



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

P.O. Box 1828

Cheyenne, Wyoming 82009-1828



IN REPLY REFER TO:

1278(957)

WY-2008-057

JUN 23 2008

Dan Heilig
Western Resource Advocates
262 Lincoln Street
Lander, WY 82520

Dear Mr. Heilig:

We are writing this letter in response to your Freedom of Information Act (FOIA) request that was referred from the Environmental Protection Agency (EPA) and received in this office on June 12, 2008. In your letter, written on behalf of Western Resource Advocates, you asked for copies of communications that were exchanged between the EPA and the Bureau of Land Management (BLM).

The EPA is forwarding records that they have that were originated within this agency. As those records are recovered I will be passing them on to you as soon as they are reviewed for exempt information under the FOIA. Enclosed with this letter is a copy of a letter that was written by this agency and addressed to the EPA. The letter expresses opinions of the BLM concerning the February 14, 2008, revised draft Supplemental Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project (RDSEIS).

We are withholding portions of the information contained in this document exempt from release pursuant to 5 U.S.C. 552(b)(5) of the FOIA. Exemption 5 protects information that is deliberative or pre-decisional. This document records the author's personal interpretations and impressions of candid discussions (and sometimes the candid discussions themselves) in the development of the RDSEIS. The referenced recommendations and deliberations include opinions regarding language of the RDSEIS, recommendations about what may need to happen for a final decision, and suggestions for next steps in the process.

The referenced discussions do not record any final decisions on the aspects of the RDSEIS and often include information that could be misleading to an uninformed reader because of personal opinion or evolution of the deliberations. Release of this material would have an adverse effect on the Department's deliberative process by chilling the free flow of opinion that is necessary to develop policy and it could confuse the public by revealing opinions that were not adopted by the agency.

The person responsible for this partial denial is the undersigned in consultation with Phillip Lowe in the Regional Solicitor's Office. Under 43 CFR § 2.18, you have the right to appeal this partial denial of your FOIA request by writing to:

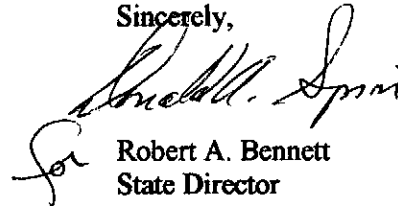
Department of the Interior
Office of the Solicitor
1849 C Street NW
MS 6556, MIB
Washington, D.C. 20240
Attn: FOIA Appeals Office

Your appeal must be received within 30 working days (except Saturdays, Sundays, and public legal holidays) from the date that you receive this letter. To expedite a response, your appeal should include a copy of your original request and a copy of this response, and write "Freedom of Information Act Appeal" both on the envelope and on the body of your appeal letter. In order to expedite the appellate process and insure full consideration of your appeal, your letter should also contain a brief statement of the reasons why you feel this partial denial is in error. To ensure the timely receipt of your appeal, we recommend that you fax a copy of your notice of appeal to the FOIA Appeals Officer at (202) 208-6677.

There is no fee for responding to your request, as the cost is less than the \$30 threshold established by the Department of the Interior for fee collection under the FOIA regulations at 43 CFR § 2.18(a).

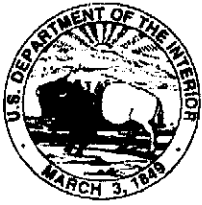
If you have any questions please do not hesitate to contact Mark P. Archer, State FOIA Officer, (307) 775-6180.

Sincerely,



for Robert A. Bennett
State Director

Attachment:



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828



In Reply Refer To:

1610 (930)

Robert E. Roberts
Regional Administrator
Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

APR 21 2008

RB-08-000-5400-EPA
RECEIVED

APR 22 2008

USEPA RAS OFFICE

Dear Mr. Roberts:

This information is to respond to your letter of February 14, 2008, rating the *Revised Draft Supplemental Environmental Impact Statement for the Pinedale Anticline Oil and Gas Exploration and Development Project (RDSEIS)*. The RDSEIS represents a delicate compromise between the Bureau of Land Management (BLM), the State of Wyoming Department of Environmental Quality (DEQ), and Operators to employ state of the art mitigation and environmental protection strategies while developing the world class energy resources contained within the Pinedale Anticline. The Environmental Protection Agency (EPA) rated the document EU-3 based on EPA's identification of three primary environmental concerns – air quality visibility impacts, impacts to groundwater, and impacts to regional ozone concentrations.

Upon receiving the EPA's rating, the BLM, the DEQ, and the EPA staffs met on four occasions, with sub-groups meeting several more times, to resolve the issues raised in EPA's rating letter. Mitigation actions specific to addressing visibility, groundwater, and ozone concerns will be clearly outlined in the Record of Decision (ROD). Based on these discussions, the BLM will take the following actions to resolve each of EPA's areas of concern, and address in the ROD.

1. VISIBILITY:

(b) (5) DP

(b) (5) DP

2. GROUND WATER:

(b) (5) DP

3. OZONE:

(b) (5) DP

Based on recent ambient air monitoring data, BLM, DEQ, and the Operators believe ongoing modeling would be a more effective way to inform ongoing and future decisions as implementation occurs. BLM agrees that we need to work together with partners to monitor and model ozone in this rural

(b) (5) DP

Since the RDSEIS, BLM has received information that indicates currently in effect and planned emissions control requirements in the Pinedale Anticline Project Area (PAPA) will reduce emissions levels compared to the model inventory. Such as:

DEQ has implemented its 2004 BACT requirement which requires air pollution control equipment on any pad with multiple wells.

DEQ has implemented its 2007 BACT requirement which required full control of production emission associated with all wells.

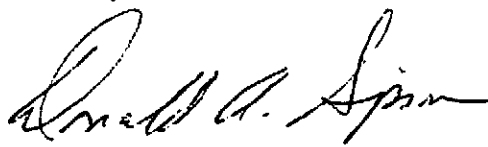
These and other appropriate measures will be presented in the FSEIS.

To ensure that this project will not contribute to an ozone violation, within 1 year of issuing the ROD, and as needed thereafter, BLM, DEQ and the Operators, with input from EPA, will refine the NOx and VOC emissions inventory and conduct new modeling. BLM, DEQ, and the Operators will evaluate the modeling results, and if needed, sequentially review and employ the most effective technologies available to reduce ozone. Absent an effective technology to implement, reductions in the pace of development will be utilized to lower impacts to acceptable levels identified in this SEIS and applicable laws or regulations.

Therefore, BLM is committed to assuring that any mitigation necessary to reduce the project's contribution to regional ozone concentrations will be implemented.

We appreciate your working with us to reach a path forward. This letter confirms our verbal agreements to address the EU-3 rating concerns as worked through the past few weeks by our staffs. We trust that these clarifications sufficiently address EPA's environmental concerns enumerated in the letter of February 14, 2008.

Sincerely,


for Robert A. Bennett
State Director

cc:

John Corra, Wyoming Department of Environmental Quality
Chuck Otto, Field Manager, Pinedale Field Office