

THE REQUEST TO BLM

In comments submitted on the draft Resource Management Plan Amendment and Environmental Impact Statement ("DEIS" or "draft") for the Roan Plateau, conservation groups have formally requested under the Data Quality Act (DQA) for the BLM to correct flawed drilling projections and use accurate, updated, and forward-looking information to provide the public and decision-makers with a clear depiction of likely energy development in the Roan Plateau Planning Area (RPPA) and region; and which can then properly describe and account for the impacts associated with this activity over the full course of the plan's effect. Under the DQA, the BLM must provide a written explanation of its use of this data **no later than June 10, 2005**.

Completed last November, the DEIS fails to consider current oil and gas development, creating a skewed analysis of the resources at stake and of the likely impact to those resources. The development estimates are found in Appendix H (at H-4) of the draft:

The Reasonable Foreseeable Development (RFD) is the level of oil and gas development activity that an objective reviewer might reasonably expect to occur over a specified amount of time. ...RFDs for this area in the past have been based on historical data and have been consistently low in estimating development activity.

Unfortunately, the current RFD (dated February 5, 2004)—like each of its predecessors—significantly underestimates the amount of energy development likely to occur, both in terms of how quickly drilling is likely to proceed, and in terms of the scale of such development over the course of the management plan. In fact, Williams Production has *already announced its intent to drill up to 800%* of the number of wells in BLM's RFD on an annual basis.

THE PROBLEM

The February 2004 RFD bases its projections on 2001 data that predicts that Williams Production (the largest operator in the RPPA, according to the DEIS at H-14) will drill between 50 and 100 wells annually in the Planning Area.¹ By the release of the draft in November, Williams had announced its intent to drill 300 wells annually, a number that has more recently jumped to 450.² Moreover, the RFD relies on outdated drilling rig counts (from 2001) to set upward limits on the amount and rate of development; however, the availability of drilling rigs has doubled since just last year, further calling into question the veracity of any conclusions based upon such faulty premises.³

Just outside of the RPPA, EnCana has already won initial approval for its "Figure Four" project with at least 320 wells likely, and has recently purchased the former Unocal property, including lands within the RPPA, signaling its intent to drill these lands this year.⁴ In addition numerous other operators have initiated plans to start developing leases within Garfield County and the region. In 2003, some 10,000 wells were already forecast for Garfield County, according to the Colorado Oil and Gas Association.⁵ In fact, energy development is booming, with lands—private and public—being drilled at unprecedented rates. Yet none of the related and adjacent development is disclosed or considered in the draft plan. The failure to adequately account for likely oil and gas development, and the flawed discussion of impacts, is a breach of the BLM's legal obligation to take a "hard look" at this activity and to provide a thoughtful comparison to allow the public and decision-makers to make an informed choice.

Under the Data Quality Act, BLM is required to use information that is of high quality and that is objective, useful, and verifiable by others.⁶ The BLM cannot evaluate consequences to the environment, determine avoidable or excessive degradation, and assess how best to protect the Roan Plateau's unique and significant public resources without a proper projection of what level of development is either currently occurring or likely to occur over the course of the planning document. BLM's internal guidance also recognizes the importance of accumulation and proper analysis of data. The agency's Land Use Planning Handbook states that:⁷

Standardized, accurate, and reliable data and information are critical to the development of plan assessments, alternatives, impact analyses, and planning decisions.

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However, the 2004 RFD does not comply with agency standards, so both the utility and the objectivity of the agency's data are called into question. In relying on outdated data, the BLM has not properly described existing energy development in the area or development that is reasonably expected to occur over the twenty-year projected life of the plan.

These errors lead the BLM to inaccurately downplay how quickly drilling of the public lands atop the Plateau is likely to commence under the preferred Alternative III, and to underestimate the impacts associated with this activity throughout the RPPA under all the alternatives.

Since the draft plan does not reflect accurate development projections, its assessments of impacts in the Planning Area cannot be considered a reliable or sound basis for public comment or for management planning and decisions. These faulty projections jeopardize any analysis based upon them, including the DEIS analysis of direct, indirect, and cumulative effects—which is the entire purpose of preparing an environmental impact statement and the reason that it is required under the National Environmental Policy Act.⁸

The draft plan's analysis and projection of drilling rates in and near the Roan Plateau Planning Area must not only be updated to reflect the current pace of drilling, the plan must also more accurately project a continuing acceleration of requests for public lands leases and drilling permits and of drilling itself. All estimates of foreseeable impacts from oil and gas production in the Planning Area must be updated.

The Faulty RFD

Comments from local governments, state agencies, and industry all agree with conservation groups: BLM's RFD should be updated before a final plan can be approved.

GARFIELD COUNTY

Some areas of analysis and context contained within the EIS are dated. These are of specific concern where they provide foundational information and context for potential impacts at any rate of drilling under any alternative. Key among these are regional drilling rates and the available infrastructure for future drilling rates, the workforce in place now, current energy production from the immediate region (western Garfield County) and estimated future rates of exploration and production from that same region.

THE CITY OF RIFLE

The RFD was based on several assumptions and past information... Among the assumptions were things such as rig availability, that are variable and can easily change, especially if there was an economic incentive for the change to occur... It seems that it would be difficult to support a claim that an adequate range of impacts was truly analyzed if impacts are based on assumptions that can vary based on private market forces and incentives.

COLORADO DIVISION OF WILDLIFE

Therefore, failing to provide analysis of the impacts from full field development [through relying on a faulty RFD] may compromise the validity of the cumulative impacts assessment.

COLORADO GEOLOGICAL SURVEY/COLORADO OIL AND GAS CONSERVATION COMMISSION

Given the rapid escalating prices for both oil and gas, along with the concurrent boom in drilling, it would seem more appropriate to use 2004 data...rather than the 2001 [data]...

COLORADO OIL AND GAS ASSOCIATION/INDEPENDENT PETROLEUM ASSOCIATION OF MOUNTAIN STATES

[BLM] policy explains further that an RFD scenario must be "based on a reasonable, technical, and scientific estimate of anticipated oil and gas activity based on the best available information and data..."

¹ "Notes to Table H-2" (p H-14).

² "Williams plans boost in GarCo as drilling," *The Grand Junction Daily Sentinel*, March 26, 2005

³ "Colorado leads 5-state region in number of active gas wells," *Grand Junction Daily Sentinel*, March 10, 2005

⁴ "Alliance Members doubt EnCana cutback," *Glenwood Springs Post-Independent*, November 10, 2004; Colorado Oil and Gas Conservation Commission, approved permits at <http://oil-gas.state.co.us/>

⁵ "The Gas Century," *Aspen Daily News*, December 4, 2003

⁶ Treasury and General Government Appropriations Act for FY 2001, Pub.L.No. 106-554, § 515. See also, "Bureau of Land Management "Information Quality Guidelines," available at www.blm.gov/nhp/efoia/data_quality/guidelines.pdf.

⁷ BLM Handbook H-1601-1, in Appendix G

⁸ See 40 C.F.R. §§ 1502.1, 1508.8.