



December 1, 2015

Mike Thom, Acting District Ranger
Big Piney Ranger District
Bridger-Teton National Forest
P.O. Box 218
Big Piney, WY 83113

RE: Lander Peak Area Exploratory Proposal scoping comments; submitted electronically

Dear Mike,

In 2012, Wyoming Outdoor Council, The Wilderness Society and Greater Yellowstone Coalition submitted scoping comments regarding True Oil, LLC's proposed Lander Peak Exploration Project on the Bridger-Teton National Forest. We appreciate the opportunity to re-submit those past comments together with these additional ones. We ask that the issues encompassed in both are fully considered and analyzed.

Our organizations have a long history of involvement with oil and gas leasing and drilling proposals on the Bridger-Teton National Forest. We worked for many years to see passage in 2009 of the Wyoming Range Legacy Act, which withdrew 1.2 million acres of the forest from future oil and gas leasing. After that we focused on what became a successful \$8.75 million purchase and retirement of 58,000 acres of PXP's oil and gas leases in the Upper Hoback. Presently, we continue to advocate the cancellation and withdrawal of the contested 39,524 acres along the eastern front of the Wyoming Range, a portion of which is adjacent to True Oil's leases.

Our organizations have also long been engaged with oil and gas leasing and drilling on BLM lands in the Upper Green River Basin. We've participated in and continue to work within myriad project-level NEPA processes regarding the Pinedale Anticline and Jonah Fields, the LaBarge Infill, the Normally Pressured Lance and others. We were also active in the revision of the Pinedale Resource Management Plan. Our primary focus in the Upper Green is to ensure these developments are "done right" by incorporating the mitigation hierarchy of: 1) avoidance of impacts; 2) minimization of impacts; 3) mitigation of impacts; and 4) off-site monetary compensation for impacts incurred. We have advocated new and effective state pollution control policies and protective wildlife policies, and we continue to urge the BLM to recognize the many ways in which it can and should condition oil and gas development to safeguard other important multiple uses on our public lands.

The oil and gas lease (WYW 016419) on which True Oil proposes to drill dates from 1969. We understand the company has four wells in production either on this lease or on an adjacent one.¹ Although outside the Wyoming Range Legacy Act boundary,² this area possesses all the values that the legislatively protected area holds. Had True Oil's wells not existed in 2009, there is no doubt this part of the forest would have been included in the Legacy Act's protections, and for good reason. Its wildlife and recreation values, as well as its cold water fisheries—in particular its value as an isolated refugia for Colorado River cutthroat trout—are unparalleled. For those of us who know and love this part of the Bridger-Teton, expanding drilling operations (whether to two wells or 40)³ is extremely concerning. We fear typical mitigation measures will fall short because of the sensitive and important resources at risk.

It is for this reason that we ask the Forest Service and the BLM to take several concerted steps to ensure this project is appropriately analyzed, and if authorized, that it is done so only under the most protective of mitigation measures.

I. Adequate Scope of Analysis

The scope and extent of any environmental analysis needs to consider True Oil's Master Development Plan. In October 2010, True Oil submitted a three-phase proposal for a Master Development Plan (MDP) of 40 gas wells, including what appears to be the exact two exploratory wells included in this scoping notice, plus 38 additional gas wells. True Oil's MDP was enclosed as Attachment #3 in our prior 2012 scoping comments.

Although we understood three years ago that True Oil withdrew its full MDP application, asking for approval of only its Phase I exploratory operations, the company submitted highly detailed plans stating its intention to significantly expand its operations in this area. This larger MDP was not mentioned in the original scoping notice nor was it mentioned in this one, even though it is clearly connected to, and a reasonably foreseeable future action that could result from, the proposed action itself.

The Forest Service should require True Oil's submission of a full field development proposal so that it can be considered in this (or any subsequent) environmental analysis before another well is permitted. Four individual exploratory wells were authorized before True Oil was required in 1988 to submit a proposal for field development in the (then) Soda Unit. Within this incremental analysis the Forest Service opted to postpone a cumulative impacts analysis until after the wells were authorized—something NEPA specifically prohibits. Please see EA for Soda Unit Federal 42-27 Exploratory Gas Well, Sept.

¹ We ask the Forest Service to clarify the number of leases True Oil holds in the Wyoming Range. Please also include information regarding status of the Unit. Please include maps showing the leases, acreage, unit boundary and the locations of existing and proposed wells.

² True's leases were excluded from the Wyoming Range Legacy Act boundary because they were held in production at the time of the Act's passage. They are almost entirely surrounded by lands now protected by the Act.

³ True Oil submitted a 3-phase proposal for a 40-well Master Development Plan in October 2010, which included the two wells under consideration in this EA.

1986 at 17, stating, “The cumulative effects analysis for this proposal has been deferred and will be performed as part of the upcoming field development analysis, which will include this well along with other wells in the Soda Unit.” Id.

The Forest Service and the BLM should not wait to consider impacts from the potential larger-scale development—especially when that proposal already exists. The agencies have a responsibility to consider not only individual actions, but also to consider the impacts when these are compounded together. These two wells should be considered along-side the four wells already in existence and the 38 other wells that could result.

Even if the agencies decline to analyze the likely impacts from True Oil’s full field MDP, it remains crucial that an adequately thorough analysis is prepared. We are skeptical that an EA is the appropriate level of analysis, as other similarly-sized proposals (like PXP’s initial 3-well exploratory proposal in the Noble Basin) necessitated an EIS from the start. We trust that during the preparation of the EA, however, the agencies will conclude that because of the sensitive—and in some cases irreplaceable—resources at stake on this part of the Bridger-Teton, that this project represents a “major federal action significantly affecting the quality of the human environment” warranting an EIS. 42 U.S.C. § 4332 (2)(C).

The following information should be included in the analysis:

- 1) Lease information, prior NEPA documentation and maps: The Forest Service should disclose to the public and include in its analysis True Oil’s operable leases, including terms and conditions, a listing of any and all stipulations, controlled surface use and timing limitation stipulations, and lease notices. Although True Oil’s leases predate the current 1990 Forest Plan, the Forest Service should acknowledge that the standards and guidelines in the plan relative to oil and gas development will apply to True Oil’s leases (in the form of conditions of approval).

We ask the Forest Service to include on its website or include as an Appendix to the analysis all accompanying EAs/DNs associated with leasing and with the approval of APDs for the existing wells on site. We also ask the Forest Service to include detailed and easy-to-decipher maps of the project area. Lease ownership, as well as a physical description of the project area (e.g. topography/slope, soil composition, acreage) should be discussed and illustrated. Moreover, maps should illustrate the project’s proximity to the 39,524 acres of contested leases and the 2009 Wyoming Range Legacy Act boundary.⁴

- 2) Units: Please provide an overview and history of the area in the Soda Unit, a Unit which we understand is expired. Please also provide information about the new Lander Peak Area Unit and include the unitization agreement in the EA.

⁴ The scoping notice incorrectly states that the Wyoming Range Legacy Act was passed in 2007.

- 3) Drilling sequence, depth and well pad size: It is unclear which proposed well will be drilled first. Please specify. Please also provide all “downhole” information including depth of target formation and extent of any horizontal drilling as well as details about fracking operations. In addition, please confirm the proposed well pad sizes. And, to reflect that this exploratory well is part of a proposed field, the Forest Service should include pertinent information regarding what the eventual “downhole” spacing would be for this formation if it proves productive. A full discussion and illustration of the proposed casing and cementing of the well bores should be included in the analysis so that the public can be assured these are adequate to protect groundwater.
- 4) Changed circumstances: Significant changed circumstances now exist in the Green River Basin since the Forest Service approved True Oil’s existing wells in 1981, 1985 and 1986. These changes—including, but not limited to expanded industrial energy development in Sublette County and the resulting adverse impacts of degraded air quality, contamination of groundwater, declining wildlife populations and the presence of new threatened, endangered and sensitive species—should be included in the analysis.
- 5) Forest plan consistency: The Forest Service should address consistency with the current Bridger-Teton Forest plan including objectives, standards and guidelines for all affected resources including wildlife, fisheries, recreation, clean water and clean air.
- 6) 39,524 acres of contested oil and gas leases: True Oil’s proposal is adjacent to and nearly surrounded by acreage within the Wyoming Range Legacy Act of 2009, particularly the still-unresolved 39,524 acres improperly offered for oil and gas lease sale in 2005-06. The Forest Service should consider the potential positive (i.e. if the leases were cancelled and withdrawn) and adverse (i.e. if the leases were authorized/issued and ultimately developed) cumulative impacts that would result depending on the disposition of these leases.
- 7) Migratory, big game animals: The Forest Service should refer to and incorporate the most up-to-date big game data and seasonal range designation maps in its analysis. It should consider the potential direct, indirect and cumulative impacts associated with this proposal, and the impacts of this proposal coupled with other past, present and reasonably foreseeable future actions including, but not limited to, the Pinedale Anticline, Jonah Field, LaBarge Infill, and Normally Pressured Lance.
- 8) Canada lynx: True Oil’s proposed development is located in designated critical lynx habitat and is adjacent to the 39,524 acres of oil and gas leases that remain contested. Documented lynx presence with these acres was one of the reasons the Forest Service cited for its initial decision not to lease (i.e. cancel and withdraw leases issued and offered in 2005-06) on January 25, 2011. True Oil’s plans for even small, industrial expansion in the area should not be allowed to adversely affect lynx or its habitat. The Forest Service must consult with the U.S. Fish and Wildlife Service

prior to authorization of any expansion of its operations and the outcome of that consultation should be included in the NEPA analysis to allow the public to review and comment upon it.

We ask the Forest Service to include an analysis that encompasses all relevant data about lynx habitat and presence in and around the project area. It should reference any and all studies currently underway or completed about lynx in the region and include complete data, acquired from its own records and data from other state and federal agencies and institutions that will provide sufficient baseline information upon which informed management decisions can be made.

The Forest Service's cumulative effects analysis with respect to lynx should include all past, present and reasonably foreseeable actions (e.g. timber harvest, vegetation treatment projects, oil and gas development and others) coupled with True Oil's reasonably foreseeable 40-well development project and the possibility that the 39,524 contested acres could be developed.

- 9) Fisheries and amphibians: The Forest Service should consider the importance of the Bare and South Cottonwood Creek area to the survival of Colorado River cutthroat trout (CRCT), the most imperiled of the cutthroat trout subspecies and one of the Bridger-Teton's management indicator species. Bare and South Cottonwood Creeks are crucial to the perpetuation of this rare and important species. The analysis should also consider this watershed's importance to other native fish species and amphibians. Any analysis should include impacts from increased sedimentation as a result of erosion from road and well pad expansion/construction and other impacts (including spills or contamination) associated with a reasonably foreseeable development scenario. Moreover, adequate setbacks from streams and riparian areas of a quarter mile should be analyzed.

The Forest Service should include in its analysis the recent study entitled, "*The effects of oil and natural gas development on water quality, aquatic habitat, and native fish in streams along the Wyoming Range.*"⁵ The thesis study, by (then) University of Wyoming graduate student Carlin Girard, documented the elimination of CRCT from the Dry Piney Creek drainage as a result of nearby development in the LaBarge oil and gas field. In an interview Mr. Girard explained, "We found that streams within the developed drainages had degraded ecological conditions as indicated by the lack of sensitive macro-invertebrates, less willow cover along stream banks, predominantly run habitat and increased proportions of fine sediment." *Stream Suffers Oil Field Fallout*, Jackson Hole News and Guide, May 13, 2015. South Beaver Creek was a "reference" stream he sampled—one without adjacent oil and gas development. In contrast to Dry Piney Creek, South Beaver Creek "had consistently good water quality, intact macro-invertebrate communities,

⁵ Girard, Carlin E., *The Effects of Oil and Natural Gas Development on Water Quality, Aquatic Habitat, and Native Fish in Streams along the Wyoming Range*. M.S., Department of Zoology and Physiology, May 2015

more riparian vegetation, more pool and riffle habitat and higher proportions of gravel.” Id.

- 10) Greater sage-grouse: Sustaining healthy populations of sage-grouse by protecting the sagebrush habitat on which the species depends—even outside designated core sage-grouse areas—is of great importance. New research on noise impacts to sage-grouse is also available. This should be incorporated in the analysis if sage-grouse are present in the area. Please see *Ambient Sound Levels in Sage Habitats in Wyoming*, April 2014, Prepared by: Skip Ambrose and Chris Floriana John MacDonald, Pub (Dec. 31, 2014.)
- 11) Grizzly bears: We appreciate the Forest Service’s mention of grizzly bears in its list of important preliminary issues the analysis will consider. In its analysis, the Forest Service should consider the potential for conflicts that could result from increased human presence in the area leading to injury, harm, or direct or indirect mortality of grizzly bears—as well as risks to human safety. In order to protect human safety and the safety of grizzly bears, we recommend that the Bridger-Teton apply appropriate conservation measures in the South Cottonwood Creek area and consider mandatory food and trash storage orders. These measures benefit not only grizzly bears, but minimize human-wildlife conflicts with a host of other species.
- 12) Air quality: On April 30, 2012, the EPA formally designated Sublette County (and parts of Lincoln and Sweetwater Counties) in “non-attainment” with the National Ambient Air Quality Standard (NAAQS) for ozone. Moreover, the Forest Service itself has documented and forecasted visibility impairment in Class I and sensitive Class II Forest Service wilderness areas on the Bridger-Teton. For this reason, air quality and visibility impacts should be thoroughly considered in any analysis of True Oil’s proposed and foreseeable developments.

As we have stated in other comments related to oil and gas proposals on the Bridger-Teton, the Forest Service has an affirmative responsibility to protect air quality related values, including visibility over the lands within Class I areas, like the Bridger Wilderness.⁶ A decision to authorize activities such as oil and gas development that threaten to adversely impact the already degraded air quality in Sublette County and the reduced visibility in the Bridger Wilderness requires

⁶ This affirmative responsibility is stated in 42 U.S.C. § 7475(d)(1)(B). Forest Service wilderness areas are protected by provisions of the Clean Air Act. See 42 U.S.C. § 7401(b)(1) (stating that the purposes of the Clean Air Act are “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare....”); 42 U.S.C. § 7470(2), 7491(a)(1) (directing that air quality in protected landscapes and airsheds be protected). The Wilderness Act provides additional direction, requiring the Forest Service to administer wilderness areas so they are “unimpaired for future use and enjoyment as wilderness.” 16 U.S.C. § 1131(a). The goal established by the Clean Air Act is that “any future” impairment of visibility must be prevented and that “any existing” impairment of visibility must be remedied. 42 U.S.C. § 7491(a)(1) (emphasis added). Likewise, air quality must be “preserve[ed], protect[ed], and enhance[ed] in protected landscapes like wilderness areas, and the “affirmative responsibility” imposed on the Forest Service for these prevention of significant deterioration areas is to “protect” them, not to allow them to be incrementally degraded. Id. §§ 7470(2), 7475(d)(1)(B).

adequate air quality analysis and assurances that True Oil's activities will not contribute to an already serious problem.

Any air modeling or analysis should consider the 40 possible wells that could be drilled here. The analysis should include all categories of emissions that will occur during the construction and operating phases of future development including drilling the wells, emissions from compressor stations and other surface facilities as well as from traffic to and from the field and associated transportation activities. The analysis should disclose impacts to National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) increments, as well as impacts to air quality related values in Class I areas including visibility and deposition of nitrogen compounds in sensitive alpine lakes. The Forest Service should address certain pollutants of concern including NO_x and VOCs—both ozone precursors—and sulfur dioxide. It should also analyze fine particulate matter that contributes to regional haze, including PM₁₀ as a result of road dust emissions as well as the changes in acid neutralizing capacity of various high mountain lakes.

- 13) Water resources: Due to the large quantity of water needed for any new oil and gas development scenario, coupled with the threat of increased sedimentation that erosion from new or upgraded roads and expanded well pads will have on nearby streams, the Forest Service should ensure that its analysis of water resources—with respect to water quality and quantity—is complete and accurate.

In other projects that have been analyzed on the forest (e.g. the Noble Basin MDP EIS), the Forest Service noted generally that there is a lack of data with respect to groundwater resources on the forest. This reality should give the agency pause and should be cited as a rationale to study comprehensively the groundwater aquifers that may be affected by the future oil and gas development True Oil proposes and by the water well it proposes to drill. The Forest Service should provide data on aquifer structure, connectivity, recharge areas and water volumes in various aquifer zones. Additionally, it should thoroughly discuss the risks from potential groundwater contamination.

There are also numerous risks from the project that threaten surface water resources—especially with the close proximity to South Cottonwood Creek. The Forest Service should collect baseline data regarding stream quality prior to its preparation of this draft EIS and address the groundwater/surface water connectivity in the area and determine whether there are springs or other connections that make this area particularly vulnerable to spills.

- 14) Wetlands and riparian areas: The Forest Service should survey and map riparian areas and wetlands within the analysis area. It should require as a condition of approval adequate setbacks—now up to a quarter-mile in some fields—to prevent damage to these resources.

- 15) Recreation, tourism and socio-economic impacts: The Bridger-Teton plays a unique role in a regional economy reliant on the protection of natural resources in the Greater Yellowstone Area. The Forest Service should include in its analysis consideration of all economic and social drivers in the region with attention to the niche this part of the Bridger-Teton plays, especially in supporting long-standing and sustainable uses such as hunting, angling, dispersed camping and recreation. It should then consider the likely impact from these two to 40 wells on these users and economic drivers.
- 16) Noxious weeds: Ground disturbing construction activities that remove vegetation to allow for well pad construction/expansion are a major pathway for the spread of invasive plants. The Forest Service has a duty not only to monitor and mitigate the spread of invasive plants, but also to prevent their spread when possible. The Forest Service should address its responsibilities to prevent the spread of invasive species. The agency should fully analyze current vegetative conditions by creating a baseline study that documents and maps the native and non-native plants in the area. It should also require mitigation throughout the life of the project to ensure this project does not contribute to the spread of noxious weeds.
- 17) Noise: The Forest Service should address impacts related to noise especially from drill rig operations, compressors, generators and truck traffic. All of these will have an impact on the now relatively remote and quiet area if developed further. The analysis should also include the likely direct, indirect and cumulative impacts from noise to hunters, anglers, recreational users, wildlife and residents—especially ranchers—near the project area. The Forest Service should provide accurate and detailed information regarding truck traffic estimates for each phase of development.
- 18) Light Pollution: This area is popular with recreational users who appreciate solitude, quiet and a dark night sky. An assessment of increases in artificial light from new development should be included in the EA. The EA should include a discussion of ways to shield the light to reduce these impacts.
- 19) Greenhouse gas emissions: The Forest Service should quantify the amount of greenhouse gas emissions estimated to be released in the atmosphere during all phases of drilling and production for the two to 40 wells anticipated and address technologies/best management practices to contain these gases.
- 20) Monitoring and compliance: Given the Forest Service's prior lack of oversight of operations in this very field in 2006 (see WOC, TWS & GYC's 2012 scoping comments for more detail), coupled with an era of declining funds for federal agencies, we are concerned there will not be adequate staff or resources to monitor operations and enforce compliance. We ask the Forest Service to address this challenge in the EA. We are also concerned that with natural gas prices at a record low, True Oil may not have the ability to develop the field to the highest standards and with the best environmental safeguards. Just because the leases themselves are

old, the bar for the kinds of innovative practices and safeguards True Oil should commit to implementing in any expanded development should be just as high as leases issued today.

II. Best Management Practices

The Forest Service and BLM must comply with the Presidential Memorandum: *Mitigating Impacts on Natural Resources from Development and Encouraging Private Investment* (Nov. 3, 2015). In this order, agencies are directed “to avoid and then minimize harmful effects to land, water, wildlife, and other ecological resources (natural resources) caused by land-or water-disturbing activities, and to ensure that any remaining harmful effects are effectively addressed, consistent with existing mission and legal authorities.” *Id.* at Sec. 1. The Forest Service and BLM must adhere to their respective mitigation policies in order to

establish a net benefit goal or, at a minimum, a no net loss goal for natural resources the agency manages that are important, scarce, or sensitive, or wherever doing so is consistent with agency mission and established natural resource objectives. When a resource's value is determined to be irreplaceable, the preferred means of achieving either of these goals is through avoidance, consistent with applicable legal authorities. Agencies should explicitly consider the extent to which the beneficial environmental outcomes that will be achieved are demonstrably new and would not have occurred in the absence of mitigation (i.e. additionality) when determining whether those measures adequately address impacts to natural resources.

Id. at Sec. 3(b) (emphases added). The South Cottonwood and Bare Creek drainages contain myriad natural resources that are “important, scarce, or sensitive.” If the Forest Service and BLM authorize True Oil’s drilling proposal, the agencies must do so in such a way that achieves a “net conservation benefit,” which is a higher standard than “no net loss.” Whether the values are wildlife, recreation, clean air or clean water, in the Wyoming Range, they are important and sensitive. The passage of federal legislation in 2009 protecting the area that surrounds True Oil’s Unit from future oil and gas leasing is a testament to this.

Some of the most sensitive resources in the area are Colorado River cutthroat trout. As the Wyoming Game and Fish Department has often described, the pure, clean, cold water streams in the Wyoming Range that provide habitat for CRCT represent a small fraction of the species’ historic range. Of the 14 percent of its habitat that remains, all is within the Wyoming Range. These are streams the state’s fisheries biologists rely on to propagate and protect this sensitive and imperiled species. Such a resource is irreplaceable. Because this population is an “irreplaceable resource” the executive order states that impacts should be “avoided.” We ask the agencies to work carefully with the Wyoming Game and Fish Department to analyze and protect these irreplaceable resources that exist on the public’s land that True Oil has leased.

If, after a thorough analysis, the Forest Service concludes that True Oil can proceed with its development proposal, there are numerous standards and best management practices the company should be required to comply with as conditions of approval. We mention the following as examples, acknowledging there may be even better practices available to the industry of which we are not aware, but which may be appropriate to impose here.

Water Quality

With respect to water quality protection and pollution prevention, the Forest Service and the BLM should require:

- Pitless drilling operations and no long-term storage of chemicals on site. There should be severe limits on short-term storage.
- A groundwater pollution prevention and monitoring plan should be developed for implementation during the entire life of the project through an agency-community team and with public review and comment, as was required for the Pinedale Anticline.
- On-site water treatment plants, ponds, reservoirs and waste disposal wells should be prohibited. Wastes should be trucked to off-site treatment facilities.
- At minimum, non-toxic, water-based drilling and fracking fluids should be required.
- A Stormwater Pollution Prevention Plan should be incorporated into the Surface Use Plan of Operations and finalized before construction is authorized.
- Back flow prevention devices should be installed and used on all water supply wells and locked to prevent unauthorized use.
- The BLM should require proof from True Oil that well bores are properly cased and cemented prior to fracking and that all are inspected on a regular basis throughout the life of the project.
- To comply with Wyoming law, True Oil must disclose of the chemicals it plans to use in drilling and fracking. In addition to sharing this information with Wyoming Oil and Gas Conservation Commission, this information should be included in the EA for the public to review.
- A quarter-mile development setback (roads, pads and other infrastructure) from all streams, developed surface water inlets and spring developments.
- Wetlands, flood plains and riparian areas mapped and plotted for the project area including classification of streams and flows.⁷
- Monitoring of surface water should be required for the life of the project.

Air Quality

True Oil's proposal should illustrate how it will operate to have no adverse impacts on air quality or air quality related values (AQRVs), and with respect to the NAAQS non-attainment classification for ozone for Sublette County, that its proposal will not "increase

⁷ Wyoming Game & Fish Department has specific recommendations for mitigations for wetlands, riparian areas and streams in oil and gas fields.

the frequency or severity of any existing violation of [this] standard.”⁸ The following should be considered as conditions of approval, especially if full field development is likely:

- Assess whether existing ambient air quality monitoring is sufficient to provide baseline data for development of this field. Baseline data should be collected for ozone, NO_x, VOCs, particulate matter, SO₂ and all other relevant criteria pollutants prior to disturbance activities to determine baseline air quality.⁹
- The Forest Service should conduct a conformity determination in accordance with Wyoming Air Quality regulations Chapter 8, section 3(c) (ii) and the Environmental Protection Agency regulations at 40 C.F.R. § 93.150 *et seq.* to show that approving True Oil’s planned operations will conform with the current or updated State Implementation Plan and other air quality standards as developed for the ozone non-attainment area.
 - Any measures that are intended to mitigate air quality impacts should be identified and the process for implementation and enforcement of such measures must be described, including a schedule containing explicit timelines for implementation. [Ch.8, Sec. 3(j)(i); 40 C.F.R. § 93.160(a)].
 - Prior to determining that a federal action is in conformity, the federal agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to implement any mitigation measures that are identified as conditions for making conformity determinations. [Ch.8, Sec. 3(j)(ii); 40 C.F.R. § 93.160(b)].
 - To comply with these state and federal regulations, which are required by section 176(c) of the Clean Air Act, both direct and indirect emissions caused by the action must be considered on an annual basis, mitigation must be in place before the project starts, and emissions reductions must equal the annual increase in emissions. Under these regulations the Forest Service must ensure the True Oil Project will not cause or contribute to new violations of the ozone NAAQS, interfere with provisions in the State Implementation Plan for maintenance of the NAAQS, increase the frequency or severity of violations of the NAAQS, or delay timely attainment of the NAAQS or attainment of any interim milestones. The Conformity Determination must show that these standards are met. The importance of meeting these standards is emphasized by the EPA’s recent finding that the ozone nonattainment area appears to be moving back into compliance with the ozone NAAQS. 80 Fed. Reg. 51992 (Aug. 27, 2015).

⁸ Wyoming Air Quality Regulations, Chapter 8, Section 3 (b)

⁹ Three years is the required timeline under EPA regulation to determine an air quality trend for non-attainment of air quality standards and is recommended. Several such monitoring sites are already established for the Jonah and Anticline fields.

- Prior to approval, the Forest Service should require True Oil to show documented plans that it has the ability to comply with the Wyoming DEQ Air Quality Division's Interim Policy on Demonstration of Compliance with WAQSR Chapter 6 Section 2(c)(ii) for Sources in Sublette County or the WAQSR Chapter 6, Sec. 2(c)(ii) demonstration for the life of the project. The interim policy puts in place a 1.5:1 reduction requirement of VOC and a 1.1:1 reduction requirement for NOx. To document compliance, True Oil must show signed agreements with other companies/entities operating in Sublette County to: a) purchase needed NOx and VOC credits banked with the DEQ; b) conduct emissions-reducing activities that will create the necessary off-sets; or c) develop some other documented plan that meets the Chapter 6, Section 2 demonstration, approved by DEQ.
- Project operations must be as close to zero emissions as possible and ROD should require True Oil to meet the following operational standards:
 - a. Tier 4 (or the equivalent) for engines or through use of catalytic converters or natural gas fired engines, for all development phase (well pad, drill rigs, dehydrators, etc.) and production phase (compressors, etc.).
 - b. Any NOx and VOC emissions (including mobile and non-road engine emissions) have to be offset through documented signed agreement with other Sublette companies using banked NOx and VOC credits.
 - c. Limits on number of rigs operating at any time. One rig at a time.
 - d. Liquids gathering system and off-site centralized production and collection facility should be required for full field development;
 - e. True Oil must demonstrate its strict compliance with Wyoming oil and gas presumptive BACT requirements;
 - f. Solar equipment when feasible;
 - g. Green dust suppression on roads and pads; prevention through enforced low speed limits;
 - h. Required van carpooling for work force and stringent vehicle traffic limits;
 - i. Centralized water storage facility;
 - j. Control fugitive emissions through regularly scheduled aggressive leak detection, repair, maintenance and prevention measures, utilizing infrared camera, organic vapor analyzer, ultrasonic leak detectors, etc.
- Additional requirements for drilling phase:
 - a. Green completions to recapture/reduce emissions;
 - b. Strictly no flaring allowed;
 - c. Methane, other greenhouse gas emission and hazardous air pollutants (HAPs) capture;
 - d. Non-toxic, non-diesel based fracking fluids;
 - e. Closed loop waste systems; no waste or produced water disposal on site, no ponds, reservoirs or open pits allowed.
- Additional requirements for production phase:
 - a. Remote telemetry and well automation to monitor and control production;
 - b. Solar power for well monitoring and chemical pumps in place of pneumatic pumps;

- c. Enclosed tanks with vapor recovery units to recover VOCs;
- d. Use of and maintenance of thief hatches and vent sealing valves;
- e. Flash tank separators and optimized glycol circulation in dehydrators;
- f. Closed loop controls, ultra low sulfur diesel fuel and solar/battery powered supply for compressors;
- g. Low or no bleed pneumatic devices;
- h. Install plunger lift systems coupled with “smart” well automation systems;
- i. Install BASO valves on gas-fired heaters, replace wet seals with dry seals at any centrifugal compressors and replace compressor rod packing systems at any reciprocating compressors.
- j. True Oil should establish a vehicle/traffic management plan to limit traffic in the area.

Reclamation and Adequate Bonding

The Forest Service should require True Oil to promptly restore all disturbed areas to pre-disturbance conditions and to conduct interim reclamation concurrently with other operations. The Forest Service should require at least five years of reclamation to ensure revegetation efforts are successful.

The Forest Service should determine the sufficiency of the bond amount in the context of the NEPA analysis, and provide a full opportunity for public review and comment. As 36 CFR 228.109(a) requires:

As part of the review of a proposed surface use plan of operations, the authorized Forest officer shall consider the estimated cost to the Forest Service to reclaim those areas that would be disturbed by operations and to restore any lands or surface waters adversely affected by the lease operations after the abandonment or cessation of operations on the lease. If at any time prior to or during the conduct of operations, the authorized Forest officer determines the financial instrument held by the Bureau of Land Management is not adequate to ensure complete and timely reclamation and restoration, the authorized Forest officer shall give the operator the option of either increasing the financial instrument held by the Bureau of Land Management or filing a separate instrument with the Forest Service in the amount deemed adequate by the authorized Forest officer to ensure reclamation and restoration.

In response to a proposed oil well on the Shoshone National Forest a few years ago, the public advocated that the Forest Service require the operator to submit an increased reclamation bond. The district ranger determined an additional \$65,000 was necessary to cover potential costs. The Bridger-Teton should undertake a similar analysis.

III. Conclusion

We appreciate the opportunity to offer scoping comments on True Oil’s proposal to expand its drilling operations in the Wyoming Range. We are concerned about the

resources that will be threatened if any level of new development comes to this extraordinary part of the forest. This project requires careful consideration and robust public participation.¹⁰ True Oil should be held to the highest standards. This means requiring the company to publicly disclose its reasonably foreseeable 40-well development scenario, ensuring a meaningful and thorough environmental analysis (that considers this full field development scenario), and, if the wells are ultimately authorized, working diligently to identify and impose innovative and effective conditions of approval and environmental safeguards.

Sincerely,



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¹⁰ We recently learned that the Forest Service's new objection procedure regulations prohibit comment extensions on EAs. For this reason, we ask that in the future, the Forest Service make a concerted effort to avoid including major federal holidays, like the weeks of Thanksgiving or Christmas, within short, 30-day comment periods. The public should be given the most robust opportunity possible to comment.