

October 19, 2018

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Submitted via: <https://cara.ecosystem-management.org/Public//CommentInput?Project=54846>

Re: Iron Point 3D Seismic Project #54846

Dear Levi,

The following are the comments of High Country Conservation Advocates, Citizens for a Healthy Community, Wilderness Workshop, The Wilderness Society, Center for Biological Diversity, Western Colorado Alliance, Rocky Mountain Wild, North Fork Valley Community Rights Advocates, Great Old Broads for Wilderness, Rocky Mountain Recreation Initiative, EcoFlight, Central Colorado Wilderness Coalition, San Luis Valley Ecosystem Council, and Quiet Use Coalition regarding the proposal from Gunnison Energy to conduct a 3-D seismic project (Iron Point 3D Seismic Project #54846) on approximately 28,000 acres of mostly public and some private lands in Gunnison and Delta Counties.

The Forest Service Must Fully Analyze the Effects of the Proposal and Provide Adequate Opportunities for Public Input

The Forest Service's project website indicates that the agency expects to utilize a Categorical Exclusion (CE) and Decision Memo to address this project.¹ A CE is not appropriate for a project of this size, scope, and intensity. CEs were created for categories of actions that the agency has determined do not individually or cumulatively have a significant effect on the quality of the human environment.²

"Examples include issuing administrative personnel procedures, making minor facility renovations (such as installing energy efficient lighting), and reconstruction of hiking trails on public lands."³ It is clear that this project both individually and in context with other oil and gas development in the Upper North Fork could have a significant effect on the quality of the human environment.

CE's should only be used in limited situations where "there are no extraordinary circumstances related to the proposed action."⁴ In this case, there are numerous extraordinary circumstances directly related to this proposal. Among resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis are:

¹ See <https://www.fs.usda.gov/project/?project=54846&exp=detail>.

² 40 C.F.R. § 1508.4. See also FSH 1909.15, Chapter 30.

³ Council on Environmental Quality, *A Citizen's Guide to the NEPA* (2007), at 10. Available at https://ceq.doe.gov/get-involved/citizens_guide_to_nepa.html.

⁴ 36 C.F.R. § 220.6(a) (emphasis added).

- “Federally listed threatened or endangered species . . . or Forest Service sensitive species”⁵ Mapped lynx habitat and cutthroat trout habitat are within the project area.⁶ Region 2 sensitive species may also be present in the project area.⁷
- “Flood plains, wetlands, or municipal watersheds”⁸ Critically important waters and water infrastructure that feed downstream irrigation exist in the project area, including the Overland Ditch, Terror Creek Reservoir and Ditch, and Hubbard Creek and its numerous tributaries.⁹
- “Inventoried roadless area”¹⁰ Three separate Colorado Roadless Areas (CRAs) overlap with the project area. These are the Electric Mountain, Flattops/Elk Park, and Pilot Knob CRAs.
- “Archaeological sites, or historic properties or areas.”¹¹ The famous Dominguez-Escalante expedition of 1776 passed through the project area.

Notably, “[t]he mere presence of one or more of these resource conditions does not preclude the use of a CE. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions, and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.”¹² Forest Service guidance states:

In considering extraordinary circumstances, the responsible official should determine whether or not any of the listed resources are present, and if so, the degree of the potential effects on the listed resources. *If the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion.*¹³

In this case, a cause-effect relationship between action and effect on these resource conditions exists. The expected duration of the operation is up to 60 days, employing a crew of 50 workers seven days a week during daylight hours, utilizing helicopters and heavy equipment, and detonating likely thousands of pounds of dynamite at depths of only 20 feet below the surface.¹⁴ The proposal entails potentially significant impacts to Canada lynx, cutthroat trout, numerous sensitive species, big game, wetlands, water structures, three roadless areas, historic areas, hunting and fishing, and numerous other public resources. Even if the agency determines, based on scoping, that it is uncertain whether the proposed action may have a significant effect on the environment, the agency is required to prepare an EA.¹⁵ Forest Service guidance states:

⁵ 36 C.F.R. § 220.6(b)(1)(i).

⁶ See Attachment 1.

⁷ See <https://www.fs.usda.gov/detail/r2/landmanagement/?cid=stelprdb5390116>.

⁸ 36 C.F.R. § 220.6(b)(1)(ii).

⁹ See Attachment 2.

¹⁰ 36 C.F.R. § 220.6(b)(1)(iv).

¹¹ 36 C.F.R. § 220.6(b)(1)(vii).

¹² 36 C.F.R. § 220.6(b)(2).

¹³ FSH 1909.15, Chapter 30, at 4 (emphasis added).

¹⁴ *Plan of Operations*, Iron Point 3D Seismic Project, Gunnison Energy LLC (September 2018), at 5.

¹⁵ 36 C.F.R. § 220.6(c).

Scoping is important to discover information that could point to the need for an EA or EIS versus a CE. Scoping is the means to identify the presence or absence of any extraordinary circumstances that would warrant further documentation in an EA or EIS. Scoping should also reveal any past, present, or reasonably foreseeable future actions with the potential to create uncertainty over the significance of cumulative effects.¹⁶

The U.S. Fish and Wildlife Service has noted that *"[t]he extensive nature of seismic surveys and access requirements make seismic exploration among the most potentially disruptive and damaging type of oil and gas activity."*¹⁷ Moreover, the seismic exploration activities are proposed to cover thousands of acres of some of the wildest mid-elevation forest on the GMUG. The proposed activities would have impacts on a wide range of resources and values. Areas in which there is a potential for significant effects on the quality of the human environment include:

- Adverse effects to federally-listed and other species and their habitats.
- Impacts to vegetation, including wetland plant species.
- Introduction or exacerbation of invasive plant species in the project area.
- Conflicts with recreational activities and sites, including hunting, fishing, camping, hiking, and wildlife viewing.
- Creation of unauthorized off-road vehicle routes where seismic survey vehicles travel.
- Risks to downstream agriculture from spills, erosion, or sedimentation, and the potential for impacts to the Upper North Fork watershed.
- Impacts to roadless areas.
- Damage to cultural and historic resources.
- Permanent changes to local hydrology.
- Compaction, rutting, and other damage to soils.
- Visual and noise impacts during the proposed operations.
- Long-term degradation of the natural and scenic qualities of the forest.

Seismic operations involve erosion and sedimentation, noise, and dust associated with operation of heavy equipment and detonation of explosives. Yet the Forest Service is proposing to authorize this project through a CE that allows:

Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road (Service Level D, FSH 7709.56), or use and minor repair of existing roads.¹⁸

Utilizing this exemption poses significant risks to Forest Service-administered water and wildlife resources, as it lacks any substantive safeguards to ensure that the project will not impact streams, watersheds, sensitive wildlife habitat, and important roadless and wildlands values.

¹⁶ FSH 1909.15, Chapter 30, at 4.

¹⁷ U.S. Fish & Wildlife Service, Oil and Gas Exploration and Production, <http://www.fws.gov/refuges/oil-and-gas/exploration.html> (emphasis added).

¹⁸ 36 C.F.R. § 220.6(e)(8).

There is an extensive body of scientific literature on the impacts of oil and gas development, including seismic testing.¹⁹ One study on songbirds found that ground- and shrub-nesting birds that had territories spanning seismic lines expanded their territories, perhaps because of a decrease in food availability along the seismic lines.²⁰ Birds were found to have declined in abundance, likely moving their territories away from seismic lines.²¹ Noise from blasting and other disturbance associated with seismic exploration is also demonstrated to adversely affect both large ungulates and avian species. In one study, experiments testing the response of wild caribou to simulated seismic exploration found that caribou responded to noise disturbance by increasing movement rates, displacement distances, and energy expenditure.²² A study of response to simulated drilling noise by white tailed deer found that deer avoided areas near loud noise sources, but did not increase their home range sizes or movement rates relative to control animals.²³ A recent study from New Mexico found that birds that nest near anthropogenic sources of loud noise experience elevated levels of stress-associated hormones, and have stunted offspring.²⁴

There is also procedural uncertainty regarding Forest Service regulation of seismic testing. The Forest Service currently has no approved regulations specifically governing seismic and geophysical operations, but instead takes the position in its manual that such operations on existing fluid mineral leaseholds are governed by the terms of the Department of Interior lease, while off-leasehold operations may be authorized by a Forest Service temporary use permit.²⁵ BLM regulations, however, specifically provide that BLM procedures for oil and gas operation exclude leases where “the surface is administered by the U.S. Forest Service.”²⁶

For these reasons, and for those elaborated below, the Forest Service cannot rely on a Categorical Exclusion, and must thoroughly consider the direct, indirect, and cumulative effects of this proposal in an Environmental Assessment.

Federally Listed Threatened, Endangered, or Sensitive Species

This project will impact federally listed and Forest Service sensitive species. Pursuant to Section 7 of the Endangered Species Act (ESA), “[e]ach Federal agency shall, in consultation with and with the assistance

¹⁹ For a comprehensive summary of peer-reviewed relevant U.S. and Canada studies, see Joseph M. Northrup, *Behavioral Response of Mule Deer to Natural Gas Development in the Piceance Basin*, Table A1.1 (Doctoral Dissertation, Colorado State University, Spring 2015).

²⁰ Machtans, C. S. 2006. *Songbird response to seismic lines in the western boreal forest: a manipulative experiment*. Canadian Journal of Zoology 84:1421-1430.

²¹ *Id.*

²² Bradshaw, C.J.A., Boutin, S., Hebert, D.M. 1997. *Effects of petroleum exploration on woodland caribou in northeastern Alberta*. Journal of Wildlife Management 61, 1127-1133; Bradshaw, C.J.A., Boutin, S., Hebert, D.M. 1998. *Energetic implications of disturbance caused by petroleum exploration to woodland caribou*. Canadian Journal of Zoology 76, 1319-1324.

²³ Drolet, A., Dussault, C., Côté, S.D. 2016. *Simulated drilling noise affects the space use of a large terrestrial mammal*. Wildlife Biology 22, 284-293.

²⁴ Kleist, N. et al. 2017. *Chronic anthropogenic noise disrupts glucocorticoid signaling and has multiple effects on fitness in an avian community*. Proceedings of the National Academy of Sciences. www.pnas.org/cgi/doi/10.1073/pnas.1709200115.

²⁵ Forest Service Manual § 2862.3.

²⁶ 43 C.F.R. § 3150.0-1.

of the Secretary, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species.”²⁷ Therefore, under the ESA, the Forest Service is obligated to consult with the U.S. Fish and Wildlife Service (USFWS) and consider the effects on Canada lynx from the proposed project.

Canada lynx habitat is mapped within the project area.²⁸ Because the lynx is listed as threatened pursuant to the federal ESA, and is an endangered species under Colorado State law,²⁹ the Forest Service must adequately consider the effects of the project on lynx and its habitat using the best available science. The agency must consult with USFWS about the impacts of this proposal on lynx and lynx habitat, must adequately consider the effects (direct, indirect, and cumulative) of the project under NEPA, and must posit alternatives that protect lynx and lynx habitat.

The agency must do more than simply rely on the Southern Rockies Lynx Amendment (SRLA) Biological Opinion (BiOp) for an analysis of the effects this project will have on lynx. While the SRLA contemplates effects of oil and gas management generally on lynx and lynx habitat, it cannot disclose or analyze the site-specific impacts that this project would have on lynx. The SRLA BiOp recognizes that “[e]ffects would be based on site specific conditions and would require subsequent project level . . . consultation with the [U.S. Fish and Wildlife] Service.”³⁰

Seismic exploration has the potential to significantly alter the character of lynx habitat in and around the project area. Formal consultation with USFWS should include:

- Conducting species surveys in the project area;
- Determining the distance at which vibrations and noise from seismic surveys are felt by lynx;
- Considering cumulative impacts from future seismic surveys and other oil and gas development in the area;
- Evaluating long-term effects on the landscape from surveying, such as changes to hydrology and habitat characteristics; and
- Reviewing all possible impacts that may result from completion of the project such as additional oil and gas development in the area.

The seismic project would also affect designated native cutthroat trout habitat. The project website indicates the presence of cutthroat trout habitat in parts of the Terror Creek watershed within the project area, and the GMUG has identified known conservation populations of native cutthroat trout in the project area.³¹ According to the GMUG: “Cutthroat trout populations are also threatened by land management activities that affect stream habitat, including livestock and grazing management, *mineral*

²⁷ 16 U.S.C.S. § 1536(a)(2).

²⁸ See Attachment 1.

²⁹ See U.S. Fish and Wildlife, list of Threatened and Endangered Mammals, available at: <https://ecos.fws.gov/ecp0/pub/SpeciesReport.do?groups=A&listingType=L&mapstatus=1>; Colorado Parks and Wildlife, Threatened and Endangered Species List, available at: <http://cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>.

³⁰ SRLA BiOp (July 25, 2008), at 69.

³¹ Matthew Dare, Michael Carrillo, and Clay Speas, *Cutthroat trout (Oncorhynchus clarkii) Species and Conservation Assessment for the Grand Mesa, Uncompahgre, and Gunnison National Forests* (March 2011). Available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5282736.pdf. See also Attachment 1.

extraction, road construction, timber harvest, and water development.”³² Even if no new roads are built as part of this proposed plan, the quality of cutthroat trout streams is vulnerable to sedimentation and other problems that this level of seismic activity can cause. This includes, but is not limited to, erosion from vehicles and equipment crossing streams and disturbing watersheds, as well as potential soil instability from blasting.

Although it was previously assumed that populations in the Gunnison River watershed should be classified as Colorado River cutthroat trout, and that the ESA-listed greenback cutthroat trout survived only east of the continental divide, recent genetic research has complicated these assumptions.³³ The GMUG has previously identified populations of greenback cutthroats in both West and East Forks of Terror Creek, and Main and Middle Hubbard Creeks.³⁴ USFWS has explicitly stated that green-lineage cutthroat trout are to receive interim protection under the ESA, meaning that consultation is required until the genetic questions are resolved.³⁵ The Forest Service must consult or confer with USFWS to protect against the possibility that the affected native trout populations may constitute greenback cutthroat trout protected under the ESA.

In addition to mapped lynx and cutthroat trout habitat, the 28,000-acre project area may host several Forest Service sensitive species, including boreal toad, northern leopard frog, bald eagle, flammulated owl, northern goshawk, purple martin, and American marten.³⁶ Due to their potential presence within the project area, effects on these species must be addressed.

Seismic testing may impact these species and a variety of other mammals, birds, fish, invertebrates, and flora. Potential effects from exploration operations could include increased displacement, increased risk of mortality, decreased reproductive success, and increased stress levels from the noise and disturbance associated with seismic activities. These actions could also impact wildlife by disrupting mating, nesting, spawning, and migration routes. Surface disturbance from vehicles could cause localized soil compaction, which could increase runoff of surface waters and accelerate soil erosion and increases the potential for the introduction of invasive plant species.

Flood Plains, Wetlands, or Municipal Watersheds

The Forest Service must take a hard look at possible seismicity impacts from the proposed action. The project area is located in an area of active erosion and unstable slopes:

³² *Id.* at 18 (emphasis added).

³³ See Metcalf et al., *Historical Stocking Data and 19th century DNA Reveal Human-Induced Changes to Native Diversity and Distribution of Cutthroat Trout*, *Molecular Ecology* (2012), doi: 10.1111/mec.12028, http://cmctu.org/wp-content/uploads/2015/11/mec12028_Metcalf_etal_2012.pdf.

³⁴ *Supra* note 31, at 11.

³⁵ See USFWS, *Moffat Project BiOp* (June 17, 2016), at 10; USFWS, *Initiation of 5-Year Status Reviews of 21 Species in the Mountain-Prairie Region*, 81 Fed. Reg. 33,698 (May 27, 2016); USFWS, *Final Summary Report: Greenback Cutthroat Trout Genetics and Meristics Studies Facilitated Expert Panel Workshop* (May 2014); USFWS, *Recent Cutthroat Trout Studies in Colorado: Overview of the Endangered Species Act Evaluation Process of Recent Cutthroat Trout Research in Colorado* (2012).

³⁶ See <https://www.fs.usda.gov/detail/r2/landmanagement/?cid=stelprdb5390116>.

[T]he entire North Fork of the Gunnison River corridor . . . has a history of serious and frequent landslide problems along its entire length The most common factor in causing these landslides is the very steep foot slopes that are often composed of old landslide deposits and colluvial debris, which forms a wedge on the lower valley sides. An additional factor is the percolation of water into the slopes from irrigation conveyance ditches and natural spring seeps on the sides of gravel-capped mesas. Consequently, these slopes are so potentially unstable that any natural or human-induced changes in soil moisture or slope configuration by construction can trigger serious landsliding.³⁷

The natural geology of the project area makes it an extremely worrisome location for the detonation of underground explosives.³⁸ Of grave concern are impacts to waters, ditches, and soils from seismic operations. The Highway 133 corridor between Hotchkiss and Paonia Reservoir is listed as the second most serious landslide threat in the entire state of Colorado. It contains “extremely active landslides the along entire corridor, [and] severe rockfall hazard on west side of Paonia Reservoir.”³⁹ An indication of the intensity of this project is foreshadowed by the following statement in the PoO: “Any facilities damaged in connection with this seismic operation will be immediately restored to original condition or replaced with a similar facility.”⁴⁰ How will Gunnison Energy immediately restore ditches, ponds, and water conveyance structures that are destroyed or degraded by the detonation of dynamite in an area noted for its seismic and geologic instability?

Inventoried Roadless Areas

The project area overlaps with three Colorado Roadless Areas (CRAs): Electric Mountain, Flattops/Elk Park, and Pilot Knob. It would be highly improper of the Forest Service to employ a CE for activities that would involve substantial placement of seismic lines, extensive use of helicopters, cross-county motorized travel, and the detonation of explosives in these areas. Each of these CRAs provides outstanding wildlife habitat and recreation opportunities, and many social and ecological benefits that must be considered and protected by the Forest Service.

Electric Mountain

- “This CRA provides summer range for elk, mule deer, black bear and moose. Moose also use this area year round. Lynx habitat has been mapped within this CRA. Habitats for aspen dependent sensitive species are also present (Northern goshawk, purple martin, American marten, and flammulated owl).”⁴¹

Flattops/Elk Park

³⁷ Rogers, William P. Colorado Geologic Survey. *Critical Landslides in Colorado, A Year 2002 Review and Priority List*, Open File Report 03-16 (2005) at 17.

³⁸ See Attachments 3 and 4.

³⁹ Rogers, W.P., 2005, *Critical landslides in Colorado – a year 2002 review and priority list*: Denver, Colorado Geological Survey Open-File Report 03-16, 59 p., 1 map plate, scale 1:500,000.

⁴⁰ PoO at 5.

⁴¹ U.S.D.A. Forest Service Rocky Mountain Region, *Profiles of Grand Mesa, Uncompahgre, and Gunnison National Forests Roadless Areas* (July 23, 2008), at 22.

- The Flattops CRA can be characterized by its large open meadows and numerous spruce-fir pockets. It also has large expanses of aspen, wet meadows, and mountain shrub. Riparian areas are common surrounding the many streams, natural ponds and reservoirs. A very large portion of this CRA is dotted with wet seeps, springs, creeks, and wetlands that would be both problematic and sensitive to further road development.⁴²
- The general elevation is very high for the Grand Mesa, so wildlife predominantly use the area in the summer and fall. Elk, moose, mule deer, and many other species are found throughout this CRA. The area has many production areas for deer and elk where they also tend to raise their young until they migrate in the late fall. Black bear are common but tend to prefer elevations below 9,000'. Moose will spend the majority of the year in the CRA concentrating on the lower elevations of the east end during the heavier snow months. Lynx habitat has been mapped throughout this CRA. Suitable boreal toad habitat is abundant throughout the area and should be preserved whenever possible. Colorado River cutthroat trout populations occur in Park Creek, Willow Creek, Dyke Creek, Hubbard Creek, Middle Hubbard Creek and West Hubbard Creek. Sensitive species dependent on high elevation conifer, aspen and riparian habitats occur in this area (Northern goshawk, boreal owl, flammulated owl, American martin, purple martin, American three-toed woodpecker).⁴³

Pilot Knob

- This area provides summer range for mule deer, black bear, mountain lion, and elk. It also provides calving areas and winter range for elk. Moose overall habitat also exists in this area. Lynx habitat has been mapped in this area. Bald eagle winter range extends into this area from the North Fork of the Gunnison River drainage. Aspen dependent sensitive species such as the Northern goshawk, purple martin, flammulated owl, and the American marten have suitable habitat within this CRA.⁴⁴

CRA's provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. They provide large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of big game. CRA's provide opportunities for dispersed outdoor recreation, opportunities that diminish as open spaces are developed elsewhere.

The roadless values that these areas retain are important and must be protected. The Forest Service must take a hard look at the potential impacts this project would have on roadless areas and consider ways to protect those values.

Archaeological Sites, or Historic Properties or Areas

The project area is rich with history related to the Dominguez-Escalante expedition of 1776. The journal maintained by that expedition indicates that its members spent several important days within and near the project area. In fact, the expedition camped on August 31, 1776 in a meadow one mile north of the

⁴² *Id.* at 24.

⁴³ *Id.*

⁴⁴ *Id.* at 39.

confluence of Willow Creek and Hubbard Creek, within the project area.⁴⁵ The Dominguez–Escalante route eventually became a template for the Old Spanish Trail, a trade route from Santa Fe to California. Before it allows seismic detonations and the proliferation of massive equipment and surface disturbance, the Forest Service must assess what impacts could occur to this historically important area.

Big Game and Other Game Species and Their Habitat Will Be Impacted

Elk, mule deer, black bear, turkey, and other species stand to be significantly impacted by this project and by any future development that may be associated with it. The lease sale area is home to robust populations of these animals and provides important habitat, including elk and mule deer winter habitat and black bear fall concentration areas.⁴⁶ Seismic testing would impact these species and severely compromise the recreation opportunities afforded to hunters and wildlife viewers. The Forest Service must thoroughly consider the project’s impact on these species, their habitat, and the recreation and economics associated with them.

In addition, the Forest Service must consider this project cumulatively with other developments that are active or planned in the North Fork. CEQ regulations allow Federal agencies to exclude from documentation in an EA or EIS categories of actions that do not individually *or cumulatively* have a significant effect on the human environment.⁴⁷ Forest Service guidance states: “Scoping should also reveal *any past, present, or reasonably foreseeable future actions with the potential to create uncertainty over the significance of cumulative effects.*”⁴⁸ The wildlife that make their homes in and around the project area utilize an interconnected public lands landscape, much of which is increasingly subject to active and proposed oil and gas, coal, and timber development. A number of specific projects must be addressed by the Forest Service in its analysis, including but not limited to the following:

- 150 Well Bull Mountain Master Development Plan⁴⁹
- North Fork Mancos Master Development Plan⁵⁰
- Somerset 25-Well Project⁵¹
- Petrox APD 12-90-17-1⁵²
- December 2018 Oil and Gas Lease Sale⁵³
- West Elk Coal Mine Sunset Roadless Area Expansion⁵⁴

⁴⁵ *The Dominguez-Escalante Journal: Their Expedition Through Colorado, Utah, Arizona, and New Mexico in 1776.* Edited by Ted J. Warner. University of Utah Press (1995), at 34.

⁴⁶ See Attachments 5 – 9.

⁴⁷ 40 C.F.R. § 1508.4.

⁴⁸ FSH 1909.15, Chapter 30, at 4 (emphasis added).

⁴⁹ See <https://eplanning.blm.gov/epl-front-office/eplanning/legacyProjectSite.do?methodName=renderLegacyProjectSite&projectId=66641>.

⁵⁰ See <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=105996>.

⁵¹ See <https://www.fs.usda.gov/project/?project=46535>.

⁵² This proposed pad appears to be inside the boundary of the seismic project. See Attachment 10.

⁵³ See https://eplanning.blm.gov/epl-front-office/projects/nepa/109938/149863/183949/Uncompahgre_FO_Parcel_List_&_Maps_Scoping_Dec2018.pdf.

⁵⁴ See <https://www.fs.usda.gov/roadmain/roadless/coloradoroadlessrules>.

- SBEADMR Hubbard Park Timber Sale⁵⁵

Because of the rapid proliferation of development in the Upper North Fork, Colorado Parks and Wildlife (CPW) has submitted comments on numerous oil and gas projects expressing concern with cumulative impacts on big game.⁵⁶ For example, in scoping comments submitted by CPW regarding the nearby Somerset 25-well project, the agency stated:

“CPW recommends that BLM evaluate the proposed locations through a through a Master Development Plan or similar planning tool that provides a means to addresses the cumulative impacts to wildlife from all proposed oil and gas development in the area, including the Bull Mountain, Deadman Gulch, and Iron Point Units We are becoming increasingly concerned with the level of oil and gas development and potential landscape-scale impacts to wildlife populations and recreational hunting and fishing opportunities in the area.”⁵⁷

Every aspect of this project has the potential to significantly impact big game and other wildlife. Given the high quality habitat within and surrounding the project area, and the direct, indirect, and cumulative impacts likely to result from this project, it is imperative that analysis completely describe and evaluate effects to the these species and their habitat. In addition to impacts from noise and human presence, snow compaction due to late fall or winter project implementation could have detrimental effects to plant communities, degrading habitat and foraging capacity.⁵⁸ The analysis must examine these issues in detail and provide alternatives that will sufficiently protect habitat, the local plant community, and recreational opportunities in the area.

For the reasons stated above, a Categorical Exclusion is inappropriate for this project, and an Environmental Assessment must be completed. A thorough NEPA process would allow the Forest Service and the public to consider direct, indirect, and cumulative environmental impacts and conflicts, and assess how those can be avoided, mitigated, and minimized. As such, we ask that the Forest Service

⁵⁵ See https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd593885.pdf.

⁵⁶ See letter of J. Wenum, CPW to USDA Forest Service re: Gunnison Energy MDP (June 30, 2010) at 1 (“The cumulative level of oil and gas development in the West Muddy Creek watershed is becoming a significant concern to CDOW.... Cumulative impacts to wildlife resources from the existing development patterns should be evaluated in a more comprehensive analysis of oil and gas development in the West Muddy Creek watershed prior to authorizing significantly expanded development.”); letter of J. Wenum, CPW to L. Broyles, Forest Service re: SG Interests (Aug. 10, 2012) at 3-4 (“[CPW is] becoming increasingly concerned with the level of development in the Muddy Creek areas and potential impacts to wildlife.... Mitigation to address the impacts to wildlife from additional oil and gas development will only be effective with careful landscape level planning that addresses improving and conserving habitat while limiting additional impacts and habitat fragmentation.”); letter of J. Wenum, CPW to T. Stranathan, BLM re: Bull Mountain Geographic Area Plan (Nov. 6, 2009) at 1 (“CDOW is concerned with the proposed density and extent of development in the Bull Mountain Unit as the area provides high quality habitat for a variety of species, and contains important wintering habitat for big game. As you are aware, the scale of the proposed development is unprecedented for this relatively pristine area. Impacts to wildlife, especially cumulative impacts, may be far reaching.”).

⁵⁷ See letter of J. Wenum, CPW to T. Stranathan, BLM re: 3160 (CO-S05) (Apr. 24, 2015) at 3 (emphasis added).

⁵⁸ See Whiteman, J.P. *Impacts of snow compaction from human recreation on the biota of snowy regions*. Master’s Thesis, University of Wyoming (2008).

prohibit any on-the-ground activity relating to the exploration project pending a full environmental review and decision.

Thank you for your consideration.

Sincerely,

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