

APPROVED JIO/PAPO MANAGERS COMMITTEE MEETING MINUTES

December 1, 2011

8:30 am – 11:30 am Pinedale Anticline Project Office (PAPO)

11:30 am – 1:00 pm Jonah Interagency Mitigation and Reclamation Office (JIO)

BLM State Office, 5353 Yellowstone Road, Cheyenne, WY

1st Floor Conference Room

Welcome and Introductions: Chairman Corra

ATTENDING:

Committee: Chairman John Corra (WY DEQ Director), Joel Bousman (Sublette County Commissioner), Jason Fearneyhough (WY Dept. of Agriculture Director), Don Simpson (BLM Wyoming Director); (non-voting) John Emmerich in lieu of Scott Talbott (WY G&F)

Public: Cally McKee, Ultra; Art Reece, Margaret Spearman, Ultra/Shell/QEP

Staff: Windy Kelley, WDA/JIOPAPO; Chris Wichmann, Doug Miyamoto, WDA; Cara Keslar, Jeni Cederle, Kelly Bott, WDEQ/AQD; Therese Hartman, Dan Stroud, WGF; BLM: Eric Decker, JIO/PAPO Coordinator; Jodi Camrud, Assoc. Director, High Desert District; Shane DeForest, Manager, Pinedale Field Office; Mary Paxson, scribe, State Office

via conference phone: JIO/PAPO staff Jennifer Frazier, WDEQ/AQD; Theresa Gulbrandson, BLM;

PAPO

Agenda: Chairman Corra, with Board agreement, moved item “DEQ Funding Proposal” to later in the agenda to accommodate Shane DeForest’s schedule

Review and approval of May 2, 2011 Meeting Minutes

- ❖ Don Simpson noted one change:
 - PAPO Minutes, page 4, last bullet before section “PASQUA Update...” should read: “> John MacDonald: precipitation gauges will be purchased”, striking: ~~for the~~ at the end of that line
- ❖ ACTION: Joe Bousman moved; second: Don Simpson; Board unanimous to approve minutes as changed

PAPO Budget Update

- ❖ Sheila Keating, BLMWYO Management Analyst, High Desert District, presented the 3 page budget report
- ❖ after taking into account:
 - projected salaries for 2012 (\$600K)
 - approved monitoring projects for 2012 (\$1,061)
 - other balances from approved projects not paid to date (\$2,912)
 - industry deposits expected December 2011 (\$2.7 million) [well spud payments for 9.13.10 to 9.13.11)
- ❖ bottom line: the projected total remaining funds as of December 2011 meeting is \$2,408,000
- ❖ board conclusion:
 - taking all known and expected income/outgo into account for the long term, approximately \$1.1m remains unobligated
 - as projects go on the ground, actual versus estimated costs will change: some will cost more and some less; board/staff need to be prepared for the needed/necessary flexibility

Investment Income Overview

- ❖ David Kling, First Interstate Bank, presented handout
 - described the short, mid, and long term investments, influences of the market, and their performance since the spring Board meeting
 - the return on the investments has been maintained at 3-4%

- ❖ DISCUSSION:
 - Don Simpson: the bank has achieved the goals as previously expressed by the Board; continue to invest in 1-5 year instruments, providing a new 5 year estimate each spring
 - Chairman: 3 CDs expire in December – need to determine where to put those funds
 - \$2.7m spud income in December will automatically go into the custodial account
- ❖ Chairman motion: let the expiring CDs go into the custodial fund, along with the spud money; next meeting provide the bank with a new 5year budget outlook and determine what to do with funds in the custodial account within the confines of project and operations cash needs
- ❖ ACTION: Joel Bousman moved to approve the motion; Jason Fearneyhough second; Board unanimous
- ❖ Board expressed its appreciation of the report and the bank's efforts

SWEPI Reimbursement for Pronghorn Collaring/Monitoring

- ❖ Therese Hartman-WGF presented handout explaining status of research project
 - okay to pay the companies' invoice now
 - some of the research data will not be released due to proprietary status of research
 - Game and Fish did receive all the data it needs to do their winter assessment analysis
- ❖ Margaret Spearman of Ultra will coordinate to make sure each participating company gets its rightful share
- ❖ ACTION: Joel Bousman motion to pay the \$144,650; Jason Fearneyhough second; Board unanimous

Collaborative Agreement between USGS and JIO/PAPO on Project Database

- ❖ Eric Decker presented handout of the proposed collaborative agreement between the USGS and JIO/PAPO
 - current agreement expired 9.30.11
 - agreement provides a database that shows surface disturbance and reclamation funding will be for continuation of Phase 1 (\$84k) and Phase 2 (\$19.6k) for a total of \$28k from 10.1.11 through 9.30.12
 - these are annual recurring costs
 - there is a Phase 3, which will likely be presented at the 2012 spring Board meeting and will require additional funding
- ❖ DISCUSSION:
 - PAPO is getting its money's worth so far
 - paid to date to USGS: \$250k to develop initial systems; Phase 2 (maintenance and technical assistance) costs come in at the \$19.6k annually
 - USGS can do this more cost effectively than any other agency/entity
 - Currently, the database information relating to Jonah is available to everyone on line; when ready, the PAPO will be put on line - the JIDMS link will be provided to the Board by Windy Kelley
 - has been funded 50-50 by each JIO/PAPO
 - because the majority of the expenditure relates to PADMIS, staff needs to review the proposed \$28k to make sure those are viable beyond FY12
- ❖ Motion: approve to continue funding at the current 50-50 split, with direction to Eric/staff to make an analysis of the value of product by end of FY12
- ❖ Action: Motion moved by Joel Bousman, seconded by Jason Fearneyhough; Board unanimous

DEQ Funding Proposal

- ❖ Eric Decker provided a memo and the official funding request from WYDEQ
 - the current air analyst position conducts monitoring, air quality analysis and forecasting in the PAPA and upper Green River Basin and funding for this position ends 2.29.12
 - air quality issue has grown in scope and complexity, resulting in an expansion of the initial timeframe

- proposal before the Board is to extend the position/funding for 2 years & 4 months
- ❖ DISCUSSION/ACTION:
 - current state of Wyoming budget constraints don't allow DEQ to make this a permanent position, nor to pay for the extended 2+ year needed
 - \$169k is requested to fund the position through June 2014
 - DEQ will make every effort to contribute remainder of the original travel/supply budget to this position; any unexpended travel/supply funding at June 2014 will be returned to the PAPO fund
 - this action requires WDEQ, AQD to request an adaptive management change per the ROD (which DEQ has done) and will require the following prior to Board action:
 - ✓ public comment period, which includes notice to the PAWG, PAPO Board and operators
 - Don Simpson: position activities certainly benefit PAPO as well as other efforts in the area; all should continue to seek cost sharing with partners
 - ✓ Joel Bousman: everyone recognizes air quality is the top priority; operators and others perceived as willing to pitch in on costs
 - ✓ Chairman: recommends BLM build funding for air quality work into operators' mitigation funding requirements for those projects coming on line, to ensure sufficient funding for the future
 - timeline: Board decision needs to be made, so if funding is approved, there is time to put it into place prior to the 2.29.12 expiration
 - path forward agreed upon by Board consent
 - ✓ until end of January 2012, all involved parties should be working on various contributing funding source options
 - ✓ by 2.1.12, all information to the Board for an electronic vote

Sublette Mule Deer Habitat Assessment Update

- ❖ Dan Stroud, WGF/JIOPAPO presented handouts:
 - a copy of the 1st 7 slides presented during the October 2011 annual wildlife meeting in Pinedale showing assessment and project sites
 - annual report, "Mule Deer Monitoring in Pinedale Anticline Project Area," by West Inc.
 - summary of acres and data points relating to the habitat assessment
- ❖ Discussion:
 - activity has been focused mostly on areas outside the sage grouse core areas
 - setting the stage for a 10 year plan for project identification and implementation
 - for NEPA – and EAs - will need to determine:
 - ✓ whether to do on a project-by-project basis or on a landscape approach
 - ✓ whether to do in-house (to tie in with other processes related to grazing permit renewals) or hire a contractor for cultural survey and NEPA work
 - ✓ a funding project will soon be prepared for May 2012 Board decision
- ❖ Discussion:
 - Joel Bousman: coordination with permit holders must be number 1 on the list of things to do; that coordination must also ensure who is responsible for what, i.e. BLM rangeland and private lands
 - Eric Decker: as everything moves forward, PAPO staff will ensure all appropriate entities are included in the process
 - Don Simpson: 10 year plan should be developed to include all the potential partners, to determine what funding they would bring to the table, before decisions are made about who is to pay for what
 - Dan Stroud:
 - ✓ should proceed with implementation of projects as recommended, then expand the area covered, staying within the 5% disturbance criteria for sage grouse core areas
 - ✓ Shane to be invited to their next meeting

- ✓ a safe estimated cost would be \$200/acre
- ✓ not only focused/beneficial to mule deer; sage grouse and other wildlife will benefit
- Chairman question to operator representatives:
 - ✓ is this the sort of project valuable in addressing industry concerns over mule deer numbers and habitat issues?
 - ✓ Art Reece: the intent of the Draft SEIS was lost in the final language; this approach is consistent with the intent of draft/redraft language
- Timeline:
 - ✓ Chairman: plan won't be implemented until some unknown date in the future, all dependent on NEPA determinations, public and partners meetings, etc.
 - ✓ Shane DeForest: this process was initiated in 2010; this is the logical sequence of events; next meeting will have the information needed to initiate the planning process (cultural, NEPA, etc.) ; cultural work and EAs done in calendar year 2012/2013; the 2013 field season is when project work would likely commence.
 - ✓ the Mesa Fertilization Project is the bridge between now and 2013
 - ✓ Don Simpson: (regarding 2013 and beyond) the next steps to expand the fertilization project will occur in some logical manner in the areas around the current sites
 - ✓ Shane: current area includes the Mesa, Mesa flanks, and in the pie shape wedge to the west and north along the migration route
 - ✓ this effort is not a one-time thing; projects started in 2013 and beyond will continue to build on the existing plan; other partners can help with that expansion by doing some work on their own

Wildlife Monitoring Update

- ❖ Therese Hartman, WGF, presented the Monitoring Summary, along with 2 handouts: 2010-2011 Snow Depth/Traffic Summary and 2011 White Tailed Prairie Dog Monitoring in PAPA
 - mule deer: to use new generation collars that will last 3 years (longer battery life), but data can't be collected until they fall off at the end of the 3 years; the same animals will be recollared for lifetime monitoring
 - pronghorn: will also use new collars that will have 2 year data collection lifespan
 - sage grouse:
 - ✓ in-house staff are now conducting lek surveys, winter concentration surveys, and noise monitoring
 - ✓ will have 3 years of data from flight monitoring
 - ✓ changed criteria for noise data since 2010; have contracted with UC Davis for appropriate ambient noise levels to use in the future
 - traffic/snow:
 - ✓ others use this data for their analyses
 - ✓ measuring equipment damaged in 2011; will have to be replaced
 - ✓ originally data collection only, added a reporting component in 2012, at \$1200
 - pigmy rabbit: increased survey plot numbers has resulted in an increase in cost
 - white tail prairie dog: best protocols determined to be mapping towns and surveying for burrow density; contractor will now be able to begin comparisons of data following the matrix
 - raptors: not part of the Matrix Species, in 2012 will shrink the monitoring area to the core/PDA areas with a 1 mile buffer, to save costs
- ❖ Discussion:
 - Don Simpson/Jason Fearneyhough: make sure the reports are addressing the required parameters of what is in the ROD ; can add additional collected information as an addendum
 - Art Reece: per the operators at annual wildlife meeting; researchers are going beyond the information required in the implementation Matrix, which adds to the cost

- Therese: the additional information is allowing them to know the deer habits, etc. to address the population/migration concerns
- Chairman: operators' concerns are points well taken, encouraged the parties (operators and WYGF/PAPO) to work the issue out between themselves

Mesa Fertilization Update

- ❖ Dan Stroud presented a copy of the powerpoint used at the annual wildlife meeting along with a summary of 2010/2011 efforts and 2011 implementation
 - has found there is a great deal of interest in the project
 - the areas selected represent those that need immediate attention
 - will talk with Pete Stahl, UW Reclamation Center, to talk about partnering to help ensure the monitoring sampling is more statistically viable
 - as a result of effort to date, have seen an increase in sagebrush leader growth
- ❖ Discussion:
 - Shane DeForest: cannot understate the level of interest in this project ; folks are interested in how success will be measured
 - Chairman: what criteria is needed to measure success
 - ✓ at the start of any project, the basis for initial assumptions are made upon 'known' information
 - ✓ simply put in this situation, the number of deer today vs. the number of deer at some point in the future is what everyone wants to know
 - ✓ any increases in numbers helps measures success
 - John Emmerich:
 - ✓ the monitoring techniques in place now will result in knowing if the overall population has stabilized or increased, which is all that can be answered
 - ✓ there is not enough staff or money to have 100% scientific/statistical evaluation of the benefit of each individual enhancement project on deer
 - ✓ need to look at the overall deer population response on winter range
 - Don Simpson: per specific projects, i.e. fertilization, Dan Stroud's work will produce sufficient results to direct future efforts – to know whether to continue or to stop
 - Chairman: in the future, how we say it and how we describe it is ultimately the key to effective reporting

Project application summary for PAPO funding

- ❖ Board quickly reviewed material provided by Eric Decker regarding those PAPO project requests, which are now known
 - these applications will be action items at the spring 2012 meeting
 - additional projects not included in the handout are: a water quality project \$373k for two years; mule deer winter range patrol at \$10-15k for one year and a cultural survey project that relates to the mule deer habitat improvement project

Public Comment

- ❖ Art Reece: with regard to projects that will be presented to Board, urges the Board to ensure those projects are following the wildlife matrix, to ask themselves what is being mitigated, and if there is data proving it is needed/working, per the Wildlife Matrix in the ROD, monitoring is to take place within a two year period
 - Eric Decker: there will be modified project selection criteria to help ensure project selection priorities are aligned closely with the ROD

**MOTION TO ADJOURN PAPO: Joel Bousman, second Don Simpson, Board unanimous
Chairman: Adjourn at 11:34am**

Break

11:45 CONVENE JIO

Welcome and Introductions: Chairman:

ATTENDING:

Committee: Chairman John Corra (WY DEQ Director), Jason Fearneyhough (WY Dept. of Agriculture Director), Don Simpson (BLM Wyoming Director); (non-voting) John Emmerich in lieu of Scott Talbott (WY G&F)

Public: Graham McGuffin, WSGALT; Cally McKee, Ultra; Art Reece, Margaret Spearman, Ultra/Shell/QEP

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via conference phone: JIO/PAPO staff Jennifer Frazier, WDEQ/AQD; Theresa Gulbrandson, BLM

Review and Approval of May 2, 2011 meeting minutes

there were no changes and the minutes were accepted as read

JIO Budget Update

- ❖ Sheila Keating, HDD Management Analyst, presented the JIO Budget Summary as of 11/18/2011
- ❖ after taking into account:
 - projected salaries for 2012 (\$500)
 - other balances from approved projects not paid to date (\$1,799)
- ❖ bottom line: the projected total remaining funds as of the December 2011 meeting is \$4,621,000

JIO Transition Options and Recommendation

- ❖ Board reviewed JIO Transition Option 3/3A (**attached**) as provided by Eric Decker
 - Transition Options Document presented at the May, 2011, Manager meeting
 - new document detailing Option 3/3A
- ❖ DISCUSSION
 - Option 3A is the staff preferred alternative
 - assumes no new funding of proposals
 - Board consensus that any staffing requirements after 2015 would be absorbed by the appropriate agencies within their normal duties
- ❖ MOTION:
 - use all remaining dollars to support staff positions, as recommended below, for required monitoring and project management activities outlined in the JIO Transition – Option 3/3A document through 2020; no new project funding
 - approve funding for the DEQ/AQ inspector position through 2020 for \$700k
 - approve staff time funding for WGF, WDA or BLM in addition to the duties of the DEQ/AQ position through 2020 for \$1.4m, as outlined in the JIO Transition Option 3/3A for:
 - ✓ salary
 - ✓ monitoring and data management
 - moved by ____, seconded by Don Simpson; Board unanimous

Project application summary for JIO funding

- ❖ Board noted there would be no action on the six pending applications, in light of the previous topic's decision to not fund any new projects with remaining JIO funds

Public Comment

- ❖ Graham McGuffin, Wyoming Stock Growers Association Land Trust, thanked the Board and staff for the work they are doing to preserve the wildlife and agricultural culture in the Upper Green River

There being no further business, the Board unanimously agreed to adjourn