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One dollar

► **SOUNDING OFF**



Sydney Eubanks, aka DJ Phonetic, master of ceremonies at the Word to the Wise hip-hop show Saturday night, gets down as the band Spatial Relations backs him up on stage in the Teton County Fair building.

Limits sought on gas field

Conservation groups ask forest to honor '47 buffer they say would trim gas field plan.

By Cory Hatch

Conservation groups are asking Bridger-Teton National Forest officials to honor a historic restriction on energy development that could radically curtail a plan to drill for natural gas in Noble Basin south of Jackson.

Honoring the 1947 Jackson Hole Area Oil and Gas Lease Stipulation would limit the area available for well pads and other infrastructure, representatives from Citizens for the Wyoming Range and the Wyoming Outdoor Council said Tuesday.

Noble Basin is at the headwaters of the Hoback River in Bondurant, 30 air miles southeast of Jackson in Sublette County.

If the restrictions were honored, Plains Exploration and Production Company's proposal to drill 136 wells from 17 drill pads would be greatly curtailed, Wyoming Outdoor Council staffer Lisa McGee said. Honoring the restrictions would prevent the company from developing 12 of its proposed 17 well pads, she said.

The Jackson Hole Area Oil and Gas Lease Stipulation states energy companies may drill "no well within 1,250 feet of any public road on or adjacent to the leased land without the consent of the Secretary of the Interior."

With the 1,250-foot road buffer in

See PXP on 16A

Plan puzzle reshuffled

Removal of west bank area could divert more growth into other parts of the valley.

By Kevin Huelsmann

When planning officials last week recommended removing The Aspens from the list of places pegged for future growth, they elicited emotional responses and again brought to the surface tensions underlying growth and development in Jackson Hole.

Valley residents in South Park and elsewhere wondered if their neighborhood would be forced to bear the density burden just released from the west bank.

At the same time, the recommendation, made by members of the town of Jackson and Teton County planning commissions, highlighted how the goals driving the latest rewrite of the plan are requiring a high-wire act.

Officials are trying to find a balance between preserv-

ing wildlife habitat and open tracts of land, respecting individuals' property rights and providing workforce housing. To many, the goals are yielding little more than density dumps in neighborhoods demanding to be left as is.



Elected officials state they want at least 60 percent of new development in coming years to be built in already-developed areas. They also have set a goal of housing at least 65 percent of the valley's workforce in the county.

Officials haven't changed those goals, so any time density is stripped from one place, it has to go somewhere else.

"The values associated with less sprawl throughout the county in a tighter development footprint to protect wildlife come with this challenge," County Commission Chairman Ben Ellis said Tuesday.

See ASPENS on 17A

Attention, Kmart shoppers: The fire doors do open

After-hours lock-in brings police, spawns brief fire marshal probe.

By Emma Breyse

The fire marshal launched, then almost immediately ended, a probe of Kmart's fire exits after a Jackson woman was locked in the store for 90 minutes after closing Jan. 24.

Amy Madera said she missed the store's announcement it was closing when she ducked in to get supplies for her sick child. When the store closed during her shopping, she spent an hour and a half locked in the building with employees who could not let her out, she said.

Madera didn't need a blue-light special to get blue in the face.

"It was probably the most bizarre experience I ever had," she said. "I was stranded for an hour and a half."

Among the obstacles to her leaving was company policy that left several employees without keys in the store after hours to complete their work. Supervisors couldn't be reached immediately, and an emergency exit door had a chain on it that appeared to prevent its use, Madera and others said.

The fire door chain is designed to break away and allow the door to open, Jackson Hole Fire/EMS Chief Willy Watsabaugh said. His department found no code violations even

though employees, and presumably the public, did not know the chain was not real.

Madera went into Kmart just before 9 p.m., apparently just after employees announced the store was closing, she said. When she went to leave, nobody was at the cash registers, and the front doors to the parking lot were locked.

Employees at the store didn't have keys to those doors, and the fire door

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PXP

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place, "our maps suggested that less than 30 percent of this project area is available for surface disturbance," McGee said.

"We were told that 12 of the 17 [well pads] were located within ... this buffer," she said. "Really only five [well pads] complied with the terms of their lease."

The restriction also requires companies to "keep to an absolute minimum the number of access, tote roads, and other travelways necessary to conduct the lessee's operations" and that have "the least possible disturbance for wildlife on or adjacent to the leased land."

PXP won energy leases by public bid and is awaiting federal response to its drilling proposal. After starting an environmental investigation of the drilling plan, agency officials said late last year the company needed to develop a previously unconsidered alternative that, apparently, will address the 1947 restrictions, widely known as the Krug Memorandum.

Instead of promising to honor the 65-year-old restrictions, U.S. Forest Service officials have indicated they will consider a scenario that would "modify" them.

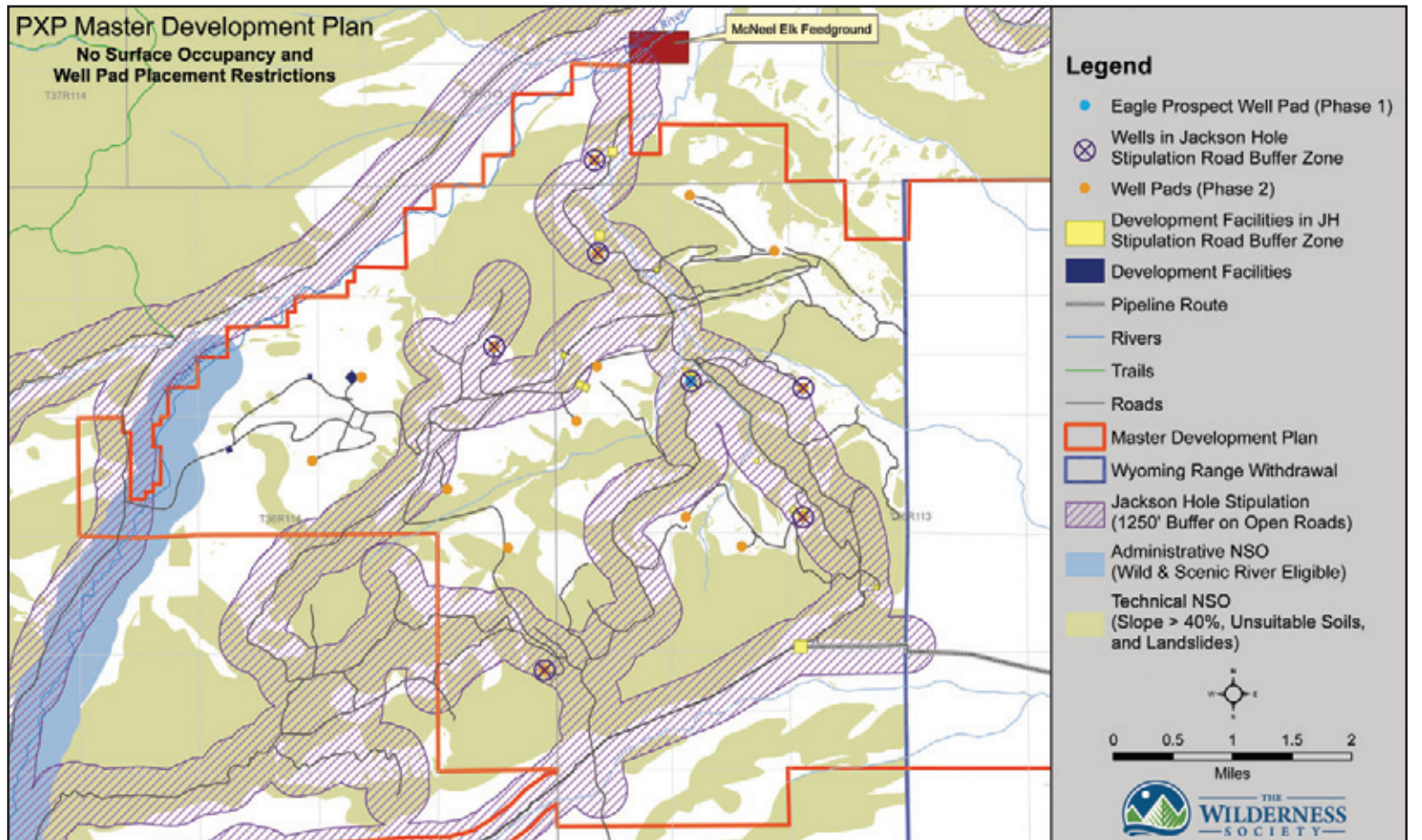
A new alternative would be "consistent with the Forest Plan and a modification to the Jackson Hole lease stipulations under the Krug Memorandum," Forest Service officials said last November.

Included in forest plan

Instead of modifying the restrictions, known as a lease stipulation, Bridger-Teton officials should analyze the PXP plan according to the environmental safeguards, McGee and Dan Smitherman, spokesman for Citizens for the Wyoming Range, said.

"The Forest Service owes the public a plan that enforces the stipulations," Smitherman said.

The Jackson Hole Area Oil and Gas Lease Stipulation is included in the Bridger-Teton's 1990 Forest Plan and is a requirement for all leases issued to energy companies on the Teton portion of the Bridger-Teton National Forest south of the 11th



This map shows how a 1,250-foot buffer (purple hash marks) around roads in the Noble Basin area would limit options for energy developers. The buffer, outlined in the Jackson Hole Area Oil and Gas Lease Stipulation, should be honored as the U.S. Forest Service considers a plan for 136 wells in the basin, conservation groups say.

Standard Parallel.

Teton National Forest land north of the 11th Standard Parallel was off-limits to energy development.

Forest Service officials say the Noble Basin is covered by the development restrictions.

The Jackson Hole Area Oil and Gas Lease Stipulation was developed to comply with the Krug Memorandum, a document signed by Secretary of the Interior Julius Krug in August 1947. The memorandum aimed to protect national forest lands around Jackson Hole from excessive energy development.

"[C]itizens were promised — via this unique stipulation — that if oil and gas development were ever proposed, protection of scenic, wildlife and recreation values would be ensured in the basin and on other select lands to which the Krug Memorandum applies," McGee wrote in a Dec. 22 letter to Bridger-Teton forest supervisor Jacque Buchanan.

When federal officials proposed leasing the Noble Basin area in the current Bridger-Teton forest plan in the early 1990s, the public was assured that the Krug Memorandum

would remain in place, McGee said.

In the letter to Buchanan, McGee quoted the regional forester at the time, Stan Trixier, who said, "The law requires Forest Service employees to enforce [forest plan] provisions."

"Plan provisions contain restrictions on new oil and gas ... development and production," Trixier said. "Whether or not enforcement has been good in the past, the answer to the question is, 'We hear you. We're worried about our credibility even more than you are. We intend to perform.'"

The Forest Service needs to honor Trixier's promise and the intent of the lease stipulations, McGee said Tuesday.

"Most folks would be supportive of holding the company to the terms of the leases when they acquired them," she said. "The Bridger-Teton is a special place, and there are some very protective stipulations. Our perspective is that the Forest Service is within its rights to authorize a scaled-back project."

Drilling more wells from fewer well pads is an option

Plains Exploration and Production Company has not proffered, McGee said.

"There is a way to do this better," she said. "Show us a different plan."

An alternative complying with the terms of the Jackson Hole Area Oil and Gas Lease Stipulation also is under consideration, Buchanan said Tuesday.

Decision not made

"I know Lisa and Dan are concerned about the stipulations," Buchanan said. "I am still in the alternative development stage of the supplement [study]."

"I have not made the decision not to have a separate alternative with all of the stipulations in it," she said. "We're still assessing what is the right thing to do."

"We'll hopefully, within the next couple of weeks, narrow that down and have a final decision," Buchanan said. "If the supplement has one alternative or two alternatives, that has yet to be decided."

Enforcing the stipulations could create more disturbance to Noble Basin, Plains Exploration and Production

Company officials said.

"The environmental analysis process the Forest Service is undertaking is ultimately how these types of issues are supposed to be addressed," vice president of corporate information Hance Myers said. "The stipulations are clear that the Forest Service can seek a waiver if they believe strict application would impose unnecessary surface disturbance or create visual impacts that would otherwise not occur. At the end of the day, the analysis should drive the answers to these questions."

The plan proposed by Plains Exploration and Production Company calls for the upgrade of 14 miles of existing roads, the construction of nearly 15 miles of new roads, wells, drill pads and gas and liquids pipelines and facilities. The area is expected to be in production for more than 30 years.

Conservation groups say the Noble Basin area is important habitat and a migration route for a number of species, including Canada lynx, elk, mule deer, pronghorn and moose.

ATTENTION, KMART SHOPPERS

Continued from cover

in the back appeared to have a chain keeping it closed, Madera said. Employees explained to her that a manager would be by at 3 a.m. with a cleaning crew to unlock the doors, she said.

In the meantime, employees tried to reach a manager sooner to come by with a key, but they had no luck. After half an hour, Madera's husband, Joe, called police.

The call shows up on the department's log as a citizen assist.

Jackson police records agree Kmart employees couldn't open the door and the manager had left with the key.

The officer couldn't open the main doors without damaging the building, Sgt. Cole Nethercott, spokesman for the police department said.

The officer spoke with Madera and employees through the doors and waited until a manager came at around 10:30, Nethercott said.

"I wasn't panicked or anything," Madera said. "But I felt like I was in another country that people felt like it was perfectly normal for them to be trapped for six hours. It was just not registering to me, and I felt like I had done something wrong."

The Maderas called Fire Marshal Kathy Clay the next day to report the situation. They wondered whether a chain blocking a fire exit would be a violation of the International Fire Code. Jackson Hole Fire/EMS enforces that code.

"But I felt like I was in another country that people felt it was perfectly normal for them to be trapped for six hours."

— Amy Madera
SHOPPER LOCKED IN AT KMART

Watsabaugh said Clay's office looked into the incident, speaking with a store manager and maintenance staff. Kmart did not violate the fire code because Madera was never really locked in, Watsabaugh said.

The fire door chain is designed to break away and allow the door to open, he said. The employees working that night simply did not know that.

"They could have gotten out," Watsabaugh said.

"The store was complying with the fire code."

The code allows a business to put bars or similar devices over a fire exit, with a caveat. That provision requires that "such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening."

The code also requires that businesses train their employees at least once a year in fire evacuation procedures for their building.

Store manager Dave Jernberg wasn't present that night, but he said employees have been told how to handle a similar situation. He said he had worked at Kmart for 25 years and had never had a customer locked in before.

"There is no chain blocking the fire doors," Jernberg said. "You just push on them and they'll open. Obviously that was something our employees need to know. We're taking it as a learning experience."

The fire department's involvement ended with a recommendation for better employee education.

"It was really just a miscommunication, a misunderstanding," Watsabaugh said. "Of course, if the people inside believed they were locked in, it has the same general effect."