

# SPORTSMEN FOR Responsible Energy Development

November 23, 2015

*Submitted via email to: [blm\\_ut\\_mb\\_mlpcomments@blm.gov](mailto:blm_ut_mb_mlpcomments@blm.gov).*

Brent Northrup, Project Manager  
Moab Field Office  
Bureau of Land Management  
82 East Dogwood  
Moab, UT 84532

**RE: Comments on the Moab Master Leasing Plan (MLP) and Draft Resource Management Plan (RMP) Amendments/Draft Environmental Impact Statement (EIS) for the Moab and Monticello Field Offices in the Canyon Country District**

Dear Project Manager Northrup:

The following comments are submitted on behalf of Sportsmen for Responsible Energy Development (SFRED) and its founding partners the National Wildlife Federation, the Theodore Roosevelt Conservation Partnership, and Trout Unlimited. SFRED is a coalition of more than 1500 businesses, organizations and individuals dedicated to conserving irreplaceable habitats so future generations can hunt and fish on public lands. The Theodore Roosevelt Conservation Partnership, Trout Unlimited, and the National Wildlife Federation lead the coalition.

SFRED has worked extensively with the Bureau of Land Management (BLM) in seeking opportunities for developing oil and gas and other energy resources in a responsible manner. Our work has taken us from on-the-ground leasing and project reviews with field office and industry staff to land management policy advocacy in Washington, D.C. We believe strongly in responsible energy development where our nation's fish and wildlife resources, our waters, our air, our public lands, and our recreational opportunities will not be harmed as our energy resources are being developed. In particular, SFRED has been a vocal supporter of the development of Master Leasing and Development Plans. MLPs provide improved opportunities for stakeholder participation in defining a road map for ensuring that vital fish and wildlife habitats are not lost to poorly-planned development that fails to account for impacts to other resource values.

## INTRODUCTION

The public lands in and around Moab, Utah include some of the most iconic scenery on the Colorado Plateau. This landscape is also rich in wildlife habitat. So it is vitally important to take a landscape-level approach to energy development to minimize potential resource conflicts. Of particular concern to SFRED, big game herds in the region are already struggling.<sup>1</sup> Mule deer are at less than half current population objectives established by the Utah Division of Wildlife Resources (UDWR). Trends for all mule deer herds found within the MLP area are declining. Pronghorn herds are also way below population objectives and declining. This area contains the only remaining native herds of Desert bighorn sheep in Utah. These herds are an important source for reintroductions of native bighorns elsewhere in the state. However, bighorn herds stand at less than a quarter of population objectives and native herds are declining. Given this alarming trend, SFRED urges BLM to take all available measures to ensure that development impacts on these herds are avoided wherever possible and minimized and mitigated where leases or other development authorizations have already been issued. With respect to these significant wildlife resources, SFRED urges BLM to implement fully the recent directive from the Secretary of the Interior requiring its bureaus, including BLM, to prevent any loss of scarce, sensitive or important natural resources.<sup>2</sup>

## SPECIFIC RECOMMENDATIONS

SFRED is pleased to see that all action alternatives include the adoption of Controlled Surface Use (CSU) stipulations for both oil and gas development and potash mining that seek to reduce surface disturbance in important big game habitats. Many of these measures, including well pad spacing and co-location of infrastructure have more often been identified only as potential “Best Management Practices” (BMPs). BMPs frequently are merely voluntary options for development activities. SFRED supports the inclusion of these conservation measures in lease stipulations as clear, upfront declarations regarding the requirements of all new lessees.

We note that 25% of the planning area already is under lease. This includes pronghorn fawning habitat and lambing/rutting habitats for Desert bighorn sheep. With respect to lands already under lease, SFRED encourages BLM to clarify that the agency retains the right even under these existing leases to prevent “adverse impacts” by requiring “reasonable measures” to prevent environmental harms.<sup>3</sup> Many, if not all, of the conservation measures included in the proposed

---

<sup>1</sup> Only elk herds are nearing population objectives set by the state wildlife agency.

<sup>2</sup> The landscape-scale mitigation policy followed the release of a President Memorandum ordering five federal agencies, including the Department of the Interior, to allow "no net loss" of land, water, wildlife and other ecological resources from federal actions or permitting.

<sup>3</sup> These rights stem from provisions in the Mineral Leasing Act, Federal Land Policy and Management Act, National Environmental Policy Act, BLM's leasing and operations regulations, the terms in the lease itself, and formal orders such as BLM Resource Management Plans, Onshore Oil and Gas Order Number 1, Executive Orders, and Secretarial and Department of Interior Solicitor Orders and Opinions, all of which the lease is made “subject to.”

CSUs are becoming more standard practices within the industry and are sensible actions to preserve vital habitat values.<sup>4</sup>

Even under the provisions of the proposed CSUs, vital habitats will be impacted and may lose productivity. We urge BLM to consider phased leasing of important big game habitats in order to monitor the effectiveness of CSU provisions in conserving wildlife values and ensure full restoration of habitat functions before additional lands are developed. We also support adoption of the No Action Alternative for all Desert Bighorn sheep lambing/rutting habitat. This would preserve the existing No Surface Occupancy stipulation and prevent construction of roads and pipelines within these areas.

BLM's Preferred Alternative D proposes to confine certain infrastructure associated with potash extraction within Potash Processing Facility Areas (PPFAs) with the purpose of locating such facilities in "areas with fewer sensitive resources." SFRED supports this goal. However, the proposed PPFAs include both pronghorn fawning habitat and lambing/rutting habitat for Desert bighorn sheep. We urge BLM to redraw the boundaries of these PPFAs to exclude this habitat.

A landscape-level, "no net loss" approach to mitigation should always begin with avoidance and then minimization of any potential adverse impact. Because of learned behavioral use patterns passed on from one generation to the next, big game often migrate to the same areas every year, regardless of forage availability or condition. Off-site or "compensatory mitigation" should be a last rather than a first resort. Any compensatory mitigation required to ensure "no net loss" of vital wildlife habitats should be well underway prior to authorization of any surface disturbance. There have been too many examples where such mitigation fails while projects go forward. Mitigation must also be "value for value."<sup>5</sup>

Finally, under the Preferred Alternative, BLM would apply an NSO stipulation to preclude mineral activities within public water reserves, 100 year floodplains and within 500 feet of intermittent and perennial streams, rivers, riparian areas, wetlands, water wells, and springs.<sup>6</sup> While this stipulation may not be waived unless water resources "are not present on the entire leasehold," exceptions may be granted to access roads and pipelines if "the impacts could be fully mitigated." SFRED notes that mitigation is only achieved where there is no net loss of these

---

<sup>4</sup> We also note with some concern that under BLM's Preferred Alternative D, "exceptions" to the well-spacing standard contained in the CSU will be granted if "the requirement... would preclude a lessee/operator from exercising their lease rights." Since lease "rights" are bounded by both stipulations included therein and provisions of relevant planning documents, including this MLP, this statement is misguided.

<sup>5</sup> While "water developments" or guzzlers, for example, might be useful to address drought conditions in the area, but they cannot generate new habitat to replace lands lost to development.

<sup>6</sup> Under the Conservation Alternative C, the NSO would extend to 660 feet for intermittent and perennial streams. SFRED normally would like to see larger riparian setbacks of up to ¼-mile for perennial streams.

resource values. Water resources are especially scarce in these area and vital for all fish and wildlife.

## SUMMARY

SFRED believes that the development of an MLP for the Moab area will ultimately provide greater certainty both for sustaining healthy wildlife populations and for lessees, operators and other stakeholders who seek to extract mineral resources from these lands. It will provide a much clearer guide for what both industry and recreational users, including hunters and anglers, can expect to experience on this iconic landscape. We appreciate this opportunity to provide our thoughts and recommendations on this important effort.

Sincerely,



Kathleen C. Zimmerman  
Policy Director, Public Lands  
National Wildlife Federation  
Rocky Mountain Regional Center  
303 East 17<sup>th</sup> Avenue, Suite 15  
Denver, Colorado 80203  
[Zimmerman@nwf.org](mailto:Zimmerman@nwf.org)



Edward B. Arnett, Ph.D.  
Senior Scientist  
Theodore Roosevelt Conservation  
Partnership  
1660 L Street NW, Suite 208  
Washington, D.C., 20036  
[earnett@trcp.org](mailto:earnett@trcp.org)



Corey Fisher  
Energy Team Lead, Sportsmen  
Conservation Project  
Trout Unlimited  
1300 North 17th Street, Suite  
500 Arlington, VA 22209-2404  
[cfisher@tu.org](mailto:cfisher@tu.org)