

May 7, 2007

Carter Reed, Geologist
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RE: Supplemental Dixie N.F. Oil/Gas EIS Scoping Input from Three Forests Coalition Members

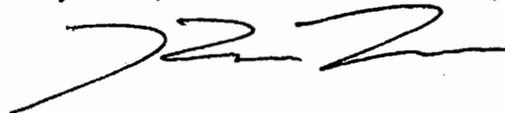
Dar Carter,

These supplemental scoping comments are submitted on behalf of Utah Environmental Congress, Red Rock Forests, Forest Guardians, Grand Canyon Trust, the Wilderness Society, and Great Old Broads for Wilderness. We thank you for your time the other week, your time on the phone, and we thank you for accepting these supplemental scoping comments regarding the structure of our Sustainable Multiple Use Alternative as it pertains to the Dixie National Forest oil and gas leasing DEIS.

The clarification, stipulations, and suitability criteria for our alternative are attached. Please know that in this alternative we treat "standard" as functionally synonymous with "stipulation." If the Forest prefers exclusive use of stipulation over standard than please do so with this alternative. Also, the term No Surface Occupancy (NSO) means no system or temporary road work, no well pads, no other surface development that is related to oil/gas development or exploration, and no driving off of existing designated routes for oil/gas development or exploration. Finally, in areas where there would be coal bed methane exploration or development, the CBM stipulations (aka standards) apply in addition to the other stipulations for oil and gas.

Thank you very much for your time on this, and for accepting these supplemental scoping comments that clarify our alternative. Please call Harold Shepherd when you have additional information needs, or need clarification on anything. Harold can be reached at (435) 259-5640.

Truly Yours, and on behalf of all below,



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Oil and Gas

Desired Condition¹

Although opportunity for oil and gas drilling continues to exist within known and operating fields throughout Utah, the dwindling wildlife, wetland, scenic, wilderness and other resource values within the Dixie National Forest are irreplaceable. Therefore, to achieve a balanced approach to energy exploration and development, as well as energy conservation throughout Utah and the nation the Forest Plan prohibits leasing or issues non-waivable No Surface Occupancy (NSO) lease stipulations to protect particular, irreplaceable habitat and ecosystems (Oil and Gas Standards 1 and 2). Other areas are open to surface occupancy. However, in these areas, various non-discretionary protective measures – either special stipulations or standard stipulations – are enforced to protect other natural resource values (Oil and Gas Standards 3 and 4)

As mandated by the Multiple Use Sustained Yield Act (MUSYA) the relative scarcity of the values involved and the availability of alternative sites for those values are considered publicly in all management decisions.

Oil and Gas Standards

In order to achieve sustainable ecosystems and an appropriate balance between national resource extraction (including much private land) and national forest public, natural resource protection, the Forest Service must fully protect the remaining undeveloped lands in the Dixie National Forest. That protection will be assured by the following:

O&G Std.1: The following areas are closed to any exploration, leasing or development related to oil and gas extraction:

- Inventoried Roadless Areas
- UDWR-mapped critical deer range²
- UDWR-mapped critical elk range³
- Within 500 feet of coldwater fisheries habitat

¹ Due to uncertainty regarding legality of use of the 1982, 2000, or 2005 NFMA implementing regulations, we will treat Desired Condition and Desired Future Condition as functionally interchangeable.

² UDWR maps “critical deer range” as those habitats necessary to maintain deer populations at objective levels. Critical deer range is sensitive use areas that, because of limited abundance and/or unique qualities, constitute irreplaceable, critical requirements for high interest wildlife. Due to the importance of these areas to deer and in turn deer hunters in the state of Utah, critical deer range is not suitable for development.

³ UDWR maps “critical elk range” as the best habitats in Utah that elk need in order to maintain populations at objective levels due to limited abundance and/or unique qualities and irreplaceable habitat requirements for elk. The irreplaceable and sensitive nature of these critical habitats makes them unsuitable for any oil and gas development. NSP stipulations.

- Within 250 feet of perennial streams, wetlands, springs, lakes, and wet meadows.
- UDWR-mapped potential greater sage grouse nesting, brood-rearing, and winter habitat
- Eligible Wild and Scenic River corridors as proposed by the Three Forest Coalition in the Sustainable Multiple Use Alternative Forest Plan revision comments.
- Municipal watersheds

O&G Std.2: The following areas are open to oil and gas development subject to a non-discretionary stipulation of No Surface Occupancy (NSO)

- Wilderness areas proposed to Dixie NF by Utah Environmental Congress and Utah Forest Network⁴
- From 250-500 feet of wetlands, springs, lakes, and wet meadows (no leasing within 250 feet)
- Potential habitat for
 - Utah prairie dog
 - pygmy rabbit
 - Mexican spotted owl
 - federally-listed or candidate native plant or animal species
- Reference areas,⁵ Research Natural Areas, special interest areas (including research protection and interpretation units)
- Slopes greater than 35%
- Landslide-prone areas⁶
- Areas mapped by the Forest for visual quality retention
- Archeologically rich areas (areas with high concentrations of sites)
- Developed recreation sites

O&G Std.3 The following wildlife areas are subject to non-discretionary wildlife-related stipulations as well as to the standard stipulations (Oil and Gas Standard 4). Seasonal restrictions should only be used where adequate field staff is available for monitoring and enforcement.

- High value deer and elk range: Timing, spacing, BMPs, controlled surface use stipulations that have been demonstrated to be effective at allowing deer and elk occupancy and use
- Winter range for elk and deer: surface occupancy not allowed from 12/1 to 4/15)
- Habitat for management indicator species and other species of special concern: institute NSO buffer as necessary to ensure the ability of the species to occupy the habitat.

⁴ Where NSO (e.g., directional drilling) is not possible within proposed wilderness, no leasing is allowed.

⁵ “Reference areas” refers to the remaining least-impacted areas of major vegetation types on the Dixie NF.

⁶ If “landslide-prone areas” is not sufficiently defined for mapping, this should be dropped.

- Seasonal restrictions as necessary to assure secure habitat on winter range, fawning/calving/nesting areas/brood-rearing and/or habitat for:
 - Pronghorn antelope
 - Desert bighorn sheep
 - Raptors

O&G Std.4 All other areas are subject to explicit, non-discretionary standard stipulations that require:

- non-negotiable best management practices for directional drilling where necessary to avoid surface impacts, minimized drilling facility size, limited construction of new roads and rehabilitation of roads not needed after drilling is completed, air pollution control, and prohibition on gas flaring
- accommodation of the public's increasing sensitivity to development within currently natural landscapes
- revegetation with native species only
- reduced vehicular access for oil and gas development and ORV use of designated routes during prolonged drought conditions
- specific mitigation on oil and gas leases to prevent the establishment or spread of invasive exotic species
- minimization of habitat fragmentation
- emphasis on pollution prevention over pollution containment and clean-up
- consistency of exploration, development and extraction with the Forest Plan
- closure to ORV use of any roads and tracks not designated open for public use through a NEPA process, and reclamation of all oil and gas-related roads and tracks immediately after production ends
- posting of bonds that ensure adequate reclamation including long term monitoring

prevention of contaminated operation water entering either ground or surface water

O&G Std.5 Off-site mitigation in lieu of avoiding adverse impacts to natural resource values or on-site mitigation is not allowed.

O&G Std.6 Any exploration activities must be restricted to existing designated roads to the maximum extent practicable. Lines off existing designated roads should be placed on foot.

O&G Std. 7 Require complete reclamation of all disturbed areas and require bonding that protects taxpayers from all liability and clean up costs.

O&G Std. 8 Impose a base per-well bond of \$20,000 for oil and gas leasing and implement the following terms:

- The total required bond amount will reflect the probable difficulty of reclamation considering such factors as the severe and prolonged drought in southeast Utah, global warming, topography, geology, hydrology,

vegetation, wildlife populations, and evidence from past leasing operations reclamation.

- The amount of the bond must be sufficient to ensure the completion of the reclamation plan if the work had to be performed by the Forest in the event of forfeiture
- The Forest can adjust the amount of the bond as affected land acreages increase or decrease, or where the cost of successful reclamation changes.
- Bond amounts will be based on worst case scenarios based on actual impacts of oil and gas development and extraction elsewhere in the nation.
- Bonds will cover the cost of plugging wells and restoring sites around wells; and the cost of reclaiming roads, compressor station sites, water containment ponds and all other associated facilities and impacts for which a bond is not otherwise provided.

O&G Std. 9 Use of “closed loop” drilling techniques is required. Solid well cuttings will be removed from the drilling fluid and the fluid stored in tanks and reused rather than being dumped in a waste pit.⁷

O&G Std. 10 Before specific lands are open for oil and gas exploration (including coal bed methane), leasing, or extraction, develop a NEPA Environmental Impact Statement with opportunity for full public participation and submission of alternatives, to assess the regional and national need for such oil and gas production, the economic feasibility of development, the extent to which other sources and technologies to the proposed energy production and use (including conservation opportunities) exist, the cumulative impacts from full development of a geologic structure or field, and the public and private economic benefits and costs that full development would entail. Within the area of potential effects:

- Identify historic properties in cooperation with all consulting parties. Where eligible sites are found, develop and implement measures to avoid or minimize any adverse effects of the undertaking, in cooperation with all consulting parties.
- Identify plant and animal species and habitat. Where habitat or populations of native species potentially vulnerable to oil and gas development are found, develop and implement measures that have been shown to be effective in avoiding or minimizing adverse effects to these species and their habitat. Where exotic species are found, implement measures that have been shown to be effective in avoiding the spread of such species.
- Identify cumulative impacts of each alternative’s development on BLM, state and private lands in addition to development on Dixie National Forest.

⁷ By eliminating the waste pit, closed loop systems lower construction, closure and waste management costs and reduces liability by eliminating the possibility of contamination from a leaking waste pit.

Coal Bed Methane Standards

- CBM Std. 1** Ensure the control of air contaminant emissions by requiring the use of electrified compressor stations associated with coal bed natural gas development.
- CBM Std. 2** Assure complete protection of surface and groundwater resources, including quality and quantity by prohibiting surface disposal of water and by requiring treatment of water before reinjection into ground water
- CBM Std. 3** Prior to approval of proposed operations, require the collection flow and quality baseline information for any surface and sub-surface waters that could be affected by mineral extraction

Monitoring

- O&G Mon 1** Develop and implement a monitoring program capable of identifying and measuring any effects to water flow and quality as a result of operations. Such data must include sufficient baseline data for allowing detection of changes attributable to oil or gas exploration, development or production.
- O&G Mon 2** Assess on an ongoing basis the effectiveness of stipulations relative to wildlife and vegetation. Once 100 acres subject to special stipulations are developed, determine, within two years, whether and how stipulations are adequately protecting the wildlife and habitat they are designed to protect. If the assessment does not occur within the two years, the agency will not allow development on additional areas subject to special stipulations.

Mapping Data Available to Analyze the Oil and Gas Sustainable Multiple Use Alternative

Note: Please contact Kevin Mueller (Kevin@uec-utah.org) or Mary O'Brien (mob@uoregon.edu) if you need maps or assistance in mapping any element of the SMU Alternative. Mary O'Brien will contact Steve Fluck (sfluck@grandcanyontrust.org) if technical assistance is needed.)

Inventoried Roadless Areas

Map source: FS, UEC

Dixie and Fishlake unroaded undeveloped area inventories

Map source: FS

UEC and UFN proposed wilderness

Map source: Kevin Mueller (UEC) and Tim Peterson (Great Old Broads for Wilderness)

Riparian, Wetland areas

Map source: FS? SWReGAP?

Coldwater fisheries

Map source: UDWR, Trout Unlimited (?)

Critical deer and critical elk range

Map source: UDWR

High value deer and elk range

Map source: UDWR

Sage Grouse Nesting, Brood Rearing, and Winter habitat

Map source: UDWR

Utah Prairie dog habitat.

Map source: USFWS? Forest Guardians? UDWR?

Preservation and retention of Visual Quality Objectives

Map source: FS (assuming it is in current/proposed plan already in GIS form)

Slopes over 35%

Map source: USFS?

Landslide prone areas NSO

Map source: USFS or state of Utah delineations and slope??

Potential Mexican Spotted Owl habitat.

Map source: USFWS? UDWR?