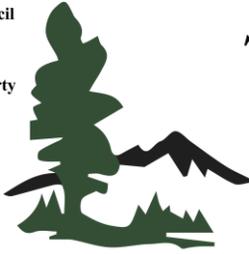


Executive Council
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The Coalition To Protect America's National Parks

Voices of Experience

ELECTRONIC SUBMISSION – NO HARD COPY TO FOLLOW

February 7, 2016

Bureau of Land Management
St. George Field Office
Attn: Dave Corry
345 East Riverside Drive
St. George, Utah 84790
utsgmail@blm.gov

Subject: St. George Field Office Environmental Assessment for June 2017 Oil and Gas Lease Sale

Dear Mr. Corry:

I am writing to you on behalf of over 1,100 members of the Coalition to Protect America's National Parks (Coalition). Our membership is composed entirely of retired, former, or current salaried employees of the National Park Service (NPS). As a group, we collectively represent more than 30,000 years of national park management experience. The Coalition studies, educates, speaks, and acts for the preservation of America's National Park System. We count among our membership former NPS employees of Zion National Park, who, like us, are quite concerned about the proposed June 2017 oil and gas lease sale for the Color Country District administered by the Bureau of Land Management (BLM) St. George Field Office (SGFO). We hereby submit comments on the environmental assessment (EA) for the proposed sale.

INTRODUCTION

BLM proposes to issue oil and gas leases for three parcels (proposed action), which collectively encompass approximately 4,730.14 acres of land administered by the SGFO in Washington County, Utah. Of the three parcels, two (UT-0517-042 and UT-0517-043) are located along Kolob Terrace Road less than 2 miles from the western boundary of Zion National Park. As a national parks advocacy group, we will focus our comments on these two parcels.

GENERAL COMMENTS

In general, there are numerous shortcomings in the EA, described in detail below, which leads us to the conclusion that the EA, as written, is fundamentally inadequate and fails to take a "hard look" at the potential environmental consequences of the proposed action. Because of this, we request that BLM prepare a full environmental impact statement (EIS) that includes an option for a master leasing plan, which has become the BLM process norm for evaluating, managing, and minimizing adverse impacts when BLM is considering issuing oil and gas leases near national parks. If BLM chooses not to prepare an EIS/MLP, then we urge BLM to adopt the no action alternative described in the EA for parcels UT-0517-042 and UT-0517-043.

The EA peripherally mentions the Federal Land Policy and Management Act of 1976 (the Act) as the authority under which BLM is to plan for and manage "public lands." While the Act directs BLM to manage those lands

“on the basis of multiple use and sustained yield unless otherwise specified by law” (43 USC § 1701(a)(7)), in essence authorizing resource extraction activities such as oil and gas development, the EA fails to provide the full context of the Act relative to the priority it gives to the protection of the resources and values on public lands. Section 1701(a)(8) of the Act states:

“the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.”

In contrast to the BLM’s “multiple use mandate,” the NPS-managed resources within Zion National Park are protected under a separate statutory requirement, which is the “conservation mandate” of the NPS Organic Act of 1916. The Organic Act established the fundamental purpose of units of the National Park System, which is “**to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations**” (54 USC § 100101(a)). Courts have consistently interpreted the Organic Act as giving conservation priority over use such that “when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant” (NPS Management Policies 2006 § 1.4.3).

Because the NPS Organic Act requires that the conservation of park resources take precedence over use, we firmly believe that BLM should give full deference to minimizing, to the extent practicable, the impacts to national park resources that could foreseeably be caused by the proposed oil and gas leasing and development.

Furthermore, the EA fails to provide adequate information and context related to BLM policy guidance for managing oil and gas leasing on public lands. Such information is found on the BLM website page titled “Land Use Planning and Leasing Reform” (<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/land-use-planning>), which states, in part (*emphasis added to underlined wording*):

In order to identify resource conflicts earlier in the leasing process, the BLM instituted three-pronged approach to leasing reform, which includes standardizing lease requirements for consistency and fairness, providing a more thorough lease-sale parcel review process, and analyzing leasing and development areas defined in master leasing plans. Leasing decisions are analyzed thoroughly in the course of preparing the land management plan/environmental impact statement (EIS), which addresses the cumulative impacts of leasing, exploration, and development. These EISs include: a reasonably foreseeable development scenario for long-term oil and gas development (for example, an estimate of the number of oil and gas wells that might be drilled); a cumulative impact analysis of existing and anticipated oil and gas activity; and lease stipulations that will be attached to each lease to ensure environmental protection.

Despite the BLM guidance cited above, the SGFO lease planning process includes neither a master leasing plan, an EIS, nor a relevant reasonably foreseeable development scenario for the affected parcels. Also contributing to the inadequacy of the EA is that it is tiered off an outdated 1999 SGFO Resources Management Plan (RMP). To its credit, the RMP affirmatively recognizes the importance of minimizing impacts to park resources caused by BLM-managed activities, as stated on the cover page to Appendix 6:

BLM Would Collaborate With Zion National Park Managers

Zion National Park is an important economic and ecologic asset within Washington County and draws up to 2.5 million visitors a year. BLM would continue to work with park managers and local communities in developing collaborative programs to minimize impacts to park resources from overutilization and lack of management presence at remote park boundaries while meeting community needs for economic health. Cooperative management agreements with the park would be employed

where needed to implement programs to benefit management of both public lands and park lands and to promote the use of shared resources and cost savings.

Despite this, a number of important changes in oil and gas extraction technology, relevant laws and policies, and socio-economic factors have occurred since the RMP was completed in 1999, making it an obsolete basis for an EA on oil and gas leasing to tier off. These changes include, but are not limited to:

1) The 1999 RMP does not contemplate the advances in oil and gas extraction technologies, including the widespread use of hydraulic fracking. Whereas fracking was a relatively uncommon technology in 1999, today hydraulic fracking is commonly used and the adverse impacts are well documented. However, the potential use of hydraulic fracking on the two parcels is not adequately addressed in the EA.

2) The Omnibus Public Lands Management Act (OPLMA) of 2009, which designated significant acreages of BLM and NPS managed lands in Washington County as *wilderness*. While the proposed parcels are not within designated wilderness, there is designated wilderness within Zion National Park located less than two miles from the sites. As described on p. 44 of the EA:

Following the passage of OPLMA in 2009, Congress designated 14 wilderness areas on BLM managed lands in Washington County and three areas within Zion National Park. When combined with USFS wilderness in the Pine Valley Ranger District, there are 220,439 acres of designated wilderness in Washington County. This is 14% of the entire county. For BLM managed lands the number is significantly higher. Over half of the wilderness in the county, 129,000 acres, is on land managed by the SGFO. This is 20% of the total BLM-managed acres in Washington County, or to put it another way, one out of every five acres managed by the SGFO is designated wilderness.

Wilderness designation elevates the protection of resources and values contributing to wilderness character, which typically includes avoiding or minimizing adverse impacts that could be caused by otherwise authorized activities, such as oil and gas leasing, on public lands adjacent to the designated wilderness area(s). The EA does not consider such impacts.

3) BLM Instruction Memorandum (IM) No. 2010-117, which established the BLM policy on the preparation of master leasing plans (MLPs). MLPs are an important, relatively new BLM policy that appears to have been largely ignored in the EA. Section I-A of the IM emphasizes the importance of BLM state and field offices periodically evaluating whether existing RMPs adequately protect important resource values in light of changing circumstances, updated policies, and new information. There is no information or analysis in the EA to indicate that such an evaluation of the RMP has occurred. Section I-C incorporates the concept of adaptive management into the management of oil and gas activities, which is nowhere mentioned in the EA. And Section II establishes the MLP process, which also is nowhere mentioned in the EA, and states that “the preparation of an MLP is required (*emphasis added*) when all four of the following criteria are met:

- A substantial portion of the area to be analyzed in the MLP is not currently leased.
- There is a majority Federal mineral interest.
- The oil and gas industry has expressed a specific interest in leasing, and there is a moderate or high potential for oil and gas confirmed by the discovery of oil and gas in the general area.
- Additional analysis or information is needed to address likely resource or cumulative impacts if oil and gas development were to occur where there are:
 - multiple-use or natural/cultural resource conflicts;
 - impacts to air quality;

- impacts on the resources or values of any unit of the National Park System (*emphasis added*), national wildlife refuge, or National Forest wilderness area, as determined after consultation or coordination with the NPS, the FWS, or the FS; or
- impacts on other specially designated areas.

Based on the above criteria, we contend that an MLP in this case is warranted, if not “required.” However, the EA fails to mention the existence of the MLP process or to consider the preparation of an MLP as an option. We note that the MLP criteria listed above provide no exclusions or exceptions to the MLP requirement based on the (limited) size or number of parcels that may be put up for lease, so the idea that the scope of the proposed leasing is “limited” is not a valid excuse for not preparing an MLP. In any case, the EA fails to explain why BLM apparently considers the preparation of an MLP to be unnecessary.

4) Dramatic growth in visitation and in the economic value of recreation and tourism in the greater Zion area has occurred since the preparation of the RMP in 1999. Visitation to Zion National Park increased from 2.4 million visitors in 1999 to over 4.3 million visitors in 2016 (NPS data). And according to NPS data, the total economic output generated in 2015 by park visitation in the local gateway economies surrounding Zion National Park was \$274.6 million! The lack of information and analysis regarding this growth provides further evidence that the 1999 RMP is an outdated and inadequate basis in 2017 for determining the appropriateness of oil and gas leasing less than 2 miles from the park boundary.

Because of these and other shortcomings described below, we believe the EA provides inadequate information and analysis of the potential impacts of the proposed action on nearby resources and values, including those within Zion National Park; and fundamentally fails to take a “hard look” at those impacts as required under the National Environmental Policy Act (NEPA). With that in mind, we offer the following comments about specific sections of the EA:

SPECIFIC COMMENTS

Section 1.5 Relationship to Statutes, Regulations, or Other Plans – Despite the 1999 RMP’s statement (see comment above) regarding BLM’s objective of “minimizing impacts to park resources,” the EA fails to mention the NPS Organic Act, which provides the statutory requirements for the protection of park resources and values located less than two miles from the parcels. The EA also fails to mention the General Management Plan for Zion National Park, which establishes management objectives for the park, including for the protection of park resources and values. And the EA makes little, if any, mention of the park or park resources (other than air quality) and generally fails to disclose or evaluate reasonably foreseeable potential impacts to those resources.

Chapter 2 Description of Alternatives – Given that the EA offers only the alternatives of leasing (proposed action) or not leasing (no action) the parcels, the EA fails to provide a range of reasonable alternatives as required under NEPA.

Section 2.2 Alternative A, Proposed Action – The EA fails to provide an effective analysis of the reasonable foreseeable development scenarios for the parcels. In fact, as stated in the EA, the 1999 SGFO RMP did not (*emphasis added*) address reasonable foreseeable development scenarios (RFDS) associated with oil and gas leasing at all. Rather than prepare current RFDS for the proposed parcels, the EA inappropriately relies on the RFDS identified in the unrelated Richfield 2008 RMP (Appendix 12 of the RFO RMP/ROD).

Chapters 3 Affected Environment and Chapter 4 Environmental Impacts – Many park visitors use Kolob Terrace Road to access wilderness trailheads within Zion National Park. Given the close proximity of the two lease parcels to the park, NPS managed wilderness, and the special requirements under the NPS Organic Act for the protection of park resources and values, it would have been appropriate to include a section on “Zion

National Park Resources” as its own issue topic. There is little, if any, evidence in the EA that BLM has actually considered potential impacts to park resources or park visitors, or factored NPS resource concerns into the planning process. In addition, these chapters fail to consider potential impacts to soils, water quality, or the Virgin spinedace.

Soils: Soils and rock-types on the parcels are especially prone to erosion, yet “Soils” is not included as an impact topic in the EA. We recommend that potential impacts to soils be disclosed and fully assessed in an appropriate NEPA analysis, and that an appropriate soil-related stipulation be included in Appendix A. (See comment about Appendix A below.)

Water quality: Given the topography of the parcels, the erodible nature of the soils and rock types, and the proximity of North Creek downslope of the sites, the proposed oil and gas activities could cause erosion, run-off, or spills that pose significant adverse impacts to the water quality of North Creek and ultimately to the Virgin River. These impacts should be disclosed and fully assessed in an appropriate NEPA analysis.

Virgin spinedace: The Virgin spinedace is a protected species that is managed under an inter-agency conservation strategy in lieu of potential listing under the Endangered Species Act. Populations of the species currently exist in the mainstem Virgin River and eleven of its tributaries including North Creek. Given the potential impacts of the proposed action to soils and water quality, the possibility of adverse impacts to the Virgin spinedace are likely and should be disclosed and fully assessed in an appropriate NEPA analysis.

Section 3.3.8 Visual Resources – The information provided focuses only on the Visual Resource Management (VRM) class status and objectives related to the parcels, rather than that of the visual resources in surrounding areas, including wilderness areas within Zion National Park, which could be adversely impacted by the proposed oil and gas operations. Given that much of the nearby park-land is located at higher elevations than the proposed lease parcels, a full *viewshed analysis* is needed in order to adequately determine and mitigate, if needed, potential viewshed impacts to surrounding areas. See additional comment below for Section 4.2.1.8 Visual Resources.

Section 4 Environmental Impacts – The EA fails to disclose or analyze the potential adverse impacts of the proposed action and resulting oil and gas operations on the natural soundscapes of the area. It also fails to propose avoidance and mitigation measures to protect those soundscapes. The potential for noise impacts is obvious, as it is well known that the diesel vehicles likely to be used in construction and operation of drilling facilities generate a low pitched sound that can be heard at considerable distances from the sound source in the relative quiet of the natural environment as exists at the proposed parcels. And construction and ongoing operation of drilling facilities are known to make mechanical noises that stand out above the ambient noise levels in a natural setting. While it is unclear, based on the EA, if protection of natural soundscapes is a policy concern of BLM, such protection is clearly a concern of the NPS. NPS *Management Policies 2006*, Section 4.9 Soundscape Management, requires the NPS “to preserve, to the greatest extent possible, the natural soundscapes of parks.” Since the two parcels proposed for leasing are located in close proximity to designated wilderness areas within Zion National Park, it would be appropriate to include a baseline soundscape inventory and impact analysis in the EA. Depending on the findings or appropriate noise modeling, it may also be appropriate to include noise minimization Best Management Practices (BMPs) or a No Surface Occupancy (NSO) stipulation for areas located within a certain distance (determined by modeling) of the national park boundary.

Section 4.2.1.1 Air Quality, Climate Change, and Greenhouse Gases – As described several places in the EA (including in Section 3.2.1.1), Zion National Park was designated a Class I air quality area in 1977, receiving the highest protection under the Clean Air Act. Both local and distant air pollutant sources affect air quality in Zion NP. At present, visibility has been identified as the most sensitive air quality related values (AQRV) in the park. Despite its importance, visibility is only rated as being in moderate condition and is often

impaired by light-scattering pollutants (haze). In addition, ozone has been monitored in Zion since 2003 and human health risk from ground-level ozone warrants moderate concern. In other words, there are already documented air quality concerns within Zion National Park. Despite describing a number of potential impacts to air quality from oil and gas operations, the EA fails to quantify or estimate the level of impact or include an emissions inventory for the proposed lease sale, which leads us to conclude that the analysis is inadequate, given the air quality concerns that already exist. Any additional contribution of the proposed oil and gas activities to the deterioration of air quality in Zion National Park, which seems likely, is unacceptable!

Section 4.2.1.3 Lands with Wilderness Characteristics – The EA indicates that the proposed leasing (i.e., issuing the piece of paper) would not have direct impacts on lands with wilderness characteristics, but the potential development of the lease(s) would likely cause indirect impacts to wilderness characteristics. This section lacks context in that it fails to describe the extensive amount of designated wilderness that exists near the parcels (see General Comment # 1 above) and fails to disclose or analyze potential impacts to those areas. This includes the designated wilderness within Zion National Park located less than two miles from the parcels proposed for development. The potential for oil and gas operations to adversely impact viewsheds, night skies, and soundscapes and other resource values affecting wilderness character and wilderness visitor experiences are well documented in other BLM planning documents (e.g., see 2016 Moab Master Leasing Plan), which leads us to the conclusion that the potential for impacts to wilderness characteristics is not adequately considered in this EA.

4.2.1.6 Socio-Economics – Given the dramatic increases in park visitation since 1999 (see General comment # 3 above), as well as the economic importance of recreation and tourism to the local economy (described in our General Comments above), the socio-economic analysis arrives at the unbelievable conclusion that “[t]he social and economic environments of Washington County would be positively affected by the proposed project.” By any common sense measure, the socio-economic value in 2017 of recreation and tourism to the communities and businesses along the Virgin River corridor far outweighs the potential economic benefit of the proposed oil and gas leasing. Despite this and despite the foreseeable environmental risks and potential adverse impacts of the proposed oil and gas drilling along the North Creek watershed, the EA fails to disclose the relative importance of recreation and tourism on the local economy or provide adequate analysis of the potential adverse impacts to the quality of the visitor experiences and the environment upon which tourism depends.

Section 4.2.1.8 Visual Resources – The EA indicates that “the issuance of leases would not directly impact the scenic qualities of the proposed lease parcels. However, it says nothing about (i.e., fails to disclose or assess) the potential for oil and gas operations to adversely impact visual resources in the surrounding areas within sight of the parcels. This includes the likely impacts that oil and gas operations would have on the important resource of natural darkness, often referred to as “night skies.” It is well known that light pollution from industrial lighting at oil and gas facilities and from flaring can adversely impact visitor enjoyment of night skies some distance from the drilling site; and is an impact that can effectively be minimized or managed (see Moab MLP). We note that the greater Zion area is noted for its naturally dark skies (see: <https://www.nps.gov/zion/learn/nature/night skies.htm>), which makes this obvious shortcoming in the EA even more glaring (pardon the pun!).

Appendix A, Lease Stipulation Summary (UT-S-107 Controlled Surface Use – Fragile Soils) – The listed stipulation would limit surface use on severely erodible soils on slopes equal to or greater than 25 percent. Given the nature of soils, the terrain, and the proximity of North Creek downslope of the lease sites, 25 percent is much too high of a limit to effectively minimize erosion and potential water quality impacts. We recommend that this stipulation be changed to require NSO on slopes steeper than 10 percent.

Appendix B, Lease Parcel Map – The map as presented is of poor quality, which makes it difficult for the reader to evaluate the topography and watershed characteristics in the vicinity of the proposed lease parcels. Despite this, it appears likely that any erosion, runoff, or spills related to the proposed action would adversely impact North Creek and ultimately reach and adversely impact the Virgin River drainage. The map is also

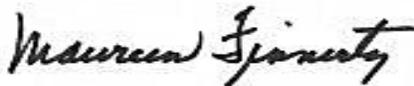
quite misleading in its presentation of the project site(s). Although the two parcels are located less than 2 miles from the Zion National Park boundary, there is no evidence on the map of the park's presence!

Appendix D, Interdisciplinary Team Checklist – In the table titled “Resource and Issued Issues Considered” presented on pp. 61-85, the “Rationale for Determination” is patently inadequate in that, by design, it avoids fully disclosing and evaluating foreseeable impacts of future oil and gas operations on important “Resources” listed in the table that would logically result from the proposed leases. For example, for Air Quality the Determination states, “The act of leasing (*emphasis added*) does not result in emissions of air pollutants, so has no impact on air resources. If a lease parcel is sold and developed...[impacts]... would need to be appropriately analyzed...” For Cultural Resources, “Effects to sites eligible for the National Register of Historic Places will need to be determined.” For Rangeland Health Standard, “Leasing (*emphasis added*) activities would not have an impact on rangeland health. If future development is proposed, the...actions should be analyzed in a separate NEPA document.” For Soils, “Leasing (*emphasis added*) would not have an impact on these resources; however there is a possibility that exploration/ development could occur in the future.” For Wetlands/Riparian Zones, “Leasing (*emphasis added*) would not have an impact on these resources; however there is a possibility that exploration/development could occur in the future...these actions should be analyzed in a separate NEPA documents.” For Visual Resources, “The issuance of leases (*emphasis added*) would not directly impact Visual Resources...A visual contrast rating process will be used for the [later] VRM analysis...”

We could go on listing such examples, but will stop there. The point is that many of the “Determinations” in the table focus only on the impacts of “leasing” itself (i.e., issuing a piece of paper) while not adequately assessing the impacts of the oil and gas extraction activities the leasee(s) will likely undertake after the lease(s) are issued. Such activities are likely to include oil and gas exploration, site development, road and facility construction, and ongoing facility operations. In effect, BLM has artificially segmented the project into “leasing” (which is evaluated in the table) and “future implementation of the lease(s)” (the impacts of which are not fully disclosed or evaluated). As a result, the EA analysis is fundamentally inadequate and fails to take a “hard look” at the reasonably foreseeable impacts and eventual outcomes of the proposed leasing.

For all the reasons described above, the Coalition to Protect America’s National Parks urges BLM to select the “No Action” alternative in the current EA for the two parcels adjacent to Zion National Park. However, if BLM intends to proceed with the proposed leasing, then we insist that BLM prepare a full EIS and MLP to more adequately disclose and analyze the range of adverse environmental impacts that could be caused by the proposed action. In closing, we appreciate the opportunity to comment on this important issue.

Sincerely,



Maureen Finnerty, Chair
Coalition to Protect America’s National Parks

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