



Campaign to Save Roan Plateau
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April 8, 2005

Greg Goodenow
Roan Plateau RMPA/DEIS Comment Team
Bureau of Land Management Glenwood Springs Field Office
PO Box 1009
Glenwood Springs, CO 81602 Submitted via certified mail, return receipt requested

Dear Mr. Goodenow and Roan Comment Team:

Please fully consider these comments on the Roan Plateau Resource Management Plan Amendment and Draft Environmental Impact Statement (hereafter "DEIS" or "draft plan"), submitted on behalf of the Campaign to Save Roan Plateau, and on behalf of those signed below. In addition, many of the individuals and organizations in the Campaign will submit additional comments under separate cover.

The Bureau of Land Management (BLM) and its cooperating agencies deserve credit for their active engagement in this issue, and for the public involvement and thoughtful review. The Campaign shares with these agencies an interest in sound stewardship for our shared public lands, and specifically for those of the Roan Plateau Planning Area. However, as presented none of the alternatives offer the level of protection these lands warrant, that communities and the public have specifically asked for and favored, and which federal law requires.

Concurring with the overwhelming number of local governments, citizens, newspapers, organizations and interest groups, we oppose drilling on top of Roan Plateau. We support the recommendations outlined in the Community Alternative and urge that the BLM adopt these sensible provisions into its final plan. Specifically the final plan should:

- Maintain the public lands atop the Plateau for uses besides oil and gas development.
- Designate four areas of critical environmental concerns (ACECs) as noted under Alternative II, strengthening stipulations in these areas to prohibit all surface disturbing activities.
- Safeguard habitat for fish, wildlife, and for rare and important sensitive plants and plant communities throughout the Planning Area.
- Designate two special recreation management areas, one above and one below the rim, and manage these areas to provide and maintain the opportunities these areas provide.
- Mandate the use of Best Management Practices that can evolve as technologies advance.
- Ensure local communities are given an opportunity to provide input for any leasing, drilling permits, and other development projects on public lands in the Planning Area.

In general, these recommendations are comprised of elements from within the draft's range of alternatives. The BLM needs to either select as its final plan one that makes such commitments to protecting Roan Plateau's many unique resources, or it must supplement its plan and offer revised alternatives and analysis. Unless the BLM reconfigures and strengthens the elements of the final plan to offer a real "environmentally preferred" alternative, as currently presented the alternatives and analysis in the draft do not comply with law and would need additional

supplementation—at the least—before the final plan could be approved.

ROAN PLATEAU IS A SOURCE OF LOCAL PRIDE: “KEEP IT AS IT IS”

The public lands and resources at stake in the Roan Plateau Planning Area, the future of which will be determined under this plan, are varied, unique and significant. To many local residents, Roan Plateau is the scenic backdrop to their lives and communities.

In keeping with its pledge to adopt a “community-supported” plan, the BLM should reconfigure its final plan to provide the community a management plan it can truly support. To this end, the BLM should select an alternative that meets the objectives set forth in the community-supported preliminary plan (Alternative F), which sets as its management theme:¹

Preservation of the natural character/landscape features/ecological richness/unique ecosystem values through natural processes. Preserve present recreational setting and experience.

Indeed, the sentiment expressed by most of the public throughout the planning process has been to keep the Roan Plateau “as it is,” as noted by a review of the scoping report and other items in the administrative record, compiled during this and earlier public comment periods.²

ROAN PLATEAU: FRAMING THE ISSUES

Although large volumes of natural gas exist throughout the region, the Roan Plateau itself is recognized as a “biological hotspot” for its unusual diversity of important species. Home to pure strains of native trout, endemic plants, wildlife and raptors, old-growth Douglas fir, waterfalls and box canyons—Roan Plateau is an oasis that offers unique public and natural resources surrounded by one of North America’s fastest growing natural gas fields.

“What we keep hearing, more or less, is to keep the plateau as it is”

Glenwood BLM official, 2002

Local communities are familiar with the impacts from energy development, which in contrast to Roan Plateau’s other resources is a common and expanding feature across much of the landscape where drilling is occurring at unprecedented rates.

Nonetheless, whether in the number of anticipated wells or in estimating the likely future rate of drilling, the draft plan fails to properly project likely activity inside the Planning Area, both in an immediate sense and over the life of the plan. This failure prevents the agency from providing context for understanding the range of alternatives and erroneously builds the draft’s subsequent analysis of impacts—direct, indirect, and cumulative—upon a false foundation.

Completed last November, the DEIS fails to properly consider current oil and gas development in the region, 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 of 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.

¹ *Comparison of Six preliminary Alternatives: Roan Plateau RMPA*, BLM GSFO, October 2002

² “Conservation ranks as high priority for lofty plateau,” *Glenwood springs Post-Independent*, April 13, 2002. See also *Scoping Report*, BLM GSFO, March 2001 www.co.blm.gov/gsr/rpscoopingcomments.htm

Unfortunately, the current RFD (dated February 5, 2004) does not break this trend to underestimate likely development, basing its estimates on outdated 2001 projections. The draft plan—like each of its predecessors—significantly underestimates the amount of oil and gas development likely to occur in the region, both in terms of how quickly current drilling is likely to proceed, and in terms of the scale over the twenty year course of the management plan.

For instance the February 2004 RFD predicts that Williams Production (one of the area's largest operators and the only leaseholder in the Roan Plateau Planning Area, according to the DEIS at H-14) will drill between 50 and 100 wells annually in the Planning Area.³

By the release of the draft in November, Williams was announcing its intent to drill 300 wells annually, a number that has more recently jumped to 450.⁴

The failure to adequately describe and account for likely oil and gas development, and the flawed discussion of impacts in the draft plan, is a breach of the agency's 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.

Unless the agency selects a final plan that includes the strongest protections for Roan Plateau's important public and natural resources, it must redo its analysis and present new alternatives to the public prior to selecting a final plan.

Moreover, the RFD relies on an outdated count of available drilling rigs to set upward limits on the amount and rate of drilling projected over the next twenty years; however, like drilling rates themselves, the availability of rigs has doubled since just last year, further calling into question the veracity of any conclusions based upon such faulty premises.⁵

Just outside the of the Planning Area, EnCana has already won approval to drill 320 (or more) wells as part of the "Figure Four" project, and has recently purchased the private land on the western edge of the Planning Area (the "Unocal property"), announcing its intent to drill these lands this year.⁶

In addition numerous other operators have initiated plans to start developing leases within Garfield County and the broader region. In fact, energy development is booming in western Colorado, with lands—private and public—being drilled at unprecedented rates. The level of energy development has even caught Colorado's state agencies—in charge with managing this activity—by surprise.⁷ Some 10,000 wells are already forecast for Garfield County over the next two decades, according to the Colorado Oil and Gas Association.⁸ Within this regional context, the failure of the draft plan to properly account for current and likely future levels of development is compounded. None of this related, connected, and adjacent development is mentioned—let alone considered—in the draft plan.

Over the next decades, and during the life of this plan, energy development will remain an active and growing presence in Garfield County, even without drilling the top of Roan Plateau. The only questions that remain are at what costs to wildlife, recreation, environmental quality, natural and roadless landscapes, public health, and local residents and communities.

³ Notes to Table H-2 Roan Plateau DEIS, BLM GSFO November 2004

⁴ "Williams plans boost in GarCo as drilling," *The Grand Junction Daily Sentinel*, March 26, 2005

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

⁶ "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/>

⁷ "Colorado leads 5 state region in number of active gas wells," *Grand Junction Daily Sentinel*, March 10, 2005

⁸ "The Gas Century," *Aspen Daily News*, December 4, 2003

ROAN PLATEAU: CRAFTING A “COMMUNITY-SUPPORTED” SOLUTION

When the BLM set out in 2000 to write the Roan Plateau management plan, the Notice of Intent (NOI) pledged to craft a “community-supported” plan.⁹ Just as the American public should expect a fair and honest accounting of what resources are at stake and what the likely level of development really is under the range of management options, so too the public deserves a management plan that really works to “keep Roan Plateau as it is,” while still providing for reasonable amounts of natural gas production.

Considering scoping reports, summaries from meetings, and public input received—both in written comments and at public meetings—it is clear that the community, and the vast majority of citizens who took the time to submit input, support a balanced plan that would safeguard Roan Plateau’s important backcountry, unique biological resources, scenic features, and natural, roadless lands.¹⁰

During every comment period this level of support has been well documented and growing. In 2002, every municipal government in Garfield County—the elected representatives of local communities—supported a preliminary alternative that would have offered the strongest protections for Roan Plateau and which would have kept all drilling off the public lands on top. Newspapers, including the Glenwood Springs Post-Independent, Grand Junction Daily Sentinel and the Denver Post all endorsed this balanced approach for these popular national lands. Over 11,000 citizens sent comments; the vast majority of comments were in support of this middle-ground plan.¹¹

Since the release of the draft plan in November 2004, that support has only grown. Again a majority of local governments have weighed in to support the Community Alternative, the compromise plan that honors what local communities, numerous citizens, and a wealth of organizations have supported throughout the planning process. To date, over 70,000 citizens have sent comments on the draft plan, most supporting the sensible, common sense provisions of the Community Alternative.

In addition to meeting the BLM’s commitment to craft a ‘community-supported’ plan, the Community Alternative follows applicable Federal law and meets the other goals of the U.S. Department of Interior and the BLM. Furthermore, the Community Alternative fulfills the intent of the Department of Interior to manage public lands in accordance with the “Four C’s”, listed as communication, consultation, and cooperation, all in the service of conservation.¹²

In addition, the Community Alternative meets the goals of the President’s National Energy Policy by allowing for large amounts of natural gas to be produced from the Planning Area, helping to meet our nation’s energy needs, and protecting Roan Plateau’s most important natural and community resources. The National Energy Policy states that:¹³

Producing oil and gas from geologically challenging areas while protecting the environment is important to Americans and to the future of our nation’s energy security. New technology and management techniques will allow for sophisticated energy production as well as enhanced environmental protection...

⁹ *Notice of Intent to Prepare an EIS...for the Roan Plateau Area*, U.S. Federal Register, November 16, 2000

¹⁰ *Scoping Report*, BLM GSFO, March 2001 (www.co.blm.gov/gsra/rpscopingcomments.htm)

¹¹ “Enviros complain about BLM’s procedure on Roan Comments,” *Grand Junction Daily Sentinel*, February 14, 2003

¹² *Partnerships and the U.S. Department of Interior: Secretary Norton’s Four C’s*, U.S. DOI, at www.doi.gov/partnerships/4c.html

¹³ *21st Century Technology: The Key to Environmental Protection and New Energy Production*, National Energy Policy (5-5), U.S. Whitehouse, May 2001 at www.whitehouse.gov/energy/

Smaller, lighter drilling rigs coupled with advances in directional and extended-reach drilling significantly increase protection of the environment...

Modular drilling rigs, 'slimhole' drilling, directional drilling, and other advances enable...

- production of oil and gas with increased protection to wetlands and other sensitive environments;

Other examples of advanced technology include...

- highly sophisticated directional drilling that enables wells to be drilled long horizontal distances from the drilling site...

Likewise, Gale Norton, Secretary of Interior, in a presentation to the National Newspaper Association emphasized the need to begin utilizing directional drilling technology:

[Secretary of Interior Gale] Norton said the government's role in protecting the environment should rely less on strict regulation than on setting high standards and encouraging innovation in meeting them. -Casper Star Tribune, November 27, 2004

We must also harness 21st Century technology to help our environment. Where we once needed scores of wells to tap underground reserves, today in some areas we can use one hole on the surface to drill for oil in a circle extending seven miles. We can use the resources below ground while we preserve the landscape and habitat above.

Although these statements sound like an unequivocal commitment to implement low-impact drilling technologies, the lack of consideration of any of these technologies in the draft highlights additional, perhaps fatal, flaws in the BLM's analysis.

In this DEIS the BLM has failed to take the required "hard look" at these emerging technologies. Instead the BLM should set high standards and encourage innovation by adopting the provisions of the Community Alternative to create free-market incentives for industry to advance technologies to harness these exciting "21st century technologies." Without these requirements written into the final plan and then required to be implemented on the ground where they matter, these technologies—along with the administration's lofty rhetoric—become mostly irrelevant.

On the other hand, the components of the Community Alternative provide a set of reasonable recommendations that meet the needs of local communities, honor the commitment made in the NOI, abide by the "Four Cs" and the President's pledge to encourage innovative technologies, and help meet the nation's energy demands. Most important, the Community Alternative would protect the unique, irreplaceable, and significant resources of the Planning Area, for recreation, for wildlife and rare species, for the benefits these resources provide to local economies, and for current and future generations.

The Community Alternative offers a win-win solution for local communities, which have expressed a strong and consistent preference for protecting the Roan Plateau. The energy industry and American consumers will also benefit, as large amounts of gas—and massive earnings for energy corporations—are produced from the Planning Area during the life of the plan, as well as from throughout Garfield County and the region. The Community Alternative would also safeguard the public's national lands and the natural and wildlife resources of which the agency, and the public, are stewards.

The Community Alternative: HONOR communities' vision for Roan Plateau
Keep drilling off the top; produce large volumes of gas from the base

The BLM should defer all leasing of the public lands on top of Roan Plateau during the life of the management plan or unless and until resources can be extracted from under the Plateau without disturbing the surface. Well-managed development, based on ever-improving technologies, should continue at the base outside of sensitive habitats, and should be concentrated in that current production area to utilize existing infrastructure and access.

This solution builds on the idea of “deferred leasing” contemplated in Alternative III to keep drilling off the public lands on top. This approach allows time for technologies to advance before extracting additional reserves from beneath the top and cliffs. Postponing leasing of public lands atop Roan Plateau until these technologies are available further works to encourage innovation by creating incentives for entrepreneurs to advance technologies.

The Community Alternative: PROTECT Roan Plateau's natural and recreation values
Strong protections for natural resources and public use

The BLM should strengthen stipulations to safeguard Roan Plateau's ecological values and to protect the area's popular backcountry recreation opportunities. The final plan should:

- Strengthen the permanent protective stipulations in Alternative II, including expanding the Trappers Creek, East Fork Canyon, Magpie Gulch, and Anvil Points ACECs to 40,495 acres, prescribing No Surface Occupancy (NSO) and No Ground Disturbance (NGD) protections for these sensitive places.
- Ensure adequate protections for sensitive plant habitat and rare plant communities throughout the Planning Area, and include protections for streams found to be eligible for designation under the Wild and Scenic Rivers Act (from Alt. II).
- Designate the Parachute Watershed Area (derived from Alternative III) to allow for increased local input regarding projects proposed within the watershed, including—but not limited to—oil and gas development.

The Community Alternative: PROMOTE responsible recreation opportunities
Agency commitment to maintain public lands for recreational use

The final plan should designate two Special Recreation Management Areas (SRMA), one above the rim and one below the rim, offering backcountry and developed recreation opportunities. The draft plan makes no special management prescriptions for the Hubbard Mesa SRMA, even though this area is considered in three alternatives. Instead the BLM should protect the Hubbard Mesa SRMA with No-Surface-Occupancy stipulations for any oil and gas development that may occur there, and should develop a community-supported recreation plan for the area.

This plan should include the 32,639 acre Roan Plateau SRMA on top (with similar affirmative management) to protect back- and middle- country opportunities, including hunting, outfitting, hiking, horseback riding, dispersed camping, and scenic drives. The Roan Plateau SRMA was a popular component of the 2002 community-favored plan. Unfortunately this component has failed to appear in the draft. The final plan should limit motorized and mechanized travel to designated routes (from Alt. II), including snowmobiles.

*The Community Alternative: RESPECT communities' and residents' quality-of-life
Use of Best Management Practices and emphasis on resource protection*

In the two-thirds of the Planning Area where natural gas development will continue under the Community Alternative proposed here, the BLM should set high standards and require that industry do it right. The final plan should require that industry always use Best Management Practices to minimize impacts on any of the area's public lands.

Where energy development is appropriate, industry should be held to the highest standards. Innovative stipulations should be proposed that require evolving technologies and practices based on what is likely or possible in the future, not only limit those to what the industry says is possible today. The BLM's obligation is to the public interest, not to energy corporations, most of which are already enjoying record earnings.¹⁴

The Community Alternative would ensure balance even as oil and gas drilling booms elsewhere inside, and all around, the Planning Area. The Community Alternative would protect Roan Plateau's top, cliffs and sensitive habitats for other public uses and values, while still allowing for large volumes of gas to be developed and encouraging technologies and practices that better meet the needs of communities and for our shared public lands.

Specifically, we support here many of the creative mitigations and protocols set out by the Colorado Mule Deer Association for energy development in areas other than the top of the Plateau, including:

- Well pad spacing should be specified at a low-density spacing, such as 640 acres.
- The number of active pads should be limited and on contiguous lease blocks to promote systematic development; pads should not be randomly scattered.
- A system should be implemented to monitor the effects on surface water, ground water, air quality, vegetation, sensitive species and wildlife, and to allow for adaptive management. If results from monitoring warrant, additional mitigations should be enforced.

Finally, the BLM should require performance-based reclamation (rather than prescription-based) and should implement a bonding system that follows the well regardless of ownership to guarantee that sufficient funding is available to plug and abandon the well, with bond release dependent upon required successful recontouring and revegetation of all disturbed areas.

In addition to their ecological importance, the Planning Area's public lands are an important community resource, and many border growing residential areas. As the population of western Colorado continues to increase rapidly, the BLM should ensure that oil and gas development respects the public that actually uses, lives beside, and shares these lands.

Local communities and nearby residents should be notified when nearby public lands are being considered for leasing, or when new drilling projects are proposed. Communities and the public should be offered the chance to help direct this activity to where it is appropriate, and to propose specific mitigations and conditions of approval at every stage of leasing and development on our shared public lands.

¹⁴ "EnCana cash flow rises 12 percent to US\$5 billion in 2004; Earnings up more than 40 percent," *PR News Wire*, February 2004 at www.pnewswire.com/cgi-bin/stories.pl?ACCT=109&STORY=/www/story/02-23-2005/0003069800&EDATE=

THE COMMUNITY ALTERNATIVE AND ENERGY DEVELOPMENT

Under the recommendations made by the Community Alternative, and based on figures from the draft plan, calculations show that substantial energy development would continue in the Roan Plateau Planning Area. Analysis of figures in the draft plan shows that this approach will allow development of between 85% and 99% of the federal natural gas likely to be produced from the Planning Area over the next twenty years.¹⁵

Adopting the Community Alternative—and thus prohibiting drilling on the public lands on top—will not noticeably affect gas development in our region. Without any leasing or drilling on top, and looking at the draft's projections, between 970 and 1320 billion cubic feet (bcf) of natural gas is likely to be produced from drilling at the base. Since under the No Action alternative 970 bcf is projected without any additional leasing of public lands in the Planning Area, under the Community Alternative with additional leasing likely and prescribing strong BMPs and other protections, at least 1,000 bcf, would likely remain available for extraction under the twenty year plan even without extracting that natural gas that lies beneath the public lands atop the Plateau.

The Community Alternative is not about stopping gas production in the Roan Plateau Planning Area. In fact, it is about producing very significant volumes of gas during the life of the management plan while protecting the best natural features and habitats of the area. Furthermore, within the life of the plan, given rapid advancements in technologies that can keep development off the top, additional reserves are likely to become available as more can be accessed from the base. In fact, some industry experts are certain that technologies already exist that could extract a large amount of the resource via directional drilling from under Roan Plateau without disturbing its surface.¹⁶ These technologies—which have been advancing rapidly over the last couple of decades—hold great promise for Roan Plateau, but the final plan would need to include provisions that prohibit leasing the top during the plan, or that defer leasing the lands on top until these technologies are available and employed.

So far, the BLM has failed to document a compelling need to open the top of the Plateau to drilling. In addition to the large amounts of gas likely to be produced from the Planning Area during the life of the plan under the Community Alternative, some 94% of the natural gas from public lands in the Piceance Basin (which includes Roan Plateau) is already available from lands open to leasing or from lands already leased, according to a report by the federal government.¹⁷ Furthermore, many of these leased lands have yet to be put into production and drilling permits are being issued in record numbers with many wells remaining to be drilled.¹⁸

Development of Roan Plateau's energy reserves, as well as the value of its unique public lands, biological diversity and habitat, backcountry recreation, and as a community landmark, must be considered in this regional context, which in turn must be based on a realistic and accurate estimate of likely development in the area over the twenty-year plan. Likewise the specific impacts of the intense industrial activity that surrounds oil and gas development must be fully described and properly mitigated before such should be contemplated, let alone before leases are granted that permit this activity. So far, the draft plan fails in all these counts. Unless the BLM selects a final plan that—like the Community Alternative—offers strong protection for Roan Plateau's unique natural and public resources, these failures render the plan insufficient and supplementation is required.

¹⁵ Table 4-38, Roan Plateau DEIS (pg 4-214) BLM GSFO, November 2004; For a breakdown of the calculations, see www.saveroanplateau.org/background "No Need to Drill".

¹⁶ See Rock the Earth comments submitted on the DEIS.

¹⁷ Scientific Inventory of Onshore Federal Lands' Oil and Gas Resources and Reserves and the Extent and Nature of Restrictions or Impediments to their Development, U.S. Departments of Interior, Agriculture, and Energy, January 2003.

¹⁸ Drilling in the Rocky Mountains? Not so Fast! An Assessment of Surplus Drilling Permits & Leases on Federal Public Lands; The Wilderness Society, April 2004

WITHOUT ADOPTING RECOMMENDATIONS, SUPPLEMENTATION IS REQUIRED

As discussed above, the draft's failure to properly account for current and projected levels of energy development could itself be cause for supplementation, especially if the BLM uses this data to support new wide scale development in the area. The National Environmental Policy Act (NEPA) requires the use of quality information, stating:

The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.¹⁹

Moreover, the law requires that for an EIS, the agency shall

...provide full and fair discussion of significant environmental impacts... Statements shall be concise, clear, and to the point, and shall be supported by evidence that that the agency has made the necessary environmental analysis.²⁰

As written, the DEIS does not comply with law and the BLM should select an option that makes the changes above; otherwise, it should prepare a new range of alternatives, with more complete and accurate information, and present a new document to the public for comment.

In addition to relying on faulty data, the BLM has failed to meet other NEPA obligations, such as the need to consider a full range of alternatives. Although the BLM need not consider every possible alternative, it must consider reasonable alternatives that "would alter the environmental impact and the cost-benefit balance"²¹ with the range "necessary to permit a reasoned choice."²² The BLM must to the fullest extent allowable by law:

Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.²³

To demonstrate it has considered "all practicable means... to avoid or minimize impacts," the BLM should consider an alternative that meets the management objectives of the community-supported preliminary alternative (Alternative F). Provisions of both this and the Community Alternative would best meet public needs and would help to avoid and minimize impacts, significantly altering the "cost-benefit" balance. When considering the course of action that will best meet the public's needs and preferences, a federal agency is required to:

...present the environmental impacts of the proposal and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.²⁴

However, the failure to properly account for current and future energy development along with the draft's abandonment of the main provisions of the preliminary alternative and its failure to fairly and fully consider these in the DEIS, is a breach of the agency's obligations. Finally, under the current range of alternatives—and in spite of strong statements from the Interior Department

¹⁹ 40 CFR § 1500.1 (b).

²⁰ 40 CFR § 1502.1

²¹ *Bob Marshall Alliance*, 852 F.2d at 1228, quoting *Calvert Cliffs' Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109, 1114 (D.C. Cir. 1971).

²² *Headwaters, Inc. v. Bureau of Land Management*, 914 F.2d 1174, 1180-81 (9th Cir. 1990)

²³ Emphasis added. 40CFR §1500.2

²⁴ Emphasis added, 40 CFR §1502.14

to encourage such—the BLM makes no consideration of advancing technologies that could reduce many impacts over the course of the plan. At Otero Mesa—although that plan is also severely flawed—the BLM included at least some consideration of these technologies.²⁵

The NEPA deficiencies of the draft plan go further than their failure to consider a reasonable range of alternatives; the draft plan does not properly disclose and consider the direct impacts from the alternatives and decisions it does contemplate. We are particularly concerned about impacts to wildlife likely to result under the draft's alternatives. The direction contemplated in the draft would severely impact these resources, and seems to violate the direction proposed in the 1999 oil and gas supplemental environmental impact statement (SEIS) for the Glenwood Springs Field Office, in spite of rocketing—and poorly projected—levels of development inside and all around the Planning Area. The 1999 SEIS Record of Decision (ROD) notes:²⁶

Important wildlife habitat areas including grouse leks, raptor nest sites, wildlife seclusion areas, and Threatened and Endangered species habitat will also be protected with No Surface Occupancy stipulations. ...Further details ... are provided in the Final SEIS.

The Appendix of the ROD then goes on to specify:²⁷

NSO within fourteen seclusion areas that provide high wildlife values...

Although the ROD notes that no leasing decisions will be made for the non-production area portion of the Naval Oil Shale Reserve (NOSR) lands; it also lays out stipulations and refers to maps that depict where specific stipulations will apply on these same lands. Now, the BLM has apparently ruled—without input, it would seem, from the Department of Natural Resources, other cooperating agencies, or the public—to forgo pages of detailed direction in favor of a single sentence that the ROD “makes no oil and gas leasing decision...” for the NOSR lands. If nothing else, the BLM should document this one-sided interpretation of its ROD, including supporting data to show what has changed in the Planning Area to warrant reduced protections, otherwise the ruling appears arbitrary and without foundation in the administrative record.

We are equally concerned by the draft's willingness to forgo future wilderness by piecemeal management of the three areas that the BLM found to have wilderness character, and the insufficient discussion of these (and a fourth area's) unique values.²⁸ Three of the alternatives (III-V) in the draft plan would allow these values to be degraded so that they would likely never again be eligible for wilderness designation.

A fourth roadless area—Trappers Creek, proposed for wilderness in federal legislation—gets no special attention for the range of wilderness values identified there in 1999 BLM inventories. Although the BLM erroneously found it to lack naturalness, it did find the area to possess all the other requisites for wilderness designation along with many supplemental values. However, the DEIS only notes it as a roadless area in a table, and none of the information from the inventory is included in the draft plan, either as discussion or for the sake of analysis.²⁹

Analyses of recreation are likely problematic, and do not properly account for the value these lands offer, and will offer, or the importance of these lands to local communities. These values and benefits will only grow over the twenty-year life of the plan, if the BLM would manage the area for those purposes. In the draft alternatives, however, the agency does not. Although the

²⁵ “Otero plan on way to BLM,” *Albuquerque Journal*, March 8, 2004

²⁶ *Record of Decision, 1999 SEIS*, BLM Colorado State Office, March, 1999

²⁷ *Record of Decision, Appendix A: 1999 SEIS*, BLM Colorado State Office, March, 1999

²⁸ “BLM Releases Final Wilderness Inventory Findings for the Roan Plateau,” BLM GSFO March 2000.

²⁹ *Table 3-30*, Roan Plateau DEIS (p3-115), BLM GSFO, November 2004

BLM does disclose that backcountry recreation opportunities will be decimated, it provides no evidence from any scoping reports, cooperating agency input, or the administrative record that such would be in the public or communities' interest, determining instead that these major recreational impacts are "inconsequential."³⁰

In addition, we find the discussion and analysis of air quality impacts under the various alternatives incomplete and problematic, and based on modeling that is inappropriate and incomplete for the Roan Plateau's particular geography. Finally, other direct impacts to public resources are also poorly disclosed and analyzed in the draft, particularly impacts to water quality, cultural resources, sensitive plant and animal species, noxious weeds and vegetation. The analysis of the substantial indirect impacts to all these resources is similarly flawed.

Of additional concern are the indirect impacts that intensive oil and gas development (both inside the Planning Area and in a regional context) will have on the socio-economic fabric of the area. Although monetary benefits accrue from such activity, economic harm and liability can result as well. The cost of increased traffic, public health and toxic remediation/response, impacts to property values and taxes, and the need for increased local government services such as emergency response, health care, and social service needs, must also be factored into the analysis.³¹ Nonetheless, the draft plan fails to consider these economic impacts, just as it fails to consider the net benefit of protected public lands, which a growing body of evidence suggests are a vital force in many western economies.³²

The BLM is also obligated to examine cumulative impacts associated with each alternative within both the Planning Area over the twenty-year life of the plan and in the context of similar development in the region.³³ In a Council on Environmental Quality (CEQ) guidance document on cumulative environmental impacts analysis, emphasis is placed on analyzing the effects of reasonably foreseeable actions if the letter and intent of NEPA and the CEQ regulations are to be met.³⁴ Actions that, when viewed with other proposed actions, can have "cumulatively significant impacts" are "cumulative impacts," defined by the CEQ to be an impact "which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions..."³⁵

The cumulative effects from this and similar foreseeable actions must be included in this analysis. Cumulative analysis must not only consider development, which is projected inside the Planning Area, but it should extend analysis to look at the alternatives within the changing regional context and within the larger human landscape as a whole. Other foreseeable actions—such as oil shale development—in the Planning Area, are hardly analyzed in the DEIS at all, although such reasonably foreseeable activities would likely have significant direct, indirect, and cumulative impacts.³⁶

Finally, the BLM should also include analysis that considers effects from full field development, beyond the twenty-year life of the plan to properly describe the resources that will be irretrievably committed under leasing decisions in this plan, even if development doesn't fully occur until after the anticipated period of the plan. Given the rate and scale of energy development across the region, full field, or at least development at a significantly higher rate and density than that projected by the DEIS, is—in fact—at least reasonably foreseeable.

³⁰ *Environmental Consequences: Recreation*, (p4-196) Roan Plateau DEIS, BLM GSFO November 2004

³¹ "Comprehensive Plan 5," Garfield County Colorado, July 2000 at www.garfield-county.com/home/index.asp?page=664

³² Prosperity in the 21st Century West. Sonoran Institute, July 2004.

³³ 40 CFR § 1508.25

³⁴ See *Considering Cumulative Effects Under the National Environmental Policy Act*, CEQ, January 1997,

³⁵ 40 CFR § 1508.25(a)(2)

³⁶ "Oil shale sparking interest, caution," *Grand Junction Daily Sentinel*, April 1, 2005

The BLM is required to provide meaningful analysis based on current information about how this plan and these public lands will contribute to or be affected by similar action across the region. Until the BLM redoes the current document to include an accurate description of reasonable development scenarios, alternatives that provide a real range of management outcomes, and until the agency includes an accurate and comprehensive analysis of impacts to these resources, the BLM has failed to take the required “hard look,” and additional supplementation is required.

As with its failure to properly disclose and analyze direct, indirect and cumulative effects, the draft plan also does not disclose numerous related and connected actions that will likely have major impact on how, and when, the reserves in the Planning Area and region are developed. According to NEPA connected actions are those that: “automatically trigger other actions” which may require an EIS; actions that cannot or will not proceed without other previous or simultaneous actions; and, actions that are “interdependent parts” of a larger action and “depend on the larger action for their justification.”³⁷

At least three such “connected actions” are relevant to this situation, and the related impacts from these actions deserve fair and full consideration in the draft plan. Primary among these actions are the plans by EnCana to begin developing the “Unocal” properties it acquired from Tom Brown, Inc., including sizable portions of the private lands within the Roan Plateau Planning Area.³⁸ A second EnCana action—the Figure Four Project, just north of the Planning Area—should also be considered within the scope of connected actions.³⁹ The third set of connected actions is new pipelines currently being permitted that will likely drive additional development in the Planning Area and region. Federal Energy Regulatory Commission and the BLM White River Field Office are considering two major pipelines through separate NEPA processes that will affect the development under the DEIS.⁴⁰

These actions are, in fact, connected as “interdependent parts” and “simultaneous actions” of the regional development of oil and gas in the greater Piceance Basin. Without access to national pipelines, the area’s development pressures would be substantially less; similarly, new major pipelines in the area are likely to significantly alter the pace and scale of development. Because the need for expanded transmission is tied to a purported increase in development, and because the same company is proposing both a major increase in gas production, both inside and adjacent to the planning area, and simultaneously expanding transmission, it seems disingenuous that the full impact of associated development directly related to the current action is not even mentioned in this DEIS. It is certainly a reasonably foreseeable outcome to suppose that completion of these pipelines will drive further development of the region’s mineral resources., at an even quicker pace than currently projected.⁴¹

The current alternatives fail to offer an appropriate range of management options, rely upon questionable, improperly disclosed, or faulty information, and do not offer affected communities and interested parties a comprehensive, environmentally preferable solution to address public needs as identified during the planning process. In failing to provide for a reasonable range of alternatives that best meets the needs of the public, the alternatives in the draft plan commit the agency to a course of action without a complete and full understanding of the irreparable consequences that are likely to result from the decisions made in this plan to a wide range of significant public and community resources.

³⁷ 40 CFR § 1508.25(a)(1)

³⁸ “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/>

³⁹ *Decision Record and Finding of No Significant Impact*, Figure Four Geographic Area Profile, BLM WRFO

⁴⁰ See Entrega Gas Pipeline Project, FERC, Docket No. PF04-7-000; See also “Meeker Pipeline and Gas Plant Project” BLM WRFO at www.co.blm.gov/wrra/MeekerPipelineandGasPlant.htm

⁴¹ See Maverick Oil and Gas press release notes that pipeline is fueling development at www.maverickoilandgas.com/projwhitewater.asp

SUMMARY AND REQUEST

The Roan Plateau Planning Area includes many important resources, including outstanding recreational opportunities, critical wildlife habitat, sensitive species, rare or endemic plants and plant communities, wilderness quality and roadless public lands, and striking scenic features. These deserve to be properly accounted for and protected in the final Resource Management Plan (RMP). The RMP should seek as its overall objective a set of prescriptions that work to “keep the Plateau as it is,” with responsible gas development at the base and on other private lands, and leaving the public lands atop in their mostly natural and undeveloped state.

Specifically, the BLM should select a final plan that:

- Maintains the public lands atop the Plateau for uses besides oil and gas development.
- Designates four areas of critical environmental concerns (ACECs) as noted under Alternative II, with stipulations in these areas to prohibit all surface disturbing activities.
- Safeguards habitat for fish, wildlife and for rare and sensitive plants and plant communities throughout the Planning Area.
- Designates two special recreation management areas, one above and one below the rim, and manages these to maintain the opportunities these areas provide.
- Mandates the use of Best Management Practices that can evolve as technologies advance.
- Ensures local communities are given the opportunity to provide input for any leasing, drilling permits, and other development projects on the public lands in the Planning Area.

Four Steps to a Better Plan for Roan Plateau

- 1. Keep drilling off the top; produce large volumes of gas from the base***
- 2. Implement strong protections for natural resources and public use***
- 3. Ensure agency commitment to maintain Roan Plateau’s public lands for recreational use***
- 4. Require the use of Best Management Practices, emphasize s resource protection, and ensure public involvement in future public lands decisions***

Further, the Community Alternative would allow for sufficient levels of energy development; manage the public lands for multiple uses; abide by the various directives of the Federal Lands Policy and Management Act (FLPMA) and the Mineral Leasing Act; and fulfill the intent of the National Defense Authorization Act (commonly called the Transfer Act).

In summary, the draft plan fails to provide a reasonable set of alternatives—including alternatives that offer what the public has identified as top objectives and alternatives that require better technologies before leasing decisions are made. In addition, the agency has failed to take its required “hard look,” not only in regards to formulating realistic development projections for the Planning Area and in its failure to consider specific technologies or technological objectives, but also in its analysis of impacts, direct, indirect and cumulative—as well as relevant connected actions—to a range of important resources. Unless the BLM selects a final plan that provides the strongest safeguards to the public resources at stake in this decision, it must supplement its plan, offer a new set of alternatives, and initiate a new public comment period.

The Roan Plateau Planning Area is an important public resource and the BLM must manage it under a plan that truly honors what communities and citizens envision for these lands; that protects all the important ecological, biological, wilderness, roadless and riparian areas, and sensitive habitat of the Roan Plateau Planning Area; that promotes and maintains these popular public lands for the recreational opportunities these lands currently provide; and that requires all energy development on the area's public lands use innovative Best Management Practices—like those proposed by the Colorado Mule Deer Association—which can evolve with advancing technologies. Finally, the Roan Plateau RMP should include mechanisms to ensure local governments and affected communities are full participants in development and other decisions affecting adjacent and nearby public lands.

Thank you for this opportunity to provide these comments. We also incorporate herein by reference, the collective comments submitted by The Wilderness Society, Colorado Environmental Coalition, Sierra Club/Rocky Mountain Chapter, Colorado Mountain Club, Center for Native Ecosystems, et al., as well as those of the Colorado Natural Heritage Program, both submitted under separate cover.

Sincerely,

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