

April 27, 2005

Mr. Jeremy Casterson  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625

Re: Comments on the Draft of the Alternatives dated 4/8/05

Dear Jeremy:

The following comments represented my feedback on behalf of Julander Energy Company (JEC) on the subcommittee meetings held by the NWCOS on April 19 and 20, 2005. I will list them in order by each meeting:

**Vegetation and Habitat:**

Wild Horses: Julander Energy Company (JEC) is willing to provide financial support, in conjunction with other sources of funding, to develop water sources for wild horses in the Sand Wash Basin (SWB). The wording of our proposal is submitted to the BLM in a comment letter dated 4/22/05. We also encourage the BLM to maintain a sustainable population in the SWB. To that end, we support the suggestions provided by the BLM in the 4/8/05 draft.

Sage Grouse: JEC is concerned about maintaining a healthy sage grouse population in the Little Snake area. As an add-on to Suzanne Jones's proposal on designating a special sage grouse area, I proposed in the meeting that the oil and gas industry should be included in helping to establish such an area so that monitoring could be done to determine what distance stipulations are adequate to protect the sage grouse during its mating season, and at other times during the year. Some people assume that in order to enhance sage grouse populations, oil and gas development needs to be eliminated in certain areas, even in the face of valid existing mineral rights. I don't agree with that assumption and I don't think it fosters collaboration.

Livestock Grazing: JEC supports the enhancement of livestock grazing in the Little Snake Resource Area in order to sustain the agriculture community in Moffat County. Through the NWCOS, I have learned that agricultural land is very important to maintain wildlife habitat for hunting and tourism. This careful balance could be unraveled by BLM land use decisions and much of this private land could be sold to developers and divided up into smaller units, particularly in the big game migration corridors on the eastern side of the county. The loss of this land to multiple private owners may impact the wildlife in the area. I would like to see an alternative in the RMP that provides AUM incentives for ranchers to continue to provide habitat for wildlife.

Big Game Winter Range: JEC supports efforts by the BLM and CDOW to apply adaptive management techniques to these stipulations. We encourage you to keep in mind that, at this point, most of these animals are well above the DOW's targeted numbers for sustainable populations. Employing adaptive management strategies could be an effective management tool for further assist BLM and DOW in maintaining healthy big game populations in the Little Snake Resource Area. Please add an alternative which includes this concept. Also, JEC requests that the DOW and the BLM update the AMS with the most recent big game population data so we have the best information upon which to make decisions.

Raptors: Again, we encourage the BLM and the DOW to apply adaptive management techniques for these birds by utilizing the results from the API/PLA Raptor Stipulation Study we have cited in previous comments. Please add this as an option to the RMP and consider participating in the study.

Timing Stipulations: In general, there is no scientific proof that timing stipulations are effective based on their intent to protect wildlife. They have become a tool for short-staff and overburdened BLM and DOW field personnel. As a result, many oil and gas leases and multiple stipulations layered on them, leaving the lease owners with a very limited annual time frame under which they can access their lease rights. Many mineral rights owners across the west are under the same timing restrictions, i.e. crucial winter range, so when these restrictions are lifted at the same time, it is very difficult to get drilling rigs for exploratory drilling as every operator wants a rig at the same time. Please consider this when you are reviewing your stipulations for how you can be more flexible with operators, thereby enhancing our overall domestic energy supply situation. Our proposal to enhance crucial winter range in exchange for being allowed to access 2 sections of our lease rights during the winter range timing stipulation still stands and we request that you add this to an alternative for consideration.

### **Transportation and Recreation:**

OHV Use: JEC continues to support allowing OHV use in the Little Snake Resource Area in a manner that provides a quality recreational experience for OHV users and balances that use with other multiple users. We support adding an SRMA for the southern Sand Wash Basin as long as valid existing rights are protected. We urge the BLM to help facilitate communication with OHV users and the oil and gas industry regarding our drilling activities to ensure safe road travel for all users. We continue to support our suggestion that perhaps OHV access areas could be rotated on an ongoing basis versus shut down permanently. This could be a workable solution that accomplishes the BLM's goal of minimizing impacts over the life of the plan while providing a variety of OHV recreational opportunities.

Travel Management in ACEC's: JEC is opposed to the creation of a prairie dog ACEC because we have valid existing mineral rights in the area being proposed and we believe this wildlife resource can be managed with existing stipulations and restrictions, including those related to travel management. We very much oppose the language on

page 3, Alt. 1 “vary ACECs closed with some limited” and request that it be stricken from this section as it violates valid existing property rights. However, we do agree with the language that supports adaptive management to manage ongoing multiple use surface needs in the northern Sand Wash Basin in areas where there are prairie dogs (“utilize adaptive management principles to guide detailed travel planning”). Please add adaptive management options to the alternatives to give the BLM the opportunity to consider alternatives to designating an ACEC for prairie dogs to balance this wildlife resource with other multiple uses. The coexistence of oil and gas development with prairie dog habitat has worked very successfully in the Rangely Oil Field and we request that this option be evaluated thoroughly.

### **Minerals and Energy:**

Goal and Objectives: JEC believes a quote from the Federal Lands Policy and Management Act (FLPMA) regarding oil and gas development on federal lands is in order based on many of the verbal and written comments we’ve heard and read through the NWCOS process:

#### FLPMA Policy

The Federal Land Policy and Management Act (FLPMA) contains an express declaration of Congressional policy that BLM manage public lands "*in a manner which recognizes the Nation’s need for domestic sources of minerals*, [and other commodities] from the public lands." 43 USC § 1701(a) (12) (emphasis added). In addition, FLPMA identifies minerals as one of the "principle or major uses" of public lands. 43 USC § 1702(l). FLPMA also requires BLM to manage the public lands on the basis of multiple use and sustained yield and to meet the needs of present and future generations.

#### Development of Land Use Plans

Section 202(a) of FLPMA directs the Secretary of the Interior to "develop, maintain, and, when appropriate, revise land use plans" which govern, in part, the use of the public lands. 43 USC § 1712(a). The objective of resource management planning is *to maximize resource values for the public* through a rational, consistently applied set of regulations and procedures which promote the concept of multiple use management and ensure participation by the public, state, and local governments. 43 CFR § 1601.0-2 (emphasis added). This directive includes maximizing oil and gas resources for the public.

Therefore, JEC believes the language in the goals and objectives provides the balance needed to produce domestic energy for the United States while providing for other multiple uses on public lands. We suggest the BLM incorporate both concepts from Objectives 1 and 2 into both goals to alleviate concerns about the word maximize. The sentences would read as follows: 1. Identify and maximize the availability of federal oil and gas estate (including CBM) for exploration and development in potentially productive areas to increase energy supplies in an environmentally sound manner. 2.

Facilitate reasonable, economical, and environmentally sound exploration and development of oil and gas resources (including CBM).

Range of Alternatives: Please add the phrase “subject to valid existing rights” as we discussed in the meeting to all sentences in all of the alternatives section which suggest closing off areas from development, adding stipulations, restricting access, etc.

Vermillion Basin: JEC agrees that BLM should consider a wide range of options when planning for the land management of the Vermillion Basin over the next 20 years. We are concerned about the discrepancy that exists whereby the BLM made an administrative withdrawal of the Vermillion Basin from its existing RMP for oil and gas leasing, when the plan stated that these lands were available for leasing with standard stipulations.

Restrictions and Stipulations: Please see our comments from the Habitat and Vegetation section above under Timing Stipulations on page 2. Again, we would like to see the BLM incorporate some flexibility on timing restrictions into the plan, such as when there are wildlife overpopulation concerns, allow the amount of crucial winter range stipulations to be reduced and incorporate our proposal for drilling in crucial winter range areas in exchange for range enhancement. JEC believes these ideas could be incorporated into the plan as adaptive management strategies with the underlying existing restrictions as the “safety net.”

### **Special Designations:**

Lands with Wilderness Characteristics vs. Moffat County’s RS 2477 Claims: JEC believes there is an ongoing imbalance in the information being presented by the BLM in the NWCOS meetings with regard to the lands proposed by environmental groups for wilderness designation versus the road claims being made by Moffat County under RS 2477. The “CWP” or Citizens Wilderness Proposal is not recognized as a legal proposal under current BLM policy. We request that the BLM discontinue using this phrase and continually provide verbal and written reminders to the NWCOS and other interested public representatives of this important information. JEC suggests changing the name of these lands to “Lands Inventoried for Wilderness”. We also request that BLM add GIS data of Moffat County’s RS 2477 claims to its mapping database so it is available for the public to review and for NWCOS to use as part of our input into the planning process.

Proposed White-Tailed Prairie Dog (WTPD) ACEC: JEC is aware that special designations are part of the BLM RMP process. When we purchased oil and gas leases which were available for leasing under the existing RMP in 2003 and 2004, those lease purchases were appealed by the Center for Native Ecosystems (CNE) as they proposed that prairie dogs and their habitat should be designated as an ACEC and they petitioned the U.S. Fish and Wildlife Service to have the WTPD listed as an endangered species. This ESA petition was denied and all of the lease appeals to the Interior Board of Land Appeals were denied. In considering CNE’s application for WTPD ACEC’s, we urge the BLM to read the USFWS decision to deny listing the WTPD in the Federal Register,

Volume 69, No. 216 dated 11/9/04. It is also important to note that Colorado has not added the WTPD to its list of State Species of Concern or to its State Threatened and Endangered list. We request that the BLM include adaptive management measures in the range of alternatives to help manage its WTPD population. JEC has proposed providing funding to dust prairie dogs towns to try to reduce the incidence of sylvatic plague in the Little Snake Resource Area. CDOW is currently utilizing and monitoring this mitigation technique in the Wolf Creek area of the White River Field Office. The White River Field Office does not have a prairie dog ACEC and their healthiest prairie dog populations reside in the Rangely Oil field.

Multiple Use: JEC supports the county in maintaining as much of the public lands as possible for multiple use. This will benefit the local economy, the nation's domestic energy supply and provide more opportunities for partnerships with the users of public lands to maintain and enhance the land for generations to come. Please be sure the alternatives support multiple use.

Thank you for the opportunity to comment.

Sincerely,

*/Vanessa Cameron*

Vanessa Cameron  
Julander Energy Company