

## Comments Submitted Via Facsimile and Email

May 1, 2008

CC:

Jim Caswell – BLM Director  
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To:

Brad Higdon  
Planning and Environmental Coordinator  
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### **RE: COMMENTS – WEST TAVAPUTS PLATEAU NATURAL GAS DEVELOPMENT PLAN DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Dear Mr. Higdon,

Please consider and integrate our comments into the West Tavaputs Plateau Draft Environmental Impact Statement (WTP-DEIS).

The Theodore Roosevelt Conservation Partnership (TRCP) is a national non-profit conservation organization (501-3c) that is dedicated to guaranteeing every American places to hunt and/or fish. In cooperation with various partners, TRCP has formed a Fish, Wildlife, and Energy Working Group, which collectively is comprised of some of the country's oldest and most respected hunting, fishing, and conservation organizations. TRCP represents a membership of over 112,000 individuals across the country and more than 1000 individuals plus 11 business and organizational affiliates throughout the state of Utah. Given the resulting impacts of energy development on public land throughout the West, the future management of federal public lands administered by the Price Field Office is of great interest to us, our partners and affiliates, and Utah sportsmen - as many of these individuals use the West Tavaputs area for hunting and outdoor recreation.

#### **Geographically Phased Development**

Particular to the topology of the West Tavaputs Plateau, energy development is taking place where bottlenecking occurs between mule deer and elk summer and winter range. As wildlife migrate from their summer ranges to their winter ranges they must pass through narrow ridge tops on the mesas. These narrow ridge-tops are where development and habitat fragmentation is proposed to occur in the highest densities in the West Tavaputs project area.

Corridors providing wildlife with access to seasonally-required habitat must remain intact and functional at a level acceptable to sustain populations. In order to develop this area responsibly, a phased approach is necessary, with adequate measures in place to study impacts and modify development in order to reduce the development footprint.

Alternative E does not offer a phased approach to development and does not provide assurances for the future functionality of migration corridors or crucial habitats for big game and sage grouse. Alternative D does a better job of phasing development, but is still inadequate in that it focuses on how fast development can occur instead of focusing on how to development in a way that maintains the function of important migration zones.

A new phased development approach should be developed and used in the preferred alternative. The project area should be subdivided into smaller parcels. The parcels should be developed fully and completely restored (with respect to fish and wildlife habitat) one at a time before subsequent parcels are developed. That way, wildlife displaced from the developed parcel can migrate to equal-value habitat on adjacent lands. When the wildlife habitat on the developed parcel is restored, displaced wildlife can return, and the next parcel can be made available for development. In this way, smaller parcels are developed and restored over a longer period of time, not in the current mode of field development that is too fast. The Agency Wildlife Mitigation Plan should then conduct adaptive management, making modifications to the development based off of wildlife monitoring.

### **Cumulative Impacts and Mitigation**

The WTP-DEIS does not adequately mitigate for impacts on big game. The WTP-DEIS does not even offer an alternative that enforces both winter seasonal closures and compensatory mitigation. Over 80,000 acres of crucial big game habitat will not be subject to winter seasonal closures. The preferred alternative should require that industry abide to winter seasonal closure stipulations in crucial winter ranges and migration corridors, conduct phased development with adaptive management, and conduct compensatory mitigation for their impacts.

Additionally, if the mitigation plan intends to “offset the effects of the full field development in its entirety,” then the cumulative impacts of development on wildlife should be taken into account. Currently, the wildlife mitigation plan is only considering actual surface disturbance as having an impact. Numerous studies have shown that impacts to wildlife extend far beyond the road beds and well pads from development and all these impacts should be considered in the mitigation plan to ensure its effectiveness.

While off-site mitigation is important and encouraged, the preferred alternative in the WTP-DEIS fails to consider on-site mitigation. Again, adaptive management should consider making changes to the field development based on monitoring information on impacts to greater sage grouse, mule deer, elk and other wildlife. Wildlife monitoring should have guaranteed funding in-place prior to development.

Finally, the Agency Wildlife Mitigation Plan does not mention anything about grazing allotment rest being a valuable mitigation resource for wildlife habitat enhancement. BBC controls the Stone Cabin grazing allotment. Much of this allotment exists within the project area and the Agency Mit. Plan should mention that proper allotment management such as grazing reduction or rest is a very valuable mitigation addition.

### **UT Division of Wildlife Resource's Management Objectives**

We have concerns that the EIS as a whole does not provide adequate assurances for mule deer, elk, bighorn sheep, and sage grouse. Because the ridges and canyons in the project area naturally funnel deer and elk through the development area, the WTP-DEIS greatly underestimates the fragmentation effect on deer and elk.

The mule deer and elk herd units in the West Tavaputs Planning area are the Nine Mile – Range Creek unit. This is a very important hunting resource to Utah residents and the BLM fails to show how it will work to maintain wildlife objectives set by the UT Division of Wildlife Resources (UT DWR) within this unit.

The FEIS should incorporate a specific conservation strategy on how to maintain current big game and upland game-bird population objectives in the West Tavaputs project area. The current mitigation plan aims to offset the impact to the planning area to offsite locations. Wildlife objectives and hunting opportunity need to be maintained within the project area.

A plan should be created to compensate Utah sportsmen for any loss of big game that might occur as a result of energy development in this area.

### **NSO Requirements in Sagebrush Parks**

No Surface Occupancy (NSO) should be required within open sagebrush parklands in the project area and roads and wellpads should be located outside of the sagebrush park areas. Sagebrush parklands are very important to big game and sage grouse in the West Tavaputs project area. These sagebrush areas sustain wildlife populations through the winter season. Additionally, sagebrush parklands are limited in acreage due to the steep topography of much of the project area. Development within the sagebrush areas could result in behavioral changes of big game and sage grouse, impacting the usefulness of these areas to wildlife at a much larger scale than just the surface disturbance of development.

### **Multiple Use Mandate**

The BLM should detail in the WTP-DEIS how development of the project area will be managed for a balance of uses, as required by the Federal Land Policy and Management Act (FLPMA).

FLPMA sets forth a multiple-use mandate that federal agencies may not ignore. With regards to energy development in the West Tavaputs project area, this means that the BLM must consider effects on outdoor recreation and the conservation of fish and wildlife species and habitat, notably mule deer, elk, and sage-grouse in determining appropriate natural gas extraction management.

This law is the Organic Act for the Bureau of Land Management, and it consolidates and articulates the management responsibilities of the agency. FLPMA also establishes BLM as a multiple-use agency — meaning that management will be accomplished on the basis of multiple use and sustained yield unless otherwise specified by law — and provides that:

. . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use . . .

The preferred alternatives should retain sufficient management discretion for BLM to permit development of the gas resource without improperly committing itself to wholesale conversion of the area from lands containing wildlife habitat, rangeland, watershed, and energy resources, into a single-use industrialized zone effectively committed to natural gas extraction to the exclusion of most other uses. Given the lack of adequate phased development planning within the West Tavaputs project area, it is concerning to us that the WT-DEIS draft is on track to becoming such a single-use zone.

### **Cumulative Impacts and RFD**

In Chapter 5, cumulative Impacts and Reasonably Foreseeable Development is inadequate. There needs to be a realistic, public assessment of what the true number of wells ultimately developed within the project will be. If this document is a maximum development scenario, then it should be explicitly stated that no well infill will be permitted in supplementary EA's in years to come beyond what is stated in this chapter.

Additionally, the WTP-DEIS ignores cumulative effects of other activities in the canyon that have the same and compounding effect on wildlife, particularly deer and sage-grouse. Two main neglected items are the Questar pipeline upgrade that removed a significant proportion of the available winter range for sage-grouse on Harmon Canyon, and other leases in the same area such as Petro-Canada leases on upper elevations of the Tavaputs Plateau.

### **Sage Grouse**

The UTDWR *Strategic Management Plan for Sage Grouse 2002*, identifies the effects of coal bed methane, gas/oil drilling on sage grouse habitat as a key “issue.” The greater

sage grouse have been listed as a Utah Species of Concern by the Utah Wildlife Board. Additionally, the *Utah Sensitive Species List* identifies extensive loss of habitat coinciding with declining populations as the reasons the greater sage grouse is designated as a species of concern. Currently, the greater sage grouse is being reviewed by the U.S. Fish and Wildlife Service for consideration of listing under the Endangered Species Act.

Stipulations that restrict surface occupancy within .5 miles of an active lek are insufficient to maintain populations within developed oil and gas fields. Recent scientific study has shown that during the breeding season, male sage-grouse are sensitive to disturbance during both the exploratory and production phase of oil and gas development. Levels of sensitivity as measured by the distance at which no change in male attendance was detectable, vary by factor but are significant at distances of less than 1.8 miles. In the Powder River Basin, impacts to lek activity included an observed 50% decrease in the number of active leks within developed gas fields as well as a 50% reduction in the average number of males present on remaining leks. There was a discernable time lag between development and observed declines. Changes in numbers were likely an artifact of both distribution shifts in attendance as well as changes in survival and recruitment rates.

Additionally, stipulations restricting seasonal surface use within 2 miles of an active lek during the breeding and nesting period (1 March – 15 July) are inadequate to maintain sage-grouse populations within developed habitat.

We recommend the BLM utilize a minimum 1.8 mile buffer of no surface occupancy around existing leks. We recognize that development activities within 1.8 miles will have negative impacts on sage grouse populations. We also recommend utilizing a 4 mile buffer around leks to protect nesting and brood rearing habitat for a minimum of 70% of the nesting hens associated with a lek from March 1 through July 15. This protection should apply to both initial development and subsequent annual development and maintenance operations.

Also, the WTP-DEIS seems overconfident that the Wildlife Mitigation Plan will replace habitat that has been developed within the West Tavaputs project area. While the Wildlife Mitigation Plan proposes some good habitat restoration work, the WTP-DEIS should focus more on on-sight avoidance, adaptive management, and other ways to minimize impacts to existing sage grouse strutting and nesting areas. Around leks and nesting areas, greater NSO buffers and larger areas for seasonal timing limitations should be implemented.

Additionally, within the proposed project, roads bisect through the middle of critically important winter habitat for sage grouse. Birds are known to winter on the Prickly Pear and Sagebrush Flat mesas. The roads that bisect these crucial habitats should be rerouted to avoid this important sage grouse wintering area.

## Use the Most Recent Peer-Reviewed Scientific Studies

Under CEQ NEPA regulations, BLM must make use of all the best available scientific information to assess the effects of land management actions, including cumulative effects from existing, proposed, or foreseeable development projects in the resource management area. Referenced below are peer-reviewed scientific studies on the impacts on sage grouse, elk, and mule deer from vehicle traffic, roads, and oil and gas development. The information from these studies should be incorporated into the FEIS.

### **Big Game:**

Rowland, M. M., M. J. Wisdom, B. K. Johnson, and M. A. Penninger 2005. Effects of roads on elk: Implications for management in forested ecosystems. March 20, 2004. Transactions of the North American Wildlife and Natural Resources Conference 69.

Available at: [http://www.fs.fed.us/pnw/lagrande/starkey\\_na/PDFs\\_Preprints/ms-04\\_Rowland.pdf](http://www.fs.fed.us/pnw/lagrande/starkey_na/PDFs_Preprints/ms-04_Rowland.pdf)

Sawyer, H., R. Nielson, F. Lindzey, and L. McDonald. 2006. Winter habitat selection of mule deer before and during development of a natural gas field. *Journal of Wildlife Management* 70:396-403.

Available at: [http://www.bioone.org/perlserv/?request=get-abstract&doi=10.2193%2F0022-541X\(2006\)70%5B396%3A%5D2.0.CO%3B2](http://www.bioone.org/perlserv/?request=get-abstract&doi=10.2193%2F0022-541X(2006)70%5B396%3A%5D2.0.CO%3B2)

Sawyer, H., R. Nielson, D. Strickland, and L. McDonald. 2005. Annual Report, Sublette Mule Deer Study

(Phase II): Long-term monitoring plan to assess potential impacts of energy development on mule deer in the Pinedale Anticline Project Area. Western Ecosystems Technology, Inc. Cheyenne, WY.

Available at: [http://www.west-inc.com/reports/PAPA\\_2005\\_report\\_med.pdf](http://www.west-inc.com/reports/PAPA_2005_report_med.pdf)

Sawyer, H. and F. Lindzey. 2001. Sublette Mule Deer Study. Wyoming Cooperative Fish and Wildlife

Research Unit, University of Wyoming, Laramie. 51 pp.

Available at: <http://www.uppergreen.org/library/docs/Muledeerstudy1.pdf>

Wisdom, M. J., N. J. Cimon, B. K. Johnson, E. O. Garton, and J. W. Thomas 2005.

Spatial partitioning by mule deer and elk in relation to traffic. March 20, 2004.

Transactions of the North American Wildlife and Natural Resources Conference 69.

Available at: [http://www.fs.fed.us/pnw/lagrande/starkey\\_na/PDFs\\_Preprints/ms-05\\_Wisdom.pdf](http://www.fs.fed.us/pnw/lagrande/starkey_na/PDFs_Preprints/ms-05_Wisdom.pdf)

**Sage Grouse:**

Holloran, Matt J. 2005. Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. PhD Dissertation, Univ. of Wyoming. Laramie, WY. 211 pp.  
Available at: <http://www.sagebrushsea.org/>

In Press. Walker, B. L., D. E. Naugle, and K. E. Doherty. Greater sage-grouse population response to energy development and habitat loss. *Journal of Wildlife Management*.  
Available at: [http://www.forestry.umt.edu/personnel/faculty/dnaugle/pdfs/Sage-grouse%20Lek%20Analysis\\_JWM\(in\\_press\).pdf](http://www.forestry.umt.edu/personnel/faculty/dnaugle/pdfs/Sage-grouse%20Lek%20Analysis_JWM(in_press).pdf)

In Press. Doherty, K. E., D. E. Naugle, B. L. Walker, and J.M. Graham. Greater sage-grouse winter habitat selection and energy development. *Journal of Wildlife Management*.  
Available at:  
[http://www.forestry.umt.edu/personnel/faculty/dnaugle/pdfs/Sagegrouse%20winter%20habitat%20and%20energy\\_JWM\(in\\_press\).pdf](http://www.forestry.umt.edu/personnel/faculty/dnaugle/pdfs/Sagegrouse%20winter%20habitat%20and%20energy_JWM(in_press).pdf)

We appreciate this opportunity to comment and the BLM's integration of our recommendations into the FEIS. Please contact me if you have questions.

Respectfully,

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