



State of Utah

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Office of the Governor PUBLIC LANDS POLICY COORDINATION

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RESOURCE DEVELOPMENT COORDINATING COMMITTEE
Public Lands Section

August 23, 2006

Carter Reed
Oil and Gas Team Leader
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

SUBJECT: Oil and Gas Leasing Analysis Project
Project No. 06-6792

Dear Mr. Reed:

The Resource Development Coordinating Committee (RDCC) has reviewed your scoping request for the Fishlake National Forest Oil and Gas Leasing Environmental Impact Statement. As a matter of policy, the State requests the opportunity to officially review and comment on lease proposals as they are under preparation when the EIS is complete. In this way, the State can provide meaningful information on wildlife and other issues which may lead to potential lease modifications.

In addition, State agencies provide the following comments:

Utah Geological Survey

The basis for these comments is a study of the oil and gas potential of the Fishlake National Forest conducted by the UGS in 2003, with supplemental information on the Sevier Frontal Zone Play added in 2005. In these studies, the UGS outlined various prospective oil and gas plays covering portions of the Fishlake Forest and rated their development potential (see map of development potential included).

There is one area of high oil and gas development potential within the Fishlake Forest that is associated with the Sevier Frontal Zone Play. This play area has drawn significant industry interest following the 2004 discovery of the highly productive Covenant field by

the Wolverine Oil & Gas Company. There are also two separate areas of moderate oil and gas development potential within the Fishlake Forest. One lies along the western margin of the forest covering parts of the Beaver and Fillmore ranger districts. This area coincides with the Late Paleozoic Play of the Basin and Range province. The potential of this play has been enhanced with the announcement that the oil from the Covenant field comes from Mississippian source rocks from western Utah. The second area of moderate oil and gas development potential occurs in the eastern portion of the forest covering parts of the Richfield and Loa ranger districts. This second area has several prospective plays that may attract industry exploration interest. From the surface downward they include: the Cretaceous Conventional and Coalbed Gas Plays; the Permo-Triassic Unconformity Play; and the Paleozoic Devonian-Pennsylvanian Play. These eastern plays areas have the benefit of offering multiple pay zones to companies exploring this area.

Using prudent environmental stewardship, the UGS recommends that the Fishlake National Forest:

- 1) Make all, or as much as possible, of the high and moderate oil and gas development potential lands open for oil and gas leasing;
- 2) Apply reasonable stipulations on access, timing, and location of disturbance in these areas.

Making federal forest lands available for oil and gas leasing and development is important for two reasons: it helps lessen the United States dependence on foreign supplies of petroleum (as addressed in the Energy Policy Act of 2005), and it helps provide jobs for rural Utah communities.

Utah Division of Wildlife Resources (UDWR)

We recommend that Best Management Practices (BMP's) be developed in the leasing EIS phase to protect wetlands, riparian corridors, shrub-steppe and aspen habitats. These key habitats are home to many wildlife species, and the preservation and restoration of these habitats are identified as high priorities in the Utah Comprehensive Wildlife Conservation Strategy. These habitats support several species of conservation concern, including the Utah prairie dog, the greater sage-grouse, the pygmy rabbit, Bonneville cutthroat trout, Colorado River cutthroat trout, boreal toad, and bald eagle. As such, the Fishlake National Forest Oil & Gas NEPA analysis should address potential impacts to these habitats and species and provide guidelines for avoiding, minimizing, and compensating for these impacts.

We suggest that the conservation agreements for Colorado River cutthroat trout, Bonneville cutthroat trout, and finally the single agreement for roundtail chub, bluehead sucker, and flannelmouth sucker be incorporated in proposed actions which will be analyzed in the leasing EIS. Following these conservation agreements is critical to the

recovery of at-risk wildlife species, as the UDWR and the Forest Service both have signed these conservation agreements.

In addition, we suggest that the EIS evaluate and minimize impacts to high-interest or high-profile species, such as mule deer, rocky mountain elk, pronghorn, mountain goat, desert bighorn sheep, wild turkey, blue grouse, and various sportfish. The UDWR and the USFS Wildlife Biologists have recently updated maps of important wildlife habitat on the Fishlake National Forest. We suggest that these data be used in the analysis.

Further, we suggest that mitigation measures be included to avoid impacts to raptors. We suggest that language be placed in the leasing documents of known or likely raptor nesting and winter congregation (roost) habitat for surveys and spatial and/or seasonal protection according to the USFWS *Utah Field Office Raptor Protection Guidelines*.

Seasonal closures and other stipulations have long been the primary tools used to reduce development impacts to these species of wildlife. Seasonal closures during construction activities provide short-term mitigation to wildlife, but they are often insufficient as a long-term mitigation measure over the 25 to 30 year lifespan of a well. Therefore, without substantial compensatory mitigation for lost or degraded habitat, these stipulations may not protect the long-term viability of these wildlife populations. We suggest that mitigation include rangeland and habitat restoration, noxious weed control, prescribed fire, and other actions that provide new or enhanced wildlife habitats when existing habitats are impacted by energy development. All land users would benefit if involved parties worked cooperatively on truly meaningful mitigation projects.

UDWR requests that off-site mitigation in the form of habitat restoration be required on projects that impact critical wildlife habitats. This mitigation could take the form of direct habitat enhancement or mitigation banking. Potential areas for habitat enhancement could be identified in the EIS. The Utah Partners for Conservation Development have identified high-priority areas in need of restoration in sage grouse and mule deer habitats across the state of Utah, including the Fishlake National Forest.

Considerable investment has been made in habitat restoration projects throughout the state, including on the Fishlake National Forest. Many of these projects have been collaborative efforts of the Utah Partners for Conservation Development, which includes UDWR, BLM, USFS, SITLA, NRCS, and other state and local entities. Mandatory mitigation measures, including off-site mitigation, would provide protection for these considerable habitat restoration investments.

With the increase in general use of the Forest, especially by OHV and other motorized uses, areas with low road densities often provide critical security habitat for sensitive and high-profile species. As such, the Forest should include measures to avoid or minimize increased motorized access to these remote areas that contain this important habitat.

UDWR requests that redundant roads and new roads in important wildlife habitats be discouraged or gated and reclaimed. A long-term reclamation program for these roads should be considered.

The Committee appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee, Public Lands Section, at the above address, or call Jonathan G. Jemming at (801) 537-9023 or Carolyn Wright at (801) 537-9230.

Sincerely,

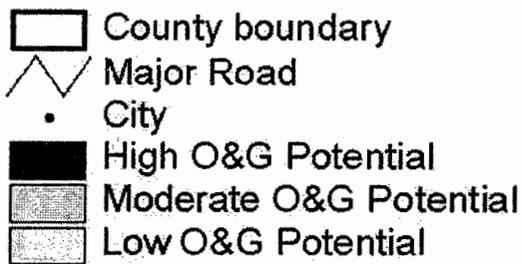
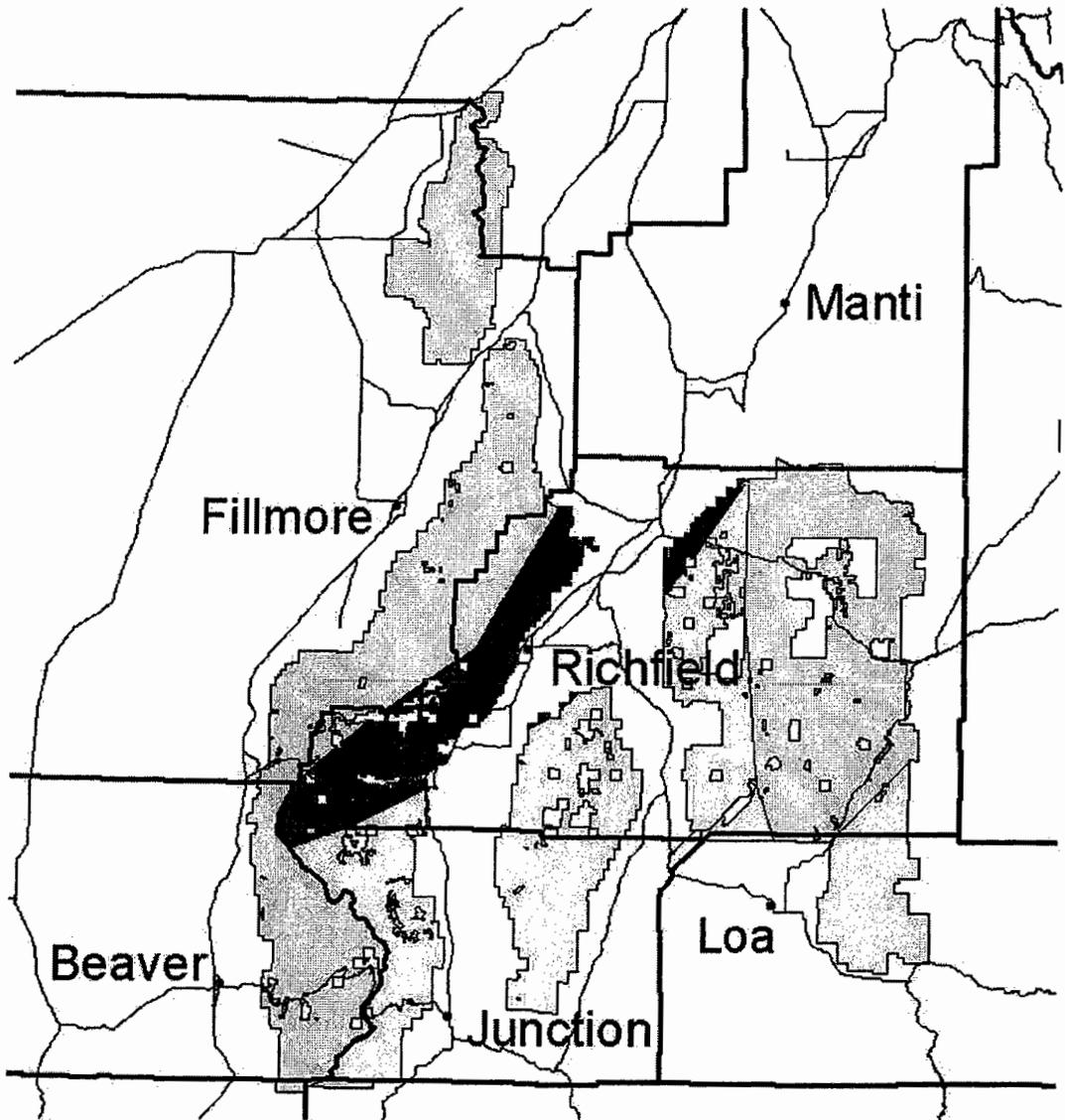
A handwritten signature in black ink, appearing to read "John Harja". The signature is stylized and cursive.

John Harja

Director

Resource Development Coordinating Committee
Public Lands Section

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Areas of high, moderate, and low oil and gas development potential in the Fishlake National Forest, Utah (prepared by the Utah Geological Survey).