

**FILED**

OCT 18 2007

16 October 2007

Wyoming Environmental Quality Council  
122 W. 25<sup>th</sup> Street  
Herschler Bldg., Room 1714  
Cheyenne, Wyoming 82002

Terri A. Lorenzon, Director  
Environmental Quality Council

Reference: Notice of Public Hearing on Proposed Designation of State and Federal Lands as Very Rare or Uncommon – Published Sept. 8, 15, 22, 29, 2007 – Daily Rocket-Miner

Dear EQC Chairman, Members and Staff,

Background: On August 30, 1991, former Secretary of the Interior Manuel Lujon signed the Record of Decision for a statewide Wyoming Wilderness Study Report. The Secretary noted that “[T]hese recommendations were developed from the findings of a 15-year wilderness study process by the Department of the Interior and Bureau of Land Management.”

The original Adobe Town study area consisted of 86,990 acres back then, with 1,280 acres of State indemnity lands removed for a total area of consideration to encompass 85,710 acres. BLM surface and subsurface lands comprised 82,350 acres and BLM surface only lands (split-estate) accounted for 3,360 acres of the total study area.

The recommendation for wilderness that followed to the United States Congress of the day amounted to 10,920 acres all of which was land in federal ownership – 10,520 BLM acres and 400 BLM split-estate acres. Congress has failed to act, although with every new Congress, bills go before leadership (up to and including the 109<sup>th</sup> Congress) to be voted up or down when it comes to wilderness or other special designation areas.

The 10,920-acre Adobe Town proper parcel was recommended in part for “... the exemplary quality of the area’s wilderness values and the opportunity to add an ecosystem not presently part of the wilderness system were key considerations.” Neither that statement nor any other statement as concerns naturalness; solitude; primitive and unconfined recreation; or special features was denoted for any other surrounding landmass other than the above 10,920 federal acres.

Of the original Adobe Town 86,990 acres up for that component of the 15-year statewide study, BLM did not recommend 71,830 BLM acres, 2,960 BLM split-estate acres, or 1,280 state indemnity land acres for some of the following reasons:

1. “The remaining 74,790 acres were recommended for non-wilderness because of the area’s high potential for the development of natural gas. The topography and drainage patterns of this portion of the WSA are not naturally limiting to development. Given the WSA’s high potential for natural gas, it is likely that development would indeed occur here, with a potential for wells located throughout the non-wilderness portion.”
2. Grazing would be allowed to continue.
3. “The recommendation for this WSA is projected to result in the recovery of approximately 80% of the total natural gas reserves within the WSA as compared to an 85% recovery rate under the no-wilderness alternative.”
4. There are no mining claims in the Adobe Town WSA. Executive Order 5327, April 15, 1930, withdrew the area from mining location.

Today, the issue is not wilderness, but the strategy remains the same – *de facto* wilderness. From definitions found at W.S. §35-11-103, the underlying charge of the Environmental Quality Act that the Environmental Quality Council was formed appears to relate to “minerals”, i.e., strip mining, overburden, tailings and reclamation (stemming more from coal and uranium mining) not in deference to fluid minerals or drilling operations. That aside, the process behind this particular petition for “very rare or uncommon” seems to be useful primarily as a last ditch effort to zone commercial and industrial development on federal owned lands and state indemnity lands.

With the last 30 years of history in mind, in this instance it should be more than evident that the EQC is merely being used as a pawn at State of Wyoming’s expense to monkey wrench ongoing federal public processes and/or upcoming revisions/amendments to the existing BLM Green River RMP relative to other special designations coming ripe such as Areas of Critical Environmental Concern as just one example.

The Wyoming Oil and Gas Commission will hopefully relay their concerns to EQC associated with W.S. §35-11-112(a)(v) provisions that undermine that specific state entity’s charge. As well, the Board of Land Commissioners/Office of State Lands and Investment should be consulting with the State Attorney’s General office pertaining to state indemnity lands, something EQC hopefully would do prior to spending state funds to act on behalf of any questionable petition that might be out of their respective purview.

Since no permit is required of EQC as relates specifically to Wyoming Oil and Gas Commission lease jurisdiction, it is uncertain that W.S. §35-11-406(m) at (iv) would be interpreted as holding sway in the future any EQC determination solely concerning federal land development “designated by the Council a rare or uncommon area” for any purpose outside the original 10,920-acre Adobe Town study/recommendation area. Any designation by a state agency inside the aforementioned acreage would be duplicative as would pending future revision at the federal level for surrounding special management areas.

Current federal resource management plan revisions have been ongoing for several years, the BLM Rawlins RMP to name one. All Publics as well as political subdivisions of the state of Wyoming have had ample opportunity to comment, petition and guide these processes for federal owned lands that impact state and private lands over the last 31 years. EQC members might now take their lead from those draft or final documents and be savvy enough to understand any determination by them can and should be viewed as an 11<sup>th</sup> hour circumvention of ongoing NEPA analyses.

Given the amount of pre and post-1976 oil and gas leases held in the vicinity of the petition outside BLM’s original namesake 10,920-acre Adobe Town area of 1991, any EQC actions at this late date held under the color of §35-11-112(a)(v) “Designate at the earliest date and to the extent possible those areas of the state which are very rare or uncommon...” by the Council have long since passed and sheds doubt on roles EQC plays contrary to what might have been envisioned by the Wyoming legislatures of the 1970s.

Sincerely,



Randy Shipman  
P.O. Box 1046  
Rock Springs, Wyoming 82902-1046

cc: Office of State Lands and Investments  
Board of Commissioners, Sweetwater County, Wyoming