



September 30, 2016

Submitted via e-mail to blm_co_wrfo_tmp@blm.gov

Heather Sauls
BLM White River Field Office
220 East Market St.
Meeker, CO 81641

Re: Preliminary Alternatives for the Travel and Transportation Management Resource Management Plan Amendment for the White River Field Office

Dear Ms. Sauls:

Western Energy Alliance appreciates the opportunity to comment on the preliminary alternatives for the Travel and Transportation Management Resource Management Plan Amendment (Travel Management RMPA) for the Bureau of Land Management's (BLM) White River Field Office (WRFO). While we take no position on which alternative BLM should adopt, we do request that BLM specifically state that the RMPA is not intended to restrict oil and natural gas development in the planning area due to decisions made pursuant to this document.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West, including member companies with interests in the planning area. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

Planning decisions for oil and natural gas development in the WRFO are currently implemented in accordance with the 1997 White River RMP, as amended by the 2004 Wilson Creek RMPA, the 2015 Oil and Gas RMPA, and the 2015 Greater Sage-Grouse RMPA. The 1997 RMP placed numerous stipulations on oil and natural gas development in the planning area, and the 2015 amendments updated these restrictions to reflect changed conditions on the ground and alterations to BLM policy.

Although the Travel Management RMPA may consider restrictions on resources beyond travel and transportation, the fact that BLM finalized the Oil and Gas RMPA in August 2015 and the Greater Sage-Sage Grouse RMPA in September 2015 belies the need to contemplate further restrictions on oil and natural gas development in the planning area. BLM should clearly state that no additional restrictions on development are contemplated in this document.

We are especially concerned that the Travel Management RMPA could be used to effectively close leasing in Areas of Critical Environmental Concern (ACEC) and lands with

wilderness characteristics (LWC). Under the No Action Alternative, and consistent with the 2015 Oil and Gas RMPA, leasing is authorized in ACECs and LWCs with stipulations such as No Surface Occupancy (NSO). Furthermore, motorized travel would be allowed for oil and gas activities on all authorized and existing routes.¹ Alternatives B and C, however, do not include similar language on authorized and existing routes, and could therefore foreclose access to leases in ACECs and LWCs.

For example, the Oil and Gas RMPA allows for mineral leasing in Tier 1 LWCs with an NSO stipulation, but under Alternative B these Tier 1 lands would be closed to all motorized travel. The Moosehead ACEC is also open to leasing with an NSO stipulation under the Oil and Gas RMPA, but it would be closed to all motorized travel under both Alternatives B and C. Motorized travel on existing routes is necessary to access leases subject to an NSO in order to conduct archaeological, wildlife and other natural resource studies and surveys.

In Tier 1 LWCs and the Moosehead ACEC, exceptions would be considered for permitted users to conduct certain activities. While the preliminary alternatives identify several uses that would qualify for a permit, it does not provide a full and complete list. Instead, BLM would consider several criteria in evaluating the exception request, including whether motorized travel is necessary to exercise a valid existing right.

Oil and natural gas leases are a valid existing right; lessees should be granted an exception for activities such as surveying and complying with various natural resource requirements. The Travel Management RMPA must clearly state that these activities are not precluded. Otherwise, BLM could subsequently decide not to grant access to leases within ACECs or LWCs, which would constitute de facto closure and be an unlawful withdrawal of minerals. The final RMPA should state unequivocally that lessees may access their leases in ACECs and LWCs in order to conduct activities necessary for exploration and production that do not impose new restrictions beyond their existing lease stipulations.

Furthermore, restrictions on travel in ACECs and LWCs could preempt future leasing of parcels that are otherwise available under the Oil and Gas RMPA. Under Alternatives B and C, BLM would in effect withdraw lands from leasing because access via motorized travel has been banned. A travel RMPA is not the appropriate vehicle for such an action, given the other recently approved RMPAs.

As mentioned above, current restrictions on development in the WRFO were finalized a mere thirteen months ago. Restrictions on oil and natural gas leasing, including preclusion of ACECs and LWCs, were already considered in the Oil and Gas RMPA. The Travel Management RMPA is inappropriate as another proverbial bite at the apple for yet more restrictions. Instead, the final RMPA should clarify that lands available for leasing under the Oil and Gas RMPA should remain available for leasing and should qualify for travel exceptions in the travel plan.

¹ "Public Review of Preliminary Alternatives," DOI-BLM-CO-N05-2016-0044-EA at 57.

Travel and Transportation Management RMPA for the WRFO
September 30, 2016

Page 3

Thank you for the opportunity to comment, and please do not hesitate to contact me with any questions.

Sincerely,



Kathleen M. Sgamma
Vice President of Government & Public Affairs

The BLM's Information Quality Guidelines (BLM Guidelines) direct the use of the "best available" information in decision-making which requires "considering the data available weighed against needed resources and delay to collect new information and the value of

WESTERN ENERGY ALLIANCE

newer information.”² The National Environmental Policy Act (NEPA) also directs that information in an EIS must “be of high quality” and allow for “[a]ccurate scientific analysis . . .”³ Here the USGS report on the Mancos Shale has a high degree of usefulness for BLM’s decisions on lease cancellation/modification and possesses integrity and scientific objectivity. The announcement of this report from USGS constituted “significant new information” of value to the NEPA process that triggered a legal obligation for BLM to reopen and republish the DEIS alternatives.

² BLM Guidelines at § 2(c). *See also*, Information Quality Act, 44 USC §§ 3504(d)(1) and 3516 and White House, Office of Management and Budget (“OMB”), “Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies,” 67 *Fed. Reg.* 8452 (February 22, 2002).

³ 40 C.F.R. § 1500(1)(b).

