

FOR DISCUSSION PURPOSES ONLY

Colorado Wilderness Network Response to Julander Energy Company Proposal April 15, 2005

Thank you for initiating this more in-depth discussion regarding how best to address the impacts of energy development on wildlife species. We agree that the species and landscape concerns identified in your proposal are important to the management of the Little Snake Resource Area. Below we provide our thoughts and additional ideas for improved management:

Critical Winter Range Wildlife Habitat: To address the situation where energy development may proceed within critical winter range wildlife habitat, we recommend that the Little Snake plan consider adopting portions of the Wyoming Game and Fish Department's *Recommendations for Development of Oil and Gas Resources within Crucial and Important Wildlife Habitats*. In a nutshell, these recommendations propose that the ranges of impact be identified and that appropriate stipulations be applied, including requiring directional drilling, enforcing conditional surface use stipulations, and pursuing ongoing restoration. This document identifies the critical need to protect wildlife habitat and scientifically refutes what it identifies as three key common misconceptions about the relationship of wildlife to energy development:

1. Wildlife relocate to adjacent, unaffected habitats, so there really is no impact (i.e., "they just move out of the way");
2. Deer and pronghorn are frequently seen foraging near oil and gas facilities, and even use habitats in the middle of oil fields. This indicates they become accustomed to, and are not affected by such activities; and
3. Existing seasonal use stipulations, standard operating procedures, and reclamation practices are adequate consideration for wildlife resources affected by oil and gas development."

After documenting the range and significance of the impacts, the Wyoming Game and Fish Department also provides graduated levels of applicable stipulations. This is a good example of the sort of adaptive management we believe could be most helpful in addressing a situation like drilling in winter range. The entire document is available on-line at: <http://gf.state.wy.us/downloads/pdf/og.pdf>. Pages 1 – 27 provide the summary of findings and detail the approach to management, and Appendix B sets out the management practices that must be applied to all oil and gas development as lease stipulations and/or conditions of approval.

Wild Horse, Wildlife and Livestock Water Development Areas in the Sand Wash Basin: The notion of developing water resources to reduce stress on the Sand Wash Basin wild horse herd is thought-provoking. Our experience in dealing with the West Douglas Herd Area Amendment process, however, indicates that oil and gas development and off-road vehicle use are causal factors in displacing the herd and rendering habitat unusable by that herd. Indeed, the BLM is proposing to remove the West Douglas herd altogether because of the major displacement caused by the significant level of energy development in the area. This experience points to the larger question of whether, at least in certain key areas set aside for other values, we should simply work to "avoid" impacts rather than simply focusing on how to "mitigate" them.

Prairie Dogs: We appreciate Julander's willingness to consider taking additional actions to help promote recovery of prairie dog towns, and look forward to discussing this issue in further detail.

We are intrigued that Julander is pursuing research to examine the impacts of energy development such as roads on prairie dogs, and we look forward to reviewing this data when it has been peer-reviewed and published. In the interest of sharing information, we refer you to the conservation assessment produced by the state wildlife agencies of Colorado, Utah, Wyoming, and Montana. This assessment of the status of white-tailed prairie dogs in those states includes an analysis of the impacts of oil and gas drilling on prairie dog colonies and warns that “[c]urrent BLM policies do not adequately protect white-tailed prairie dogs during oil and gas development.” It clearly identifies several negative effects of oil and gas drilling on prairie dog colonies and recommends that “[r]evision of BLM Land Use Plans to control leasing and development in white-tailed prairie dog complexes to address prairie dog management needs and maximize habitat potential must be initiated on a state-by state basis to prevent further, more drastic actions, including listing the white-tailed prairie dog under the ESA.” This conservation assessment is available for download at <http://www.nativeecosystems.org/prairiedogs/whitetailed/WTPDCAFINAL0804.pdf>.

In other planning processes, the ecological importance and threatened status of white-tailed prairie dogs in the West has been acknowledged, most recently, by the Vernal Field Office of the BLM in Utah. The recently released Draft RMP/EIS for the Vernal Resource Area includes white-tailed prairie dog habitat in a proposed Area of Critical Environmental Concern, finding that this habitat is “fragile, sensitive, rare, irreplaceable, exemplary and unique” and that protection is important because of the limited amount of habitat remaining and BLM’s management of the vast majority of these areas. The Draft Vernal RMP/EIS is available at www.vernalrmp.com and the discussion of the value of white-tailed prairie dog habitat appears in Appendix G (discussing Coyote Basin).

We would similarly argue that the Little Snake plan should recognize the need to protect existing white-tailed prairie dog habitat. The Center for Native Ecosystem proposed 15 ACECs to protect key white-tailed prairie dog colonies and habitat across the West back in January 2003, including an ACEC to protect the Little Snake colony. We believe that the Little Snake plan should include designation of the proposed ACEC, as well as the development of appropriate management prescriptions, along the lines of the draft Vernal RMP. The state wildlife agencies who completed the above-mentioned conservation assessment also recommended ACEC designation as a way to ensure survival of prairie dog colonies.

Raptors: Some recent work on raptors that we have found promising is also contained in the Draft Vernal RMP/EIS (available at www.vernalrmp.com) that sets out and incorporates Best Management Practices (BMPs) for Raptors and Associated Habitats (in Appendix A), which were developed to be comparable to guidelines from the U.S. Fish and Wildlife Service, Utah Field Office. These BMPs require including spatial and seasonal buffers restricting potentially damaging activities and only permitting modifications if a specific site assessment is conducted, a biologist concurs, and monitoring strategies (site-specific and long-term) are developed and implemented. Habitat enhancement would also be a priority. The Draft Vernal RMP/EIS also includes Seasonal and Spatial Buffers and Temporal Protections for Raptor Nests (in Appendix H), such as requiring a .5 mile spatial buffer, March 1 – August 1 seasonal restriction, and 7 years protection for unoccupied nests for ferruginous hawks. Both of these approaches are important first steps in protecting existing raptor populations and providing a means to enhance their habitat as well.

We salute Julander’s interest in better understanding the extent of the Little Snake’s raptor population and the best way to mitigate impacts of development on it. We encourage Julander to publish the results of any such research so that the assumptions, methodology, and findings are

transparent and widely accepted. In the meantime, we bring your attention to a published study that accounts for raptors' sensitivity to disturbance from development activities: Smith, D.G., and J.R. Murphy. 1982. Nest site selection in raptor communities in the eastern Great Basin Desert. *Great Basin Naturalist*. 42:395-404.

For further studies, we would note the importance of complying with the recently-issued OMB guidelines on peer review of scientific information, which are available at <http://www.whitehouse.gov/omb/pubpress/2003-34.pdf>. These guidelines require peer review for scientific information that is likely to impact important agency policies or decisions. In addition, the Department of Interior and Bureau of Land Management have issued guidelines regarding compliance with the requirements of the Data Quality Act that all information relied upon by federal agencies meet basic standards of quality, utility, objectivity, and integrity (BLM Guidelines are available at http://www.blm.gov/nhp/efoia/data_quality/guidelines.pdf). These standards should certainly apply to data generated to justify oil and gas management decisions.

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