

**Northwest Colorado Stewardship
Energy and Minerals Subcommittee Meeting
April 20, 2005
Meeting Summary**

[Facilitator’s Note: A digital audio recording was made of this meeting. This recording can be obtained from Jeff Comstock at jcomstock@moffatcounty.net or (970) 826-3400.]

Action Items

Who	What
BLM	Provide maps (with clearer legends, consistent units, etc.): <ul style="list-style-type: none"> • oil and gas leases (as up-to-date as possible) • timing stipulations—different layers for different stips, but able to overlay to see complete picture • clarity on southern half of Vermillion Basin (different maps indicate different levels of oil/gas) • clarify what “potential” means on different oil and gas maps
BLM	Provide information on the number and percent of leases protested, number of appeals, exact number of days BLM has to determine merit of protests, reasons that are cited for protests, and how often stips are waived and exceptions to stips are granted.
BLM	Determine if buying out and/or swapping of leases is an RMP-level decision.
BLM	Determine what the agency’s assumption is about spacing of pads in the RFD.
BLM?	Invite someone from the Colorado Oil and Gas Commission to attend a subcommittee meeting.
BLM	Provide RFD for coalbed methane and identify specific areas where CBM is available.
BLM/BAH	Incorporate effects of reclamation and restoration into impacts analysis.
BLM/BAH	Incorporate effects of gas prices into RFD and impacts analysis.
NWCOS/BLM	Get comments to Keystone on goals and alternatives by April 27. Comments and ideas received after this date will not be addressed in May versions of BLM documents, but will be addressed in June versions. [Facilitator’s Note: This deadline has been extended to April 29.]
NWCOS/BLM/ Keystone	NWCOS members can ask BLM to prepare any maps they think the group will find helpful on an ongoing basis. BLM will prepare these maps, and Keystone will post them to the NWCOS website.
NWCOS	Send comments on this meeting summary to Heather Bergman by Friday, May 13 (hbergman@keystone.org ; 800-574-8157, x 5806). Comments received by this date will be incorporated into the final draft. If no comments are received, this draft will become final on May 16.

Attendance

Steve Bonowski, Vanessa Cameron, Jeremy Casterson, Jeff Comstock, T. Wright Dickinson, Stephen Flaherty, Tom Gray, Laurie Hammel, Steve Hinkemeyer, Suzanne Jones, Fred Julander (by phone), Reed Morris, Claire Moseley, Tim Novotny, Ann Oliver, Dick Pate, Brad Petch, Josh Pollock (by phone), Marianna Raftopoulos, Luke Schafer, Jane Yazzie, Kristi Parker Celico, and Heather Bergman.

Key Items from the Meeting Agenda (Each section is summarized below.)

1. Review of Where We Are in the RMP Process
2. Briefing on BLM Leasing Process
3. Introduction to Maps
4. Quick Review of Goals and Objectives
5. BLM's Alternative Shell
6. Review of Goals and Objectives in Light of Discussion on Alternatives
7. Next Steps

Key Documents Discussed:

- RMP shell dated April 8, 2005, available at:
<http://nwcoss.org/Resources/BLM%20Documents/BLM%20Draft%20Alternative%20Shell%204-8-05.pdf>.

1. Review of Where We Are in the RMP Process

The facilitator discussed several aspects of this issue, referring to tables, diagrams, and other information that she had prepared on chart paper. In order to prevent confusion, this has been prepared in a separate document. It contains information on the BLM Resource Management Plan (RMP) process, the Goals and Alternative process, and the current NWCOS role in these processes. It also contains The Keystone Center's proposal for ways to improve communication between NWCOS, BLM, and Booz Allen Hamilton (BAH). This document is called "Introductory Information from April Subcommittee Meetings" and is available on the NWCOS website at:

<http://nwcoss.org/Subcommittees/Introductory%20info%20for%20April%20Subcom%20meetings.pdf>. If you were not at the meeting or are confused about NWCOS's role in the RMP process, please refer to this document.

2. Briefing on BLM Leasing Process

Tim Novotny reviewed BLM's leasing process. First, he reminded the group that stipulations on existing leases will not be affected by the new RMP; the decisions that BLM makes for this RMP will only affect stipulations on future leases.

Tim identified the following specific steps in the leasing process:

1. Industry proposes parcels of BLM land to be included in BLM's quarterly lease sale. BLM can also nominate parcels for inclusion in the sale.
2. A BLM wildlife biologist and a BLM natural resource specialist review parcels for resource conflicts.
3. The parcel is entered into BLM's stipulation database, which automatically generates certain stipulations for lands in a particular area based on the potentially fragile resources in that area. These stipulations are reviewed and additions or subtractions are made

based on the on-the-ground situation at the actual parcel. Several points of clarification, questions, and opinions were stated about this step in the process, including:

- a. Every lease has a stipulation for the protection of threatened and endangered species, which apply to currently listed species as well as any species that is listed in the future. There is also a separate stipulation for wild horses. If there is habitat for a threatened or endangered species, BLM consults with the U.S. Fish and Wildlife Service about what protections are required. BLM also has standard stipulations for use in areas that are habitat for BLM Special Status Species, such as prairie dogs, as well as standard stipulations for riparian areas.
 - b. Stipulations do not apply to black-footed ferret habitat in the Little Snake Resource Area (LSRA) because the local population is considered non-essential and experimental.
 - c. Although BLM reviews each parcel in the lease sale for resource conflicts, species and other protective stipulations are not specified until a company purchases a lease and submits an Application for Permit to Drill (APD) to BLM. The APD triggers a field visit and site review, and BLM identifies which wildlife and other conditions of approval (COAs) (such as those governing timing and specific location of drilling) are needed.
 - d. BLM can grant a one-time exception to lease stipulations, though some stipulations do not allow exceptions. The RMP could address exceptions to lease stipulations.
 - e. It was observed that different kinds of oil and gas development have different kinds of impacts on different kinds of species, and therefore require different kinds of stipulations. Some participants expressed concerns about blanket stipulations that apply to all leases.
 - f. One participant stated that stipulations are good at protecting species during construction of a well, but they are not as good at protecting species once construction is complete.
 - g. Tim noted that during the 4 years he has been working for BLM, of the 35 or so APDs he has been involved in, there have been no consultations with the U.S. Fish and Wildlife Service over threatened and endangered species and only a handful of wells have been relocated.
4. Once BLM staff review parcels submitted by industry, those without major resource conflicts are then approved and included in BLM's quarterly lease sale. The highest bidder on each lease wins. These leases are valid for 10 years if they are undeveloped. Developed leases are valid for the lifetime of production.
 5. Every lease sale for the past two years (though not every parcel leased) has been protested, and protested parcels cannot be developed until the protest is resolved.
 - o Protests first go to the BLM State Director, who decides whether or not they have merit; protestors can appeal a decision of no-merit to the Interior Board of Land Appeals (IBLA).
 - o Companies pay for leases at the lease sale. If their leases are protested, BLM retains their payment. Although BLM is supposed to rule on the merit of protests quickly, protest backlog makes this difficult.
 - o Although protests can be filed prior to BLM's lease sale (and some BLM state offices require this), companies must still pay for leases at the sale and wait to

develop them until protests are resolved. One participant stated that BLM is currently holding approximately \$26 million (nationwide) in funds paid for leases that are under protest. Members of the oil and gas sector stated that protests are very expensive for them, because they must give BLM large sums of money for leases they may not be able to develop for months. In these situations, their capital is tied up but they are not getting anything for it.

- Suzanne Jones said that, as a general rule, The Wilderness Society protests all leases in the Citizens' Wilderness Proposal (CWP) and that the Center for Native Ecosystems protests leases in critical wildlife habitat areas. There are occasional exceptions to this rule, such as leases in the Dinosaur National Monument viewshed.

3. Introduction to Maps

Jeremy Casterson discussed the data that BLM has available in a Geographic Information Systems (GIS) computer program and that can be put into a map for the group to examine. These data include: vegetation types, winter range from some species, species occurrences, migration corridors, raptor locations, prairie dog towns, county roads, off-road vehicle designations, Areas of Critical Environmental Concern (ACECs), CWP areas, coal leases, oil and gas leases, grazing allotments, etc. Some of this data is from BLM, and BLM can provide these datasets to anyone who is interested. Other data are from other agencies, and BLM is not authorized to share these datasets, but Jeremy can provide names and contact information of people who are authorized to share the data. Some of the datasets are more recent and more reliable than others. During ongoing NWCOS discussions, Brad Petch offered to comment on the relative currency and reliability of the wildlife data. Brad also pointed out that the Colorado Division of Wildlife data are available on the Internet at: www.ndis.nrel.colostate.edu.

Reed Morris and Suzanne Jones introduced maps that they have. These maps show CWP areas, and there are clear maps of wildlife winter range and other species data that can be overlaid.

The group agreed that any maps that are of particular and ongoing interest can be posted to the NWCOS website. Participants who want such maps posted should contact Jeremy (or whomever has the data and the ability to make maps), Jeremy (or whoever else has the map) will send a digital copy of the map to Helen Littrell at Keystone at she will post it to the NWCOS website. Jeremy can be reached at (970) 826-5071 or jeremy_casterson@blm.gov. Helen can be reached at (800) 574-8157 x 5825, or hlittrell@keystone.org.

The existence of new data on prairie dogs was discussed, and the group agreed to look at this data, even though it is not provided by a public agency. The group also agreed to take advantage of the local knowledge that is available, such as Wes McStay's knowledge of sage grouse.

4. Quick Review of Goals and Objectives

The start of a list of overarching goals and objectives for the whole RMP was posted in the room. These goals were referred to during the group discussion and BLM anticipates including a similar type of list at the beginning of the RMP, as opposed to restating each of these attributes for each specific resource. [This is a partial list of these goals. The list is expected to grow as the subcommittee's work progresses.]

- multiple use
- rural lifestyle
- open space
- (NWCOS discussed how one key method of maintaining rural lifestyle and open space is to ensure that the ranching industry remains solvent. Others agreed that this is one way, but not the only possible approach.)
- adaptive management
- valid existing rights
- maintain quality wildlife, landscape level
- standards and guidelines

The group briefly discussed how some of the above are legal requirements and some are attributes that the community would like to see maintained. It may be appropriate for BLM/NWCOS to separate out the legal requirements from the attributes in the overarching goals section.

BLM has received comments on its goals and objectives from several NWCOS members, but the agency has not yet incorporated these into a new version of this document. Either BLM or Keystone will incorporate these comments and distribute a new version to NWCOS as soon as possible.

5. BLM's Alternative Shell

The version of the BLM alternative shell discussed at this meeting is available at <http://nwcoss.org/Resources/BLM%20Documents/BLM%20Draft%20Alternative%20Shell%204-8-05.pdf>.

Jeremy Casterson kicked off the discussion of BLM's alternative shell for energy and minerals by stating that the group should assume that because Vermillion Basin is considered open to oil and gas leasing in the current RMP, it would also be open in the No Action Alternative. Although Vermillion is currently closed to leasing, this closure is due to an administrative withdrawal and is not reflected in the RMP. Since the No Action Alternative is to continue managing as under the existing RMP, Vermillion should be considered open in this alternative. He also noted that BLM anticipates that Vermillion Basin will be open to drilling in one or more of the developed alternatives.

The subcommittee discussed whether or not there is a need for BLM to provide a separate set of alternatives for Vermillion Basin in addition to the alternatives for other resources. Some participants said that this is not necessary because Vermillion is not the only "special" area managed by the Little Snake Field Office and there's no reason to treat Vermillion differently than the others. Other participants stated that breaking out Vermillion is necessary, because it is a special place that been inventoried by BLM for wilderness characteristics and because the results of the inventory are contested by some.

There was much discussion about how BLM should analyze the impacts of the no-action (current RMP) alternative. Some stated that the analysis should look at the impact if all lands open to oil and gas development under the current RMP were developed during the life of this RMP (the

next 20 years). These participants expressed that this would serve as an appropriate baseline for considering adding additional lands for development in other alternatives. Other participants noted that it is unlikely that all currently leased lands and all lands open for oil and gas development in the new RMP would be developed in the next 20 years, both because some companies just do not pursue all the leases they own and because some leases will yield dry wells and result in no development. These individuals stated that the purpose of the Reasonable Foreseeable Development (RFD) is to identify how much oil and gas development is expected during the life of the RMP, and BLM would have to prepare an amendment to the RMP if surface disturbance resulting from oil and gas development exceeds what is projected in the RFD. Ultimately, the group determined that one critical issue in this discussion is the number of well pads allowed for each lease, which is not an RMP decision and is determined by the Colorado Oil and Gas Conservation Commission. Leases can have lots of pads or a few pads and still not be outside the development projections of the RFD. It was stated that the number and spacing of well pads is a critical factor in wildlife's ability to adapt to development. The group decided to table this discussion for now, asking BLM to identify its own assumptions in the RFD about the number of wells and amount of surface disturbance and report back to the group at the next subcommittee meeting. Jeremy Casterson also stated that BLM staff have met with operators working in the Little Snake Resource Area to learn more about their own projections for development of their leases, and this information led to changes in the RFD. Some members of the subcommittee suggested that BLM should meet with operators and review this information on an ongoing basis.

The group debated the value of special designations (e.g., Areas of Critical Environmental Concern, Special Recreation Management Areas, etc.) as tools for protecting fragile resources. Some people stated that drawing lines around particular areas on a map and managing them differently than the rest of the Resource Area would lead to management fragmentation, with the rest of the Resource Area getting insufficient attention. These participants stated that Adaptive Management (AM) is a better tool for protecting resources, because protective activities could be increased when resources are at risk but multiple uses could be allowed when they are not at risk. Others raised concerns about AM's ability to detect important negative changes in resource quality in time for those changes to be reversed by different management activities. Concerns were also raised about the fairness of creating overall resource thresholds (such as a minimum number of plants or minimum wildlife population health) and having one user's actions result in resource quality that meets the threshold and triggers management changes that affect all users, while another user has had less impact on the resource and yet still must abide by the new management prescriptions.

It was also noted by some that having users go to great lengths to protect local wildlife populations that are too large (like elk) seems unnecessary. BLM could focus management efforts (and stipulations) on those wildlife populations that we really want to encourage.

Goal Post Discussion on Energy

The Subcommittee spent time reviewing the draft goal posts in the current RMP shell. Below were the group's thoughts at this point in time. It was acknowledged that goal posts and ideas may continue to evolve as more learning and understanding occurs.

Goal Post Discussion on Oil and Gas in General

Most Closed	No Action (Intermediate Alternative)	Most Open
WSAs, ACECs, CWP areas, and all SRMAs closed to oil and gas (subject to valid existing rights)	Current RMP, with analysis of Reasonable Foreseeable Development	WSAs closed; all other areas open to oil and gas
Everything else subject to stipulations, as needed (subject to valid existing rights)		Standard stipulations; no stipulations for special status species; no Conditions of Approval (COAs)

WSA: Wilderness Study Area
 ACEC: Areas of Critical Environmental Concern
 CWP: Citizens' Wilderness Proposal
 SRMA: Special Recreation Management Area

Goal Post Discussion on Vermillion Basin

Most Closed	Most Open
No leasing anywhere (subject to valid existing rights)	Open to leasing with standard stipulations

Creative Ideas

Several members of the subcommittee generated some creative ideas about how different groups' needs can be met in the RMP. [Facilitator's Note: These ideas are ideas that individuals mentioned in the course of discussions during the meetings of the Energy and Minerals Subcommittee and the Special Designations and Lands with Wilderness Characteristics Subcommittee and written on chart paper. This list does not represent consensus.]

1. Exceptions to leasing stipulations
2. Lease trades/buy-backs
3. Lease size
4. Environmental or other credits to operators
5. Underground vault
6. Location of pads (in draw, etc.)
7. Directional drilling
8. Specified special designations
9. Reclamation / restoration, both interim and final
10. Ongoing mitigation
11. Regular operator reporting of surface disturbance
12. Mitigation for species we want to encourage
13. Seasonal use by recreationists (staggered by use-type)
14. Funds for private conservation or focus area for sage grouse, elk, or other species (federal funding, perhaps drawing lessons from Western Gas, which has taken steps to protect sage grouse near gas wells)
15. Outcome-based management in certain areas and/or for certain uses

- a. Livestock
- b. Some OHV use/areas
- c. Oil and gas, factoring in changes in gas prices and the impact this could have on development

6. Review of Goals and Objectives in Light of Discussion on Alternatives

In order to demonstrate their support or opposition to the comments that BLM has received on its goals and objectives for energy and minerals, the subcommittee placed dots (red or green, to demonstrate opposition or support) next to specific comments BLM has received. This exercise will help BLM and Keystone to incorporate comments into BLM's goals and objectives. The results of the dots exercise (tallies of dots per comment) are available in a separate document titled "Results of Goals and Objectives Dots Exercise," which is available at: <http://nwcoss.org/Resources/RMP%20Comments/Results%20of%20Goals%20and%20Objectives%20Dots%20Exercise.pdf>.

7. Next Steps

Members of the subcommittee will continue to draft comments on BLM's goals and objectives and suggestions for the alternatives. For these to be included in the May versions of BLM working documents, they must be received by BLM and Keystone by April 29 (Jeremy Casterson, at jeremy_casterson@blm.gov or 970-826-5071 and Kristi Parker Celico at kparker@keystone.org or 800-574-8157, x 5848).

[Facilitator's Note: Generally in meeting summaries Keystone does not attribute comments to any individual. However, in a few cases we have added specific names as it was necessary to clarify the context of the statement. In these cases, we received approval from the participant to specifically refer to them.]