



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
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In reply refer to:
(L30) IMR

November 24, 2008

Memorandum

To: Director, Utah State Office, Bureau of Land Management

From: Regional Director, Intermountain Region, National Park Service

Subject: Notice of December 19, 2008 Competitive Oil & Gas Lease Sale of Lands
Bounded by the Colorado Plateau and the Grand Staircase-Escalante National Monument
National Monument

I would like to personally extend my appreciation to the BLM field office managers who worked with our park superintendents on the parcel-by-parcel review of these oil and gas lease parcels. They did an outstanding job working in collaboration with us, providing information, insight and expertise as we went through the process of examining these tracts and their potential impact on park lands and values.

This was a significant work load, and we appreciate the dedication and commitment of your staff. We met with your staff from November 7-12, and while we originally thought that there were about 45 parcels in the proposed lease sale that were of concern to us, higher resolution maps provided by your staff showed that there were actually 93 parcels of concern, totaling 139,737 acres. With these 93 parcels we have identified three overarching concerns: air quality, water resources and natural sound.

In reviewing the lease sale parcels, we reviewed the stipulations that would apply to each parcel. We found that stipulations commonly contain exemption and waiver clauses whereby the BLM may make exceptions, modifications, or waivers to the stipulations. This makes it very difficult for the NPS to determine whether the stipulations are sufficient to protect NPS interests, since the stipulations may or may not be applied as written. In order to proceed with this process, the NPS reviewed the parcels and made its recommendations on the assumption that no exceptions, modifications, or waivers of the stipulations would be made. Our recommendations are only valid if BLM can assure that.

Air Quality:

We recognize that the BLM is committed to maintaining existing air quality. The Moab RMP includes air quality objectives including:

“Manage all BLM and BLM-authorized activities to maintain air quality within the thresholds established by the State of Utah Ambient Air Quality Standards and to ensure that those activities continue to keep the area as attainment, meet prevention of significant deterioration (PSD) Class II standards, *and protect the Class I air shed of the National Parks* (e.g., Arches and Canyonlands National Parks).” Moab Field Office Proposed Resource Management Plan and Final Environmental Impact Statement, August 2008, page 2-7, emphasis added.

The Vernal RMP’s air quality goal is to:

“Ensure that authorizations granted to use public lands and the BLM’s own management programs comply with and support applicable local, state, and federal laws, regulations, and implementation plans pertaining to air quality.”

In addition, the Vernal Field Office is preparing an air quality study that centers on the Uintah Basin and will establish a baseline and then evaluate incremental changes to air quality from development proposals. The study should be released in the next few months.

Stipulations MBFO-S-1 and VFO-01 require tighter pollution controls on most gas field internal combustion engines. However, we are very concerned that these and other mechanisms cited in the Plans might not be sufficiently protective of air quality from the cumulative impacts of oil and gas activities.

Canyonlands and Arches National Parks are Class 1 air sheds under the Clean Air Act. As such, resources in these parks (e.g., visibility, vegetation and water) known as Air Quality Related Values (AQRVs) under the Clean Air Act are provided additional protection from the harmful effects of air pollution. The National Ambient Air Quality Standard for ozone is .75 ppm or below for all areas of the country. Canyonlands is barely meeting that standard. In 2008, ozone levels at Canyonlands reached .75 ppm. The fourth high 8-hour average at Dinosaur National Monument for 2008 is 0.69 ppm. The air quality analyses that BLM has performed to date do not provide the information necessary to determine whether air quality standards could be violated, or if visibility and other AQRVs could be adversely impacted. We believe a study using appropriate air quality models, and considering all other regional sources, needs to be done prior to lease offerings to determine whether additional safeguards are needed to keep the area as attainment and protect AQRVs. NPS air quality experts are available to assist with the needed analyses.

Natural Sound:

Natural sounds and quiet are important characteristics of units of the National Park System. The opportunity to experience natural sounds and quiet are an integral part of the visitor experience. Natural soundscapes include wind, water, wildlife, and other sounds produced by the environment. The opportunity to hear natural sounds depends upon the natural ambient sound level, or the consistent background sound level that exists in the absence of noise.

The NPS has collected acoustic data from 23 locations in parks in the Southeast Utah Group and found that typical median sound levels (L_{50}) for the acoustic monitoring location in Arches closest to parcels 193 and 194 ranged from 22.3 dBA (winter) to 23.8 dBA (summer). A site on the southeast side of Canyonlands had a median L_{50} of 24.9 dBA in summer and 17.9 dBA in winter.

Using reference sound levels from NIOSH for drill rigs, 90-97 dBA at 24 meters; it is possible to estimate the sound levels at other distances from the source. Even at 1500 meters from the source, sound levels would still be 53 to 46 dBA which is 30-40 dBA above typical median ambient sound levels at both parks. Visitors to areas that have elevated ambient levels due to noise from oil and gas exploration and development would experience reduced opportunities to hear natural sounds. For example, a 20 dBA increase in ambient sound level would result in a 99% reduction in listening area.

Pertinent to all three parks, the stipulations to mitigate noise from oil and gas exploration and development activities should be protective enough so as not to reduce the ability of visitors to hear natural sounds at long distances. Moving operations 200 meters from park boundaries, as suggested in the Vernal BLM planning document, is insufficient and may still result in noise levels well above 60 dBA at the park boundary, which is the level at which noise starts to interfere with close range conversational speech.

Water Resources:

The NPS is concerned about the effects of this sale on ground water supplies that feed seeps and springs in Arches and Dinosaur, and on surface waters flowing into the parks. While a groundwater analysis for the Courthouse and 7-Mile Canyon drainages on the west side of Arches have been completed, the NPS needs time to analyze ground water relationships on the park's north and east sides. The NPS also needs provisions to ensure effective input into BLM permitting actions at the APD stage where park aquifers or ground water resources might be affected.

The NPS is also concerned about the potential for contamination of surface and ground waters by contaminants from oil and gas activities upstream of the parks. In our quick review of the lease sale and the associated stipulations, we did not find provisions to prevent such contaminants from being released into waters, including floodwaters, which flow into the parks.

Specific Parcel Recommendations

Our recommendations about the specific parcels as they relate to the individual parks affected are as follows:

Dinosaur National Monument

Category 1: Defer these parcels unless there is full implementation of existing stipulations without exceptions, modifications, or waivers (8,157 acres)

119, 121, 122, 124, 125

Category 2: Defer these parcels unless additional provisions recommended by NPS are included in lease with no exceptions, modifications or waivers of existing stipulations

The additional provisions are:

1. that night lighting stipulations apply per VFO-15
2. that BLM add a lease notice to clarify that there is no access over park lands or roads to lease operation

Category 3: Defer parcels with concerns; additional time required for review and analysis. (4,961 acres).

102, 128 129

Defer so that Monument and BLM staff can conduct a sight visit to determine the visual impacts on visitor use areas.

Arches and Canyonlands National Parks

Category 1: Defer these parcels unless there is full implementation of existing stipulations without exceptions, modifications, or waivers (47,220 acres):

170, 171, 172, 173, and the western portion of 174
175, 176, 177, 178, 179
161, 162, 163,
164, 165, 166, 167, 168, 169,
200
231
361, 362, 363, 364, 365,
366, 367, 368, 369, 370, 371

Category 2: Defer these parcels unless additional provisions recommended by NPS are included in lease with no exceptions, modifications or waivers of existing stipulations (31,140 acres).

180, 181, 182, 183, 184, 185, 186,
198, 199, 201, 202, 203, 204, 205, 206, 207, 208, 214,
east portion of 174,
parts of 196 and 197

The additional provisions are:

- 1 that night lighting stipulations apply per MBFO-LN-2
- 2 that provisions are made to prevent depletion of water quantity in Arches seeps and springs from oil and gas activities on these parcels
- 3 that provisions are made to prevent contamination of surface and ground waters that flow into Arches from oil and gas activities on these parcels

- 4 that stronger sound stipulations are applied to the southern ¼ mile of 199, and the southwest portion of 214, per MBFO-LN-2, so that, to a park visitor, noise levels are not audible above natural sounds.
- 5 that oil and gas activities in parcels 198, 199, and 201 through 208 are sufficiently screened from viewers within Arches and Canyonlands National Parks by topography

Category 3: Defer parcels with concerns; additional time required for review and analysis. (35,450 acres).

215, 216, 217, 218, 219, 221, 222, 223, 224, 225, and parts of 242, 243, and 244. The NPS needs more time for review and analysis of these parcels related to park viewsheds, light and noise, wildlife, and water resource concerns. These parcels are within key viewsheds from Delicate Arch, the Windows, the scenic drive, and other key observation points within Arches National Park.

NE quarter of 196 and the most eastern portion of 197. The NPS needs more time for review and analysis of these parcels, which are within the groundwater protection zone for part of Arches National Park.

189, 190, 191, 192, 193, 194. The NPS needs more time for review and analysis of these parcels related to park viewsheds, noise, and adjacent wilderness recommendation lands.

For your convenience the following table summarizes National Park Service recommendations. The attached maps show these parcels in relation to the parks.

	Canyonlands/Arches (parcels/acres)	Dinosaur (parcels/acres)	Total (parcels/acres)
Category 1: Defer these parcels unless there is full implementation of existing stipulations without exceptions, modifications or waivers, and additional evaluation of overall air quality, natural sound and water resources impacts.	30 parcels/ 46,575 acres	5 parcels/ 8,157 acres	35 parcels/ 54,732 acres
Category 2: Defer these parcels unless additional provisions recommended by NPS are included in leases with no exceptions, modifications or waivers of existing stipulations.	20 parcels/ 33,665 acres	9 parcels/ 4,961 acres	29 parcels/ 38,586 acres
Category 3: Defer parcels with concerns: Additional time required for review and analysis.	21 parcels/ 32,560 acres	3 parcels/ 4,559 acres	24 parcels/ 37,119 acres

130,457

Through early collaboration and continued dialog with your field and state offices, we feel a solution can be formulated to accommodate quarterly oil and gas leasing postings in a manner that is considerate of and compatible with coexisting area and park values.

Continuing to defer the parcels identified above from oil and gas leasing is prudent and in the public interest. It ensures that needed analyses are completed before making a decision to create a property right in leases that the Federal Government may need to buy back later in order to protect adjacent park resources and values.

In an effort to preserve the Secretary's goal of collaborative conservation, we suggest that we meet before December 31, 2008 to update the previous 1993 Supplemental Agreement for Planning and Program Coordination among the NPS units in Utah and the BLM Utah State Office and associated Oil and Gas Lease Notification Instruction Memorandum. These documents were previously provided to your office by Utah State Coordinator Cordell Roy.

MDL

Again, please know of our sincere thanks to the BLM and its field office managers for their exceptional work during this process. If there are questions about these comments, please feel free to contact me at (303) 969-2503.

Sincerely,

Michael D. Snyder
Regional Director
Intermountain Region