'."

* Communication sites should be limited on high points, which the BLM acknowledges "would help protect heritage resources from physical and visual impacts."

* The entire Jack Morrow Hills area should be closed to further oil & gas and mining exploration and development. Existing leases should be bought or not renewed when expired. Preventing these significant land disturbing activities throughout the area is the only way to ensure future protection for Native American sites currently known and those unidentified. Protecting the area's unique wildlife, ecology, historical and cultural wealth for the benefit of future generations—Indian and non-Indian alike—far out-weights the minor & short term mineral potential of the area. The BLM reports states that this "would have an overall beneficial impact on heritage resources by eliminating these surface disturbance activities."

* The agency should invest additional resources in study, consultation with Tribes and elders, identification of traditional Native American sites and the development of special protective designations for a range of sites—so as to ensure the highest level of protection for these Native American cultural resources.

* Agency enforcement should increase to ensure that poachers of artifacts are deterred or prosecuted.

Thank you for taking our thoughts into consideration regarding this timely and important issue. We look forward to working further with you on developing a plan that will provide meaningful protection for American Indian holy sites and areas of cultural importance to the Eastern Shoshone Nation within the Jack Morrow Hills Study Area.

Sincerely,



Vernon Hill, Chairman
Shoshone Business Council

100,388

Gale Norton
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

and

Ms. Renee Dana
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

Dear Secretary Gale Norton and Renee Dana:

My name is Marian Doane; I am a natural scientist and I have concerns pertaining to your new supplemental Draft Environmental Impact Statement (SDEIS) for the Jack Morrow Hills Coordinated Activity Plan.

I was very disappointed when I first read your new SDEIS. With statements like "The uncertainties as to where and to what level development will proceed, as well as uncertainties associated with the environmental sciences used to predict impacts, suggests that the one-time determination of impacts that is included in the SDEIS **may not be appropriate for this project.**" SDEIS (vol 2 page A17-2). I believe that all the alternatives in the draft, and specifically the Preferred Alternative, are inadequate in their protections for many of the sensitive areas and species that inhabit this most magnificent landscape.

I am a fourth generation Landerite and the great, great grand niece of Lt. Gustavus Doane who was in this area in 1858, and wrote in his journals, before his explorations of the Yellowstone area, that the desert area spurred his desires to explore. Even, back then, he recognized the mystery and inspiring nature of the desert. Myself, I love this grand desert and the area here around the Wind Rivers. It has been my back yard ever since I was able to walk. My father, being brought up by Red Desert rock hounds, made sure I new how to read some of the stories the stones of the desert hold, along with many other secrets the desert had given up to him in the years past. They, like I, would hate to see this place destroyed by development. I remember how irritated my father was in the 70's when the seismic traffic cut roads wherever they wanted and had no consideration for the wildlife or the aesthetics of this rich and colorful area.

Among its many special values, this area is rich with wildlife. There are 350 wildlife species on the Red Desert, as the BLM well knows, including 16 species of raptors, the sage grouse and Mt. Plover, the rare desert elk herd, deer and antelope crucial and winter habitats. According to the BLM, "Of particular concern are Ferruginous Hawks which 'are declining in numbers' in the area; and burrowing owls, which have 'declining populations and/or habitat conditions throughout all or part of their range.'" DEIS, pg. 238. Declining populations of sage grouse are significant enough agency scientists are calling the area surrounding the Wind River Mountains, including the study area, a "Last Stand" for the sage grouse. Wyoming Game and Fish, minutes from Sage Grouse Planning meeting, June 21, 2000. Altogether there are 15 sensitive wildlife species documented by the BLM and another 14 species of rare plants and many rare plant communities, the Adaptive Strategy Management (ASM) idea of let them drill and you will monitor and hopefully fix it later, is not going to protect these species from irreparable damage. ("The overall approach to the AMS is to remove existing lease suspensions over portions of the planning area, and in some cases, allow new leases on portions of the planning area, both **within and**

outside of sensitive areas.BLM will also accept industry development and /or exploration proposals for the entire planning area to evaluate on a case-by-case basis." SDEIS V. 2 pg A17-3)

Virtually no part of the JMh area is lacking in special values; 7 WSA's, 2 ACEC's, 2 National Natural Landmarks, many Native American sacred sites, Historic Trails, inspiring geological formations, the largest active sand dune system in America with dunal ponds that hold some very unique surprises from amphibians to insects and a huge store of paleontological evidence that holds the stories of these lands back to the beginning. With only 2% of the JMh study area inventoried we believe there are many more wonders to be found out there.

A special place indeed!

Every BLM alternative plans for at least 165 oil and gas wells despite the fact the BLM itself has asserted that fragmentation, which is inexplicably linked to oil and gas development, will damage big game herds and other wildlife in the area.

The BLM's Preferred Alternative calls for 205 new wells to be drilled in the JMh Planning Area. Not only is this too much, it is likely inaccurate. We have all seen what can happen after the oil and gas industry gets its foot in the door. For example, the Jonah Field just west of the Jack Morrow Hills has been growing exponentially. Now with 450 wells and 40 acre spacing (up from the original 160 acre spacing), they are asking for 1,250 additional wells with as little as 16 acre spacing. They just don't stop. And it's not as if there's a shortage of wells surrounding the Jack Morrow Hills study area -- 900 on the Pinedale Anticline, 3,000 at the Continental Divide/Wamsutter II Project, 1,300 on the Fontenelle Project, 1,300 on the Moxa Arch Project, with 635-plus more on smaller projects. Then if that is not enough, 1,240 wells are proposed for the Seminole Road CBM Project, 3,880 wells for the Atlantic Rim CBM Project and another 473 CBM wells and 1,096 natural gas wells proposed for smaller projects surrounding the Jack Morrow Hills. I am putting my foot down and saying, "Enough is enough?" You don't have to let them drill every square inch of public land just because it is there!

The industry says "They (industry) have to drill where the oil is"; well I say, "We have to save wild open spaces where wild open spaces are". More wild lands cannot ever be created, so it is imperative that we save what we can now, before it becomes too late.

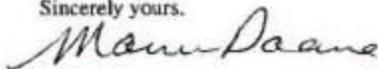
I support the Citizen's Wildlife and Wildlands Alternative because it would halt all new leasing, it would call for the buyback or trade of current leases within the area and call for more protection for our important historical and Native American sites. Also it would give the needed protection to our rare desert elk herd and the 50,000 pronghorn antelope that call the area their home. It also would allow for responsible recreation, hunting and off-road vehicle use and prevent new roads and developments in roadless areas. Since, five out of every six citizens testifying at the hearings for the SDEIS asked the BLM to choose the Citizen's Wildlife and Wildlands Alternative for the Jack Morrow Hills Study Area as the Preferred Alternative, this plan should be a part of the final EIS.

This nation can only supply 3% of its own energy needs, so there is no way we could ever drill ourselves into energy independence. All this time, money and energy the industry and government are putting out should be concentrated on the production of new renewable energy sources, not wasted destroying these critical wildlands and wildlife we hold so precious.

I believe if we don't protect this area today, it will be gone tomorrow.

I appreciate the chance to file my comments on this most important issue and hope you will realize the importance of putting aside some of these areas for future generations.

Sincerely yours,



Marian Doane
245 Wyoming Street
Lander, Wy 82520
(307) 332-3928

mdoane@onewest.net

100,389

Gale Norton
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

and

Ms. Renee Dana
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

Dear Renee Dana:

My name is Marian Doane; I am a natural scientist and am representing the Friends of the Red Desert with this letter of concerns, pertaining to your new supplemental Draft Environmental Impact Statement (SDEIS) for the Jack Morrow Hills Coordinated Activity Plan.

We would like to start out with a quote taken from your first DEIS page 235 written by the Rock Springs BLM and released in 2000, "Maintaining connectivity between important habitats (crucial winter ranges, severe winter relief areas, calve/fawning habitats, migration corridors, topographic relief areas, mountain shrub communities, forest type habitats) within the planning area is PARAMOUNT to sustaining viable big game herds and other wildlife. Fragmentation of these crucial habitats will not sustain big game population objectives"

We were very disappointed when we first read your new SDEIS. With statements like "The uncertainties as to where and to what level development will proceed, as well as uncertainties associated with the environmental sciences used to predict impacts, suggests that the one-time determination of impacts that is included in the SDEIS **may not be appropriate for this project.**" SDEIS (vol 2 page A17-2). We believe that all the alternatives in the draft, and specifically the Preferred Alternative, are inadequate in their protections for many of the sensitive areas and species that inhabit this most magnificent landscape.

I am a fourth generation Landerite and the great, great grand niece of Lt. Gustavus Doane who was in this area in 1868, and wrote in his journals, before his explorations of the Yellowstone area, that the desert area spurred his desires to explore. Even, back then, he recognized the mystery and inspiring nature of the desert. Myself, I love this grand desert and the area here around the Wind Rivers. It has been my back yard ever since I was able to walk. My father, being brought up by Red Desert rock hounds, made sure I knew how to read some of the stories the stones of the desert hold, along with many other secrets the desert had given up to him in the years past. They, like the Friends of the Red Desert, would hate to see this place destroyed by development. I remember how irritated my father was in the 70's when the seismic traffic cut roads wherever they wanted and had no consideration for the wildlife or the aesthetics of this rich and colorful area.

Among its many special values, this area is rich with wildlife. There are 350 wildlife species on the Red Desert, as the BLM well knows, including 16 species of raptors, the sage grouse and Mt. Plover, the rare desert elk herd, deer and antelope I addition to crucial and winter

habitats for these ungulate species. According to the BLM, "Of particular concern are Ferruginous Hawks which 'are declining in numbers' in the area; and burrowing owls, which have 'declining populations and/or habitat conditions throughout all or part of their range.'" DEIS, pg. 238. Declining populations of sage grouse are significant enough agency scientists are calling the area surrounding the Wind River Mountains, including the study area, a "Last Stand" for the sage grouse. Wyoming Game and Fish, minutes from Sage Grouse Planning meeting, June 21, 2000. Altogether there are 15 sensitive wildlife species documented by the BLM and another 14 species of rare plants and many rare plant communities, the Adaptive Strategy Management (ASM) idea of let them drill and we will monitor and hopefully fix it later, is not going to protect these species from irreparable damage. ("The overall approach to the AMS is to remove existing lease suspensions over portions of the planning area, and in some cases, allow new leases on portions of the planning area, both **within and outside of sensitive areas**. BLM will also accept industry development and /or exploration proposals for the entire planning area to evaluate on a case-by-case basis." SDEIS V. 2 pg A17-3)

Virtually no part of the JMH area is lacking in special values; 7 WSAs, 2 ACECs, 2 National Natural Landmarks, many Native American sacred sites, Historic Trails, inspiring geological formations, the largest active sand dune system in America with dunal ponds that hold some very unique surprises from amphibians to insects and a huge store of paleontological evidence that holds the stories of these lands back to the beginning. With only 2% of the JMH study area inventoried we believe there are many more wonders to be found out there.

A special place indeed!

Every BLM alternative plans for at least 165 oil and gas wells despite the fact the BLM itself has asserted that fragmentation, which is inexplicably linked to oil and gas development, will damage big game herds and other wildlife in the area.

Problematically, the BLM's Preferred Alternative calls for 205 new oil and gas wells and 50 new coalbed methane wells to be drilled in the JMH Planning Area. Not only is this too much, it is likely inaccurate. We have all seen what can happen after the oil and gas industry gets its foot in the door. For example, the Jonah Field just west of the Jack Morrow Hills has been growing exponentially. Now with 450 wells and 40 acre spacing (up from the original 160 acre spacing), they are asking for 1,250 additional wells with as little as 16 acre spacing. They just don't stop. And it's not as if there's a shortage of wells surrounding the Jack Morrow Hills study area -- 900 on the Pinedale Anticline, 3,000 at the Continental Divide/Wamsutter II Project, 1,300 on the Fontenelle Project, 1,300 on the Moxa Arch Project, with 635-plus more on smaller projects. Then if that is not enough, 1,240 wells are proposed for the Seminole Road CBM Project, 3,880 wells for the Atlantic Rim CBM Project and another 473 CBM wells and 1,096 natural gas wells proposed for smaller projects surrounding the Jack Morrow Hills. We are putting our foot down and saying, "Enough is enough?" We don't have to drill every square inch of public land just because it is there!

The industry says "They (industry) have to drill where the oil is"; well we say, "We have to save wild open spaces where wild open spaces are". More wild lands cannot ever be created, so it is imperative that we save what we can now, before it becomes too late.

Please don't think we don't understand about the money generated by natural resource extraction in the state, we do. We just think there are places that we should save and the Jack Morrow Hills area is one of them. We support the Citizen's Wildlife and Wildlands Alternative because it would halt all new leasing, it would call for the buyback or trade of current leases within the area and call for more protection for our important historical and Native American

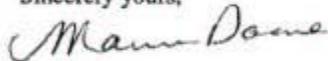
sites. Also it would give the needed protection to our rare desert elk herd and the 50,000 pronghorn antelope that call the area their home. It also would allow for responsible recreation, hunting and off-road vehicle use and prevent new roads and developments in roadless areas. Since, five out of every six citizens testifying at the hearings for the SDEIS asked the BLM to choose the Citizen's Wildlife and Wildlands Alternative for the Jack Morrow Hills Study Area as the Preferred Alternative, this plan should be a part of the final EIS. This plan would benefit those that never get to be heard, the four-legged wildlife, the flying wildlife, the swimming wildlife, the outstanding vegetation and it would benefit the two-legged human who would have the most wonderful back yard, getting to see, first hand, some of Mother Earth's most spectacular works of creation.

I believe if we don't protect this area today, it will be gone tomorrow.

As T.A. Larson said, "Wyoming still has enough of the old magic to stir the blood of visitor and native alike. It is time to ponder if what the world wants from Wyoming is worth more than what Wyoming already offers the world."

We appreciate the chance to file our comments on this most important issue and hope you will recognize the insurmountable public outcry to save this gloriously delicate landscape, and realize the importance of putting aside some of these areas for the enjoyment of future generations to come. Thank You.

Sincerely yours,



Marian Doane
245 Wyoming Street
Lander, Wy 82520
(307) 332-3928

mdoane@onewest.net

**PETROLEUM ASSOCIATION OF WYOMING**

951 Werner Court, Suite 100
Casper, Wyoming 82601
(307) 234-5333

100,390

fax (307) 266-2189
e-mail: paw@pawyo.org
www.pawyo.org

May 22, 2003

Ms. Renee Dana
Team Leader
Rock Springs Field Office
BUREAU OF LAND MANAGEMENT
280 Highway 191 North
Rock Springs, Wyoming 82901

Re: Supplemental Draft Environmental Impact Statement for the Jack Morrow Hills
Coordinated Activity Plan / Draft Green River Resource Management Plan
Amendment (DEIS)

Dear Ms. Dana:

The Petroleum Association of Wyoming (PAW) would like to thank BLM for the opportunity to comment on the referenced document. PAW is Wyoming's largest and oldest oil and gas trade organization, the members of which account for over ninety percent of the natural gas and over eighty percent of the crude oil produced in the State. This project will directly affect members of PAW.

PAW has the following comments regarding the referenced document:

- PAW is satisfied that the range of alternatives developed by BLM provides for a broad range of issues analysis and has been improved from the public notice for preparation of a supplemental EIS available in May of 2002.
- Throughout the document, BLM refers to the concept of an "adaptive management process" being implemented under the Preferred Alternative. PAW supports an adaptive management and monitoring process with respect to developing reasonable performance-based standards rather than prescriptive mitigation measures because it encourages innovation to deal with changing conditions and new technological advancements; however, BLM must honor current valid existing lease rights in the area. We do not support performance based or adaptive management and monitoring that is unspecified and results in later-to-be-determined mitigation and compliance requirements.



951 Werner Court, Suite 100
Casper, Wyoming 82601

Ms. Renee Dana
Jack Morrow Hills Supplemental
Draft EIS
Page 2
May 22, 2003

- BLM claims under the Preferred Alternative that leasing would be considered based on industry interest and on monitoring of sensitive resource indicators in accordance with a new "adaptive management strategy." BLM has already squandered ten years trying to determine how it will manage the JMHCAP area, through the GRRMP and through a number of subsequent environmental impact statements associated with the JMHCAP. Despite all these studies, BLM now claims it still cannot make leasing and development decisions until additional site-specific monitoring is completed in the area. This approach is unacceptable because BLM is once again deferring leasing decisions pending further study. Moreover, BLM has not included information in the JMHCAP documents that confirms the agency has the funding to complete these additional studies. Once again, industry could be left with indefinite delays in leasing, exploration and development while the Rock Springs Field Office attempts to pull together the funds required to carry forward with its proposed program. The same funding concern applies to the declaration under Alternative 1 that BLM may wish to buy back or exchange leases. The viability of such a buy-back scheme is highly questionable and industry would not be willing to wait for BLM to determine if it has the ability to buy back a lease.
- Under the Preferred Alternative and the adaptive management and monitoring process, BLM notes that if it is determined that the planning area management objectives are not being met, certain areas would remain unavailable for leasing. The concept of "staged leasing" is not a reasonable management prescription for industry. Staged leasing prevents an operator from securing a viable lease block prior to development, and presumes resource degradation as a result of leasing. Implementing "staged leasing" as a land management tool is unreasonable and unacceptable for industry and will discourage companies from investing in an area that may have significant oil and gas potential.

Leasing does not equal drilling activity, drilling activity does not equal production and production does not equal large-scale development.
- Under the Preferred Alternative and the adaptive management and monitoring process, BLM notes that satisfactory reclamation of surface disturbance may be required before additional surface disturbing activities would be allowed in certain areas or before existing leases would be released from suspense. The concept of "staged development" will likely be a major hurdle for companies planning their investment opportunities in the area. While BLM may have the authority to issue a suspension for leases or consider new suspensions for leases that have been



951 Werner Court, Suite 100
Casper, Wyoming 82601

Ms. Renee Dana
Jack Morrow Hills Supplemental
Draft EIS
Page 3
May 22, 2003

issued, that authority cannot be extended to hold leases indefinitely until the agency arbitrarily chooses to release them.

Once the Jack Morrow Hills Record of Decision is finally issued and it is determined that an area is available for leasing and in fact operators have acquired leases that have been in suspense, BLM must release those suspended leases. Again, PAW recognizes BLM's authority to issue a suspension, but this scenario of staged development goes far beyond the intent of lease suspensions and PAW questions its legality.

- In a worst-case scenario with the development of 205 wells (5 acres of initial disturbance per well), a total of .2% of the surface will be disturbed. After initial disturbance and reclamation, long-term disturbance will result in a disturbance of .1% of the entire Jack Morrow Hills area (3.2 acres per well). It is highly unlikely that oil and gas will have a detrimental affect on any other resource in the area.

Further, the reasonable foreseeable development scenario for the Jack Morrow Hills area is exploratory and not developmental. The unsuccessful wells will be plugged, fully reclaimed and restored. The areas surrounding unsuccessful wells will likely be free from future oil and gas activity due to the initial well's uneconomic results. Development drilling after new discoveries could eventually require the preparation of additional environmental analysis if there is new drilling concentrated in an area.

Under the Preferred Alternative, BLM is only allowing the development up to 205 wells as the reasonably foreseeable development scenario in an area of approximately 622,000 acres. With the abundance of protection measures in place, limited oil and gas development will not significantly impact other resources and additional NEPA analysis will be conducted before development will be authorized by BLM.

- Based on a recent settlement with the Department of Interior and the State of Utah, which calls for BLM to withdraw the written policies that were adopted to manage wilderness re-inventory areas and citizens proposed wilderness areas, it is necessary for BLM to eliminate any references or recommendations in the Jack Morrow Hills DEIS to potential new wilderness study areas.
- The wild horse herd unit boundaries should remain the same and the population objective for each herd unit should not be expanded. Established population levels must be determined by available forage and wild horse herd populations



951 Werner Court, Suite 100
Casper, Wyoming 82601

Ms. Renee Dana
Jack Morrow Hills Supplemental
Draft EIS
Page 4
May 22, 2003

must be managed by BLM for the benefit of other range resource users (i.e. livestock grazing, wildlife, etc.). BLM must implement a strategy for controlling the growing wild horse herd and bringing the herd numbers back down to the appropriate population levels.

- The elk population objective for the Steamboat Elk Herd has been 500 since 1984. The current estimated population counts show that the herd is approximately at 1,800 to 2,000 elk. The Wyoming Game and Fish Department (WGFD) recently increased the herd objective from 500 to 1,200. Increases in the herd objective must be based on scientific evidence that forage in the management area can support the increase in the herd objective as well as other range resource users (i.e. livestock grazing, wildlife, etc.). WGFD must implement a strategy for controlling the growing elk herd and bringing the elk numbers back down to the appropriate population objective.
- Oil and gas development has taken place in the Jack Morrow Hills area since the 1920's. The elk herd has flourished and a certain segment of the population still believes that the area is pristine and worth protecting. A balance between environmental protection and economic growth has been proven and BLM must not manage the area for the expanded elk herd at the expense of oil and gas development by preventing or restricting access to the entire JMHCAP or Core Areas.
- Under the Preferred Alternative, BLM mandates that the viewshed protection measure for National Historic Trails would be maintained at approximately three (3) miles in each direction from the center of the trail and that intrusive activities could be allowed provided the results of a visual analysis indicates no adverse effect to the viewshed. The current stipulation in the GRRMP for the protection of trails and its viewsheds calls for an avoidance area for ¼ mile on either side of the trail or visual horizon, whichever is less. BLM must abide by the current stipulation until the Trail Management Plan is completed, is subject to public review, and is amended to the GRRMP.
- Increased recreation activities in the JMHCAP area (i.e. hunting, camping, backpacking, hiking, horse-packing and riding, OHV use, mountain biking, rock and petrified wood collecting, sightseeing of historic trails and places, wild horse viewing and wildlife viewing, and photography) may have a negative impact on the desert elk herd and wildlife due to increased human activity. BLM must adequately analyze the impacts increased recreation activity will have on wildlife



951 Werner Court, Suite 100
Casper, Wyoming 82601

Ms. Renee Dana
Jack Morrow Hills Supplemental
Draft EIS
Page 5
May 22, 2003

and wild horses in the area and provide management prescriptions that will balance multiple use of the area.

- The status of the Mountain Plover as "proposed for listing" allows for a certain amount of flexibility in developing measures protective of the species. Unless the U.S. Fish and Wildlife Service determines that the Mountain Plover should be listed under the Endangered Species Act as threatened or endangered, BLM has certain discretionary authority and should consider the effects on the oil and gas operator as part of its adoption of reasonable and prudent mitigation measures necessary to minimize the impact on the species.
- BLM has significant flexibility in developing protective measures for BLM Sensitive Species and Wyoming Species of Concern such as the Sage Grouse. BLM has certain discretionary authority and should consider the effects of restrictions on the oil and gas operator as part of its adoption of reasonable and prudent mitigation measures necessary to minimize potential impacts on non-ESA listed Special Status Wildlife Species.
- Despite far-reaching claims by special interest groups that routinely oppose any energy development in Wyoming, BLM is well aware that geophysical exploration will NOT result in dramatic impacts on surface resource values. BLM regulations ensure that virtually no surface damage is associated with seismic activities. Moreover, BLM's 3150 Manual provides specific guidance and requires a site-specific mitigation/operating plan to be in place prior to commencement of activities. In concert with these requirements, in a relatively short time, evidence of properly conducted seismic surveys fades, regardless of the technology used. Therefore, it is unnecessary for BLM to limit geophysical exploration activities that include vehicle use and the use of explosives in areas with special status plants. Typical OHV use is not subject to the same rules, regulations and mitigation measures imposed on geophysical activities. Therefore, it is unreasonable to impose the same limitations on a permitted use that are used on non-permitted uses. Notably, avoidance measures can be taken to protect sensitive plant species without entirely closing an area to geophysical exploration. We recommend that BLM reconsider its management strategy for this activity.
- The social and economic opportunities generated from this project would benefit the residents of Wyoming and the participating counties and local communities by directly creating new jobs and producing additional revenues.



951 Werner Court, Suite 100
Casper, Wyoming 82601

Ms. Renee Dana
Jack Morrow Hills Supplemental
Draft EIS
Page 6
May 22, 2003

- This proposal should be consistent with President Bush's National Energy Policy. Wyoming has the opportunity to provide much needed natural resources to markets throughout the nation and this proposal has the potential to assist in that effort. A balance between environmental protection and economic growth does not have to come at the exclusion of mineral development.

Until the concept of "staged leasing and development" is resolved between industry and BLM, PAW does not support an alternative at this time. PAW encourages BLM to incorporate these comments in its Preferred Alternative and will work with the agency throughout this process to resolve serious issues of concern.

Sincerely,

Dan Bower
Vice President

Cc: The Honorable Craig Thomas
The Honorable Mike Enzi
The Honorable Barbara Cubin
The Honorable Dave Freudenthal
Fremont County Commissioners
Sweetwater County Commissioners
Sublette County Commissioners
Sweetwater County Conservation District

100,391

P.O. Box 943
Rock Springs, WY 82902

May 22, 2003

Jack Morrow Hills CAP Team Leader
280 Highway 191 North
Rock Springs, WY 82901

Dear Sir/Madame:

We are writing to comment on the Supplemental Draft Environmental Impact Statement (EIS) for the Jack Morrow Hills (JMH) Coordinated Activity Plan/Draft Green River Resource Management Plan Amendment.

So you know our perspective: We are residents of Rock Springs and have been for the last 12 years. We work for the power industry and have resided in Wyoming for almost 25 years. One of the things we do for fun is explore back roads, look at and photograph nature (flora, fauna, and landscapes). Occasionally we will do some hiking as well. This interest has carried us to many different places throughout Wyoming including the Red Desert, the Green River Basin, and the Jack Morrow Hills area. While we do not know the JMH with the intimacy of a native, we do feel we have explored the area enough to understand the issues on a personal level.

When it comes to public lands including the Jack Morrow Hills, we feel the key operative word is BALANCE. We support the concept of multiple use, but no one use has a right to overrun all or most other uses. On the other hand, all uses must accommodate to some extent the needs of the other uses.

We do not believe in preservation in the strict sense of the word. You cannot "freeze frame" nature. Nature is going to change and evolve with or without the participation of man and different species will come and go from any given environment over time. Moreover, mankind's perception of time typically only spans 50 to 70 years at the most. Nature's cycles evolve over a span of hundreds and sometimes thousands of years.

The fact that so many people want to preserve the JMH as they see it today is a tribute to the Oil & Gas Industry, the Grazing Association, and all the other users of the JMH. These users have been busy with their various pursuits in the JMH area for the last 100 years. During the majority of those years taking extra steps to preserve the environment was not a serious consideration for these users. These facts illustrate that the desert continues to evolve and will heal itself, just not maybe in our personal lifetimes.

Within the confines of our limited free time, we have attended your public meetings and reviewed your latest Draft EIS. In general terms we find we could live with any of the alternatives you are proposing except Alternative 2. Our preference is the "Preferred Alternative" because it supports the concept of balance better than any of the other alternatives. The one big problem we have with this alternative is the plan it espouses for managing the horses.

Horses cannot read and don't care about people's silly rules and plans. They are going to travel wherever their particular needs of the moment take them. They are the dominant species that lives full time in the desert. As such they can be very competitive and very destructive in the pursuit of their needs; especially when their population numbers are large. The "Preferred Alternative" proposes only managing the horses in the eastern third of the JMH area. The horses need to be managed throughout the whole JMH area along with the rest of the desert.

If we had to prioritize the alternatives we would rank them as follows: "Preferred", Alternative 3, and then Alternative 1. We cannot support Alternative 2, because too much of it supports shutting off access to the JMH Area. We do not agree with enlarging the Wilderness Study Areas (WSA's) or shutting off access to the majority of the JMH. The ones that exist presently, are fine just the way they are. In a desert

Comment Ltr on JMHCAP EIS from Dickinson
May 22, 2003
Page 2 of 2

environment where one has to haul their own water, it does not make a lot of sense to make a WSA so big that one cannot walk across it with the amount of water they are capable of carrying. Don't forget—Water is really heavy, especially when you have to carry it and you are on foot.

Some of the seasonal closures make sense, but when the season constitutes 7.5 months, we have to question the reasons. Our experience is that the wildlife tends to be quite adaptable, despite all our fears. Why else would Antelope give birth to their young on a coal pile within site of an operating bulldozer and why would Raptors repeatedly nest next to safety valves that periodically blow steam at great noise, or Elk graze next to a busy, noisy industrial facility or Rabbits, Fox, and Badgers live right in the middle of an industrial facility?

So to summarize, we support your "Preferred Alternative" so long as you modify it to include managing the horses throughout the entire JMH area. Our motivation for supporting this alternative over the others is that it does the best job of all the alternatives to strike and maintain a balance of use between all the different users of the JMH area. This is public land and everyone deserves an opportunity to enjoy it in their own way.

Nature is not static, but it has very long cycles. So we feel the preservation approach is just too short sighted. Moreover if you were to try to preserve the desert the way it was before "modern" man showed up, you would have to get rid of all the horses, elk, cattle, and sheep. In the history of the JMH, these species have all been introduced by man into the JMH area somewhere in the last 100 or so years.

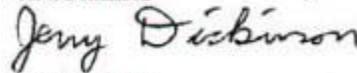
So when you folks make your final decision concerning this Draft EIS, we urge you to keep the concepts of Balance and Multiple Use in the forefront of your thoughts. Also keep in mind the logistical realities that the desert environment dictates. We trust you will be able to see through all the extremes of opinion and come up with a plan that is workable for the majority of the users of the desert.

Thank-you for affording us the opportunity to comment on this version of the Draft EIS for the Jack Morrow Hills.

Sincerely,



Carol Dickinson



Jerry Dickinson

Comment to
The Jack Morrow Hills Study Plan

100,397

From: Dave C. Freitag
Agent for: The Wasatch Mountain Placer Association

The Jack Morrow Hills Study Plan was implemented to determine resource values. Since the beginning of this study, it has been our greatest effort to report the fact that the Dickie Springs / Oregon Gulch gold deposit which lies on the northern edge of the planning area may contain an estimated 28 million ounce of gold or more. That information was based on a study done in 1978 by J. David Love a leading and renown Geologist of the time. Another study was done in 1896 by Edward A. Greene also showing great promise for this deposit. Dan Hausel the current Senior Economic Geologist for the Wyoming State Geological Survey spoke very optimistic about this deposit as well, and felt that it required further study. For the past 7 years we have also been testing and sampling this deposit. Our tests show a very close similarity to the tests done by David Love in 1978.

The draft supplement to the Jack Morrow Hills Study implies that from acquired information that this deposit only may hold 1 million ounces of gold and that the potential for a large scale mining operation is low.

It is my formal request that I be sent the information that was obtained to evaluate and determine this 1 million ounce figure.

We strongly protest the assumption that the potential for a large scale gold mining operation exist.

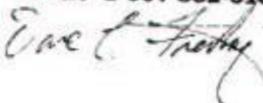
To prohibit the removal of a valuable ore on any scale of mining would be a breach of the 1872 mining laws.

We also object to the withdrawal of half of this deposit from mineral entry, namely South Pass Summit before an in depth scientific and geological survey has been completed on it.

All Historical data suggests that this area may hold a world class gold deposit. Until a new and updated survey is performed by a 3rd party of qualified researchers historical data will have precedence.

We believe that this area has great value to it and it should not be hidden or over looked again.

Dave C. Freitag
819 Vance Dr Lander Wy
82520 1-307-332-6168



100,419

Box 261
Wilson
WY 83014

J.M.H. CAP Team leader
280 Hwy 191 N.
Rock Sp
WY 82901

May 21st 2003

Dear BLM,

I am writing to comment on the draft plan for the Jack Morrow Hills Area (JMHA) & wish to express my strong opposition to the preferred alternative.

I recently had occasion to listen to various elected officials from the State of Wyoming, including the Governor & State Treasurer, discuss the problems with existing drilling regulations and describe the myriad of environmental problems that are present in leased areas eg. The Powder River Basin. These officials all stated that the regulations must be amended to address the problems but that it would take time to do so. Even US Senator Craig Thomas acknowledged that there are some "bad operators" out there drilling & that regulatory change would be needed to ENSURE environmentally sound operating practices.

Given the inability of the current regulations to adequately protect the environment from degradation, the BLM will be seriously delinquent in its responsibilities as a manager of Public Lands if it proceeds with the preferred alternative.

The JMHA is a unique area within the Red Desert & deserves special protection. Surely protecting 620 thousand acres out of the several million acres of the Greater Red Desert is not too much to ask. The Greater Red Desert holds an estimated amount of gas that is far in excess of the Powder River — it does not appear to be a scarce resource within the Greater Desert.

The preferred alternative would allow in excess of 200 wells to be drilled — but where will it stop? Is this simply the 1st Step

in the "Bureaucratic industrialization" of the J.M.H.A.? I see that the BLM Pinedale office is requesting comment on the "Jonah Infill Drilling Project". This project started out at one well / 80 acres, went to one / 40 ac & now industry is back yet again to request 10-20 ac spacing. Can BLM guarantee that such revisions will not be allowed in the J.M.H.A.? One need only look to the Jonah Field or the Powder River Basin to see what is in store for the Red Desert.

I urge you not to approve the preferred alternative & instead to support the Citizen Alternative or an action that adheres closely to it. At the very least, until the grossly inadequate regulations are revised to prevent the severe environmental degradation that some parts of Wyoming are already having to endure.

The J.M.H.A. is an area that people have sought to protect since the turn of the ¹⁹Century. Access roads, drill pads & the necessary support facilities — separators, hydrates, storage tanks, compressor stations etc etc inevitably degrade & will forever change the character, the aesthetics, the values the quality of the environment of the J.M.H.

Please make the choice to protect the Jack Morrow Hills for future generations.

Thank you for the opportunity to comment.

Sincerely

Lorna Miller

LORNA MILLER

307-733-4634

100,432

CAMWEST EXPLORATION LLC

Via E-mail: Wymail_jmhcap@blm.gov
And Facsimile: (307) 352-0328
And U. S. Mail

May 22, 2003

Ms. Renee Dana, Team Leader
Rock Springs Field Office
Bureau of Land Management
280 Highway 191 North
Rock Springs, WY 82901-3447

Ladies and Gentlemen:

CamWest Exploration LLC (CAMX) is the owner in numerous federal oil and gas leases located within the boundaries of the Jack Morrow Hills Coordinated Activity Plan (JMHCAP) area and more specifically located in and surrounding the Gold Coast Federal Unit. CAMX is very interested in and will be impacted by the decisions made by the BLM in the Supplemental Draft Environmental Impact Statement (DEIS) for the Jack Morrow Hills Coordinated Activity Plan.

CAMX submits the following comments concerning the referenced DEIS:

1. Under the Preferred Alternative oil and gas leasing is considered based upon industry interest and monitoring of sensitive resources utilizing an "adaptive management strategy." Although the intent of the BLM's adaptive management strategy is good, the specifics and details of implementation are not addressed. The JMHCAP process has been lengthy and this strategy will most certainly result in additional time consuming to-be-determined mitigation and compliance requirements. CAMX does not agree with the Preferred Alternative's provisions which continue to defer leasing decisions in JMHCAP.
2. The Preferred Alternative and its proposed adaptive management strategy and monitoring process set forth a staged leasing concept. CAMX does not support the staged leasing concept. Without the ability to secure a viable leasehold position with defined time frames of lease term, it becomes difficult to develop a plan for efficient exploration activity and commit resources for the exploration of oil and gas.
3. A concept of staged development has also been proposed including suspension of existing leases. One of CAMX's primary objectives is to obtain an acceptable return on its capital investment. Significant delays in the ability to timely explore and efficiently recover any discovered economic resources opposes our business objective for capital already invested - specifically the Gold Coast Federal Unit.

1825 LAWRENCE STREET, SUITE 300 DENVER, COLORADO 80202 TEL: (303) 296-2012 FAX: (303) 298-1181

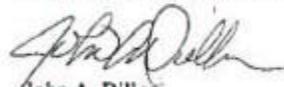
4. The BLM proposes limitations on geophysical seismic acquisition activity that includes limits on vehicle use and eliminating or restricting the use of explosives in areas. The BLM already requires a site specific operating plan for any seismic permit application that provides for any necessary limitations specific to the area covered. There is no need to close off entire areas to geophysical exploration when the existing process for permit approval adequately insures protection on an as is needed site specific basis.
5. The Preferred Alternative proposes viewshed protection of three (3) miles from the center of National Historic Trails, being a 6 mile corridor. Current protection under the Greater Green River Resource Management Plan stipulates ¼ mile protection from the center of a trail (a ½ mile corridor). The ½ mile corridor is sufficient to protect viewshed along with other measures (pipeline and equipment location / orientation, size and height restrictions, designations of color schemes, etc.) currently imposed by the BLM.

CAMX is particularly frustrated by the length of time the BLM has taken in its JMHCAP process (ongoing since October 1997). Continued delays in the process are preventing viable development of valuable mineral resources in the area. We urge the BLM to conclude its process and issue a record of decision as quickly as possible. Further, CAMX respectfully requests that the BLM's record of decision permit, and minimally restrict, development of the mineral resources via seismic exploration, the existing federal oil and gas leasehold, and the potential issuance of future federal oil and gas leasehold within the JMHCAP area. It would be inappropriate for the BLM's record of decision to restrict development of the mineral resources just to accommodate excessive protection or allowance of other uses in the area. Future management of the area by the BLM should and can provide for reasonable multiple use of the area without restricting the exploration and development of the mineral resources.

CAMX appreciates the opportunity to submit our comments to the BLM for its consideration.

Sincerely,

CamWest Exploration LLC



John A. Dillon
President

100,433

BJORK, LINDLEY, DANIELSON & LITTLE, P.C.

ATTORNEYS AT LAW
 1600 STOUT STREET
 SUITE 1400
 DENVER, COLORADO 80202

PETER A. BJORK*
 LAURA LINDLEY
 GREGORY R. DANIELSON*
 DAVID R. LITTLE
 ROBERT C. MATHES*
 DARIN B. SCHEER†

TELEPHONE: 303-892-1400
 FACSIMILE: 303-892-1401
 www.bjlaw.com

CHRISTOPHER G. HAYES†
 Of Counsel
 ANN M. EASTBURN
 Special Counsel

*Also admitted in Wyoming
 *Also admitted in North Dakota
 †Also admitted in Louisiana

May 22, 2003

By facsimile: 307-352-0329
 (Original by mail)

Bureau of Land Management
 Rock Springs Field Office
 280 Highway 191 North
 Rock Springs, WY 82901

Attention: Ms. Renee Dana
 Team Leader

Re: Jack Morrow Hills Coordinated Activity Plan

Ladies and Gentlemen:

I am writing to comment on the Supplemental Draft EIS for the Jack Morrow Hills CAP. My biggest complaint is that the preferred alternative described in the Supplemental DEIS suffers from the same flaws which plagued the original DEIS; that is, the preferred alternative would continue to delay the oil and gas leasing decisions which were first deferred in the Green River Resource Management Plan more than five years ago. BLM is shirking its decision-making responsibility under the Federal Land Policy and Management Act by continuing to defer these important decisions. If the preferred alternative is selected, the BLM must comply with the withdrawal reporting provisions of Section 204 of FLPMA and report to Congress on the effect of this decision. In addition, the Bureau should disclose in the Final EIS that a decision adopting the preferred alternative is contrary to the President's Executive Order No. 13212 and would require the preparation of a Statement of Adverse Energy Impact as required by Instruction Memorandum No. 2002-53.

Notwithstanding the President's direction to all executive departments that they take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production of energy, and despite the comments of industry on the earlier DEIS, the Supplemental DEIS reflects a complete disregard of the manner in which oil and gas resources are discovered and produced. Last year the Wyoming Geological Survey estimated that some 3.9 trillion cubic feet of gas and 535 million barrels of oil were technically recoverable from the Jack

Bureau of Land Management
Page 2
May 22, 2003

Morrow Hills area. However, under the preferred alternative (as well as the no action, the conservation and the preservation alternatives) those resources are likely to remain unavailable. The Supplemental DEIS recognizes that, with the exception of the Nitchie Gulch Field in the southern part of the Jack Morrow Hills area, this highly potential area is still largely unproven and wildcat in nature. See Appendix 13. Any responsible oil and gas producer who decides to take the risk of exploring a wildcat area must do so only after assembling a large enough block of leasehold acreage so that, if that drilling risk is successful, it can obtain an adequate return on the high risk dollars invested. The BLM has, in other contexts, recognized this need for control of a reasonable acreage block. See *Prima Oil & Gas Co.*, 148 IBLA 45, 51 (1999) (BLM policy to suspend leases when "a lessee is unable to explore, develop, and produce leases due to the proximity, or commingling, of other adjacent Federal lands needed for logical exploration and development that are currently not available for leasing"). The vague phased leasing and development program described in the preferred alternative prevents an oil and gas producer from assembling that block of acreage and so essentially thwarts wildcat exploration in the area. The BLM is deceiving itself and the public when it pretends that the preferred alternative will make the oil and gas resources in the area available for development; the true impact of this alternative on the energy resources in the area must be disclosed in the Final Environmental Impact Statement. A foreseeable effect of the preferred alternative would be a significant reduction in the amounts of bonus bids for leases; that fiscal impact should also be disclosed in the FEIS.

Although it has been more than five years since the Record of Decision on the Green River RMP deferred making leasing decisions in the "core area" of the Jack Morrow Hills, the Supplemental Draft EIS description of the preferred alternative still contemplates further delays in decision-making. Page 1-2 of the Supplemental DEIS states that a primary objective of this CAP effort is to make leasing decisions. If the preferred alternative is adopted, that primary objective is not accomplished. The discussion of the preferred alternative at pages 2-66 to 2-67 states that there would be an initial implementation phase of the adaptive management process of "about two years" (a change from four years in the original DEIS) after which a determination would be made on whether areas may be made available "for consideration of future activities." Appendix 17 purports to describe the adaptive management implementation strategy and lists, at page A17-7, a series of tasks which must be completed prior to implementation of the CAP adaptive management strategy. Given the length of time it took to prepare the Supplemental DEIS and the description of the items remaining to be accomplished before implementation of the preferred alternative, the inexorable conclusion is that it will be another several years before any decision is made about leasing, or even developing existing leases, within the Jack Morrow Hills. Not only is this interminable delay an inexcusable waste of public time and money, it also constitutes a decision to remove more than 100,000 acres of land from a principal or major use (i.e., mineral exploration and production) for two or more years. Such management decisions are required to be reported to Congress under Section 202(e) of FLPMA. There is no mention anywhere in the Supplemental Draft EIS of BLM's obligation to comply with the requirements of Sections 202(e) and 204 of FLPMA to report to Congress management decisions excluding a principal or major use and withdrawals of more than 5,000 acres.

Bureau of Land Management
Page 3
May 22, 2003

The Supplemental DEIS states at page 4-124 that, under the no action alternative, a loss of development potential in the core area "may represent a significant impact to individual operators of oil and gas development." While this statement is true as far as it goes, the EIS should also disclose that there will be a significant impact on Federal and State treasuries as a result of that lost production.

Although the Supplemental Draft EIS pays lip service to its intention to honor valid existing rights (*see, e.g.*, p. 2-16), the "phased development" contemplated by the preferred alternative would severely compromise the valid existing rights of current oil and gas lessees in the Jack Morrow Hills. The BLM appears to believe that suspension of existing leases is sufficient to protect any valid existing rights. The formulation of the preferred alternative is thus based on arbitrary and capricious disregard of the time value of money. As indicated in Appendix 16, the lessees of those suspended leases have invested significant amounts in purchasing the leases and/or maintaining them in effect. However, until the leases can be developed, with the potential for returning revenues to the lessee (and not incidentally to the federal and state treasuries), the lessees can obtain no return on those investment dollars. As any college finance or economics student could explain, there comes a point in time (generally six to ten years depending upon the rate of return employed) at which it becomes impossible to recoup a return on those invested dollars. The Final EIS needs to account for that basic economic fact and explain how the lessees will be compensated for the loss of their sunk investment dollars by virtue of the apparently indefinite suspensions of their leases.

The Supplemental Draft EIS states at page 4-62 that, for analysis purposes, it was assumed that the Wyoming Game and Fish Department would increase its herd management objective for the Steamboat elk herd from the current level of 500 to 1200 elk. The DEIS contains no explanation for why that was a reasonable assumption. Moreover, the DEIS lacks any description of the fact that the elk herd has consistently exceeded the current Wyoming Game and Fish Department objective, notwithstanding the existing oil and gas development in the area. In fact, the DEIS states that it is "uncertain" how big game will react to oil and gas development (p. 4-64). If the elk are as susceptible to harm from oil and gas development as the DEIS suggests in other places, then there should be some explanation for why the herd has exceeded by nearly two and a half times the Game and Fish Department's objective at a time when oil and gas production in Nitchie Gulch and elsewhere in the Jack Morrow Hills has occurred.

Table 4-3, which purports to compare the areas that would be closed to new oil and gas leases under the various alternatives, is virtually useless with respect to the preferred alternative. In the first place, it does not show that the WSA's would be closed to new leases and, of course, WSA's are not available for lease under the Mineral Leasing Act. The table appears to say that 142,630 acres of "sensitive resources" will be closed to new leasing under the preferred alternative. I cannot tell if this total includes the acreage in current WSA's or whether the acreage totals for the other alternatives include or exclude the WSA acreage. Similarly, Map 54, purporting to show the lands open and closed to new leases under the preferred alternative, is misleading. There is no

Bureau of Land Management
Page 4
May 22, 2003

legend shown for the large white areas on the map which presumably correspond to the wilderness study areas. Those areas should be actually labeled as closed to new leases.

Appendix 18 discusses proposals for additional Wilderness Study Area designations apparently submitted by the Wyoming Wilderness Coalition and the Biodiversity Conservation Alliance. Given the Secretary's recent decision that she will abide by the 1993 deadline in Section 603 of FLPMA for recommending wilderness study areas to Congress, this appendix should be revised or deleted.

Footnote 3 to Table 2-2 states that in areas subject to seasonal limitations, controlled surface use and no surface occupancy stipulations, under all of the alternatives, "all activities would be subject to intensive mitigation including offsite placement of facilities, remote control monitoring, restricted or prohibited surface use including road construction, multiple wells from a single pad, central and battery/facilities, pipelines and power lines concentrated in specific areas, etc." Where in the text are those "intensive mitigation" measures discussed? Where is the analysis of the impacts of those measures on existing oil and gas leases and on potential royalty and tax revenues?

Appendix 17 states that the monitoring plan will adapt management of the area to achieve the stated goals and objectives. However, the stated goals and objectives (p. A17-2) are so vague and broad that they provide no legitimate guidance to the decision-maker for determining whether the goals and objectives have been achieved. Appendix 17 also states that the monitoring plan will accurately monitor and predict cumulative impacts through BLM's maintenance of a geographical information system including all activities such as natural gas production, recreation and grazing on federal and non-federal lands and how those activities are affecting resources. What is the likelihood of this monitoring system being implemented? Has such a system ever been employed on BLM lands?

Table 4-8 shows that, under the preferred alternative, so-called "sensitive resources" would be subject both to no surface occupancy stipulations and to controlled surface use stipulations. There is no way for a reviewer of the DEIS to know what "sensitive resources" are and which kind of stipulation would be applied to them. Page 2-66 contains the statement that "crucial habitats and other areas of sensitive or important resource values" would be open to consideration for multiple use activities under the preferred alternative. Map 50 purports to show the location of no surface occupancy and controlled surface use stipulations but the legend on that map does not include any reference to "sensitive resources."

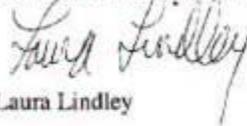
What is the rationale for requiring no surface occupancy stipulations on oil and gas leases in all Class II VRM areas (p. 2-28), when range improvements or water developments are assumed to produce "only a low level of change to the landscape," (p. 4-145)? How does a straight line fence or a stock watering tank differ in visual impacts from a natural gas producing wellhead (the impacts during drilling are only temporary)?

Bureau of Land Management
Page 5
May 22, 2003

I urge the BLM to carefully consider the fiscal impacts of its preferred alternative both on production opportunities lost and on costs to the government to compensate lessees for loss of their valid existing rights. Moreover, I believe that it is necessary for the Bureau to prepare a Statement of Adverse Energy Impact before issuing any Record of Decision which adopts the preferred alternative. I believe that Alternative J more reasonably balances multiple uses of the area and should be the alternative adopted. Thank you for your consideration of these comments.

Very truly yours,

BJORK, LINDLEY, DANIELSON & LITTLE, P.C.



Laura Lindley

100,438



Wyoming Chapter of the Sierra Club
1603 Capitol Avenue, Suite 503
Cheyenne, WY 82001
Phone: 307.635.1124
Fax: 307.635.1195

May 23, 2003

Renee Dana
Project Leader
BLM Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

Dear Ms. Dana,

Please accept the following comments on behalf of the Wyoming Chapter of the Sierra Club for the Jack Morrow Hills Draft Environmental Impact Statement.

The Wyoming Chapter of the Sierra Club is a conservation organization working to protect wild places in Wyoming. The Chapter has a membership of over 1,000 members who live in Wyoming and love Wyoming's wild lands. These comments reflect and represent some of the concerns of the members of the Wyoming Chapter.

The Need to Protect the Jack Morrow Hills

Wyoming's Southwest is blessed with large herds of free-ranging wildlife, plentiful big-game habitat and largely unrestricted access to hunting, fishing, camping and other outdoor recreation on public land. The region also offers unparalleled visual splendor, with hundred-mile views across high-desert landscapes to the snowy peaks of the Wind Rivers, the Uintas and the Wyoming Range. This bounty of natural wealth holds residents in place and attracts visitors from across the nation and around the world. These natural values make the Jack Morrow Hills unique and must be protected and maintained.

Citizen-led efforts to protect the Red Desert date back to 1898 when Lander sportsman Dr. Frank Dunham and other Wyoming hunters tried to designate much of the desert a Winter Game Preserve. This first conservation proposal included a large swath of land through the Greater Green River Basin all the way up to Yellowstone National Park, encompassing the migratory corridors used by elk, antelope and deer to travel back and forth between the desert and the Greater Yellowstone Ecosystem.

In 1935, Wyoming Governor Leslie Miller unsuccessfully attempted to preserve a portion of the desert as part of a larger nationwide "Western Trails National Park" which would have protected land adjacent to the Emigrant Trails.

In 1968, local rancher and wildlife advocate Tom Bell courageously attempted to advance a Congressional proposal to designate part of the desert as a North American Antelope Range. There have been other efforts over time to protect the area as a Wild Horse Refuge, a National Wildlife Refuge, a National Park, a National Monument and a National Natural Landscape. During this management revision process the BLM has a tremendous opportunity to protect the Red Desert for all its natural wonder.

The Need for Maintaining Wilderness Quality Lands

The Wyoming Chapter of the Sierra Club supports and encourages the BLM to maintain protect and expand Wilderness Study Areas within the Jack Morrow Hills Area.

Wilderness Areas are special places that are valued by the public for a variety of reasons. Wilderness has been a part of America since its beginning. For this reason, Americans have a special attraction to wilderness areas. Wildlands offer opportunities for reflection, observation and exploration of ideas and experiences that can only be found in wild places. For these reasons, among others, we urge the BLM to put the protection of Wilderness Study Areas above oil and gas development.

The Need to Consider Alternatives to Oil and Gas Development

The BLM's preferred alternative is limited in scope, in that, the alternative puts oil and gas development above all other interests and fails to consider the long-term impacts oil and gas development would have on wildlife habitat, grazing, hunting, recreation, Native American holy sites and air quality. The BLM can and must do better.

The BLM should provide for limited opportunities for mineral extraction and energy development while protecting other resource values.

While providing for limited opportunities for extraction and development the BLM would reduce the potential for conflict in the area due to large-scale oil and gas and mining activities authorized under the BLM's Preferred Alternative.

Further, the BLM must provide for areas that are closed to new leasing within the planning area. The BLM should adopt a buy-out or trade-out plan in the Jack Morrow Hills. By suspending leases in the planning area the BLM will allow for funding options to be pursued for lease buy out or exchange.

The BLM should balance oil and gas development with other multiple uses and values. Currently these plans make virtually all lands within the Jack Morrow Hills Area available for oil and gas development.

The Need to Restore Wildlife

In 1971, there was a proposal put forth to reintroduce free-roaming bison into the Red Desert. As one looks at the ecosystem of the Greater Red Desert it is incredibly obvious that the bison is missing and deserves a place in the Red Desert, where they once roamed.

The BLM should manage the Jack Morrow Hills Area with the idea being to create and maintain natural qualities that would support the reintroduction of a viable bison population.

The Need to Consider Other Management Alternatives

The State of Wyoming and the federal government should pursue land exchanges to consolidate federal ownership and eliminate unmanageable "checkerboards" such as the historic land grants along the I-80 corridor and state school sections land-locked within federal jurisdiction. These exchanges would help all of us maintain wildlife habitat and reduce conflict among the public who value the Jack Morrow Hills Study Area.

The BLM must pursue further analysis of the Jack Morrow Hills Study Area. As proposed the BLM leaps before it looks, specifically, the BLM fails to look at the long-term implications development would have on the area. The BLM should not fast-track development. Although the mandate from Washington, DC pushes for development on public lands, the Jack Morrow Hills Study Area is clearly an area where full analysis is needed. Without specific data on present and future conditions, we simply lack the information to determine the consequences of proposed oil, gas and minerals development and to design realistic mitigation. We need more solid field science and monitoring.

The Bureau of Land Management should recommend to Congress and Congress should designate the Red Desert/Great Divide Basin/Jack Morrow Hills Study Area a National Conservation Area. This designation will protect its natural values and safeguard public uses such as hunting, backcountry camping, hiking and horseback riding, carefully planned energy and minerals development.

Thank you for considering these comments and including them as part of the public record. The Wyoming Chapter of the Sierra Club looks forward to hearing from you before you make any final decisions on the future management direction of the Jack Morrow Hills Study Area.

Sincerely,



Patricia Dowd
Associate Representative

100,440

PHONE: 303/296-3600
FAX: 303/296-3601

May 22, 2003

Via email: Wymail_jmhcap@blm.gov
By facsimile: 307-352-0329
(Original by mail)

Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

Attention: Ms. Renee Dana
Team Leader

Re: Jack Morrow Hills Coordinated Activity Plan

Ladies and Gentlemen:

Kerr-McGee Rocky Mountain Corporation (Kerr-McGee) is the owner of a number of oil and gas leases covering lands within the Jack Morrow Hills area and is the operator of the now suspended Gold Coast Unit. Kerr-McGee (through its predecessor HS Resources, Inc.) has followed the development of the Jack Morrow Hills Coordinated Activity Plan (CAP) for several years now and commented on the Draft Environmental Impact Statement on the original CAP released in June of 2000. Kerr-McGee now submits these comments on the Supplemental Draft EIS for the Jack Morrow Hills CAP.

Continued Delays

Kerr-McGee is disappointed that the preferred alternative described in the Supplemental DEIS suffers from the same flaws which plagued the original DEIS and which we pointed out to you in our comment letter on that draft. The preferred alternative would continue to delay the oil and gas leasing decisions which were first deferred in the Green River Resource Management Plan. BLM is shirking its decision-making responsibility under the Federal Land Policy and Management Act by continuing to defer these important decisions. If the preferred alternative is selected, the BLM must comply with the withdrawal reporting provisions of Section 204 of FLPMA and report to Congress on the effect of this decision. In addition, the Bureau should disclose in the Final EIS that a decision adopting the preferred alternative is contrary to the President's Executive Order No. 13212 and would require the preparation of a Statement of Adverse Energy Impact as required by Instruction Memorandum No. 2002-53.

Bureau of Land Management
Page 2
May 22, 2003

Notwithstanding the President's direction to all executive departments that they take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production of energy, and despite the comments of industry on the earlier DEIS, the Supplemental DEIS reflects a complete disregard of the manner in which oil and gas resources are discovered and produced. Last year the Wyoming Geological Survey estimated that some 3.9 trillion cubic feet of gas and 535 million barrels of oil were technically recoverable from the Jack Morrow Hills area. However, under the preferred alternative (as well as the no action, the conservation and the preservation alternatives) those resources are likely to remain unavailable. The Supplemental DEIS recognizes that, with the exception of the Nitchie Gulch Field in the southern part of the Jack Morrow Hills area and even though most of the area contains high potential for oil and gas, this oil and gas potential is largely unproven and wildcat in nature. See Appendix 13. Any responsible oil and gas producer who decides to take the risk of exploring a wildcat area must do so only after assembling a large enough block of leasehold acreage so that, if that drilling risk is successful, it can obtain an adequate return on the high risk dollars invested. The BLM has, in other contexts, recognized this need for control of a reasonable acreage block. See *Prima Oil & Gas Co.*, 148 IBLA 45, 51 (1999) (BLM policy to suspend leases when "a lessee is unable to explore, develop, and produce leases due to the proximity, or commingling, of other adjacent Federal lands needed for logical exploration and development that are currently not available for leasing"). The vague phased leasing and development program described in the preferred alternative prevents an oil and gas producer from assembling that block of acreage and so essentially thwarts wildcat exploration in the area. The BLM is deceiving itself and the public when it pretends that the preferred alternative will make the oil and gas resources in the area available for development; the true impact of this alternative on the energy resources in the area must be disclosed in the Final Environmental Impact Statement. A foreseeable effect of the preferred alternative would be suppression of the amounts of bonus bid for leases; that fiscal impact should also be disclosed in the FEIS.

Adaptive Management

Although it has been more than five years since the Record of Decision on the Green River RMP deferred making leasing decisions in the "core area" of the Jack Morrow Hills and more than five years since the Coordinated Activity Plan was chartered with a forecast time line for the Record of Decision of December 15, 1999, the Supplemental Draft EIS description of the preferred alternative still contemplates further delays in decision-making. Page 1-2 of the Supplemental DEIS states that a primary objective of this CAP effort is to make leasing decisions. If the preferred alternative is adopted, that primary objective is not accomplished. The discussion of the preferred alternative at pages 2-66 to 2-67 states that there would be an initial implementation phase of the adaptive management process of "about two years" (a change from four years in the original DEIS) after which a determination would be made on whether areas may be made available "for consideration of future activities." Appendix 17 purports to describe the adaptive management implementation strategy and lists, at page A17-7, a series of tasks which must be completed prior to implementation of the CAP adaptive management

Bureau of Land Management
Page 3
May 22, 2003

strategy. Given the length of time it took to prepare the Supplemental DEIS and the description of the items remaining to be accomplished before implementation of the preferred alternative, the inexorable conclusion is that it will be another several years before any decision is made about leasing, or even developing existing leases, within the Jack Morrow Hills. Not only is this interminable delay an inexcusable waste of public time and money, it also constitutes a decision to remove more than 100,000 acres of land from a principal or major use (*i.e.*, mineral exploration and production) for two or more years. Such management decisions are required to be reported to Congress under Section 202(e) of FLPMA. There is no mention anywhere in the Supplemental Draft EIS of any need for the BLM to comply with either FLPMA requirement to report management decisions excluding a principal or major use or withdrawals to Congress.

The Supplemental DEIS states at page 4-124 that, under the no action alternative, a loss of development potential in the core area "may represent a significant impact to individual operators of oil and gas development." While this statement is true as far as it goes, the EIS should also disclose that there may be a significant impact on Federal and State treasuries as a result of that lost production.

Valid Existing Rights

Although the Supplemental Draft EIS pays lip service to its intention to honor valid existing rights (*see, e.g.*, p. 2-16), the "phased development" contemplated by the preferred alternative would severely compromise the valid existing rights of current oil and gas lessees in the Jack Morrow Hills. The BLM appears to believe that suspension of existing leases is sufficient to protect any valid existing rights. The formulation of the preferred alternative is thus based on arbitrary and capricious disregard of the time value of money. As indicated in Appendix 16, the lessees of those suspended leases have invested significant amounts in purchasing and/or maintaining the leases in effect. However, until the leases can be developed, with the potential for returning revenues to the lessee (and not incidentally to the federal and state treasury), the lessees can obtain no return on those investment dollars. As any college finance or economics student could explain, there comes a point in time (generally six to ten years depending upon the rate of return employed) at which it becomes impossible to recoup a return on those invested dollars. The Final EIS needs to account for that basic economic fact and explain how the lessees will be compensated for the loss of their sunk investment dollars by virtue of the apparently indefinite suspensions of their leases.

Elk Herd

The Supplemental Draft EIS states at page 4-62 that, for analysis purposes, it was assumed that the Wyoming Game and Fish Department would increase its herd management objective for the Steamboat elk herd from the current level of 500 to 1200 elk. The DEIS contains no explanation for why that was a reasonable assumption. Moreover, the DEIS lacks any description of the fact that the elk herd has consistently exceeded the current Wyoming

Bureau of Land Management
Page 4
May 22, 2003

Game and Fish Department objective, notwithstanding the existing oil and gas development in the area. In fact, the DEIS states that it is "uncertain" how big game will react to oil and gas development (p. 4-64). If the elk are as susceptible to harm from oil and gas development as the DEIS suggests, then there should be some explanation for why the herd has exceeded by nearly two and a half times the Game and Fish Department's objective at a time when oil and gas production in Nitchie Gulch and elsewhere in the Jack Morrow Hills has occurred.

Miscellaneous Comments

Table 4-3, which purports to compare the areas that would be closed to new oil and gas leases under the various alternatives, is virtually useless with respect to the preferred alternative. In the first place, it does not show that the WSA's would be closed to new leases and, of course, WSA's are not available for lease under the Mineral Leasing Act. The table appears to say that 142,630 acres of "sensitive resources" will be closed to new leasing under the preferred alternative. We cannot tell if this total includes the acreage in current WSA's and/or whether the acreage totals for the other alternatives include or exclude the WSA acreage. Similarly, Map 54, purporting to show the lands open and closed to new leases under the preferred alternative, is misleading. There is no legend shown for the large white areas on the map which presumably correspond to the wilderness study areas. Those areas should be actually labeled as closed to new leases.

Appendix 18 discusses proposals for additional Wilderness Study Area designations apparently submitted by the Wyoming Wilderness Coalition and the Biodiversity Conservation Alliance. Given the Secretary's recent decision that she will abide by the 1993 deadline in Section 603 of FLPMA for recommending wilderness study areas to Congress, this appendix should be revised or deleted.

Footnote 3 to Table 2-2 states that in areas subject to seasonal limitations, controlled surface use and no surface occupancy stipulations, under all of the alternatives, "all activities would be subject to intensive mitigation including offsite placement of facilities, remote control monitoring, restricted or prohibited surface use including road construction, multiple wells from a single pad, central and battery/facilities, pipelines and power lines concentrated in specific areas, etc." Where in the text are those "intensive mitigation" measures discussed? Where is the analysis of the impacts of those measures on existing oil and gas leases and on potential royalty and tax revenues?

Appendix 17 states that the monitoring plan will adapt management of the area to achieve the stated goals and objectives. However, the stated goals and objectives (p. A17-2) are so vague and broad that they provide no legitimate guidance to the decision-maker as to whether management has achieved the stated goals and objectives. Appendix 17 also states that the monitoring plan will accurately monitor and predict cumulative impacts through BLM's maintenance of a geographical information system including all activities such as natural gas

Bureau of Land Management
Page 5
May 22, 2003

production, recreation and grazing on federal and non-federal lands and how those activities are affecting resources. What is the likelihood of this monitoring system being implemented? Has such a system ever been employed on BLM lands?

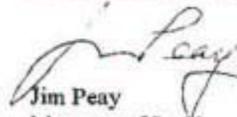
Table 4-8 shows that, under the preferred alternative, so-called "sensitive resources" would be subject both to no surface occupancy stipulations and to controlled surface use stipulations. There is no way for a reviewer of the DEIS to know what "sensitive resources" are and which kind of stipulation would be applied to them. Page 2-66 contains the statement that "crucial habitats and other areas of sensitive or important resource values" would be open to consideration for multiple use activities under the preferred alternative. Map 50 purports to show the location of no surface use and controlled surface use stipulations but the legend on that map does not include any reference to "sensitive resources."

What is the rationale for requiring no surface occupancy stipulations on oil and gas leases in all Class II VRM areas (p. 2-28), when range improvements or water developments are assumed to produce "only a low level of change to the landscape," (p. 4-145)? How does a straight line fence or a stock watering tank differ in visual impacts from a natural gas producing wellhead (the impacts during drilling are only temporary)?

Kerr-McGee is opposed to the preferred alternative outlined in the Supplemental Draft EIS and favors the adoption of Alternative 1. Even the no action alternative would be preferable to the preferred alternative from the perspective of the owner of existing oil and gas leases such as Kerr-McGee. We urge the BLM to carefully consider the fiscal impacts of its preferred alternative both on production opportunities lost and on costs to the government to compensate lessees for loss of their valid existing rights. Moreover, we believe that it is necessary for the Bureau to prepare a Statement of Adverse Energy Impact before issuing any Record of Decision which adopts the preferred alternative. Thank you for your consideration of these comments.

Very truly yours,

KERR-MCGEE ROCKY MOUNTAIN CORPORATION



Jim Peay
Manager of Land
North American Exploration

100,443

May 21, 2003

Jack Morrow Hills CAP Team Leader
280 Highway 191 North
Rock Springs, Wyoming 82901

Please be advised that I believe that the only proper multiple use activity plan for the Jack Morrow hills and the adjacent lands known as the Red Desert is the preservation, protection and use strategy known as the Citizens Alternative proposal. Without a doubt this is the only plan for perpetual use of the area that involves a holistic approach to protecting and enhancing the environmental and social health for this part of Wyoming. The preferred alternative and the other options listed in the Supplemental draft EIS are all profoundly skewed in the direction of more development and will result in accelerating the desertification of this naturally fragile high altitude, cold dry climate area. The culture and custom of Fremont and Sweetwater Counties clearly is based on multiple use of our public lands. This does not and can not mean all uses for all lands all the time. Strict, but not necessarily strident rules of engagement must be adhered to by all. Common sense can not be subrogated to a reactionary strategy such as adaptive management of the lands. I congratulate the BLM staff and contractors on the massive amount of detail and description that has gone into the Jack Morrow Hills planning process. If nothing else, we have a base line starting point to track changes over time, and a hint at the ecological (human and earthen) complexity of the area. Be it resolved that our value system would permit no degrading of this spectacular natural and human resource.

Obviously the values and principles of the Citizens alternative do not appear in the Supplemental EIS intact and are found only in fragments across all the alternatives listed in the EIS. I am particularly concerned about the adaptive management strategy proposal. Clearly all people and organizations make mid-course corrections based on experience or new information. This is a good thing for personal or small impact decisions. I can not see how this can work to protect air, land, water, wildlife, aesthetic or other values of the Red Desert when it is employed as a reactionary, or mess cleaning up policy. Were this strategy to be used for pollution abatement or avoidance, I think that is appropriate. Sadly, on television and in the local papers, representatives of both the Wyoming and Rocky Mountain petroleum associations have come out supporting full speed ahead boom time type exploration and production, getting in and getting out as soon as possible. This does not sound like responsible management on any level. Planned actions, analysis and further action or readjustment characterizes adaptive management. Further, adaptive management should start at a much greater level than simply the lease or activity site. As I type this, Americans are occupying a significant portion of the Middle East. The only marketable product that Iraq or any other Middle Eastern country has is petroleum, and the richest country with the biggest market and the clearest promise to the world to help these places is the USA. That alone should cause anyone in the fossil fuel industry to pause and ask why the development of this unique

part of public land should be industrialized. The BLM would be best advised to seek a broader perspective and encourage companies and counties to invest their resources on future fuels, not just repeat the same old boom and bust cycle that is detrimental to the land, the communities and the spirit of the people. Money, whether privately earned or tax generated cannot replace the near unmolested areas of our planet.

Another aspect of management that concerns me is the bonding and performance standards that the BLM will employ concerning leases, exploration and other invasive activities. Hopefully they will be large enough and held for a sufficient length of time that any adverse effects can be diagnosed and corrected by the private developer. Particularly worrisome to me is the issue of road building. I believe that the developers must be held 100% accountable for new roads they put in, and for any ghost roads or two tracks that their workers or anyone else creates off of these access roads. It appears to me that the Jack Morrow hills and the western part of the Red Desert have an adequate arterial system at this time. Sadly, while I was on the desert the weekend of May 17 and 18, 2003, the ATV tracks taking off from the established roads were abundant, and seemed to indicate nothing other than joy riding over the Oregon Buttes and Honeycombs areas. I do not believe that mom and dad on their ATV's set out to be eco-terrorists. Unfortunately the effect on the terrain is the same, whether deliberate wheel spinning or mere curiosity about "what is over the next hill" is the cause. The wilderness study areas and the adjacent country has already been identified as unique. Great caution and a high level of responsibility must be exercised by all that use these lands. It is sad, but seemingly human, that we must mandate respect for the land.

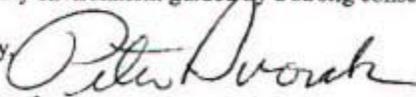
Contrary to the published positions of the petroleum organizations and some of the governmental co-operators, I do not believe that fast track development is in the best interest of the land, the economy or the communities. The BLM must encourage slow, staged development or use of public land. This certainly facilitates planning, seems an integral part of the adaptive management proposal, prevents the boom and bust cycling, and most importantly gives opportunity for use of improved technologies. It is incumbent upon the BLM to mandate that only the best available technologies are used and that the businesses follow established best practices. While I do not believe that the petroleum industry "suits" in Dallas, Singapore or elsewhere are eco-terrorists, by the time the work assignments get to the sub-contracted subcontractors of sub-contractors, nothing seems important but speed and payday. I am willing to bet that when the "suits" go on holiday or out to recreate, they seek out pristine, healthy and unspoiled destinations. Adequate performance and reclamation bonds are essential here. I believe that having high standards and expectations will help keep those who do business or recreate on the Red Desert from acting selfishly or irresponsibly. The BLM must have zero tolerance for violations or destructive interpretations of procedures...after all, if junior can be expelled from public school for no greater "crime" than carrying a pocket knife or teasing a classmate, we can certainly expect higher performance and diligent compliance with rules and reason from people using public land for private gain.

I have many other concerns about the management of this particular piece of public land, including the maintenance of the viewshed (lights and towers in particular); worries about the water table and what will happen to natural springs and seeps if major drilling is undertaken; air quality, dust and particulate; vehicle traffic; recreation and respite activities for the general public; wild horse population management and the health of the other big herds; and the potential loss of traditional land use such as grazing. I believe that over the past hundred years the Red Desert has reached its carrying capacity for traditional uses and that a general balance of activities has been achieved. Allowing anything other than a slow, sequential and closely monitored change will certainly alter available uses, to the detriment of the rancher, hunter, hiker or other low impact user. I do not believe that any of the BLM alternatives gives enough credence to the Native American sacred sites, the probable existence of many more, or the contemporary spiritual values that many of us find present or enhanced in this vast area. All of these aspects of multiple use need to be recognized in our plan.

I believe that it is obvious that rules and guidelines can not be so detailed that legitimate uses of public land are rendered impossible. Equally obvious is the fact that no one segment of the user group is favored or has special low responsibility rules that harm the short or long term ability of others to enjoy the benefits of the public land. I am not certain that the Supplemental draft has achieved balance. In fact it looks like the extractive/exploitive folks have gotten favoritism beyond all reason. We all know that the BLM and other government entities, right down to the County sheriff are completely unable to enforce laws or guidelines everywhere, all the time. Equally clear are the statements of the petroleum organizations that they are interested only in getting the product, getting the money and getting gone. The pro-development segment has raised every kind of red herring, from patriotism to schoolchildren. None of these "reasons" are accurate, honest or even relevant. When the hand of man touches the land, the land must be better for it. To do less is to betray ourselves, our planet and any claim to goodness that any of us have.

Thank you very much for continuing to explore this vital topic. I am hopeful that we will all come out of this study and action process as better people living in a more balanced and healthy environment guided by a strong conservation oriented plan.

Sincerely,



Peter Dvorak
220 Mountain View Dr. W
Riverton, WY 82501
307-856-4251
pdvorak@wyoming.com



100,448

Wyoming Business Alliance

Wyoming Heritage Foundation

Management Committee

Rick Kayser, Chairman, Cheyenne
 Eli Bebeau - Past Chairman, Riverton
 Hank True - Vice Chairman, Casper
 Mike Gebelko - Secretary/Treasurer,
 Cheyenne

Hank Cox, Cody
 Barbara Dils, Wright
 Mich McMurry, Casper
 Tom Thorsen, Casper

Steering Committee

Bud Ahlson, Casper
 Rex Arney, Sheridan
 Susan Bigelow, Gillette *
 Ted Blair, Cody *
 Dave Bottom, Worland
 Bruce Brown, Hulett *
 Bill Browne, Gillette *
 Sam Clark, Laramie
 Bill Casper, Saratoga *
 Dave Crum, Casper
 Brad Eric, Cheyenne
 Sheila Fetsch, Casper *
 Larry Fox, Gillette
 Bill Gern, Laramie
 Pete Grimes, Casper *
 Tim Haberberger, Cody *
 Dave Hanks, Rock Springs *
 Bob Henry, Laramie *
 Karen Henry, Robertson *
 Bill Hill, Rock Springs *
 John Kennedy, Gillette
 Jim King, Riverton
 Jan Kuehnle, Madison
 Clarence Lee, Jackson
 Tom Lien, Gillette
 Cynthia Lumis, Cheyenne
 Keith Mackey, Kemmerer
 Frank Moore, Douglas *
 Phil Morris, Cheyenne
 Charlene Murdock, Gillette
 Jim Nelson, Cody
 Fred Patsky, Rock Springs
 Elmer Parson, Casper *
 Bob Peck, Riverton
 John Pope, Laramie *
 Jim Porter, Casper *
 Mickey Powers, Cheyenne
 Dave Reynolds, Lander
 Tom Reenan, Cheyenne *
 Jack Rogg, Denver, CO
 Rick Robbitt, Casper
 Judy Sealey, Encampment
 Lorne Schmidt, Sheridan
 Tom Stuckey, Cheyenne *
 Bill Tatalano, Rock Springs
 Bob Tarentola, Casper
 Chuck Townsend, Newcastle
 Joanne Tweedy, Gillette
 Donna Welford, Mills *
 Peter Wolk, Casper

Executive Staff

Bill Schilling, President
 Ingrid Hart, Office Manager
 Nicole Rhoades, Administrative Assistant

May 23, 2003

JMH CAP

BLM Rock Springs Field Office
 280 Highway 191 North
 Rock Springs, WY 82901-3447

Dear Sir:

The Wyoming Business Alliance represents over 1200 businesses. We have followed with keen interest the Jack Morrow Hills debate.

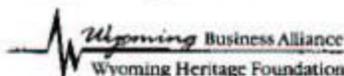
Our concerns and recommendations can be summarized as follows:

1. The initial "preferred alternative" as set forth in the June 2000 EIS was too restrictive to oil and gas, grazing and off-road vehicle uses.
2. Withdrawal of the 80,000 "core area" in the original document was unfortunate. The BLM tactic was designed to thwart access to energy resources.
3. The tactics employed by former Secretary of Interior Bruce Babbitt were insulting. Essentially the "new conservation alternative" is a no multiple use agenda fostered by the environmental community - - a community which completely underestimates the economic and the tax importance of Wyoming's mineral industry.
4. At the present time the economic data regarding oil and natural gas potential is on the conservative side. The 3-5 trillion cubic feet estimate could be revised upward once the state's geological survey analysis is completed.
5. The federal government is attempting to establish a National Energy Plan - - something which is long overdue. That BLM continues to put roadblocks in the path of energy development, lessening the likelihood of achieving energy independence.

Continuing Wyoming's Economic Heritage

145 South Durbin, Suite 101 Casper, Wyoming 82601 (307) 577-8000 Fax (307) 577-8003 Email: wyba@qwest.net www: wyba@vcn.com

6. The environmental community continues to insist on believing that energy development, grazing, etc. cannot co-exist with wildlife, scenic vistas, etc. The fundamental question is "when is enough wilderness, enough?"
7. The BLM's Jack Morrow Hills analysis fails miserably on this point -- the context of the potential withdrawal should be against the total lands already off limits to development in Wyoming -- approximately 7.5 million acres or 12% of all of Wyoming ("National Parks, Forest Service lands and "defacto wilderness" from roadless areas in forests).
8. The BLM December 14, 2001 Scoping Notice is blatantly biased toward wildlife and environmental perspectives (e.g., "responsibility of each generation as a trustee", "widest range of beneficial uses of the environment", etc.)
9. The decisions made regarding the Jack Morrow Hills EIS will not only effect this area of Wyoming but will set the stage for decisions and thinking on other BLM RMP's that will be debated and discussed over the next ten years.
10. The ramifications are enormous for Wyoming's economy. While there are many who oppose drilling and mineral development in Wyoming, the fact remains that Wyoming is a natural resource, mineral based economy. An elementary view of our state budget confirms this -- over 50% of state and local taxes come from minerals.
11. The State of Wyoming has made commitments to attempt to diversify the economy but in reality the populace of our state and elected officials are more interested in spending money on schools, social services and corrections as opposed to economic development (on a per capita basis Wyoming spends 1/3 of the national average for economic development).
12. While this argument may not be particularly germane on surface to the BLM and other federal agencies, the reality is that federal employees working in Wyoming consume services that are funded by the mineral sector.
13. The opponents arguments seem to be always the same -- protection of wildlife habitat, migration corridors, scenic vistas, open spaces, clear air, clean water. These points are shrill compared to reality -- reality being that industry working with federal and state land managers has done an effective job in protecting the environment for a great number of years. This includes the Jack Morrow Hills area.
14. Missing in the entire debate about Jack Morrow Hills and other resource development is the fact that there is really no alternative at the present time to replace mineral income needed for state services.
15. Evidence suggests that wildlife numbers are up, not down, which runs counter to opponents of mineral development arguments.



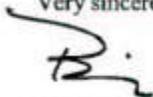
Associations Partnership: Venture West Network • Wyoming Automobile Dealers Association • Wyoming Bankers Association • Wyoming Certified Public Accountants • Wyoming Chamber of Commerce Executives • Wyoming Coal Information Committee • Wyoming Contractors Association • Wyoming Farm Bureau Federation • Wyoming Lodging and Restaurant Association • Wyoming Manufacturing Association • Wyoming Mining Association • Wyoming Petroleum Association • Association of Wyoming Realtors • Wyoming Stock Growers Association • Wyoming Timber Association • Wyoming Trucking Association • Wyoming Wool Growers Association • Wyoming Economic Development Association • Wyoming Outfitters and Guides Association

It is the Wyoming Business Alliance's position that virtually all of the Jack Morrow Hills area should be open and available for grazing, mineral development and other multiple-use activities. The original preferred option should be amended as such: the current "conservation alternative" should be shelved.

Wyoming does not need any more "defacto wilderness" acreage. There exist numerous rules and regulations governing wildlife use activity that allows for protections of areas like Steamboat Mountain and the White Mountain Petroglyphs.

Jack Morrow Hills is simply another "cause celebre" - - another area to withdraw from productive uses. Withdrawing these lands is a strategy to building the case for more land withdrawal (directly or by cause) elsewhere - - the ultimate end being less grazing, less mining and less economic return for the State of Wyoming and the Nation.

Very sincerely,



Bill Schilling
President



Associations Partnership: Venture West Network • Wyoming Automobile Dealers Association • Wyoming Bankers Association • Wyoming Certified Public Accountants • Wyoming Chamber of Commerce Executives • Wyoming Coal Information Committee • Wyoming Contractors Association • Wyoming Farm Bureau Federation • Wyoming Lodging and Restaurant Association • Wyoming Manufacturing Association • Wyoming Mining Association • Wyoming Petroleum Association • Association of Wyoming Realtors • Wyoming Stock Growers Association • Wyoming Timber Association • Wyoming Trucking Association • Wyoming Wool Growers Association • Wyoming Economic Development Association • Wyoming Outfitters and Guides Association