

NWCOS COMMENT FORM FOR JUNE 27 DRAFT ALTERNATIVES

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OVERARCHING COMMENT

Handbook-1624-1 – Planning for Fluid Mineral Resources, Chapter III: b.3.c.7 Formulate Alternatives to Existing Management, subsection d.

1: *“The least restrictive stipulations that effectively accomplishes the resource objectives or uses for a given alternative should be used.”*

BLM has not complied with this requirement in any of the management options considered. For example, page 69, Minerals and Energy, it is stated in both Alternatives A and B that leases will be issued under standard terms and conditions (there is no such thing as a standard lease stipulation) plus specified stipulations. However, Alternative C states, “Full stipulations would be applied to all new leases. Upon the written request of the operator as part of a site-specific Application for Permit to Drill (APD), exception, waiver, and modification criteria (Appendix X) would be considered as part of the project proposal in RMP and NEPA compliance review” and Alternative D provides that leases will be issued with specified stipulations with no opportunity for exceptions, modifications, or waivers.

This approach does not meet the handbook requirement to utilize the least restrictive stipulation need to protect the resource. The No Action Alternative provides for performance objectives that will clearly protect fragile soils without resorting to a “no surface occupancy” stipulation. Section b.3.c.5.7 of the handbook, Formulate Alternatives to Existing Management, directs **“Based on the analysis of the management situation, the ID team formulates a reasonable range of alternatives to existing management. Alternatives are directed towards responding to identified issues and concerns, resolving the problems with existing management, and exploring opportunities for enhancing or expanding resources or resource uses.”** This is not how BLM is moving forward with developing its range of alternatives. Rather, as described the range of alternatives represents an attempt to impose arbitrary levels of constraints without consideration of whether or not current management is effective.

Other examples of this misguided approach to reach an arbitrary range for the alternatives are found in:

- Fragile soils: the draft Alternative D states that management would be the same as the No Action Alternative *except no ground disturbance and no surface occupancy (oil and gas) within areas verified to meet fragile soil criteria* will be allowed.
 - BLM must justify that there have been problems with existing management practices have been found as a result of the performance based management.
- Section M, grouse, on page 15. Current management provides *“NSO within ¼ mile radius of a lek site. NSO area may be altered depending upon the active status of the lek or the geographical relationship of topographical barriers and vegetation screening to the lek site.”* Alternative D states that *NSO within 1-mile radius of a lek site* will be imposed.

Comments are due to Jeremy Casterson (jeremy_casterson@blm.gov or fax: (970) 826-5002) and Helen Littrell (hlittrell@keystone.org or fax: (970) 262-0152) by no later than 4:00 p.m. MDT on Tuesday, July 5, 2005. If you are unsure of whether your idea is an RMP-level suggestion, please call Jeremy Casterson at 970-826-5071.

- When BLM and BAH were questioned about this restriction, it was explained that there was no scientific data to support the new restriction, rather it was used to provide a range in the alternatives. This is inappropriate because it does not meet the stated requirements to use the least restrictive stipulation and it is not predicated upon a problem that arose from current management as described in Handbook 1624.

Recommendation:

We recommend that BLM work with the CSO to determine how to appropriately construct a range of alternatives that meets BLM's planning requirements. It must be noted that developing a range of alternatives is not to be based upon a "wish list" but rather how to improve existing management of BLM's resources based upon scientifically validated data. It is advisable for BLM to conduct its planning process in accordance with the regulations and guidance NOW rather than having to start over when the draft EIS is prepared because the CSO finds fault with the process used to develop a range of management alternatives.

Handbook-1624-1 – Planning for Fluid Mineral Resources, Chapter III: b.3.c.7 Formulate Alternatives to Existing Management, subsection d.

2. "If multiple stipulations are proposed for the same area, the potential effects of overlaps should be considered. For example, if overlapping seasonal restrictions effectively preclude any surface disturbing activity year round, modifying those stipulations should be considered; or if other resource values are of high enough value and the protections are justified in the public interest, a no surface occupancy (NSO) stipulation should be employed in lieu of the seasonal restrictions."

Recommendation: BLM should carefully consider how proposed stipulations will impact new leasing in the resource area in order to ensure unnecessary constraints are avoided.

GENERAL:

Somehow many comments on the draft alternatives were inserted into the alternative tables. None of these comments were vetted with NWCOS and must be removed from the table. It is necessary for these comments to be evaluated by NWCOS and BLM to determine whether it is appropriate to include such language as part of the alternatives. For example, on page 23 the following comments were included: Existing pipelines that cross critical or occupied habitat should be evaluated for risks to the Colorado River fishes. Evaluation should include: contingency and/or emergency plans in place and their adequacy to reduce risks to these fishes, conditions of manual shut-off valves (if any), accessibility to manual shut-off valves, and relationship of pipeline location to spawning habitat. If the opportunity exists, BLM should use its discretion to modify pipelines determined to pose a potential adverse affect. Similar comments highlighted in yellow were included throughout the official NWCOS document, many which must be discussed because some are not planning level decisions and were never evaluated for pertinence.

Areas of Special Designation and Wild Lands, Visual Resource Management, and Cultural and Paleontological Resources

P. 49 – There is no official relevance to the term "wild lands" and it must be removed from all planning documents. As pointed out in one of NWCOS' earlier meetings, the only option BLM has in its toolkit is to create "special designations" which does not include wilderness since those recommendations have been submitted to Congress and the window of opportunity to designate new WSAs closed in 1991.

P. 49 – White Tail Prairie Dog ACEC to be designated under Alternative D. Such an ACEC is unjustified in any alternative because it does not meet the ACEC designation criteria. There is no threat to the WTPD as demonstrated by the USFWS decision not to list the species and the fact that

data from the Ranglely field show there is little or no conflict with current management and the dog. We strongly urge that this designation and the NSO stipulations be removed from Alternative D.

P. 50 – F - MOU or MOA: We do not support BLM management being opened up to the public as it will merely serve to delay and create unnecessary workloads on already overburdened BLM personnel. Change this language to the following:

- Memoranda of understanding or agreement will be developed with the Colorado Natural Areas Program and State and Federal agencies to provide recommendations on protecting, managing and studying...

P. 50 – Limestone Ridge: Alternative B needs to be changed to include performance standards designed to protect sensitive and remnant plant communities where necessary. This same approach should also be included in Alternative C.

P. 59 – Dinosaur North includes CWP's, which have been found not to have any legal basis for protection. Therefore, they do not warrant special management and should be eliminated from any special management objectives unless there are specific values that have been found to require additional protection. In accordance with comments regarding the appropriate range of alternatives above, short of demonstrating that current management does not adequately protect area resources, management should be the same as depicted under Alternative A.

P. 59 – Cold Springs Mountain – Information under Alternative A is vague and impossible to understand. If there are no special designations to be considered under Alternative C, there must be justification for closing the area to oil and gas leasing. Ironically, oil and gas production operations have much less impact than a wind farm.

P. 63 – Cultural Resources Program Goals A - While it may be beneficial to understand Section 110 of the NHPA, it is typically Section 106 that applies to activities on Federal lands, which requires BLM to coordinate with the State Historic Preservation Office (SHPO).

P. 64 - C - Cultural Surveys, item c. – Alternatives B, C and D require site-specific Class 3 surveys associated with project proposals and the following language “prioritize non-project driven Class 3 surveys in the Sand Wash and Vermillion Basin areas.” Given BLM's lack of adequate funding for most BLM programs, it is of concern that project proponents may be urged to conduct these surveys. How will BLM fund these surveys?

Minerals and Energy

P. 70 – No Surface Occupancy Stipulations – F. Grouse In addition to the comments given above, BLM has not acknowledged that there is a NW Colorado Sage Grouse Working Group which will establish management objectives for the grouse. It is our understanding that BLM will defer its management goals and objectives to the decisions made by this group. This should be reflected in the planning document.

P. 77/78 – Waiver, Exception and Modification Criteria – In accordance with BLM policy, WEM criteria must be identified for all stipulations regardless of the alternative in which they are included.

P. 79 – Vermillion Basin – The language under Alternative B is more appropriate for inclusion under Alternative D. There has been NO justification for closing the area to leasing discussed. Staged leasing in Vermillion is an unacceptable alternative. The concept of staged leasing is currently under protest in association with decisions made in the Jack Morrow Hills Coordinated Activity Plan. Alternative B should be rewritten as follows:

“Open to leasing under standard terms and conditions plus special stipulations and operating conditions to protect site-specific values that require added protection (*cite values that require protection and measures designed to accomplish the protection*).

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