

Draft Comments on Environmentalists' Response to Julander Energy Company's Wildlife Partnership Opportunities for the 4/20/05 NWCOS Oil and Gas Subcommittee Meeting

We received comments from the environmental groups participating in the NWCOS oil and gas subcommittee on our wildlife partnership proposals via email late Friday afternoon. Although we appreciate their comments, we view them as attempts to place additional restrictions on our industry where they are not warranted versus an effort to collaborate. We offer the following comments as a response to their suggestions for more restrictions:

1. Year-Round Drilling and Enhancement of Critical Winter Range Wildlife Habitat: We have briefly reviewed the Wyoming Game and Fish Department's Recommendations for Development of Oil and Gas Resources within Crucial and Important Wildlife Habitats. The primary distinction between our proposal and this report is that we are requesting the opportunity to drill gas wells during the winter on 2-640 acre sections with critical winter range stipulations in exchange for providing range enhancement in the same area where we are granted access to drill during the stipulation period. The Wyoming Game & Fish report specifically states that seasonal restrictions should be applied in all critical winter range areas. While we are open to working with the BLM on habitat enhancement projects, we are also trying to address the critical shortage of drilling rigs created by increased natural gas demand and prices and seasonal restrictions on federal lands. We are trying to develop proposals where there are opportunities for mutual benefit to the BLM and the oil and gas industry; not just additional restrictions placed on the oil and gas industry based on the viewpoint of a particular person or group with no scientific evidence of their necessity. We have many additional questions and concerns related to this 180 page document but we have not had the opportunity to review it in its entirety at this time.
2. Proposal for Wild Horse, Wildlife and Livestock Water Development Areas in the Sand Wash Basin: It is our understanding that wild horses and gas wells can get along well. In fact, our proposals for enhancing wild horse habitat and watering availability came after consultation with wild horse proponents. The West Douglas Herd Area Amendment, which pertains to wild horse relocation, raised by CWN in its response to us, involves wild horse issues in this area that have been contentious for some time. They originated from other sources of conflict rather than the 900 natural gas wells in the area. As support we offer the following quote from the January 25, 2005 edition of the Rocky Mountain News,  
*"Concern has been raised about 900 gas wells in operation near the 127,000-acre wild-horse range, but Hall [Steve Hall, BLM spokesman in Grand Junction] said that wild horses have been around wells for decades and are not bothered by them.*  
*Flores [Barb Flores, a board director for the American Mustang and Burro Association], of the American Mustang and Burro Association, and Toni Moore, secretary of the Colorado Horse and Burro Coalition, said they believe cattle producers are at the*

*bottom of wanting the horses moved. They agree horses are not affected by gas wells.”*

3. Benefits of Oil and Gas to Prairie Dogs: With regard to white-tailed prairie dogs, it is well known to experienced Western wild life observers, even to some environmental groups, that the white-tailed prairie dog often chooses to live in oil and gas fields. We would point out that a petition to list the white-tailed prairie dog as an endangered species was recently denied. The petition for listing, as well as an application to create ACECs for white tail prairie dogs, was initiated by the Center for Native Ecosystems, among others, and both documents contain strong opinions and conclusions which are not supported by scientifically credible literature. In fact, of the some eight citations present in both documents that purport to demonstrate that oil and gas harms the white-tailed prairie dog, these cannot be located at all: Shuman and Whicker 1986; Knapp 1996; Belnap 2002; Boyle and Connaughton 2002, even by our lawyers. We would appreciate any help that Colorado Wilderness Network can give in locating the cited material. Others, upon close examination, do not accurately represent the proposition for which they are cited: Young and Sawyer 1981; Menkens and Anderson 1985. With regard to the conservation assessment cited in CWN’s response to us, number two of its stated goals is to, “Develop partnerships with communities, INDUSTRIES [emphasis added], interested entities, private landowners and government agencies to design and implement conversation strategies to preserve and/or restore suitable habitat as well as maintain and enhance present distribution and abundance of white-tailed and Gunnison’s prairie dogs.” In spite of this clear goal, the oil and gas industry was not invited to participate in this conservation assessment process or comment on the working drafts. Moreover, a letter from a Colorado BLM biologist pointing out healthy prairie dog colonies thrive in oil and gas fields such as Rangely, was ignored by this conservation assessment group in arriving at its conclusions. Further undermining the objectivity and fairness of the Assessment is the fact that Erin Robinson, a principal biologist for CNE’s effort to list the prairie dog as an endangered species and create ACECs for them, is acknowledged as a source of significant input to the assessment, personally or from her organization’s publications. The conservation assessment also makes unsupported and contradictory assertions. Here is an example of one of many instances. The Assessment states on page 57, “Only one study has attempted to demonstrate the effects of oil and gas disturbances on white-tailed prairie dogs and information from this study is preliminary (Baroch et al. 2004). The objective of this study is to assess the current status of colonies in an area undergoing rapid resource development in western Wyoming at the Pinedale Anticline natural gas field. The 2004 survey data found no activity at 48% of the colonies that were surveyed in 2001, and the area occupied by white-tailed prairie dogs had declined by 95%. Unfortunately the researchers did not monitor colonies for plague, so reasons for this decline are unknown. Rapid declines in white-tailed prairie dogs also occur in areas not being heavily impacted by oil and gas development (see state section of this document).” This is in contrast to TWN’s representations in its reply to us of the Assessment’s positions regarding oil and gas. There are many more statements that contradict the Assessment’s

unsupported final conclusions regarding oil and gas, and we will be happy to document them. Plague, poisoning and shooting are all shown by the assessment to kill prairie dogs. The effects of oil and gas are merely speculation. In fact, the Rangely field prairie dog colonies undermine this speculation.

4. Raptors: An update from a recent Public Lands Advocacy newsletter on this subject is as follows: PLA is working with American Petroleum Institute to develop a joint industry/federal agency pilot project to be conducted in 2006 to assess the effects of oil and gas development on red tail hawks. Currently, protective radii around active nests vary from 0.5 - 2.0 miles depending on species and circumstances. However, little research has been done to document distances from nests where actual oil and gas activities cause impacts to nesting red tail hawks. Therefore, it is not unlikely that the nesting radii imposed by the BLM may be excessive and could be reduced if direct human approaches to the nest were avoided.

The purpose of the study is to try to quantify the range of effects that well pad, access road and pipeline construction, and the drilling and completion of wells have on these raptors and to determine the distances between nests and construction/drilling and completion activities at which the various effects occur.

Meetings with agency biologists from BLM, Forest Service and the US Fish and Wildlife Service, as well as participants from DOE, are currently being held to reach concurrence on the pilot project and monitoring protocols. State game and fish agencies will be invited to participate in the pilot project. After agreement is reached on monitoring protocols, candidate BLM field offices will be contacted to ascertain their willingness to grant exceptions from current raptor radii requirements and to provide in-kind support for the pilot project. Locations for the study will be selected based upon nest density, proposed drilling activity, and willing agency and industry participants. The budget and funding for the pilot project is being developed. Congratulations to Dr. Larry Hayden-Wing, a PLA member, who will serve as lead scientist on the pilot project. \* End of Update\*

The comments from the environmental participants refer to the draft Vernal RMP which relies on stipulations with little scientific data or research. The purpose of the PLA/API study is to finally get the data necessary to justify and support raptor stipulations on the oil and gas industry as this work has never been done before. We are willing to pay for a raptor survey to help the BLM with their workload in exchange for being able to utilize the results of this study to update raptor stipulations for the new RMP. We would also recommend that the Little Snake Resource Area consider participating in this study. Dr. Larry Hayden-Wing is a distinguished and accomplished wildlife biologist and we are certain he is capable of complying with all scientific standards for peer review, particularly in light of the fact that he is conducting this study in cooperation with numerous federal agencies.

Finally, we find it interesting that several representatives of different environmental groups participating in the NWCOS are listed as contact people for

these comments. However, the title of the document says the comments are from the Colorado Wilderness Network. It is our understanding that Suzanne Jones works for the Wilderness Society, Josh Pollock works for the Center for Native Ecosystems and Steve Bonowski represents the Colorado Mountain Club. We would appreciate an explanation on why the document is not uniform in its representation.