

February 7, 2005

Roan Plateau Comments
Attention Greg Goodenow
Glenwood Springs Field Office
Bureau of Land Management
P.O. Box 1009
Glenwood Springs, CO 81602



Dear Mr. Goodenow:

The Colorado Wildlife Federation has worked for the conservation of Colorado's fish and wildlife resources for over fifty years. We have several thousand members in Colorado and many of them live in Garfield County. We have thoroughly reviewed the Draft Roan Plateau Resource Management Plan Amendment (RMPA)/Draft Environmental Impact Statement (DEIS) of November 2004 and provide the following comments for your consideration.

General Comments

Adequacy of the Document

We compliment the Bureau of Land Management (BLM) and its consultants for providing generally good descriptions of the natural resources in the area and potential impacts on those resources. The document also describes several practicable management options for avoiding or mitigating those impacts. However, **we found the document very confusing and time consuming to read, and the alternatives are difficult to compare and contrast.** For example, BLM's preferred alternative (Alternative III) includes deferred drilling on top of the Plateau, which could provide significant protection for those resources in the short term. However, deferred drilling is not included in Alternative II, which most reviewers would generally consider more preferable from an environmental standpoint, because it includes designation of four Areas of Critical Environmental Concern (ACEC), a weed management plan, maintenance of areas with wilderness and "roadlessness" characteristics, etc.

Furthermore, **some of the terms used in the document appear to be very misleading.** For example, the definition of No Ground Disturbance (NGD) allows "temporary ground disturbance" up to two years. Thus, the name of this management prescription is inaccurate. As a result, it is difficult to understand what will happen in various portions of the planning area. We recommend that areas zoned NGD should actually be protected from any ground disturbance activities. Exceptions should be rare and fully explained.

While several options with good potential for conserving the resources were described, there were no criteria for identifying the circumstances in which they would be used (e.g., road closures vs. those kept open for “administrative uses”). Thus, following completion of the NEPA process, BLM would have a great deal of freedom in deciding to what degree if any these options would be implemented. In addition, the document and the oral presentations given by BLM personnel in Glenwood Springs at a public meeting on December 16, 2005, stated that **“the alternative adopted by BLM as the RMP Amendment arising from this process may differ substantially from any of the five alternatives presented in this draft RMPA/EIS and may contain elements from any or all of them.”** (See Page 2-1.) In our opinion, that approach may not be consistent with Council on Environmental Quality (CEQ) Regulations for preparation of NEPA documents that require clear and comparable alternatives in the document, including a definitive preferred alternative.

Regulations adopted by CEQ require a reasonable range of alternatives to be presented and analyzed in the EIS so that issues are “sharply defined” and the EIS provides “a clear basis for choice among options” 40 C.F.R. § 1502.14. CEQ regulations and court decisions make clear that the discussion of alternatives is “the heart” of the NEPA process. Environmental analysis must “[r]igorously explore and objectively evaluate all reasonable alternatives.” Objective evaluation is compromised when agency officials bind themselves to a particular outcome or foreclose certain alternatives at the outset, such as no drilling on top of the plateau. BLM must use the scoping process to develop alternatives that emphasize needed environmental protection, for example, even if such alternatives limit and/or strongly regulate other actions. BLM has obligations under the Federal Land Policy and Management Act (FLPMA) to manage the public lands for multiple uses in a sustained manner and to prevent unnecessary or undue degradation of the lands, and the important biological resources in this planning area demand no less.

During the scoping process for this DEIS, the public expressed a strong desire to preserve the natural resource, hunting, recreation, and scenic values of the lands above rim. Many citizens and communities participating in the process also specifically requested that one of the alternatives in the DEIS/RMP describe the effects of no leasing/drilling on top. **Regardless, the RMP amendment and EIS fail to consider an alternative that would close the nearly 35,000 acres above the rim of the plateau to leasing and drilling for oil and gas. In keeping with the Secretary of the Interior Gale Norton’s 4C’s the BLM should fully evaluate an alternative that protects all the federal lands above the rim by zoning them for No Surface Occupancy and No Ground Disturbance. As the document indicates, no drilling on top would still allow access to a minimum of 85% of the natural gas resources in the planning area.**

The preparation of an EIS is an expensive and time-consuming process. Therefore, **it is unclear why the RMP amendment does not include a wilderness study and a wild and scenic river suitability assessment.** Combination all of these into one planning process would allow BLM to look at the planning area in a comprehensive manner,

would address three major issues in one document, and would avoid the cost of preparing three separate environmental impact statements.

The DEIS identifies Alternative III as the BLM's preferred alternative, but it does not provide a discussion on how the BLM arrived at this decision. The document should disclose how BLM determined that this is the preferred alternative. In addition, this alternative only includes analysis of impacts on top after the 16th year into the planning period of 20 years, because that is when the 80% threshold below the rim is projected to be reached (see additional comments on Land Management below). **This level of analysis is totally inadequate even if the projected drilling rates are accurate,** which is highly questionable, because **the document admits that drilling operations will likely continue for 40 years.**

Furthermore, **we believe the impacts of wells and pads are understated.** For example, in Table 4-3 on page 4-8, it shows 1,324 new wells for Alternative III. However, using BLM's own 40-acre surface spacing criteria, a more correct projection might be 2,584 wells and 1,066 pads. Even these recalculated numbers are probably low because there is no quantification of 20-acre surface spacing identified in #5 on page 4-213. In addition, on page 4-214, the document only projects 2,288 new wells at full field development. If the number of wells is figured using the same spacing both on top and below, based on paragraph 4, page 3-103, the correct number of wells at full field development may actually be 4,104 with only 40-acre surface spacing for the pads. If these calculations are correct, than the number of pads and the area they impact is also significantly underestimated. We request BLM revisit this analysis to ensure the number of projected wells and pads in the preferred alternative are accurate and their impacts are fully assessed before finalizing the document.

The DEIS also fails to adequately address regional cumulative impacts as required by NEPA. For example, it does not describe that fact that the adjacent White River RMP for the Piceance Basin is almost totally leased, and the scoping process for the Little Snake RMP has just recently closed, which also entails significant energy development. The EIS must fully assess and disclose the cumulative impacts on deer, grouse, and other natural resources and the human environment.

In addition, a representative from Barrett Energy and a representative from EXCEL Energy testified at a public meeting conducted by the Garfield County Commission on the evening of February 2, 2005. (CWF also attended and provided testimony at this meeting.) **Both the industry representatives said they thought they could drill on top with minor impacts because they could slant drill from existing roads.** They also stated that the technology exists right now to slant drill to 2,500 feet. More importantly, if they can directional drill right now to 2,500 feet, then they do not need more than one about one surface pad per 640 acres, which alone could be used to reduce surface impacts tremendously throughout the planning area, not just on top.

These representatives also did not address the fact that industry holds leases on much if not all of the private land that occupies the western third of the plateau from which they

could potentially slant drill. Furthermore, BLM should restrict the number of pads operating at any one time to two or three, and there should be continuous spacing. That approach prevents scattering simultaneous impacts throughout the area and facilitates cost savings through the pipelining of water instead of hauling. **None of the above vital information is addressed in the DEIS and it must be; otherwise, the assessment of impacts is seriously deficient.**

In conclusion, the **Colorado Wildlife Federation believes that the current DEIS is seriously flawed and none of the alternatives in the RMPA/DEIS are acceptable for sound fish and wildlife conservation.** The high degree of vagueness in what is being proposed is wholly unacceptable to us. Therefore, the **Colorado Wildlife Federation requests that no new leasing or drilling take place under this RMPA until a revised DEIS is prepared and released that contains a preferred alternative that clearly describes specific management intent, including timing.**

Specifically, we request that a revised DEIS be prepared and circulated for public review that contains a preferred alternative that includes the following components of the “Roan Plateau Community Alternative”: (1) Deferred leasing on top during the life of the management plan; (2) Expansion of the permanent protective stipulations contemplated in the draft management plan in Alternative II, including no ground disturbing activities on certain lands; (3) Protection of the Hubbard Mesa Special Recreation Management Area (SRMA) for recreational vehicle use with drilling NSO stipulations and addition of a 32,639 acre SRMA on top of the plateau for protection of backcountry opportunities, including hunting, outfitting, backpacking, hiking, and horseback riding; and (4) Use of Best Management Practices to protect important public and natural resources.

Maps

The scale of the maps is not adequate for the reader to adequately evaluate the alternatives, and they are not complete. For example, no map shows all of the roads present in the planning area, including the top. Also, not all of the tributaries are labeled in a map describing the fishery. These maps should be presented at a scale that would allow readers to adequately determine the stipulations and management for specific areas in the planning area.

The alternative maps also should include the rim boundary that is identified in Figure 1-3 *General Planning Area View with Topography*. During scoping, BLM was made aware that exploration and development activities above the rim were a significant issue to the public. Without the rim boundary shown on the alternative maps, it is difficult for the reader to determine which management strategies will affect what portions of the top.

Specific Comments

The document states, “Thus, it is likely that the final RMP Amendment will represent a mix of components comprising the five alternatives presented in this Draft RMPA/EIS and may contain elements from any or all of them.”

Furthermore, at the meeting in Glenwood Springs on December 16, 2004, BLM stated that they wanted input from the public regarding what should be included in a final a preferred alternative, and that nothing was fixed at that point. Our comments/concerns below are submitted with those parameters in mind, recognizing that on one hand we are grateful to have the opportunity to hopefully participate in a meaningful process that will result in an environmentally sound preferred alternative. On the other hand **we remain concerned that this approach gives BLM too much leeway to choose what public input they will accept. Thus, the need to prepare a revised DEIS for public review.**

All of the following issues are important to us. The page numbers listed below refer to pages in the Draft RMPA/EIS.

Leasing Options

The preferred alternative should state that there “shall” be no drilling and no surface disturbance or occupation of federal lands on top of the Roan Plateau for a minimum time of the 20-year length of the planning period because the local communities want that area preserved as evidenced by all the testimony presented at public meetings. **Our preference is to see surface drilling on top never take place.** In addition, it is our understanding that every town in Garfield County voted in favor of exempting the top from leasing and drilling during the scoping process. Since then, all towns in the County, with the exception of Rifle and Parachute, have again passed resolutions favoring no drilling on top. Rifle and Parachute have not voted yet because they are cooperating agencies in the NEPA process. We are concerned that the oil and gas industry may be putting huge pressure on those two towns and Garfield County, e.g., using economics for leverage.

The DEIS/RMPA proposes using a threshold for leasing above the rim as the point at which “80 percent of anticipated wells below the rim . . . during the 20 year life of the RMP Amendment has been effectively completed to total depth and a production test performed.” We think such a threshold is not as predictable as has been suggested. Rather it is too vague and, thus, unacceptable.

Section 3.5.5.3. on page 3-103 notes that gas drilling has increased rapidly in recent decades from fewer than two wells per year to the current rate of about 100 wells per year. Every indication is that the rate is going up not down. It is our understanding that several technically competent reviewers are significantly questioning the accuracy of the

forecasted drilling rates used by BLM. They believe that threshold easily could be reached in half the time that has been projected (e.g., 8 years). This discrepancy exacerbates the complexity of trying to fully assess this draft RMPA because we all know that once the leases are issued, the industry is basically in control and there would be no going back. If drilling will be deferred on top, the BLM needs to commit to circulate a new NEPA document for review before any leases or drill permits are issued for the top of the plateau. A lot of changes could occur during that time period (e.g., new more efficient methods of drilling).

Clustered development of these leases should be required to minimize new roads and pipelines, as well as the number of drill pads. Directional drilling should be used, especially when steep slopes are involved. No new roads should be constructed on slopes exceeding 30%. All new drill pads should be constructed from existing improved gravel roads where possible. If there is no such road within reach of directional drilling from the site, previously constructed but un-maintained routes may be upgraded temporarily to access the site. In the absence of any improved or unimproved route within a reasonable distance of the proposed site, limited road construction may be approved. However, new road construction should be restricted to the minimum distance necessary to access the site. All newly constructed or upgraded routes should be closed and rehabilitated immediately following termination of oil and gas activity. Drilling methods that don't require use of disposal pits should be used. For example, closed-loop circulation of drilling mud should be employed for all new wells unless a less environmentally harmful drilling technique is available.

Areas of Critical Environmental Concern

The three areas having wilderness character (Northeast Cliffs, Southeast Cliffs, and East Fork Parachute Creek units) should be managed to maintain their wilderness characteristics. The four described Areas of Environmental Concern should be designated and managed accordingly (i.e., Anvil Points, Magpie Gulch, East Fork Parachute Creek, and Trapper Creek), including maintenance of "roadlessness" characteristics.

ACECs are defined as areas "where special management attention is required . . . to protect and prevent irreparable damage" to important resources, including fish and wildlife resources, ecological features, and historical, paleontological and archeological resources. 43 U.S.C. §1702(a). Since FLPMA requires that the designation and protection of ACECs must be given priority in land use planning, it is critical that all alternatives developed in the EIS do so. 43 U.S.C. § 1712(c)(3). Pursuant to FLPMA, the RMP "shall include the general management practices and uses, including mitigating measures, identified to protect designated ACEC[s]." 43 C.F.R. § 1610.7-2(b). The requirement to "prevent irreparable damage" imposes a greater protective standard than either the nonimpairment standard in the definition of multiple-use or the prevention of unnecessary or undue degradation standard applicable to all actions. *Compare* 43 U.S.C. § 1702(a) *with* 43 U.S.C. §§ 1702(c), 1732(b). Because of the fragile resources at risk on

the lands described above and the higher degree of protection required, BLM should apply the following restrictions on surface disturbance within the ACECs in the RMP:

- All ACEC lands should be withdrawn from the operation of the General Mining Law.
- No new timber roads should be constructed in ACECs.
- Chaining, as a mechanical method of vegetation manipulation, should be prohibited.
- NSO stipulations should be required for all ACECs.
- ACEC lands should be designated unsuitable for surface coal production.
- ORV use should be limited to a few designated routes on ACECs.

Where a potential ACEC has been identified, BLM must “take all feasible action to assure that those qualities that make the resource important are not damaged or otherwise subjected to adverse change pending a final ACEC designation decision.” 45 Fed. Reg. 57318, 57326 (Aug. 27, 1980).

Wild and Scenic Rivers

The document identifies several streams and tributaries on top of the plateau that have been inventoried and found to be eligible for Wild and Scenic River designation. We request that those streams be fully protected until a suitability decision is made, and that the decision be presented to the public for review. No leasing in those drainages should occur until the process is completed and a record of decision established. Premature leasing could preclude an appropriate designation.

Roads

On Page 2-5 the document discusses best management practices (BMPs). Concerning roads it states that the footprint will be reduced to “the smallest safest standard,” yet no criteria are provided on how this determination will be made. The criteria used to determine “smallest safest standard” should be presented in the document.

The EIS states that oil and gas roads will be reclaimed, “unless BLM deems it more appropriate to retain them for administrative or public use.” What criteria will be used to make the decision about which roads will remain open? We do not believe that the construction and retention of roads are fully analyzed in the environmental consequences section of this EIS. As a result, additional environmental documentation in accordance with the National Environmental Policy Act (NEPA) will be required when BLM is deciding to retain roads for administrative purposes. As mentioned above, the oil and gas industry may pressure BLM to keep existing roads open for their uses, but there may already be too many existing roads to enable meeting wildlife management goals.

Therefore, during this planning process, **BLM should evaluate the road system in the Resource Planning Area and determine the minimum system of routes necessary. Based on that analysis, BLM should close redundant routes; roads with no destination or purpose; illegal, “ghost,” or “wildcat” routes; and roads in sensitive**

areas. The RMPA should make these closures immediately effective; provide for the reclamation of closed routes; and ensure sufficient funding for reclamation, monitoring, and enforcement. These provisions are consistent with and required by the Clean Water Act Plan and other directives.

Mineral Sales

The DEIS (Page 2-9) states that “mineral sales (e.g., construction materials such as rock and sand/gravel) would be permitted on a case-by-case basis.” The DEIS does not provide any criteria on how these decisions will be made. Details on these sales should be included and fully analyzed in the RMPA/DEIS, or at minimum the criteria for making these decisions should be provided. Furthermore, the final RMP should commit that these sales will include proper public notification and opportunity for public review and comment prior to permitting extraction.

Off-Road Vehicle Management

Increasing Off Road Vehicle (ORV) use and accompanying conflicts with other resources requires that BLM engage with the public in establishing a framework for management. Management of ORV use is addressed by Executive Orders 11644 (1972) and 11989 (1977), and by regulations at 43 C.F.R. § 8340 *et seq.* Section 8342.1 provides that:

- (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air or other resources of the public lands, and to prevent impairment of wilderness suitability;
- (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruptions of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats;
- (c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors;
- (d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic or other values for which such areas are established.

Based on this language, as well as the enormous potential for damage posed by the use of ORVs, we urge BLM to require the following:

- The RMP should prohibit ORV use unless routes are specifically marked and designated as available for that use (i.e., BLM should adopt a “closed unless posted open” policy).

- Trails designated as open should be clearly marked so that all users will be aware of where ORV use is, and is not, allowed (this will also assist in effective law enforcement).
- The RMP should implement effective, frequent monitoring of ORV impacts, and set clear benchmarks which, if exceeded, trigger closure of an area to ORVs. If monitoring and enforcement cannot be effectively accomplished due to lack of personnel or resources, the RMP should decrease use commensurately.
- Riparian areas and wetlands are of critical importance to the biological functioning of the Resource Area, and are rare. Therefore, ORVs, except on designated trails, are not appropriate in these fragile ecosystems.

Under current practice, BLM has no formal travel management program for this RMP, which is entirely unacceptable. We are concerned that several more years will go by without BLM meeting its obligation under the Executive Orders and regulations to ensure that ORV “[a]reas and trails shall be located to minimize damage to soil, watershed, vegetation, air or other resources of the public lands.”

All OHV users (including snowmobiles) should be required to travel on designated trails. Furthermore, this requirement should be enforced. Cross-country travel by snowmobiles could have impacts on wildlife even if there is adequate snow cover. Therefore, they must not be exempted from this requirement.

Colorado Cutthroat Trout

We request extra emphasis be placed on protecting and enhancing habitat for the Colorado Cutthroat Trout, which has been designated as a special status species by CO, UT, and WY and is the “only native trout in the Colorado River Basin” (p. 3-111). According to the DEIS, there are “core populations” present in four miles of reach in both Northwater and Trapper Creeks (p. 3-63). Those populations have a genetic purity of 99% or better, and are “considered nationally and regionally significant.” Thus, these fish merit a top priority for management planning, protection, and funding.

Also, all potentially effective and practicable actions must be implemented to protect the five remaining conservation populations. “A conservation population is defined as a reproducing and recruiting population of native cutthroat that is managed to preserve the historical genome and/or unique genetic, ecological, and/or behavioral characteristics within specific population and within specific geographic units.” (p. 3-111). In general, they are at least 90% genetically pure (p. 3-62). **Because some of those populations are being adversely impacted by brook trout, we think that it should be a high priority for BLM to develop and implement a management agreement with the Colorado Division of Wildlife in the very near future.** We request that those two agencies commit funding and/or staff time to effectively reduce and eliminate brook trout in JQS Gulch and East Fork Parachute Creek (p. 3-42).

In addition, there must be no surface disturbance in the watersheds containing the 15.5 estimated miles of habitat for Colorado River cutthroat trout conservation populations in

JQS Gulch, East Fork Parachute Creek, East Middle Fork Parachute Creek, Northwater Creek, and Trapper Creek (p. 3-63). They must not be subject to sediment or pollutants in runoff from road building, exploration, or drilling activities. Fences should be used to exclude livestock from sensitive habitats (p. 4-3), especially the riparian zones adjacent to these reaches, and there should be more development of off stream water sources for livestock (p. 3-41). Manage riparian areas to meet or exceed Proper Functioning Condition, as verified by intense monitoring programs coordinated with CDOW (p. 2-22).

Range Management

Currently, only Alternative II commits to having a comprehensive weed management program. **BLM should be committed to implementing an integrated weed management program** regardless of what final alternative is selected, including weed inventory, detection, and monitoring with an initial focus on riparian areas and river corridors (p. 4-53). In the West and nationally, **invasive species constitute the biggest overall environmental threat to fish and wildlife habitat**. Controls may include mechanical (but not chaining), biological, and chemical techniques (e.g., selective spraying) (p. 2-24). The goal should be to eliminate noxious weeds in all areas, especially the riparian zones and unique vegetative communities, and to restore the areas with native grasses and shrubs. Progress toward meeting Land Health Standards should be accelerated (p.2-43). **Furthermore, BLM should manage significant grassland and shrubland communities to retain mid- to late-seral stage condition (p. 2-59).**

The DEIS recognizes that the construction of new roads will indirectly impact vegetation resources by increasing the potential noxious weed infestation (pp. 4-54, 4-57, 4-60, and 4-63). However, the document does not discuss how this potential increase in spread of weeds will be mitigated. The oil and gas companies should be required to monitor and control noxious weeds along roads constructed for the sole purpose of oil and gas development. The operators should be required to submit a plan for controlling noxious weeds in these corridors as part of the permitting process.

The document discusses maintaining or restoring upland vegetation to at least a 70% ECR (Ecological Condition Rating) for Alternative II and only a 50% goal in Alternative III. It further states that riparian areas would be managed to achieve or exceed PFC (Proper Function Condition). The document fails to provide the reader what these terms mean. How are they measured? Does a 70% ECR mean the best that is reasonable possible, if so why? Describe the difference in the habitat between 70% and 50% ECR for comparison purposes. In accordance with CEQ regulations NEPA documents are to be written in a manner that is understandable to the public, and the use of these terms should be fully explained to the reader. Regardless, **if 70% of ECR is the best level of upland vegetation ecosystem health that can reasonably be attained, then that should be the goal for the entire RMP.**

Reclamation of Disturbed Sites

BLM also must commit to full reclamation of all disturbed areas as soon as possible, not just sites within SSR/CSU areas, and all the revegetation criteria listed on pages 4-49 and 4-50 must be applied. Frankly, we believe that BLM and the oil and gas industry have a terrible record when it comes to reclamation. Therefore, leases should contain requirements and criteria for measuring success (e.g., 80% native vegetative cover after 3 years) similar to the boilerplate language used by the Corps of Engineers in their issued Section 404 permits. Whatever horticultural methods are needed to establish vegetation should be a mandatory requirement. Soil tests taken before disturbance are an excellent tool for determining if salts are going to be a problem.

Before seeding, the soils must adequately prepared (e.g., ripped and disked), particularly compacted soils. The seeds must be all locally adopted native species (p. 2-59), and they must be certified as being completely weed free. As mentioned above, weeds are already a major problem in the planning area. If needed to ensure success, supplemental watering should be used in reclamation until the native species are established, and weeds must be controlled.

The state requires that reclamation include recontouring of the disturbed site before final revegetation. FLPMA requires that BLM manage the surface to prevent unnecessary and undue degradation of surface resources. The final EIS should state that a reclamation plan adapted to this area will be prepared. This plan needs to spell out the goals of reclamation, what sampling is needed prior to surface disturbance, what types of seed will be seeded, and how seeding will be done. It also needs to recognize that the soils below the rim are quite salty, and failure to revegetate shortly after disturbance can result in salts moving upward in the soil column, thus making reclamation difficult and expensive because chemical treatment may be needed before seeding.

The proposed reclamation schedule discussed on pages 4-49 and 4-50 contains the minimum procedures common to the Eastern Slope where spring rainfall is more common with dry summers. On the Western Slope, spring is commonly very dry, followed by abundant summer monsoon rains. The three consecutively wettest months of the year are August, September and October. Planting in the fall allows vegetation to become well established prior to freeze up. The best time to seed in this area is any time the surface soil is loose and friable, which provides numerous micro sites for seeds. While drilling is usually preferred, broadcast seeding during these conditions can be very successful. Doubling of the seeding rate for broadcasting is not recommended by research done in Utah. This research shows that the increased seedling numbers compete significantly with each other when moisture is scarce resulting in higher mortality. Mulching is useful for reducing erosion but has not been proven to enhance seedling establishment.

The BLM requires only a \$150,000 nationwide bond for well compliance including final reclamation and abandonment. This level of funding is only sufficient to handle 5-15 wells, and it may not be sufficient to reclaim the higher end of that range of numbers due to the high cost of reclamation when drilling in tight sands. **Thus, this reclamation bond is woefully insufficient when a company can have several thousand wells in this planning unit.** The BLM must specifically clarify in the final EIS what steps will be taken to ensure that when a well is ready for final abandonment, the money is there to ensure completion of full reclamation. We recommend that site-specific bonding, funded by the industry, should be required to ensure reclamation success when individual wells are abandoned.

Watershed Protection

Alternative III like Alternative II creates ACECs for Trapper/Northwater Creek and East Fork Parachute Creek as a means to protect these watersheds. However, the area designated as NGD/NSO in Alternative III is “reduced in area to include primarily the floors of the major drainages.” This alternative only provides protection for the bottom of the watershed, and development activities in the upper portions would degrade these drainages with increased sedimentation from upstream actions. Comparing this strategy to the larger, more comprehensive ACEC’s in alternative II is not on par. Yet, in the Environmental Consequences section, BLM’s analysis of impacts to water quality from sedimentation indicates that both these alternatives would have minor impacts to water quality from sedimentation. That analysis is flawed, and the document should be corrected to note the increased level of impact in Alternative III.

Rare Plants

The Colorado Natural Heritage Program has given the Anvil Points area a biodiversity rank of B2 for “having very high significance” (p. 3-109). A high level of protection should be given to rare plants such as the Parachute penstemon, DeBeque phacelia, southwest stickleaf, and DeBeque milkvetch. The first two are candidates for listing under the Endangered Species Act. Other plants unique to this area, such as Utah fescue and the hanging garden sullivantia, merit special protection also. There should be no ground disturbing activities near rare plants or within unique plant ecosystems. Therefore, all areas should be surveyed for rare plants prior to allowing any ground disturbance. Livestock grazing should be excluded from the rare plants, and hiking trails should be located a safe distance away.

Bats

Abandoned mine shafts and caves (e.g., at Anvil Points) used by bats for roosting, nesting, or hibernation should be protected from human disturbance.

Mule Deer and Elk and Hunting

The local mule deer herd and hunting would suffer significant impacts under all the action alternatives because the areas targeted for development below the rim are critical wintering habitat for deer. The mule deer population level in this area is already severely down from what it once was. The state's management objective for DAU 41 (units 31 and 32) is 16,500. The 2003 population estimate was 11,050, and the projection for the post hunt population for 2004 was 11,510. These numbers will be updated at the May 2005 Wildlife Commission meeting.

Yet, page 4-87 indicates **the preferred alternative could reduce the deer herd by another 33 percent**; Alternatives IV and V are even worse. This is an unacceptable level of impact. We are concerned that under the current proposed plan if drilling is allowed on top it could result in a 66% percent loss of summer and fawning habitat because of the underestimated number of wells and pads discussed above on pages 2 and 3.

Page 4-84 includes the following bothersome statement: **“Additionally, BLM and CDOW could conclude that the area atop the plateau should be closed to hunting in areas of active development following the deferral period. Such a restriction could be necessary for the safety of hunters as well as oil and gas workers, and by the loss of some existing refuge for big game animals. Creating unhunted areas on top of the plateau could also facilitate the habituation of deer, elk and large carnivores to the oil and gas operations in these areas.”** If hunting is seriously impacted, the local economy and recreational values also would be seriously impacted. The Colorado Division of Wildlife estimated that the value of Roan Plateau from hunting alone is \$3,800,000 annually (“Recommendation to preserve, protect, enhance and manage the wildlife values associated with the Bureau of Land Management's Roan Plateau Planning Area”, dated 7/18/03). Hikers, campers, anglers, ORV users, and horseback riders probably provide additional millions of dollars to the local economy. The BLM and the communities must carefully weigh whether these long-term values should be sacrificed on top for short-term energy supplies.

The area below the rim on the flats was used historically for wintering by hundreds of deer. Most of that habitat is now greatly disturbed. **Therefore, the remaining habitat in Magpie Gulch should be protected from surface disturbance, not just timing limitations. We support timing limitations from December 1 through April 30 in all other wintering habitat.** There should be no exceptions allowed. For example, drilling activities shouldn't be exempted from the TL just because the big game isn't there at a particular time. Their absence doesn't mean they wouldn't be using the site later, but drilling could prevent use of the site, particularly when using 20 or 40-acre spacing. There is no room for them. Sometimes elk have been observed to use a traditional wintering area (e.g., irrigated pasture) that has a lot of human activity. However, they may feel the need to be constantly on the alert, which can be confirmed if they are not

laying down and their ears are not laid back. As a result, they are not getting the rest they need, and they are subject to adverse levels of stress.

The fawning and calving areas on top should receive special protection, including appropriate livestock grazing intensity and time of use prescriptions. In addition, there are only six main passageways down the steep cliff (p. 3-36), and they must be protected from any disturbance along with other identified seclusion areas for deer, elk, mountain lion, and bear.

Livestock

The document should note that with the 20-acre spacing that industry prefers for gas drilling, livestock grazing will practically be eliminated because of the area disturbed by pads and roads.

Recreation

Maps 39-42 show a major impact on recreation, if drilling is allowed on top due to roads, pipelines, power lines, etc. In fact, if we are reading that information correctly, **the preferred alternative could result in a decrease in back and middle country recreation opportunities of 97%, which would all but eliminate the quality of the recreation experience on top of the Plateau.** The final document needs to address how such a high level of impacts can be minimized and mitigated.

Raptors and Other Migratory Birds

Use Controlled Surface Use and Site-Specific Relocations stipulations in leases to protect raptor nests and nesting raptors from human disturbance. The distances should be coordinated with the Migratory Bird Program of the U.S. Fish and Wildlife Service to ensure they are adequate. **We are concerned that the 0.125-mile radius from nesting raptors and the 0.25-mile radius from the peregrine nesting complex on the cliffs may not provide sufficient protection** (p. 2-57).

Concerning powerline pole design, the BLM should consider as a BMP the use of underground powerlines to eliminate the need for poles that can be hazardous to raptors. This BMP would not only result in minimizing risk to raptors, but would eliminate visual intrusions and habitat fragmentation. Powerline corridors can serve as pathways for the introduction of noxious weeds since vehicles will travel these corridors during installation and during maintenance. If power lines are constructed above ground, they must incorporate features to protect against electrocution of birds. All activities should be conducted in accordance with the MOU between BLM and the USFWS on migratory bird conservation.

Wetlands and adjacent uplands should be protected for waterfowl nesting and brood rearing (p. 2-9).

Air Quality

The EIS states that air quality monitoring will be conducted in alternatives II through V, but it does not provide any details on what parameters will be monitored, frequency of monitoring, and the methodology that will be used for monitoring. A statistically sound monitoring plan should be included in the document. The operators should be required to implement site-specific air quality monitoring during operations. The mitigation measures that must be used to eliminate or minimize air quality impacts, including road dust and haze, should be included in the final RMPA/EIS document and in all future leases.

Water Quality

The document states, “Impacts to groundwater could be considered an irreversible and irretrievable commitment of a natural resource due to the much slower rate at which changes in water quality or quantity would be reversed by natural processes (See Section 4.6). However, the potential for contamination of useable water zones and domestic groundwater, or for adverse impacts on groundwater quantity, from oil and gas drilling on BLM lands is considered negligible under all alternatives in the document. The rationale used was that these negligible impacts would result from the requirements that operators isolate and protect usable water zones, the relatively few domestic water wells on or near public lands, and the limited water-bearing zones below the rim. (p. 4-21).” Regardless, **such statements are meaningless unless BLM develops and implements statistically sound surface and ground water monitoring plans.**

In addition, the document notes that water will be hauled off site, but the drill cuttings and residual mud will be buried in pits that are “generally unlined.” Such material can contain heavy metals and other undesirable water quality constituents, thus reaffirming the need for adequate ground water monitoring and reporting. The BLM failed to analyze in the DEIS the option of using closed loop drilling systems that would prohibit the use of drilling pits. Furthermore, such systems would allow operators to collect the drilling mud and dispose of potential pollutants at a properly permitted waste management facility. These techniques are currently being required by other federal and state agencies to protect water quality.

Furthermore, we strongly concur with the citizens of Parachute that the “entire portion of the Parachute Creek drainage atop the plateau needs to protect their water quality, as well as aquatic biota and other adjacent resources.” Such action would help ensure survival of the Colorado River cutthroat trout and help protect the quality of the water used by the town of Parachute.

FLPMA requires that land use planning and the resulting RMP provide compliance with “pollution control laws” such as the Clean Water Act (CWA). 43 U.S.C. § 1712(c)(8). To do so, BLM must ensure that all streams on its lands comply with federal and state water quality standards. CWA § 401 requires BLM to secure certification from the State of Colorado of compliance with state water quality standards prior to the authorization of

certain activities on BLM lands. 33 U.S.C. § 1341. Section 404 requires permits before discharges of dredged or fill material can be made into navigable waters. *See* 33 U.S.C. § 1344. The RMP should ensure full compliance with sections 401 and 404 of the CWA.

An important step toward complying with the CWA can be made by ensuring the RMP adheres to and incorporates appropriate elements of the Clean Water Action Plan. The Clean Water Action Plan requires “managing natural resources on a watershed basis . . .” <http://www.cleanwater.gov/action/c2b.html>. Federal agencies must adopt a policy that “will ensure a watershed approach to federal land and resource management that emphasizes assessing the function and condition of watersheds, incorporating watershed goals in planning, enhancing pollution prevention, monitoring and restoring watersheds, recognizing waters of exceptional value, and expanding collaboration with other agencies, states, tribes, and communities.” *Id.* BLM is specifically required to provide for “enhanced watershed restoration efforts, including the integration of watershed restoration as a key part of land management planning and program strategies.” *Id.* The Clean Water Action Plan requires that BLM “enhance the quality of streams and riparian zones and accelerate restoration.” *Id.* BLM “will increase maintenance of roads and trails and aggressively relocate problem roads and trails to better locations. Where unneeded roads pose threats to water quality they will be obliterated and the land restored.” *Id.* Implicit in this requirement is a prohibition on creating, or permitting, additional roads that could become problem roads.

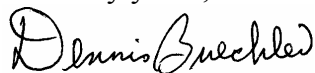
In assessing whether road construction associated with logging or oil and gas development or other activities should be authorized, BLM must be realistic about the resources available to the agency for maintenance and rehabilitation. Similarly, the RMP should make provision for implementing BLM’s Riparian-Wetland Initiative, particularly the objective of restoring 75% of riparian areas to “proper functioning condition.”

Socioeconomics

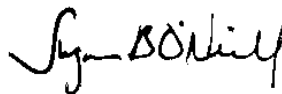
The environmental consequences section includes several unsupported conclusions. For example, the DEIS states that the various alternatives will result in job growth due to oil and gas development and other proposed management actions. However, the analysis does not provide any details or the assumptions used to arrive at these conclusions. This section should disclose the data and assumptions used.

Thank you for the opportunity to comment. Questions on these comments may be directed to Dennis Buechler at wetlandsandwater@comcast.net.

Sincerely yours,



Dennis Buechler
Co-Chair Issues
& Advocacy Committee



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Senator Wayne Allard
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