



July 5, 2016

Submitted via Federal eRulemaking Portal: <http://www.regulations.gov>

Utah Ecological Services Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, UT 84119

Re: Draft Recovery Plan for Winkler Cactus and San Rafael Cactus

Dear Sir/Madam:

The Fish and Wildlife Service (FWS) has released a draft recovery plan for the Winkler and San Rafael Cactus that recommends additional restrictions on oil and natural gas development in these species' habitat. However, the plan itself makes it clear that these restrictions are unnecessary for the recovery of the species and duplicative of current Bureau of Land Management (BLM) protections. FWS should revise the draft recovery plan to remove the recommendation that additional restrictions on oil and natural gas development are necessary, and instead recognize that strong protections are already in place in BLM Resource Management Plans (RMP).

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. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

The Winkler Cactus was listed as threatened in 1998, and the San Rafael Cactus was listed as endangered in 1987. Since the listing of each species, new populations of both species have been discovered, and FWS indicates in the plan that even more populations may be undiscovered. Furthermore, the plan states that populations of both species are stable and improving, which indicates that current measures to protect the species are working.

While we support a recovery plan that would eventually lead to the delisting of both species, we are concerned by the provisions of the plan relating to oil and natural gas development. The recovery plan does not identify oil and natural gas development as a threat for the Winkler Cactus, but does identify development on federal lands as a high threat for the San Rafael Cactus. The plan recommends that future BLM planning documents implement additional restrictive measures such as no surface occupancy (NSO), buffers, and timing stipulations across the entirety of the San Rafael Cactus habitat. However, these restrictions are already in place in RMPs for the Price and Richfield Field Offices, and are not necessary in the final recovery plan.

As the recovery plan itself indicates, “[e]xisting RMPs incorporate protective mechanisms such as oil and gas leasing stipulations and lease notices.” Furthermore, the 2008 RMPs “have resulted in better protection for the plants and their habitat, and resulting management actions...have decreased impacts to plants and their habitat.”

The plan states that the largest known population of the San Rafael Cactus is located in the San Rafael Canyon Area of Critical Environmental Concern, where oil and natural gas development is subject to NSO and other major constraints. A second population is located within the Sids Mountain Wilderness Study Area, which is completely off limits to oil and natural gas development. Finally, additional measures, including buffers and timing stipulations, occur elsewhere in the species’ habitat. These restrictions in the Price and Richfield RMPs demonstrate that specific and sufficient measures to protect the San Rafael Cactus from oil and natural gas development are already in place.

The recovery plan states that “no current impacts to either population are known” as a result of current development, while noting that there is significant interest in oil and natural gas leasing in some areas of San Rafael Cactus habitat. As discussed above, however, the 2008 RMPs provide for lease stipulations to protect species in the event of future leasing, and there is no need for an additional layer of restrictions as a result of the recovery plan. A final recovery plan should acknowledge that the RMPs provide for sufficient protection of the species, precluding the need for additional restrictive measures.

Finally, we note that oil and natural gas development techniques have changed dramatically since the time of the species’ listing and since the 2008 RMPs were issued. Innovations such as horizontal and directional drilling, paired with hydraulic fracturing, dramatically reduce the operational footprint of development. A single horizontal well now takes the place of 8 to 16 vertical wells, and up to 32 directionally drilled wells can be clustered on one pad. Although horizontal and directional drilling are not possible in all situations, the impact from any oil and natural gas leasing in San Rafael Cactus habitat is likely dramatically less than the effects envisioned in the RMPs. The existing RMPs ensure oil and natural gas development on federal lands is conducted in a manner to protect the species, and the final recovery plan should reflect that reality.

Western Energy Alliance appreciates the opportunity to provide these comments. Please do not hesitate to contact me with any questions.

Sincerely,



Kathleen M. Sgamma
Vice President of Government and Public Affairs