

OUTDOOR ALLIANCE

July 1, 2019

Leah Waldner
Fluid Mineral Leasing Coordinator
Utah State Office
Bureau of Land Management
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Salt Lake City, UT 84101
Email: blm_ut_lease_sales@blm.gov

Re: Outdoor Alliance Comments on Utah September 10, 2019 Lease Sale, Green River District (DOI-BLM-UT-0000-2019-0003-Other_NEPA-VFO/PFO -EA) and Richfield Field Office (DOI-BLM-UT-0000-2019-0003-Other_NEPA-RFO-EA)

Dear Ms. Waldner:

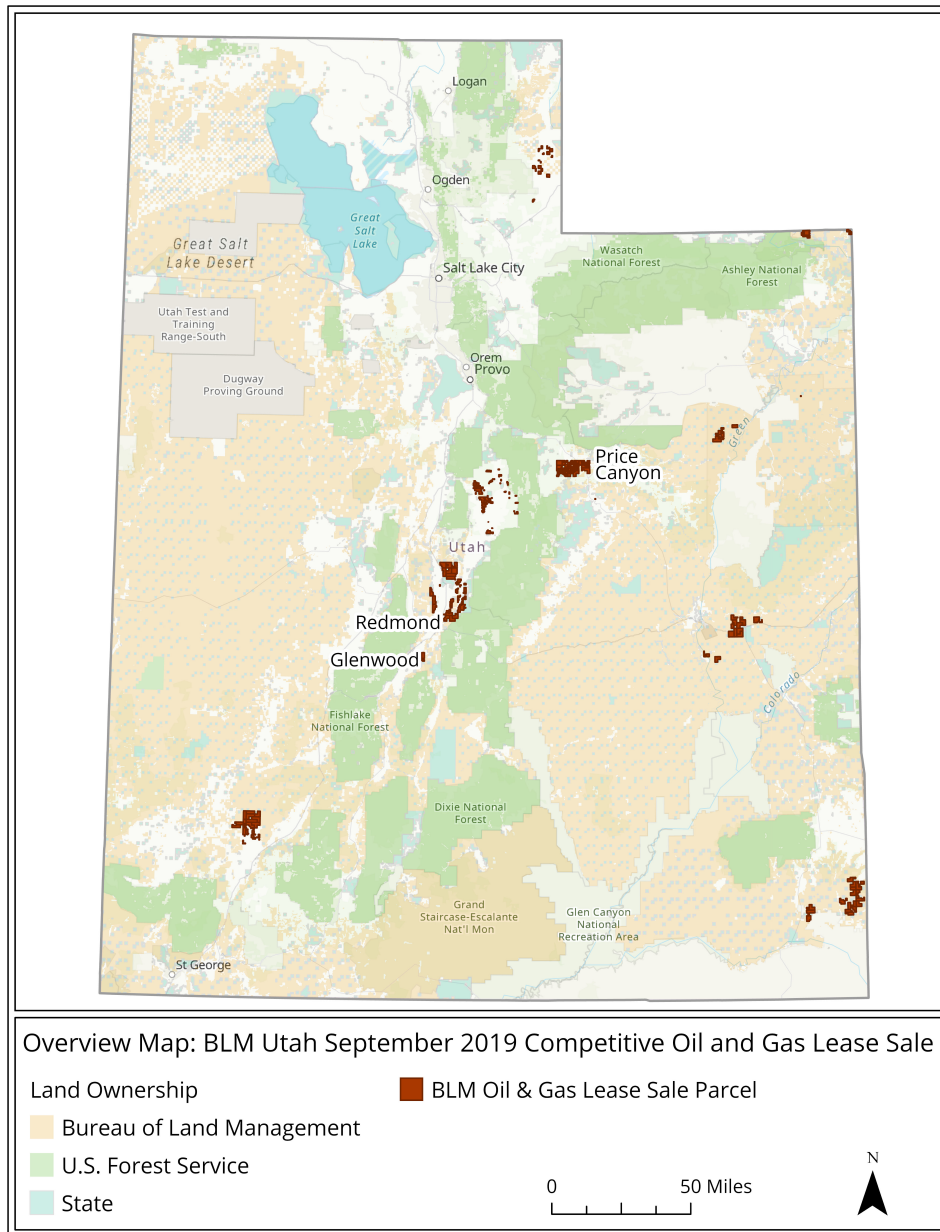
As representatives of the outdoor recreation community, Outdoor Alliance writes to offer comments on the Bureau of Land Management's Utah September 2019 Competitive Oil and Gas Lease Sale. Through this sale, BLM Utah is proposing to offer 149 parcels/183,668 acres in lands managed by the Canyon Country, Color Country, Green River, and West Desert Districts in their September lease sale. In particular, we are concerned about proposed lease parcels that could impair recreation assets and experiences in the Price and Richfield Field Offices.

As recreation advocates, Outdoor Alliance is concerned that the BLM may disregard potential impacts from these proposed lease sales to specific recreation areas and other important values. Because the direct, indirect, and cumulative effects that would result from implementation of this lease sale would be detrimental to recreation experiences and local communities that have invested in recreation assets, the BLM should more fully evaluate the effects of this competitive lease sale on the region's recreation economy and how it would affect future growth opportunities in the local business community and socioeconomics regionally. In addition, throughout these environmental assessments, the BLM fails to acknowledge the existence of specific recreation assets that should receive protective lease stipulations and detailed lease notices. These recreation opportunities include boating and fishing on the Price River, mountain biking on newly built trails near Richfield, and climbing at Redmond Rocks. Accordingly, we



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urge the BLM to defer these leases until it conducts an environmental analysis regarding how these proposals could affect recreation experiences and related socioeconomics. At the very least, we believe the BLM should impose no surface occupancy (NSO) stipulations or other measures to minimize/mitigate oil and gas development impacts on specific lease parcels along the Price River, at the National Interscholastic Cycling Association (NICA) High School Race Course near Richfield, and at Redmond Rocks.



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Outdoor Alliance

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes. Outdoor Alliance Utah (OA Utah) is a state-wide partnership that serves as a platform for members to coordinate their efforts to protect public lands, waters, and snowscapes, and to ensure these places can be experienced in a meaningful and sustainable manner.

Utah Recreation and Socioeconomics

The state of Utah contains world-class recreation resources, many located on BLM lands, which support 110,000 direct jobs and drive the state's \$12.3 billion outdoor recreation economy. Popular recreational activities within the scope of these EAs include camping, hunting, hiking, horseback riding, scenic driving, off road driving, fishing, boating, backpacking, organized/competitive events, dirt biking, cultural tourism, mountain biking, and rock climbing. The national \$887 billion outdoor industry brings jobs to communities across the country in many ways. Recreation visitors bring needed dollars to cities and towns that have recreation assets like rivers, trails, and other outdoor spaces where many outdoor activities take place. Outdoor recreation companies, as well as businesses beyond the traditional outdoor recreation economy, are choosing to locate in Utah communities because their employees want to live in places with access to the great outdoors.

Responsible oil and gas development also creates jobs and revenue in Utah communities. However, many communities in Utah and across the country that have previously depended primarily on resource extraction have begun to diversify their economies in ways dependent upon access to outdoor recreation opportunities. This statewide lease sale presents significant potential harm to recreation resources, the outdoor recreation brand of local communities, and the desirability of these communities as draws for more diversified economic activity.



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Given the importance of recreation on Utah's public lands, it is critical that the BLM defer leases and/or implement appropriate protections, including measures designed to protect Utah's recreation resources and scenic public lands.

Leasing Proposals Fail to Take Hard Look at Impacts to Recreation and Socioeconomics

Under the National Environmental Policy Act (NEPA), the BLM must consider the "reasonably foreseeable" effects of oil and gas leasing on recreation before committing to these lease sales. Even though the BLM acknowledges that these leases are likely to have a direct effect on the physical setting for recreational activities, resulting in impacts to the tourist industry and economy, the agency will not consider—much less implement—any potential future mitigation related to foreseeable impacts of oil and gas development on recreation assets and associated socioeconomics. In order to take the "hard look" required by NEPA, BLM is required to consider the incremental effects of these lease sales "when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. These EAs acknowledge foreseeable impacts but neglect to consider how these lease sales might cumulatively affect recreation assets and related socioeconomics, nor do they propose any mitigating measures to address such negative impacts.

Through these lease sale EAs, the BLM has failed to take the required "hard look" at potential environmental impacts on recreation from oil and gas leasing as required by NEPA. In the Green River EA, the BLM recognizes that the issuance of these leases "could impact other resources and uses in the planning area" but that "direct, indirect, and cumulative impacts to socioeconomics from oil and gas leasing was considered in detail in the 2008 Price Field Office Resource Management Plan." The Green River EA also states that "the area proposed for lease has no specific management prescriptions for recreational activities" because "there are no direct impacts to recreational activities due to leasing" and that the "analysis conducted in the 2008 Price Field Office RMP FEIS anticipated and disclosed such impacts." Shortcutting its NEPA responsibilities, the BLM declares that "most of the area proposed for lease is designated as No Surface Occupancy due to the presence of



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priority Greater Sage Grouse habitat, which will constrain development and reduce those impacts.”

While lease stipulations (such as for Sage Grouse and others noted specifically below) could mitigate potential impacts to recreation, not all parcels that contain recreation opportunities receive a blanket NSO stipulation (and nonetheless directional drilling can degrade alluvial aquifers). Regardless, the BLM is not absolved of its responsibility to take a hard look at how oil and gas leasing could negatively affect recreation and associated socioeconomics—analyses *not* contained in the 2008 Price Resource Management Plan despite statements to the contrary. The Price RMP analysis primarily discussed direct economic *benefits* from oil and gas development, not potentially *negative impacts* from oil and gas development on other uses that generate economic benefits such as recreation. In general, the analysis in the 2008 Price RMP discussed direct economic benefits from oil and gas development, indirect economic activity from electricity generation, transportation, and other services, resource conflicts, and the quality of life in the surrounding communities resulting from oil and gas development. In addition, under 43 C.F.R. § 46.140, “[a] NEPA document that tiers to another broader NEPA document in accordance with 40 CFR 1508.28 must include a finding that the conditions and environmental effects described in the broader NEPA document are still valid or address any exceptions.” This finding is absent from the BLM’s analysis. Accordingly, the Green River EA must also analyze the potential negative impacts these leases could inflict on recreational opportunities and related socioeconomics.

Similarly, the Richfield EA states, without basis, that “dispersed recreation in the identified parcels may be displaced, but not negatively impacted over a long period of time.” The EA also states (incorrectly as noted below) that “there are no developed recreation areas near or within the project areas” and that “impacts to recreation would need to be evaluated in more depth on a case by case basis at the APD stage.” As with the Price RMP, the underlying Richfield RMP from 2008 provides no analysis of how oil and gas developments might affect recreation experiences or socioeconomics related to recreation. Given that the sale will lead to vested property rights and that BLM is likely to approve applications for permit to drill (APDs) for sold leases, the BLM has neglected to conduct any meaningful environmental analysis during each stage of the process, and appropriate protections for recreation assets remain nonexistent.



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Accordingly, both the Green River and Richfield EAs fail to adequately analyze how oil and gas developments might affect recreation activity and related socioeconomics, nor do they consider appropriate mitigation measures to protect recreation and related socioeconomics in any significant detail. The Price RMP does impose stipulations to mitigate impacts to a range of values and resource considerations, but recreation and related socioeconomics are not among them. Because none of the BLM's Best Management Practices for oil and gas leasing ("state-of-the-art mitigation measures applied on a site-specific basis to reduce, prevent, or avoid adverse environmental or social impacts") relate to recreation assets and associated socioeconomics, the EAs are inadequate and the BLM should conduct a more appropriate analysis to consider how this leasing proposal might affect recreation.¹

Green River District Area Parcels

Parcels UT1218-002, UT1218-004, UT1218-010, UT1218-011, UT1218-013, and UT1218-015—totaling 10,769 acres—overlay the Price River, a popular boating² and fishing³ stream, the upper stretches of which run from the Scofield Reservoir to Helper, Utah. Price Canyon, where much of this stream segment runs, also has historic values associated with settlement, farming or ranching, and early railroads.

From the confluence of Lower Fish Creek and White River downstream through Helper, this river provides a potentially high-quality coldwater fishery. The river is stocked annually with trout downstream at the Helper gauging station, and habitat improvement projects have been completed by the Utah Division of Wildlife Resources. The lower Price River segment is considered important for several federally listed endangered fish species, and the area is also important to numerous wildlife species such as the Mexican spotted owl, peregrine falcon, southwestern willow flycatcher, and Rocky Mountain bighorn sheep.

¹ For more information about how to avoid conflicts with recreation assets while leasing for oil and gas projects, see Best Practices for Balancing Recreation and Energy Development on Our Public Lands available at https://publiclandsolutions.org/wp-content/uploads/2017/04/OA_Balancing-Rec-and-Energy-Report-web.pdf.

² <http://southwestpaddler.com/docs/greenut9.html>.

³ <http://www.perfectflystore.com/wpricer.html>.



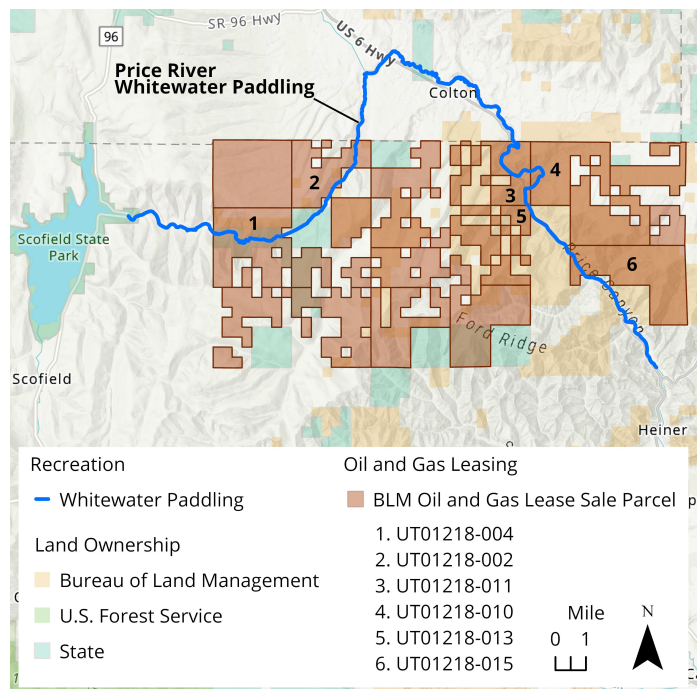
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The leases that overlay the Price river are governed by the following leasing stipulations: UT-S-127: NSO (Intermittent and Perennial Streams) and UT-S-156: TL (High-Country Watershed Areas). Pursuant to stipulation UT-S-127 the BLM must require no surface occupancy (NSO) for intermittent and perennial streams in areas within the 100-year floodplain or 100 meters (330 feet) on either side from the centerline, whichever is greater, along the Price River and associated “perennial and intermittent streams, streams with perennial reaches, and riparian areas.” In addition, under stipulation UT-S-156 all high-country watershed areas above 7,000 feet (most of the Price River segments affected by these leases) must be closed to leasing from December 1 to April 15.

In addition, these leases lie within a public Drinking Water Source Protection Zone, and before the APD stage for any proposed surface-disturbing activity, the lessee/operator must contact the public water system manager to determine any zoning ordinances, best management or pollution prevention measures, or physical controls that may be required within the protection zones.

Additional mitigation measures should also be implemented to

prevent adverse impacts from oil and gas exploration and development activities such as submitting an erosion control plan with best management practices. To protect recreational boating and fishing affected by these leases, we also encourage additional strong mitigation measures to be applied at the APD stage as conditions of approval (as noted below in the section titled “Recommended Leasing Mitigation to Protect Recreation Assets”).



The lands and watersheds in these parcels also contain Critical Habitat for Colorado River fish listed as endangered under the Endangered Species Act. Avoidance or use restrictions should be placed on these leases such as required surveys prior to operations, monitoring throughout the duration of the project to ensure



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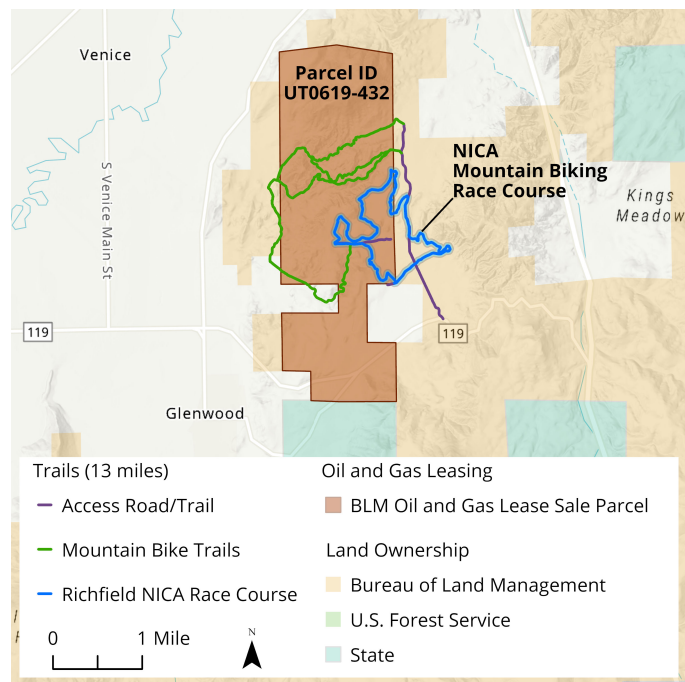
maintenance or enhancement of riparian habitat, and the use of directional drilling or multiple wells from the same pad to reduce surface disturbance (ensuring that such directional drilling does not intercept or degrade alluvial aquifers).

Richfield Field Office Area Parcels

NICA Mountain Biking Race Course

Near Glenwood, Utah, proposed lease parcel UT0619-432 (1,735.21 acres) contains the National Interscholastic Cycling Association (NICA) High School Race Course⁴ for Richfield, UT, as well as several other mountain bike trails. This area also contains an open OHV riding area.

The Richfield EA fails to acknowledge the presence of a NICA Mountain Biking Race Course or other mountain bike trails on proposed lease parcel UT0619-432. The Richfield EA states, that “dispersed recreation in the identified parcels may be displaced, but not negatively impacted over a long period of time” and asserts incorrectly that “there are no developed recreation areas near or within the project areas.” Given the existence of the NICA High School Race Course on parcel UT0619-432, the governing NSO stipulation (UT-S-78) should govern this entire parcel. In the Richfield EA, the BLM again delays any meaningful analysis until it’s too late by stating, “impacts to recreation would need to be evaluated in more depth on a case by case basis at the APD stage.” The presence of industrial oil and gas developments at the Richfield NICA High School Race Course will significantly impact the experience of mountain bikers, and the Richfield NICA High School Race Course represents a developed recreation site the BLM should protect pursuant to stipulations found in the Richfield Resource Management Plan.



⁴ See <https://www.trailforks.com/route/richfield-nica-race-course/>.

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In addition to several restrictive lease notices (raptors, migratory birds, sensitive species, riparian, drinking water protection, historic resource, air quality)—and the NSO, time limitation (TL) and controlled surface use (CSU) stipulations identified in the Richfield EA for parcel UT0619-432—the 2008 Richfield RMP also provides underlying stipulations for this leased parcel, as: 1) Open to leasing, standard conditions,⁵ and 2) Open to leasing, subject to minor constraints such as seasonal restrictions. Importantly, Appendix 11 in the Richfield RMP lists, by alternative, specific stipulations for oil and gas leasing, and “Developed Recreation Sites”⁶ such as the Richfield NICA High School Race Course are only to be leased with an NSO stipulation with no exceptions, modifications, or waivers.⁷ Therefore UT0619-432 should have an NSO stipulation in its entirety, or a complete deferral.

Redmond Rocks Climbing Area

⁵ Standard lease terms provide for measures to minimize adverse impacts to specific resource values, land uses, or users. Compliance with valid, nondiscretionary statutes (laws) is included in the standard lease terms. Nondiscretionary actions include the BLM’s requirements under federal environmental protection laws, such as Clean Water Act, Clean Air Act, Endangered Species Act, National Historic Preservation Act, and Federal Land Policy and Management Act, which are applicable to all actions on federal lands.

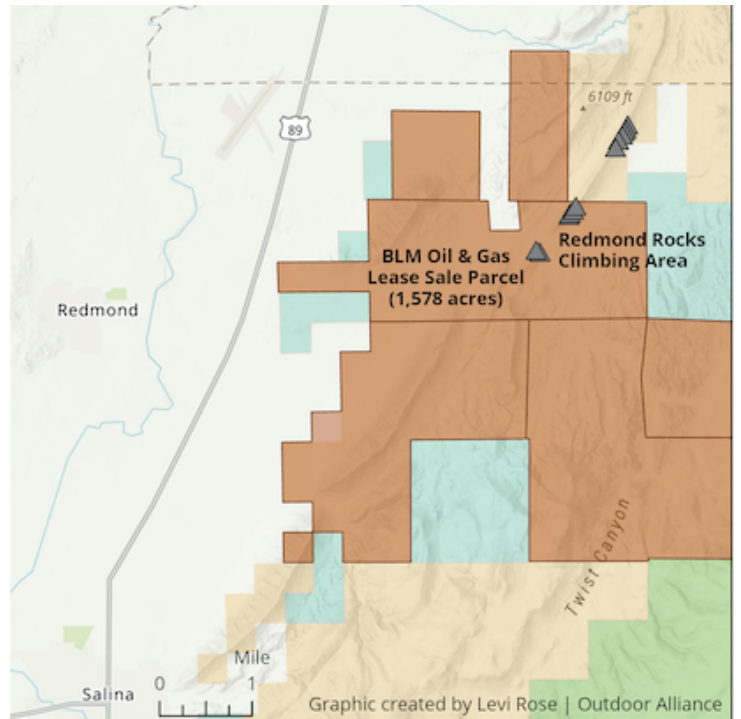
⁶ A “Developed Recreation Site” is defined as “sites and areas that contain structures or capital improvements primarily used by the public for recreation purposes. Such sites or areas may include such features as: Delineated spaces for parking, camping or boat launching; sanitary facilities; potable water; grills or fire rings; tables; or controlled access.” 43 CFR 8360.0-5.

⁷ See Appendix 11 at https://eplanning.blm.gov/epl-front-office/projects/lup/68293/87072/104327/Appendix_11.pdf, page A11-16-17.



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Near Redmond, Utah, proposed lease parcel UT0919 – 059 (1,564.78 Acres) contains an area with several rock climbing sites that continues to expand. The Redmond Rocks Climbing Area⁸ includes more than 36 limestone climbing routes only a few miles east of Redmond, with hiking approaches typically only five minutes from the parking area, and high quality camping located on site or nearby up Willow Creek Canyon. Most routes are appropriate for beginner and intermediate climbers, and it is possible to climb year-round.



The Richfield EA also fails to acknowledge the presence of the Redmond Rocks Climbing Area on proposed lease parcel UT0919 – 059. Recreation stipulations in the EA state, again without justification, that “dispersed recreation in the identified parcels may be displaced, but not negatively impacted over a long period of time.” The BLM incorrectly states that “there are no developed recreation areas near or within the project areas” and therefore impacts to recreation would be evaluated “in more depth” at the APD stage. The presence of industrial oil and gas developments near Redmond Rocks will significantly impair the experience of climbers, and Redmond Rocks represents a developed recreation site the BLM should protect pursuant to stipulations found in the Richfield Resource Management Plan.

In addition to several restrictive lease notices governing the Redmond Rocks parcel (raptors, migratory birds, sensitive species, air quality, floodplain management)—and the NSO, TL, and CSU stipulations identified in the Richfield EA that restrict operations here due to steep slopes, wetlands, mule deer/elk winter habitat, and condor habitat—stipulations outlined in Appendix 11 of the 2008 Richfield RMP—provide that “Developed Recreation Sites” such as Redmond Rocks are only to be

⁸ <https://www.mountainproject.com/area/114378847/redmond-rocks>.



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leased with NSO and attach no exceptions, modifications, or waivers.⁹ Therefore this parcel should have an NSO stipulation in its entirety, or complete deferral.

Recommended Leasing Mitigation to Protect Recreation Assets

Finally, the BLM's multiple-use mandate prohibits the management of public lands primarily for energy development or in a manner that unduly or unnecessarily degrades other "co-equal" uses. "Outdoor recreation, fish and wildlife, grazing, and rights-of-way must receive the same consideration as energy development." 43 U.S.C. § 1732(a), 43 U.S.C. § 1702(l). Therefore, we urge the BLM to develop a more comprehensive set of EAs for this statewide lease sale that either defers leases or implements the following standards for protecting recreation assets:

- NSO stipulation for a 1-mile radius from developed recreation site boundaries.
- NSO stipulation within 0.5 miles of the centerline of high use routes (motorized) and trails (non-motorized).
- NSO stipulation for a 0.5-mile radius around high use recreation areas.
- NSO stipulation to all VRM Class II areas in Special Recreation Management Areas and a Baseline CSU stipulation throughout the remainder of SRMAs.
- Apply an NSO stipulation to Recreation Focus Areas.

It is our belief that BLM planners should develop EAs for these leases with a broader view of recreation experiences and how to protect and enhance these values. The breadth of recreation opportunities is not necessarily best managed only through SRMAs and Focus Area polygons and associated development stipulations; rather, the BLM should develop a more comprehensive analysis of recreation use patterns and how these leases might affect those experiences and related socioeconomics.

* * *

Recreation is an important economic driver to the state of Utah, with long-term growth potential. We urge you to analyze potential impacts from this lease sale on

⁹ See Appendix 11 at https://eplanning.blm.gov/epl-front-office/projects/lup/68293/87072/104327/Appendix_11.pdf, page A11-16-17.



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recreational experiences and the local tourism and broader economy of the communities and residents of Utah.

Best regards,



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Policy Director
Outdoor Alliance

cc: Adam Cramer, Executive Director, Outdoor Alliance
Chris Winter, Executive Director, Access Fund
Beth Spilman, Interim Executive Director, American Canoe Association
Mark Singleton, Executive Director, American Whitewater
Dave Wiens, Executive Director, International Mountain Bicycling Association
Todd Walton, Executive Director, Winter Wildlands Alliance
Tom Vogl, Chief Executive Officer, The Mountaineers
Phil Powers, Chief Executive Officer, American Alpine Club
Sarah Bradham, Acting Executive Director, the Mazamas
Keegan Young, Executive Director, Colorado Mountain Club
Chad Nelson, CEO, Surfrider Foundation

