

February 6, 2024

Doug Vilsack

State Director
Bureau of Land Management
Denver Federal Center
Building 40
Lakewood, CO 80225

Re: Gunnison Sage-Grouse Resource Management Plan Amendment and Draft Environmental Impact Statement DOI-BLM-CO-0000-2022-0004-RMP-EIS

Dear Director Vilsack:

The Gunnison Sage-Grouse (GuSG) Resource Management Plan Amendment and Draft Environmental Impact Statement (RMPA/DEIS) should strike a reasonable balance between multiple use on BLM lands and sensible restrictions for the species that are supported by the best and most recent science and data. However, Western Energy Alliance (Alliance) finds that the RMPA/DEIS would unnecessarily restrict oil and natural gas development and other multiple uses on GuSG habitat, and hence, would have negative impacts on the economies of local communities in Colorado and Utah. Rather than excessive closures of lands to energy development, BLM must recognize that companies can develop oil and natural gas across the range of the GuSG in an environmentally responsible manner that protects local populations and habitat by using reclamation and best practices while providing the nation with an abundant source of affordable energy.

Western Energy Alliance is the leader and champion for independent oil and natural gas companies in the West. Working with a vibrant membership base for over 50 years, the Alliance stands as a credible leader, advocate, and champion of industry. Our expert staff, active committees, and committed board members form a collaborative and welcoming community of professionals dedicated to abundant, affordable energy and a high quality of life for all. Most independent producers are small businesses, with an average of fourteen employees.

Alternative Selection

Western Energy Alliance supports the adoption of Alternative C in the final RMPA/EIS because it provides additional protection for GuSG balanced with environmentally responsible oil and natural gas development. Alternative D would unnecessarily restrict oil and natural gas development in the planning area by closing 466,410 acres to any leasing in OHMA and 274,680 acres in UHMA. The closure of 26% of the decision area is excessive, especially given the other management actions BLM is imposing in the RMPA/DEIS such as surface disturbance caps, timing limitations, and buffers. Further, Alternative D would entail no Controlled Surface Use/Timing Limitation (CSU/TL) stipulations in OHMA or UHMA, despite the fact that timing stipulations have been successful for protecting sage grouse.

BLM should consider appropriately tailored lease stipulations to protect GuSG rather than blanket closure to any leasing and development on 741,090 acres. Greater use of CSU/TL and No Surface Occupancy (NSO) should be considered, especially since BLM is imposing other measures such as disturbance caps in OHMA and UHMA. Alternative C is a more balanced approach as it entails CSU/TL and NSO stipulations rather than blanket closures. The Energy Policy Act of 2005 as well as the Energy Policy Conservation Act Amendments of 2000 require federal land management agencies to use the least restrictive means necessary to protect other resource values. Blanket closure to a principle use of public lands is not the least restrictive means. Moreover, blanket closure is inconsistent with the BLM's own Land Use Planning Handbook. The Land Use Planning Handbook provides that areas should only be closed to leasing when "other land or resource values cannot be adequately protected with even the most restrictive lease stipulations." BLM Handbook H-1601, App. C at 24.

Buffers, Timing Limitations, and Disturbance Caps

Additional limits on density and disturbance from development, including facility and route density limitations, are not optimal for GuSG conservation. "One-size fits all" buffers, timing restrictions, and disturbance caps for oil and natural gas operations have been a central part of BLM's land management strategy for both sage grouse species. Regrettably, these do nothing to address the major causal mechanisms that drive Gunnison and Greater sage-grouse population declines as demonstrated by numerous papers in the recent scientific literature showing that the primary causes are drought, predation (especially raven predation), and habitat degradation due to wildfire, pinion juniper encroachment into sagebrush habitat, invasive species, and wild horses.¹

¹ "Wildfire, climate, and invasive grass interactions negatively impact an indicator species by reshaping sagebrush ecosystems," Coates, P.S., M.A. Ricca, B.G. Prochazka, M.L. Brooks, K.E. Doherty, T. Kroger, E.J. Blomberg, C.A. Hagen, and M.L. Casazza, *Proceedings of the National Academy of Sciences of the United States of America*, 113(45):12745–12750. DOI 10.1073/pnas.1606898113, 2016; "Broad-scale impacts of an invasive native predator on a sensitive native prey species within the shifting avian community of the North American Great Basin," Coates, P.S., S.T. O'Neil, B.E. Brussee, M.A. Ricca, P.J. Jackson, J.B. Dinkins, K.B. Howe, A.M. Moser, L.J. Foster, D.J. Delehanty, *Biological Conservation* 243 108409, 2021; "Sage-Grouse Population Dynamics are Adversely Affected by Overabundant Feral Horses," Coates, P.S., S.T. O'Neil, D.A. Muñoz, I.A. Dwight, and J.C. Tull, *The Journal of Wildlife Management* 85(6):1132–1149 DOI: 10.1002/jwmg.22089, 2021; "[Common raven movement and space use: influence of anthropogenic subsidies within greater sage-grouse nesting habitat](#)," Harju, S.M., C.V. Olson, J.E. Hess, and B. Bedrosian, *Ecosphere* 9(7) article e02348, 2018; "[Estimating Trends of Common Raven Populations in North America, 1966–2018](#)," Harju, S.M., P.S. Coates, S.J. Dettenmainer, J.B. Dinkins, P.J. Jackson, and M.P. Chénaille, *Human–Wildlife Interactions* 15(3): Early Online, Winter 2021; "Isotopic analysis reveals landscape patterns in the diet of a subsidized predator, the common raven," Harju, S.M., C.V. Olson, J. Hess, and S.L. Webb, *Ecological Solutions and Evidence* 2021;2:e12100 DOI: 10.1002/2688-8319.12100, 2021; "Reversing tree expansion in sagebrush steppe yields population-level benefit for imperiled grouse," Olsen, *Ecosphere* 12(6):e03551. DOI: 10.1002/ecs2.3551, 2021; "The potential importance of unburned islands as refugia for the persistence of wildlife species in fire-prone ecosystems," Stenvoorden, J., A.J.H. Meddens, A.J. Martinez, L.J. Foster, and W.D. Kissling, *Ecology and Evolution*, DOI: 10.1002/ece3.5432, 2019; "Targeting conifer removal to create an even playing field

We appreciate that BLM has built into the RMPA/DEIS (reflected in Table 2.4 on pages 2-31 - 2-32) flexibility on buffers to account for “...local data, best available science, landscape features, and other existing protections (e.g., land use allocations, State regulations)” and to base such variations on site-specific analysis and authorizations using the most recent lek data and coordination with appropriate federal and state agencies. Such site-specific analysis enables flexibility based upon the situation on-the-ground while ensuring protection of the species. We recommend that BLM expand that list to account for more complete factors of: physical (topography, elevation, viewshed, and acoustics); biological (nearby habitat type, quantity, quality, and vegetation type); and technological factors (use of newer, more efficient, and less impactful technology for oil and natural gas development; retirement of older technology; consolidation of infrastructure; and incorporation of best practices). Buffers, timing limitations, and disturbance caps need to be adaptive to local circumstances in order for them to be both effective and efficient for species conservation while enabling development and production. Such a “smart buffer” concept with consideration of a greater range of factors should be incorporated into the final selected alternative.

BLM needs to acknowledge how oil and natural gas extraction and production technology has substantially evolved over the past two decades to become more efficient, thereby reducing overall impacts to GuSG and other species. Ongoing technological improvements, adoption of best management practices, improvements in habitat restoration and mitigation, and state and federal regulations are continually reducing the footprint and impacts of oil and natural gas operations.² Continued use of outdated data, research, and perceptions on oil and natural gas operations continues to embed itself into regulatory documents.

Areas of Critical Environmental Concern (ACEC)

The RMPA’s preferred Alternative D would manage ACECs specifically for GuSG with a total acreage of 116,270.

- Dry Creek Basin ACEC (10,920 acres)
- Chance Gulch ACEC (13,150 acres)
- Sapinero Mesa ACEC (17,240 acres)
- Sugar Creek ACEC (17,210 acres)
- Rough Canyon ACEC (2,120 acres)
- Gunnison Gorge NCA RMP: Gunnison Sage Grouse ACEC/IBA (22,190 acres)
- West Antelope Creek ACEC (28,930 acres)
- South Beaver Creek ACEC (4,510 acres)

for birds in the Great Basin. *Biological Conservation*,” Zeller, K.A., S.A. Cushman, N.J. Van Lanen, and J.D. Boone, *Biological Conservation* 257 (2021) 109130, 2021.

² [“Oil and Gas Impacts on Wyoming’s Sagegrouse: Summarizing the Past and Predicting the Foreseeable Future,”](#) Applegate, D.H. and Owens, N.L., *Human-Wildlife Interactions*: Vol 8, 2014.

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The Alliance opposes the inflexibility in the ACECs in Alternative D. ACECs would be managed for NSO without Waivers, Exceptions, and Modifications (WEM) for fluid mineral activities as well as one-mile buffers around active and inactive leks as Rights-of-Way (ROW) exclusion areas in Occupied Habitat Management Areas (OHMA) and Unoccupied Habitat Management Areas (UHMA).

The RMPA should allow for the use of WEMs when operators can demonstrate protection of GuSG or mitigation. The use of WEMs give field offices the flexibility to respond to conditions on the ground and conduct adaptive management. As has been practiced in Colorado and Utah, BLM grants a relatively small number of WEMs only after companies meet stringent requirements, including compensatory mitigation and robust recent surveys of habitat and species data, which are thoroughly vetted by BLM wildlife biologists. In the RMPA/DEIS, BLM should recognize the strict application of WEMs at the field office level. Reasonable WEM criteria provide operational flexibility and additional conservation measures for species.

Further, companies only ask for an exception when necessary to ensure safety, allow an operations to timely commence, or provide an additional few days to finish an operation such as drilling a well. Allowing an exemption, defined as “a limited exemption, for a particular site within the leasehold, to a stipulation,” BLM is not putting GuSG or its habitat at risk. There are several benefits that result from timing stipulation exceptions, such as additional mitigation efforts, studies, and permanent conservation.

The Alliance appreciates the opportunity to comment. We appreciate that BLM has retained some flexibility in its management of fluid minerals, but disagree with the large amount of lands closed to future leasing. The management actions, such as buffers and disturbance caps, that BLM has included in both Alternatives C and D would afford protection of the GuSG without requiring large areas to be closed to leasing.

Sincerely,



Kathleen M. Sgamma

President