



November 9, 2017

Derek J.S. Ibarguen
Deputy Forest Supervisor
Bridger-Teton National Forest
P.O. Box 1888
Jackson WY 83001

Response to Forest Service's offers of resolution to our Objection to: "True Oil, LLC—Lander Peak Area Exploration Proposal" Big Piney District, Bridger-Teton National Forest

Dear Derek,

The Wyoming Outdoor Council, The Wilderness Society and Greater Yellowstone Coalition appreciate the Forest Service's time in meeting with us, both in the office and onsite this summer to discuss our objections to the Forest Service's Environmental Assessment. The purpose of the EA is to assess, and where possible to mitigate, the impacts of True Oil's drilling operations on the resources of this sensitive area of the Bridger-Teton National Forest.

We appreciate and support the following offers:

- 1) A prohibition on diesel fracking fluids;
- 2) Third-party groundwater and surface water sampling and analysis;
- 3) Noxious weed prevention and treatment protocols; and
- 4) Burial of cuttings at an existing well pad farther away from Bare Creek should the tests show they do not need to be removed entirely off site.

Unfortunately, the other offers fall short of remedying our concerns, as explained in more detail below:

- 1) We ask that the Forest Service rethink its decision not to require additional bonding from True Oil. If its decision remains the same, it should provide its rationale. Frankly, it is difficult to understand how after years of public comments raising concerns about True Oil's (and its affiliates') documented operational track record of spills and pipeline ruptures that the Forest Service didn't even acknowledge this reality in the EA. Our groups alone supplied pages of evidence regarding its history of spills and pipeline ruptures in Wyoming and Montana that polluted water, threatened public health and harmed public land. We believe the Forest Service

improperly ignored relevant information, and in doing so, made an unformed decision to not require additional bonding. This is not a run of the mill gas field on flat land in some intensely-developed field. Rather, it's a highly sensitive part of a treasured national forest that provides habitat for core conservation populations of Colorado River cutthroat trout and other wildlife species.

- 2) We are skeptical that compressor stations and/or larger diameter pipelines won't be needed to ensure True Oil a reasonable rate of return should its wells be productive. True Oil should disclose plans for compressor stations, and the Forest Service should analyze those impacts, taking into particular consideration noise impacts.
- 3) The protocols for preventing aquatic invasive species introduction are not nearly specific enough. In its list of conditions of approval, the Forest Service should name the specific types of all equipment, e.g. hoses, cylinders, etc. that must be inspected and cleaned prior to the equipment being allowed on the national forest.
- 4) We would like more detailed information about the kind of containment structures True Oil agreed to construct around the frack tanks to contain leaks or spills of flow back water. Without more information, it is difficult to assess whether this is an adequate remedy.
- 5) Because True Oil has a Tier III drill rig in its fleet—and because air quality has been and continues to be a concern in the Upper Green River Basin—True Oil should agree that only Tier III rigs (or better) will be used to drill on the national forest.
- 6) The truck traffic estimates remain unreliable. The equation for fewer truck trips is based on the presumption that True Oil will purchase water from an adjacent landowner. However, as of three days ago, True Oil had not even contacted that landowner to discuss a purchase agreement. Similarly, the type of fracking operation used (e.g. gel v. slickwater) will affect truck traffic. The details of True Oil's operations have not been adequately disclosed, nor has the Forest Service adequately analyzed them. It is not fair to ask objectors to agree to something that is still very much an unquantified impact.

The following items were important to us in our original objection, but were not included as offers to remedy our concerns. We'd ask for the Forest Service's reconsideration on these:

- 1) True Oil should provide compensatory mitigation to the Wyoming Game and Fish Department to help offset the potential harm its proposal could have to Colorado River cutthroat trout on site.
- 2) The Forest Service should ensure that each sentence in the EA that commits to a mitigation measure contains a subject. In other words, many of these commitments are now worded in the passive voice, e.g. "speed limits will be enforced, environmental awareness training would be provided, erosion would be monitored, a fire management plan would be prepared." If these are commitments the Forest Service is requiring of True Oil, the company should be the subject of the sentence, and each sentence should include a "will" or a "shall." If these are measures that third-party contractors will undertake, that should be noted instead. If the Forest Service, DEQ or WGFD will take some of these actions, that too should be clarified. There should be no question as to the

exact entity that is responsible for each mitigation measure.

- 3) Because this part of the Wyoming Range is one of the most popular and beautiful areas of the southern Bridger-Teton, any damage True Oil's operations may have will be unacceptable and incredibly controversial. We ask the Forest Service to consider forming a citizens' working group—as was once established for the Pinedale Anticline—where the Forest Service, BLM, DEQ, WGFD and True Oil can routinely provide information regarding the project's development, and the results of the monitoring to a diverse stakeholder group including recreationists, anglers and hunters, conservation groups, landowners, county or state personnel, and others. This would provide an additional layer of oversight and accountability.
- 4) Before any ground breaking activities and with input from the citizens' working group (described above), the Forest Service should prepare and disclose to the public a detailed monitoring plan for this project, including the aspects of the operation that will be monitored, the resources that will be monitored, the Forest Service staff member(s) who will be responsible for the monitoring, an acknowledgement of the frequency with which the monitoring will occur, and the actions the agency will take if violations are found, or if impacts to resources are occurring.
- 5) If the Forest Service cannot commit a staff person or persons to the necessary monitoring described above, then True Oil should cover the costs of an independent third-party contractor (that the Forest Service hires) to oversee True Oil's operations and to undertake this monitoring.
- 6) Given the company's numerous pipeline ruptures resulting in massive spills that have contaminated soil and drinking water in Wyoming, North Dakota and Montana, there should be specific and frequent monitoring of True Oil's pipelines and gathering lines. We suggested in the mitigation section, above, that True Oil replace its current lines with new pipe. The Forest Service should require an initial third-party inspection for these new lines, and should require routine third-party inspections of the lines for the life of the project. True Oil should cover the costs of these inspections.

We would ask the Forest Service to consider these counter-offers, and sincerely hope that there will be an additional opportunity to reach a resolution to our objections.

Sincerely,



Lisa McGee, *Lead Objector*

Wyoming Outdoor Council
262 Lincoln St.
Lander, WY 82520
lisa@wyomingoutdoorcouncil.org
307.733.3845

and on behalf of:

Dan Smitherman
The Wilderness Society
P.O. Box 4555
Jackson, WY 83001
dan_smitherman@twc.org
307.690.1737

Siva Sundaresan
Greater Yellowstone Coalition
215 S. Wallace Ave
Bozeman, MT 59715
ssundaresan@greateryellowstone.org
307.335.5331