

## Northwest Colorado Stewardship Sector Concerns Worksheet

**Sector Convener:** Stephen Flaherty

**Sector:** Energy and Minerals

**NWCOS Members Present at Meeting:** Claire Moseley, Jennifer Bates, Vanessa Cameron, Marianna R, Georgeann Mitchell, Samson Resources

STEP 1: Please list the concerns that your sector has with Alternative C on the lines below:

- 1) Habitat Management, p 5 Row B Alt A and C; Alt A states NSO from within 500 – ¼ mile of perennial water sources and Alt C states just ¼. BLM must provide scientific justification for this change or retain the existing 500 foot avoidance zone.
- 2) Habitat Management, p 15 Row M CSU in prairie dog towns less than 10 acres in size. What scientific basis is there for this restriction? White Tailed Prairie Dogs, Black Tailed Prairie Dogs, as well as the Greater Sage-Grouse and the Mountain Plover were found to be not warranted for listing by the FWS due to a lack of threats. This kind of additional regulatory protection is in effect a de facto listing which is inappropriate. BLM must provide scientific justification (references/citations) for these T&E-like protection measures.
- 3) Habitat Management, p 19 Row G; BLM has not provided any scientific justification for a 4-mile radius around greater sage grouse nesting and brooding areas. Typically, this stipulation has been limited to a 2-mile radius. Where did the 4-mile radius come from? What science supports this radius? The BLM cannot “require Best Management Practices.” The BMP belong in an appendix.
- 4) Habitat Management, p 23, Row H Wintering grouse habitat. If BLM knows where the winter concentration areas are or how to define them, it is imperative for this information to be provided. Currently, research being conducted in an effort to define and describe Severe Winter Relief Habitat for sage-grouse; this is a more reasonable approach than “winter use areas” or “winter concentration areas,” neither of which is defined in the document. As pointed out in the WAFWA Greater Sage-grouse Conservation Assessment, winter habitats for sage-grouse are not limiting. We suspect Severe Winter Relief habitats are thus the need to describe and identify those critical habitat areas. Until this work is completed, we strongly suggest utilizing a sage-grouse winter habitat avoidance criteria of no disturbance in ephemeral drainages where basin big sage is greater than 3 feet tall
- 5) Habitat Management, p 24 Row L; Compensation plans for Black Footed Ferret Management areas? According to BLM policy, off-site mitigation is a voluntary action that may be taken by oil and gas operators. Compensation mitigation may not be used as a tool to force companies to conduct off-site mitigation in exchange for permits.
- 6) Habitat Management, p 26 Row R New pipeline and other CSU crossing any critical or occupied habitat of the Colorado River stipulation need more clarification. BLM must identify exactly where spawning areas are located. How far from known spawning sites or backwaters will be off limits? BLM is not in the business of constructing pipelines.

This section contains technical requirements that may not be warranted. We recommend that BLM indicate what needs to be protected and let industry determine how best to accomplish the protection. (What will automatic shut off valves shut down on? Double-walled pipelines don't always mean doubly safe. Double-walled pipelines could promote erosion if water or other material becomes trapped between the pipes.)

- 7) Habitat Management, p 34 Row WW; Mountain Plover. The Waiver, Exception, Modification (WEM) criteria should be placed in appendix X or they should be listed consistently throughout the document. The Mountain Plover was found not to warrant listing under the ESA. Therefore, this must be a consideration in any WEM criteria.
- 8) Habitat Management, p 38 JJJ; Federally Listed and Candidate Plants. What is the difference between protection measures for listed and candidate plant species. Industry should not be required to survey for candidate plants only listed. Moreover, this requirement must only apply to an ACEC not "the area around an ACEC."
- 9) Habitat Management, p 39 LLL; Translocation will not be used as a rationale for "not likely to adversely affect" or "no effect." What is translocation in this context? Does it mean that even though a plant does not have the same DNA as the protected plant because it modified due to a new location it will still be afforded the same level of protection as an original species?
- 10) Habitat Management, p 42 DDDD; Bald Eagle NSO within ¼ radius of both occupied and unoccupied nests. Unoccupied nests must be deleted.
- 11) Habitat Management, p 43 FFFF; NSO within 1000-meter radius of abandoned nests (unoccupied for five consecutive year, but with all or part of the nest remaining). This restriction is unnecessary because it does not involve an active nest.
- 12) Special Management Areas, p 55 Irish Canyon; Alt C closes the area from oil and gas exploration and development where Alt A has it open. What is the reason for the closure? Does BLM need to look at a Section 204 withdrawal under FLPMA?
- 13) Special Management Areas, p 80 Class 3 cultural surveys relocation. What happens if the relocation changes the geology of the well site?
- 14) Special Management Areas, p 81 Alt C is blank, what does this mean?
- 15) Minerals and Energy, p 87 Leasing Decisions B; In Alt B Appendix OG is referenced. Is this available for review?
- 16) Minerals and Energy, p 89 G; NSO areas list SRMAs. Only developed areas and campsites should be subject to no surface occupancy.
- 17) Minerals and Energy, p 92 S; "utilizing" Best Management Practices is completely voluntary; otherwise it must be listed as a condition of approval (COA).

**STEP 2:** From the above list, please identify your TOP THREE concerns.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

## **WORKSHEET: PRIORITY #1**

The general topic of this issue is **CSU within a 4-mile radius of a lek.**

Our interest regarding this issue is a 4-mile radius is excessive and could prohibit exploration and development of natural gas.

The item in Row G on page 19 of the Alternatives Document, states “For the purpose of preventing disturbing up to 75% of nesting birds, from March 1- June 30, greater sage grouse nesting and early brood-rearing habitat (as defined in Chapter 3) would be controlled surface use for oil and gas exploration and development and avoidance areas for other surface disturbing activities within a 4-mile radius of the perimeter of a lek. All surface disturbing activities would avoid only nesting and early brood rearing habitat within the 4-mile radius of lek during this time period.”

Exceptions, modifications or waivers granted according to criteria established in Appendix X.

The actual area to be avoided would be determined on applicable scientific research and site-specific analysis and in coordination with commodity users and other appropriate entities.

This restriction is problematic because no definition or map of “nesting and early brood-rearing habitat” has been provided. There is concern that a broad definition would be used to preclude activity in sagebrush ecosystem not being used by sage grouse. No scientific justification supports the 4-mile radius and we recommend that the protective radius be kept to 2 miles unless scientifically corroborated data provides specific justification for an increase to 4 miles.

## **WORKSHEET: PRIORITY #2**

The general topic of this issue is the **new prairie dog stipulation.**

Our interest regarding this issue is our contention that this new stipulation is too restrictive based on evidence that prairie dogs and oil and gas development can co-exist with prairie dogs and their habitat as demonstrated by existing regulations governing on-site inspections and avoidance measures. Our view is also substantiated by the fact that the Fish and Wildlife Service found a listing was unwarranted for both White Tailed and Black Tailed Prairie Dogs.

It is stated in Row M on page 15 of the Alternatives Document that CSU/Timing Stipulation: Surface disturbing activities that are larger than 1 acre will not be permitted in prairie dog towns less than 10 acres in size. These activities will be relocated to the edge of the active prairie dog town. Surface disturbing activities smaller than 1 acre or within towns that are larger than 10 acres will not be permitted between April 1 and June 15 in order to protect prairie dog pups.

This item is problematic because it is unnecessarily restrictive and will compromise the integrity of our projects and will severely impair access to our leases.

Vanessa Cameron, a member of our sector, is heading up our efforts to craft a solution to this problem. It is recommended that BLM utilize data from ongoing experiments in the Rangely Field in the White River Field Office. To date, experiments have taken place to discern the effects of varying degrees of gas well infrastructure and its proximity to prairie dog complexes to develop sound science to determine the actual requirements to protect prairie dog pups.

This solution has been tried in the Rangely Oil Field where it is a living example of the co-existence of prairie dogs and oil and gas. Let's learn from their experience.

### **Worksheet Priority #3**

The general objective of this Priority is to improve Alternative C by expanding the adaptive management approach on this alternative by utilizing **year-round drilling** and relegating prescriptive uses as a fallback and not the priority.

Our interest is to utilize adaptive management approach for year round drilling. Timing stipulations have become so restrictive that drilling could be prohibited on many issued leases.

The attached chart illustrates all the timing stipulations listed in Alternative C. Clearly the result of these myriad timing stipulations is to severely and prescriptively restrict drilling activities rather than to acknowledge other means of protection are available through an adaptive management approach. The limited window of opportunity associated with these timing restrictions is prohibitive to industry both in terms of cost and technological feasibility.

As seen in the chart, only the months of September, October, and November are subject to a single timing stipulation; and that is in the limited habitat required for Sand hill Crane Nesting. The remaining timing stipulations effectively prohibit seasonal drilling throughout a major portion of the Field Office area. Nevertheless, even in this limited area, three months may not allow enough time for industry to successfully drill a deep well. Moreover, given the fact that many of these timing stipulations are imposed throughout critical winter range habitat, limitations are imposed throughout the entire area. .

We urge that our year-round drilling proposal be included in Appendix X as an alternative management tool. As an industry we have proven our ability to provide much needed domestic energy resources while ensuring protection of important wildlife resources.