



February 18, 2016

Greg Larson
Draft SEIS Project Manager
Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652

RE: Draft Resource Management Plan Amendment and Supplemental Environmental Impact Statement for the Roan Plateau Planning Area, Colorado

Dear Mr. Larson:

The Roan Draft Resource Management Plan Amendment (RMPA) is the result of a settlement agreement reached between BLM and the plaintiffs and interveners in a federal lawsuit over the original Roan Plateau RMP. Western Energy Alliance and West Slope Colorado Oil and Gas Association (collectively, the Associations) generally support the adoption of Alternative IV, the Settlement Alternative (Preferred Alternative), although we are concerned by provisions of the Draft RMPA that were not addressed in the settlement agreement.

Western Energy Alliance represents over 450 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees. WSCOGA is a member-based organization focused on promoting the development of natural gas and oil resources in Northwest Colorado.

The Associations adamantly oppose Alternative I, which would close the 24,980 acres of the Roan Plateau Planning Area (RPPA) to further oil and gas leasing and development during the anticipated 20-year life of this Draft RMPA. Under Alternative I, BLM likely would cancel oil and gas leases issued in 2008 for lands within the Planning Area to return to previous conditions. This would be a violation of valid existing rights as well as the National Defense Authorization Act of 1997 that transferred management of the Naval Oil Shale Reserves 1 and 3 to the Department of the Interior specifically for the purpose of developing natural gas resources.

Alternatives II and III also do not honor the terms of the settlement agreement, and as such should not be selected. The Preferred Alternative, Alternative IV, follows the terms of the settlement most closely, and as such should be the basis for the final RMPA. However, there are certain provisions of the Preferred Alternative that are not related to the settlement agreement and should be removed prior to finalization, as discussed below.

Inappropriate Regulation of Air Emissions

By adding the Comprehensive Air Resources Protection Protocol (CARPP) BLM will create unnecessary confusion and even contradictory requirements for air quality compliance. The State of Colorado, through delegation from the Environmental Protection Agency (EPA) to the Colorado Department of Public Health and Environment (CDPHE), has jurisdiction for air quality, not BLM. BLM lacks authority to impose controls and limitations beyond those adopted by the state and EPA.

BLM's one-year pre-development baseline monitoring requirement is onerous and goes beyond BLM's jurisdiction. BLM has not adequately justified why such extremely expensive and time-consuming monitoring is necessary given that the area in question is currently in attainment for all criteria pollutants. BLM also exceeds its regulatory purview by requiring specific projects to track emissions of criteria pollutants, Volatile Organic Compounds, Hazardous Air Pollutants and greenhouse gas emissions for use in potential enforcement activity. The CARPP and the monitoring requirements exceed BLM jurisdiction and should be removed from the final document.

No Surface Occupancy (NSO) Stipulations

The RMPA should clarify the conditions that determine whether a Waiver, Exception, or Modification (WEM) of an NSO stipulation may be granted. Specifically, the use of generalized maps referenced in the Draft RMPA may not accurately depict topography and other actual conditions on the ground encountered at a specific location proposed for oil and natural gas development.

For example, broad areas may be designated as subject to an NSO stipulation due to steep slopes. Yet there may be locations within these broad areas where the slopes do not exceed the steepness criteria. Rather than simply designating areas through the use of inaccurate maps at too broad of a scale, BLM should only apply NSO where actual conditions warrant. When an oil and natural gas project can be situated to avoid any actual steep slopes even though the corresponding BLM map may show the broader area as being comprised of steep slopes, then it should not be considered to need an exception, modification or waiver.

Further, while the acreage numbers provided for each stipulation in Tables C-1 through C-4 presumably reflect the polygons shown in the maps, the actual application of restrictions for resource protection should be based on the extent of the sensitive resource that's

being protected. When more accurate information about the presence or absence of the resource can be collected from ground surveys, improved data collection technology, or other methods, then the project proponent should not have to seek a WEM. Once the absence of a sensitive resource is demonstrated, the restriction should be deemed inapplicable and excluded from the requirement to obtain a WEM.

Valid Existing Lease Rights

We strongly urge BLM to explicitly recognize valid existing rights as it moves forward with the RMPA. The Mineral Leasing Act, the Federal Land Policy and Management Act, and BLM's own Planning Handbook all expressly limit the agency's authority to impose mitigation measures that would exceed the terms and conditions of previously issued leases. Operators retain the right to develop their leases in accordance with the terms under which they were issued, and BLM must ensure that any proposed management would not infringe on those rights. BLM cannot burden existing leases with new stipulations or select an alternative that results in the cancellation of leases beyond those that were voluntarily relinquished as part of the settlement agreement. Unambiguous language asserting valid existing rights should be included in the final document.

Reasonable Foreseeable Development

Under FLPMA, BLM is required to integrate social science and economic information in the preparation of land use planning decisions. Specifically, FLMPA requires that BLM "estimate and display the physical, biological, economic, and social effects of implementing each alternative considered in detail." To that end, the Reasonable Foreseeable Development (RFD) scenario was developed for the Roan Plateau Planning Area in 2014 and is adopted by the draft RMPA. The final RMPA should clearly state, however, that the RFD is merely an estimate, and cannot be used to place a cap or limitation on development in the planning area.

The 2014 RFD projects 5,470 federal and fee wells could be drilled in the RPPA in the next twenty years, with 1,070 federal wells on top of the plateau and 2,450 federal wells below the rim. As mentioned above, however, the RFD is merely a planning tool and not a binding level of oil and natural gas development or an official planning decision.

Greater Sage-Grouse Mitigation

The settlement agreement provided that the RMPA would address efforts to mitigate impacts to the Greater Sage-Grouse (GrSG) under the associated Northwest Colorado Land Use Plan Amendment (LUPA). Although the Preferred Alternative adopts planning tools and restrictions according to the finalized LUPA, it should also clarify that these restrictions cannot be applied retroactively to valid existing leases.

The draft RMPA states that "where a proposed fluid mineral development project on an existing lease could adversely affect GRSG populations or habitat, the BLM will work with

the lessees, operators, or other project proponents to avoid, reduce, and mitigate adverse impacts to the extent compatible with lessees' rights to drill and produce fluid mineral resources." However, where leases have already been issued, BLM must acknowledge it cannot add new stipulations for the benefit of GrSG mitigation without violating FLPMA. BLM should acknowledge this limitation in the final RMPA.

Socioeconomics

Domestic oil and natural gas development is vital to Colorado's economy, providing \$1.1 billion in revenues to the state and local governments that support roads, schools, public safety and other critical services. In Garfield County specifically, the oil and natural gas industry provides \$833 million in annual economic impact and supports 2,470 jobs.¹ The final RMPA should clearly identify the importance of oil and natural gas development to the planning area, and emphasize that the decisions made therein are intended to balance continued development with other resource management goals, rather than eliminating development altogether.

Conclusion

The Associations support the adoption of the Preferred Alternative in the final RMPA where it accords with the settlement agreement. However, as outlined above there are several provisions where the draft RMPA exceeds the scope of the settlement agreement and BLM's authority to act. There are also instances where some clarification is needed so that future management actions do not violate federal laws and regulations. Thank you for considering our comments, and please do not hesitate to contact us with any questions.

Sincerely,



Kathleen Sgamma
Western Energy Alliance



David Ludlam
West Slope Colorado Oil & Gas Association

¹ John Dunham and Associates, *Western Oil & Natural Gas Employs America*, prepared for Western Energy Alliance, 2014, at: www.westernenergyalliance.org/employsamerica.