

# PETROLEUM ASSOCIATION OF WYOMING

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CQ643

September 23, 2002

Mr. James Connaughton  
NEPA Task Force  
COUNCIL ON ENVIRONMENTAL QUALITY  
P.O. Box 221150  
Salt Lake City, Utah 84122  
<http://ceq.eh.doe.gov.nff/>

Dear Mr. Connaughton:

The Petroleum Association of Wyoming (PAW) would like to thank CEQ for the opportunity to comment on ways to improve and modernize NEPA analysis and documentation. 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. These potential changes will directly affect members of PAW.

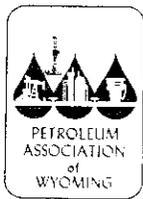
As a member of Public Lands Advocacy (PLA) based in Denver, Colorado, PAW hereby supports and incorporates by reference comments submitted by PLA regarding the Council on Environmental Quality's NEPA Task Force request for information on the NEPA process.

In addition to PLA's comments, PAW has the following recommendations:

- Technology, Information, Management, and Information Security: Sound scientific data must be the basis for agencies when making land management decisions. Protocol should be developed (guidelines, methodologies, criteria, etc.) to design the structure for scientific studies to be conducted so the result is not pre-influenced by the language in the scope of the work. All studies must be subject to significant peer review and only studies that are approved after peer review can be implemented by the agencies. Once implemented, the studies must be subject to continued monitoring so that modifications may be made as necessary. This may help to ensure that the quality of scientific data used by federal agencies is appropriate and not unfairly influenced by political agendas.

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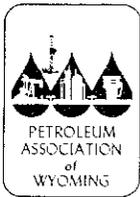
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The regulation implementing the Federal Policy on Research Misconduct (Executive Office of the President's Office of Science and Technology, December 6, 2000) should be followed to assure the integrity of works used by federal agencies in decision-making. As provided in the final rule issued by the National Science Foundation (FR March 18, 2002, volume 67, number 52; 45 CFR Part 689), individuals and institutions conducting research funded by federal agencies must adhere to standards of conduct in order for their work to be acceptable.

- Adaptive Management / Monitoring and Evaluation Plans: PAW is not opposed to the **intent** of Adaptive Management. The Record of Decision for the Pinedale Anticline Oil and Gas Exploration and Development Project was effective in July 2000 and attempted to address this issue as part of the decision document. The document outlined the planning process for Adaptive Environmental Management and described the basic components of the process and steps involved in its implementation. It also included a way for interested citizens to be involved in the process and participate in developing technical monitoring plans for implementation by the agencies. Should this form of local and stakeholder participation be the standard in the future, parameters must be developed to establish a more balanced and productive process.

PAW has always supported continued monitoring of stipulations and mitigation measures. Agencies often implement an oil and gas restrictive stipulation when it is perceived that a threat to a resource value exists even though the agency lacks the science or data to support the restriction. In the absence of good data, neither the agency nor the operator really knows if the protection measure is accurate. The actual result is the "best guess" mitigation measure and becomes the threshold that the agencies rarely reduce but often increase. Agencies should be required to monitor its mitigation measures in the field and quantify its effectiveness. Monitoring should then become the basis for adjustments to the mitigation measures. This will often times require additional budget appropriations for manpower to avoid unfairly placing the burden on industry.

- Categorical Exclusions: Categorical exclusions (CE) are a useful tool in making land management decisions. CE's should continue to be an option available for use with greater flexibility to draw upon prior experience from previously conducted actions. After the completion of Environmental Assessments (EA) and Environmental Impact Statements (EIS) for a proposed action, which have proven to have no adverse effects on the human environment, CE's could be used by agencies to prevent



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the repetition of conducting further EA's or EIS' that are unnecessary and will lead to the same decisions that have already been analyzed.

- Additional Areas for Consideration: It is recommended by PAW that the Task Force review the process for how comments that are submitted by the public are accepted by agencies and considered substantial. Over time the public process has been used as a distorted popularity contest, which translates into "whoever gets the most votes wins." This is not a prudent or effective process when determining land management decisions that are truly beneficial for the resource and the citizens. The analysis process used by agencies to evaluate substantive and significant comment must be revised and suggestions include: 1) Faxes and written letters should not be accepted without an original signature. Faxed comments should be followed in the mail by the hard copy of the original letter; 2) Email letters should not be accepted. It is easy for email letters and addresses to be generated without the knowledge of the signatory and most emails do not include an original signature; and 3) Form letters or postcards should be analyzed as one substantive comment, regardless of how many form letters or post cards are received by the agency through a mass mailing.

PAW appreciates the opportunity to provide comments. Should the Task Force have further questions or require additional information, do not hesitate to contact us.

Sincerely,

Dru Bower  
Vice President  
Petroleum Association of Wyoming

Cc: Steve Degenfelder  
Curt Parsons  
Dave Brown  
Claire Moseley  
Bruce Hinchey

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