



August 10, 2006

**By fax and by e-mail**

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

Re: Scoping Comments – Oil and Gas Leasing Environmental Impact Statement for the Fishlake National Forest.

Dear Mr. Reed:

Trout Unlimited (TU) is a non-profit conservation organization that has more than 155,000 members dedicated to conserving, protecting and restoring North America's trout and salmon fisheries and their watersheds. Since 1959, TU has dedicated staff and volunteers toward the protection of sensitive ecological systems necessary to support robust native and wild trout and salmon populations in their respective range. TU recognizes that the value of public lands is unparalleled in providing habitat to coldwater fisheries, drinking water, wildlife habitat and public recreation opportunities.

TU has a strong base in Utah with over 2,000 members. Through passion, commitment and agency cooperation, these volunteers have been active for years in coldwater fisheries issues throughout Utah and many members enjoy fishing, hunting, hiking, wildlife watching, and other pastimes on the recreation-rich Fishlake National Forest.

Trout Unlimited is not against oil and gas leasing and/or development as a use of our public lands. Rather, we are for responsible development that does not prescribe oil and gas the dominant land use and includes setting aside special areas, proper stipulations, effective mitigations, and enforcement of environmental safeguards so as to ensure the protection of fish, wildlife, and their habitats. That being said, we are concerned that oil and gas leasing, and the exploration and development that naturally follows leasing, creates an irretrievable commitment of public resources that can have deleterious impacts on coldwater fisheries and wildlife habitat. We are specifically concerned about potential impacts from energy development that could harm coldwater aquatic habitats and watershed conditions necessary to support the long-term sustainability of native aquatic species including Bonneville and Colorado River cutthroat trout. In addition, as

sportsmen and conservationists, we are concerned about the impacts of oil and gas activities to hunting and game species found on the Fishlake National Forest.

Trout Unlimited offers the following comments to be considered in the drafting of the forest-wide Oil and Gas Environmental Impact Statement. We request that our comments be fully considered and incorporated into the draft alternatives.

### **1.) Protect native trout**

Native trout are of particular interest and importance to our members, many of whom would prefer to catch a wild native trout over a much larger hatchery raised fish or even a wild trout not native to Utah (such as a Rainbow, Brook, or Brown trout). Indeed, many of our members, and fly fishermen around the West, will travel great distances, spend a lot of money, and hike several miles simply to have the chance to catch a wild, native trout.

The following streams either provide a refuge for native trout or have the potential for native trout restoration:

UM Creek  
Manning Creek  
Ten Mile Creek  
Birch Creek  
Pine Creek  
Sam Stowe Creek  
Fish Creek  
Shingle Creek  
South Fork North Creek  
North Fork Chalk Creek  
Pole Creek

These native trout both have conservation agreements “Conservation Agreement and Strategy for Colorado River Cutthroat Trout *Oncorhynchus clarki pleuriticus* in the States of Colorado, Utah, and Wyoming, April 2001 and “Range-wide Conservation Agreement and Strategy for Bonneville Cutthroat Trout *Oncorhynchus clarki utah*, December, 2000” to guide their conservation and restoration. These conservation agreements need to be incorporated into the development of Draft Alternatives. The Forest Service should make it a priority to protect these trout and their watersheds by prohibiting all oil and gas activities – *including leasing* – unless there is a complete understanding of impacts and effective stipulations are in place to ensure the continued conservation and restoration of these fisheries.

Should leasing occur, the Forest Service should do everything possible to keep surface occupancy and disturbances out of these areas by requiring a No Surface Occupancy (NSO) stipulation that also precludes surface disturbances such as roads in riparian areas, wetlands, and 100 year flood plains. Due to the deleterious impacts of sedimentation on natural trout recruitment, adequate buffers that prohibit surface disturbance within at least

500 feet should be maintained for all stream riparian areas. Sediment input levels must not be increased above baseline conditions, especially if sensitive fish populations are involved.

## **2.) Protect recreational fisheries, wildlife, and hunting and fishing opportunities**

In addition to protecting native trout, any oil and gas leasing decision should protect those lakes, streams, and important wildlife habitats that offer high quality hunting and fishing opportunities. In debates over oil and gas development, much is often said about the economic benefits to local communities from oil and gas developments. Little is said, however, about the economic benefits of activities such as recreational fishing, which in 2001 alone poured over \$400 million into state and federal coffers as well as the pockets of many small business owners who sold fishing equipment (including cars and trucks), licenses, gas and groceries, etc. to anglers.<sup>1</sup> With renowned fisheries like Fish Lake making the forest a destination for anglers throughout the state, the importance of recreational fisheries needs to be at the forefront of any leasing decision.

Deer and elk hunting on the Fishlake National Forest is extremely popular, representing some of the most sought after hunting opportunities in the Utah, such as the Monroe Mountain trophy bull elk permit. Moreover, a December, 2003 report by the Utah Governor's Office of Planning and Budget, "Sevier County – Local Planning Summary", highlights the importance of hunting and fishing to the county, stating that "Hunting and fishing are integral parts of the culture and lifestyle in Sevier County. At certain times of the year virtually all of the economy of Sevier County is focused on hunting, fishing, and related seasonal activities." (p.3-7)

Hunting and fishing provide important social and economic benefits to local communities. Allowing oil and gas activities to harm these uses (and, in the process, drive away those who value the forest for these uses) would ultimately change not only the quality of experience on the forest, but the quality of life in the surrounding communities. The Forest Service should fully weigh the socio-economics of energy development in the forest against any diminished economic benefits resulting from a loss of hunting and fishing opportunities or reduced hunter/angler satisfaction resulting from oil and gas activities on the forest.

## **3.) Protect high value fisheries**

The State of Utah employs a system for evaluating the fisheries potential of any stream. Within that system, any stream given Class 1, 2, or 3 status has fishery values high enough to warrant protection. Most, if not all, of the streams on the Fishlake National Forest fall into one of these three categories, and therefore meet the criteria that Utah has set up to identify high value streams that can and should be protected. Any oil and gas leasing decision for the Fishlake National Forest should address and reflect that

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<sup>1</sup> See U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau, 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation at 5.

classification system, affording the highest level of protection to those streams with the highest fisheries potential.

In this regard, several streams warrant mention: some of these offer the potential for native trout protection and/or restoration (as noted above), but all of them either are or have the potential to become destination fisheries:<sup>2</sup>

UM Creek

Manning Creek

Salina Creek

Corn Creek

Fish Creek

Shingle Creek

South Fork North Creek

North Fork Chalk Creek

#### **4.) Protect important wildlife habitat**

The Utah Division of Wildlife Resources (UDWR) classifies big game habitat as “Critical” and “High Value.” These habitats for deer and elk need to be protected from habitat fragmentation and loss as a result of oil and gas activities. Protection from development should also be extended to important big game fawning and calving areas and important summer range. For those areas where development is suitable, development plans should include adaptive mitigation parameters established during the oil and gas development and the production periods. For the development of stipulations that offer protection to important big game habitats, the best and most recent research should be used. For instance, a study by WEST, Inc. (Hall Sawyer, “Sublette Mule Deer Study, Wyoming (Phase II):2005 Annual Report”, available at [http://www.west-inc.com/big\\_game\\_reports.php](http://www.west-inc.com/big_game_reports.php)) looked at the impacts of oil and gas activities on mule deer and found that the Mesa mule deer population in Wyoming decreased by 46 percent from 2002 to 2005. Those animals that remained avoided areas of development. This kind of impact is unacceptable and NSO stipulations should be enforced for the Fishlake National Forest on all high value and critical wildlife habitat to avoid such a population decline and the resulting losses in hunting opportunities.

In addition, sage grouse conservation efforts on the Fishlake National Forest should not be compromised by oil and gas activities. The best available research on the impacts of oil and gas activities to sage grouse needs to be incorporated into any leasing decision. Research analysis should include the BLM and Industry funded study “Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. PhD Dissertation. University of Wyoming. Laramie, Wyoming. 211pp Holloran, M. J. 2005)” and the management guidelines detailed in

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<sup>2</sup> By “destination fishery,” we mean a fishery that, because of its aesthetic values or fishery values or both, will prompt someone to spend significant time, money, and energy to visit. (Please note in this regard that many of our members value solitude and quiet in a pristine natural setting as much as they value an opportunity to catch fish.)

“Connelly, J.W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28 (4): 967-985.” Lands critical to sage grouse survival need to be removed from leasing and effective stipulations that prevent loss of habitat and sage grouse populations on lands that are made available for leasing should be fully developed and analyzed.

## **5.) Preserve existing backcountry unroaded and undeveloped areas**

Roadless areas provide a vital refuge for fish and wildlife, including native trout, deer and elk. For example, over 60 percent of remaining strong populations of Westslope, Greenback, and Colorado River cutthroat trout are found in roadless areas and crucial areas of security for deer and elk are found only within unroaded, undeveloped lands. Moreover, these areas provide valuable backcountry hunting and fishing opportunities for sportsmen on the Fishlake National Forest.

The protection of these important lands is a crucial part of any leasing decision and needs to be thoroughly evaluated. A good place to start identifying and drafting lease stipulations for these backcountry Inventoried Roadless Areas in need of protection from oil and gas activities is in chapter 2.1.6 of the “Comprehensive Evaluation Report Summary: Highlight of Key Conditions and Trends” dated June, 2006. This document, produced for the joint Dixie/Fishlake Forest Plan Revision, outlines the latest data on undeveloped lands on the forest; currently 40 areas comprising 936,000 acres as determined in the “Roadless Area Conservation Final Environmental Impact Statement (USDA 2000”) and “Dixie and Fishlake Preliminary Draft Inventory of Unroaded and Undeveloped Lands (Maps) (USDA 2004a”).

Because of the value these backcountry Inventoried Roadless Areas provide fish, wildlife, and sportsmen and the irreversible impacts that oil and gas development would have on those values, we recommend no surface occupancy (NSO) or disturbance stipulations apply for all of these lands.

One other aspect identified in the recent forest planning process that needs to be evaluated in this oil and gas leasing EIS are those areas identified as “Special Areas”, including “Backcountry Recreation Areas.” Of these areas, the proposed plan states that

*“Backcountry Recreation Areas are large, mostly undeveloped landscapes that are valued for their rugged and remote recreation opportunities. The areas principally feature recreation opportunities in a semi-primitive setting. These are special places identified to highlight unique opportunities, characteristics, historic features, vistas, destination attractions, or areas that have otherwise developed a sense of place. The management intent is to maintain the existing characteristics and features that make the area special.”*

Given this management direction, “Backcountry Recreation Areas” are unsuitable for mineral activities, as are Recommended Wilderness, Eligible Wild and Scenic Rivers, and Semi-Primitive Non-Motorized zones. Therefore, we recommend that these areas be

made unavailable to leasing so as to protect the qualities that make them special from the irreversible impacts of oil and gas activities.

#### **6.) Keep development out of geological hazards and unstable soils**

No Surface Occupancy stipulations should be applied to geologic hazards and unstable soils and slopes over 35%. These stipulations should apply to the construction of well sites, central tank batteries, and to roads. Poor land management practices quite literally flow downhill and the harmful impacts of roads to coldwater fisheries are well documented (particularly by the Forest Service), causing decreased slope stability, increased sedimentation and increased surface runoff.

#### **7.) Impacts to groundwater need to be given a hard look**

Impacts to the freshwater aquifer and hydrology should be analyzed and understood. There are currently no assurances that the transport of contaminants through a base flow from the aquifer to the surface water (should a well blow out or become over pressured) will not occur. This can only be done through sufficient and adequate hydraulic and hydrological analysis. Moreover, the effects to springs on the Fishlake National Forest due to drilling, ground water pumping, and activities associated with oil and gas development needs to be studied.

#### **8.) Preserve landscape integrity**

Natural, intact landscapes remain a significant reason the Fishlake National Forest is so popular with hunters, anglers and recreationists. Every effort should be made to include stipulations that retain the visual integrity of the Fishlake and continue to provide a high-quality experience no matter the level of gas and oil development. To achieve this end, view sheds and visual quality objectives need to be analyzed and proper stipulations applied.

#### **9.) Air quality is an important issue**

Air quality issues should be thoroughly evaluated in order to protect views, clean air and to ensure that emissions from oil and gas activities on the Fishlake National Forest will not have negative impacts. Such impacts, if not monitored and mitigated with the best available technology applications, could be felt downwind throughout a region renowned for its views. The potential for acidification of mountain lakes due to oil and gas development pollution emissions on the Fishlake National Forest is a very real scenario and should be included in the EIS analysis; particularly the cumulative air quality impacts posed by developments on state, federal, and private lands. The latest and best available technology, such as Tier II or natural gas engines, should be considered as a means for reduction of NOx and particle emissions.

## **10.) Noxious Weeds**

Noxious weed spread is a concern because the surface disturbing activities associated with oil and gas development leave lands ripe for weed colonization and increased traffic provides an obvious seed transport method. This issue and the impacts to fish and wildlife should be thoroughly addressed in the EIS.

## **11.) Cumulative impacts**

The cumulative impacts of oil and gas activities on the Fishlake National Forest need to be thoroughly evaluated. Obviously, the Fishlake does not exist in a bubble and those activities that occur on the forest are likely to have impacts off forest and vice versa. Moreover, many fish and wildlife populations, particularly deer and elk, are migratory and are likely to spend winters on lower level BLM, state, or private lands, a consideration that highlights the need to address oil and gas development from a landscape perspective and make decisions that look beyond the management area. Due to the recent spark of interest in oil and gas in the region, the cumulative impacts of development not only on the Fishlake National Forest, but on BLM, state and private lands needs to be given a hard look.

Thank you for the opportunity to comment and participate in the land management decision making of the Fishlake National Forest. Trout Unlimited looks forward to continued collaboration on this and other issues pertaining to coldwater fisheries and hunting and fishing opportunities on the Fishlake National Forest.

Respectfully Yours,

Corey Fisher  
Energy Field Coordinator  
Trout Unlimited  
401 B East Spruce St.  
Missoula, MT 59802  
[cfisher@tu.org](mailto:cfisher@tu.org)

Paul Dremann  
Vice President of Conservation  
Utah Council of Trout Unlimited  
2348 Lynwood Dr.  
Salt Lake City, UT 84109  
(801) 467-3862