

Scoping Report

for the
Canyon Country District Office

Moab Master Leasing Plan and Associated Environmental Impact Statement



CANYON COUNTRY DISTRICT OFFICE



October 2012

BLM Mission

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

Scoping Report

for the

Canyon Country District Office

Moab Master Leasing Plan

and Associated

Environmental Impact Statement

Prepared by
United States Department of the Interior
Bureau of Land Management
Canyon Country District Office

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ACRONYM LIST

ACEC	Area of Critical Environmental Concern
AQRV	Air Quality Related Values
BLM	Bureau of Land Management
BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
DOI	U.S. Department of the Interior
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
GHG	Greenhouse Gases
IM	Instruction Memorandum
MLP	Master Leasing Plan
MOU	Memorandum of Understanding
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPS	National Park Service
NVUM	National Visitor Use Monitoring
OHV	Off-Highway Vehicle
PSD	Prevention of Significant Deterioration
RFD	Reasonably Foreseeable Development
RMP	Resource Management Plan
SITLA	Utah School and Institutional Trust Lands Administration
STAR	EPA's Natural Gas Science to Achieve Results Program
TMDL	Total Maximum Daily Load
VRM	Visual Resource Management
WSA	Wilderness Study Area

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CHAPTER 1—INTRODUCTION AND BACKGROUND

INTRODUCTION

This report documents the public scoping process for the development of the Moab Master Leasing Plan (MLP) for the Bureau of Land Management (BLM); Amendments to the Moab and Monticello Resource Management Plans (RMPs); and an associated Environmental Impact Statement (EIS) for a portion of BLM-administered public lands in Grand and San Juan Counties. It summarizes the comments provided by the public and identifies the issues to be carried forward in the alternative development process.

The purpose of public scoping is to identify issues important to the management of public lands and resources. These issues will guide the development of the MLP and the Moab and Monticello RMP amendments. Scoping also provides the public the opportunity to learn about the management of public lands and assists the BLM with identifying the public's concerns regarding the resources within the planning area. This Scoping Report summarizes the scoping process, reports on the comments received, and identifies the issues raised during the scoping process. It is made available to the public in accordance with Code of Federal Regulations (CFR) 1610.2(d) in order to allow those who provided input during the scoping process an opportunity to verify that their issues were properly identified and recorded.

The Canyon Country District Office initiated this planning process to comply with BLM Washington Office Instruction Memorandum (IM) No. 2010-117. This planning process will create a new MLP and amend the existing Moab and Monticello RMPs. Specific issues being addressed are the leasing of oil and gas and potash. This planning effort does not entail a full RMP revision, but rather maintains a limited focus on the issues of oil and gas and potash leasing. Due to the limited focus of this planning effort, issues that would normally be considered in a full RMP revision will not be considered.

The Notice of Intent (NOI) was published in the Federal Register on March 5, 2012, announcing the initiation of the planning process. In addition, news releases, legal notices, a planning newsletter, and website postings provided information on the process and identified opportunities for the public to provide input. Formal meetings were held in Moab, Monticello, and Salt Lake City, Utah. Comments were accepted in a variety of formats, including written comments provided at the meetings and both email and hard copy letters sent to the BLM, to ensure those who wished to participate could do so effectively.

Chapter 1 provides a background for this planning effort, its legal limitations/sideboards, and a summary of scoping efforts. Chapter 2 summarizes the public comments. Throughout the scoping period, 181 individuals provided comments. Analysis of the comments identified 319 unique comments. The comments provided helped identify issues of concern and provided data and information that can be used in the MLP process. Chapter 3 lists the issues identified during scoping. Chapter 4 discusses issues that are addressed by policy or administrative actions or are outside the scope of this MLP. Chapter 5 lists the data provided through the scoping process and identifies potential data gaps.

BACKGROUND

On September 30, 2011, the BLM issued Washington Office Instruction Memorandum (IM) No. 2010-117 *Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews*. This IM establishes a process for ensuring orderly, effective, timely and environmentally responsible leasing of oil and gas resources on Federal lands. This policy establishes the Master Leasing Plan (MLP) process as a mechanism for completing the additional planning, analysis, and decision making that may be necessary

prior to new leasing within the Moab MLP area. Although the policy for MLPs is specific to oil and gas leasing, the principles involved are also applicable to potash leasing in the planning area.

In accordance with the policy stated above, the BLM Canyon Country District Office is initiating a planning effort to prepare the Moab MLP, possible amendments to the Moab and Monticello Resource Management Plans (RMPs), and a single EIS. The MLP process will enable the Moab and Monticello Field Offices to 1) evaluate in-field considerations such as optimal parcel configurations and potential development scenarios; 2) identify and address potential resource conflicts and environmental impacts from development; 3) develop mitigation strategies; and 4) consider a range of new constraints, including prohibiting surface occupancy or closing areas to leasing. The outcome of the MLP process may result in new mineral leasing stipulations and development constraints accomplished through amendments to the land use plans (Moab and Monticello RMPs). The EIS will analyze likely development scenarios and land use plan alternatives with varying mitigation levels for mineral leasing.

PLANNING CRITERIA

The planning criteria define the decision space (or the sideboards that define the scope of the planning effort); they are generally based upon applicable laws, BLM policy, and the results of public and governmental participation (43 CFR 1610.4-2). Preliminary planning criteria include the following:

- The MLP will focus on mineral leasing decisions only.
- The MLP will recognize valid existing rights.
- Lands addressed in the MLP will be public lands (including split estate lands) managed by the BLM.
- The BLM will use a collaborative and multi-jurisdictional approach, where possible, to jointly determine how mineral leasing will be managed.
- As described by law and policy, the BLM will strive to ensure that its management decisions are as consistent as possible with other planning jurisdictions within the planning area boundaries.
- Development scenarios will be prepared for oil, gas, and potash based on historical, existing and projected levels.
- Management decisions will consider a range of alternatives that focus on development scenarios and varying mitigation levels based on the relative values of resources.
- The socioeconomic impacts of the alternatives will be addressed.
- The BLM will use current scientific information, research, technologies, and results of inventory, monitoring, and coordination to determine appropriate decisions for mineral leasing.
- The BLM will coordinate with Native American Tribal Governments to identify sites, areas, and objects important to their cultural and religious heritage within the planning area.

SETTING

Geographic Setting

The geographic area being considered in the planning process includes a portion of BLM-administered public lands and federal mineral estates managed by the BLM's Moab Field Office in Grand County, and a small area of BLM-administered public lands managed by the Monticello Field Office in San Juan County (Map 1-1). The planning area covers approximately 783,000 acres of public lands in east-central Utah south of Interstate 70. The area surrounds the town of Moab and wraps around Arches National Park. The western boundary is the Green River and the northeastern boundary of Canyonlands National Park. To the south of Moab, the eastern boundary is U.S. Highway 191. This area encompasses a mix of

Administrative Setting

The majority of the public lands within the planning area are managed by the Moab Field Office. Approximately 579,438 acres (61% of the planning area) are managed by the Moab Field Office and 203,943 acres (22% of the planning area) are managed by the Monticello Field Office. An additional 13% of land in the planning area is State Trust Lands, administered by the Utah School and Institutional Trust Lands Administration (SITLA). Land ownership in the planning area is depicted in Table 1-1. The planning area surrounds Arches National Park, with the exception of the southeast side of the park, and also borders Canyonlands National Park to the north and east. Privately-owned lands are concentrated primarily around the major transportation routes, river corridors, and areas suitable for agricultural development.

Table 1-1. Land Status in the Planning Area

Land Ownership	Approximate Acreage	Percent of Planning Area
BLM (Moab Field Office)	579,438	61
BLM (Monticello Field Office)	203,943	22
SITLA	126,281	13
Private	32,430	3
State Parks, County, City, Wildlife Park, and Outdoor Recreation Area	4,377	1
Total	946,469	100

COLLABORATION AND CONSULTATION

Cooperating Agencies

A cooperating agency is “an eligible governmental entity that has entered into a written agreement with the BLM establishing cooperating agency status in the planning and the National Environmental Policy Act (NEPA) process”. The BLM and the cooperating agency will work together under the terms of the agreement. Cooperating agencies will participate in the various steps of the BLM’s planning process as feasible, given the constraints of their resources and expertise” (43 CFR 1601.0-5 (e)). The BLM collaborates with cooperating agencies in identifying issues, collecting inventory data, formulating alternatives, estimating effects of the alternatives and developing a preferred alternative. The BLM has invited the following government entities to become cooperating agencies for the MLP, all of whom have accepted:

- Grand County
- San Juan County
- State of Utah
- The National Park Service (NPS) (U.S. Department of Interior [DOI])

While the U.S. Environmental Protection Agency (EPA) and the U.S. Fish and Wildlife Service are actively involved in the planning process, they are not formal cooperating agencies.

Native American Consultation

As part of the planning process, the BLM has initiated consultation with culturally affiliated Native American Tribes. Early and continued consultation with Native American tribes throughout the planning process is an integral part of developing comprehensive planning documents which seek input from all affected and interested individuals, groups and organizations. Table 1-2 contains a list of tribes specific to this planning effort.

Table 1-2. Native American Tribes Contacted for Consultation

Tribal Organization	
Hopi Indian Tribe	Navajo Nation
Pueblo of Acoma	Pueblo of Jemez
Pueblo of Laguna	Pueblo of Santa Clara
Pueblo of Zia	Pueblo of Zuni
Paiute Indian Tribe of Utah	Southern Ute Tribe
Uinta and Ouray Reservation	Ute Mountain Ute Tribe
White Mesa Ute Tribe	

To date, only the Hopi Indian Tribe has responded to the consultation letter sent by BLM on January 19, 2012. The Hopi accepted BLM's invitation to become involved in the MLP process, and on April 18, 2012, a meeting between representatives of the Hopi Cultural Preservation Office and BLM staff was held at the Hopi Cultural Preservation Office in Kykotsmovi Village, Arizona, to discuss the MLP and any general issues and concerns.

THE PUBLIC SCOPING PROCESS

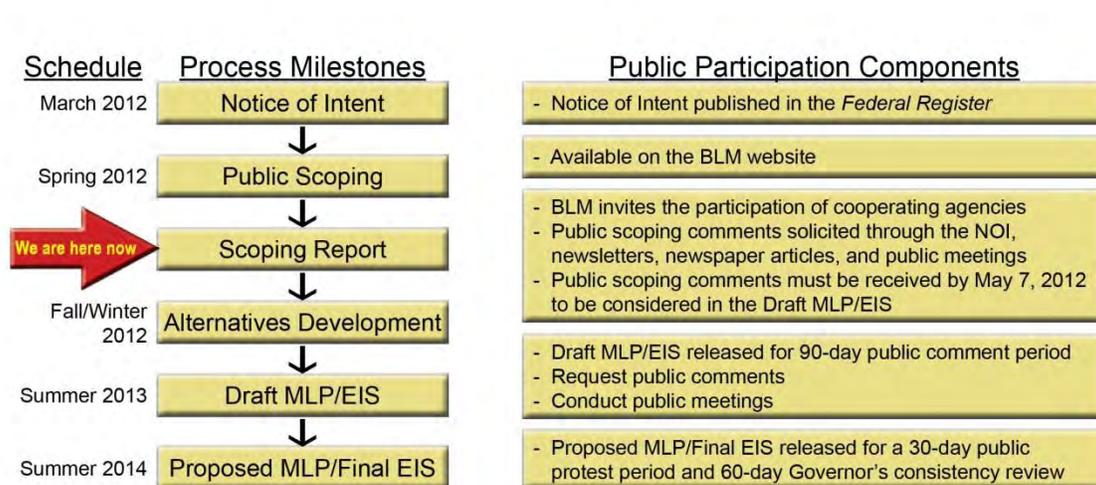
In March 2012, the BLM initiated the public scoping period with the publication of NOI to prepare an MLP and amend the Moab and Monticello RMPs (see Federal Register, May 5, 2012, Vol. 77, No. 43, pages 13141-2). Public scoping is required by NEPA in the early stages of developing an EIS to determine the scope and significance of issues related to a proposed action such as the development of an MLP or RMP amendment (40 CFR 1501.7). Scoping identifies issues important to the management of the MLP and Moab and Monticello Field Offices, as well as issues and conflicts to be examined through the planning process and in the MLP.

The importance of public scoping becomes evident as the planning process progresses. Public comments regarding issues that should be addressed are categorized in one of the following:

1. Issues to be addressed in the MLP (described in Chapter 3 of this report);
2. Issues addressed through policy or administrative actions (Chapter 4); or
3. Issues beyond the scope of the MLP (Chapter 4).

Alternatives will be developed for issues to be addressed through this planning process. The alternatives will be addressed in the draft EIS. Figure 1-1 below charts the progress of this process.

Figure 1-1. Moab MLP Schedule and Public Participation Components



The formal public scoping process is shown in Figure 1-2. Although the formal scoping period ended on May 7, 2012, there will be additional opportunities for focused public input throughout the planning process.

Figure 1-2. Formal Public Scoping Process



Initial Activity

- Scoping begins
- Schedule public scoping meetings
- Develop and issue consultation letters

Meeting Preparation

- Develop and mail planning newsletter
- Develop meeting and presentation materials
- Issue press releases

Public Meetings

- March 27 – April 3, 2012
- Hold public scoping meetings in Moab, Monticello, and Salt Lake City

Close of Formal Scoping

- Public scoping period closes

PUBLIC SCOPING MEETINGS

Public scoping meetings provide an opportunity for interested parties to submit scoping comments and to be involved early in the planning process (40 CFR 1501.7).

Meeting Logistics and Attendance

The NOI (Appendix B) announced the BLM would hold public scoping meetings. The dates, meeting locations and times, as well as instructions for providing comments by May 7, 2012, were later announced in a press release provided to newspapers throughout the planning area and in Salt Lake City, Utah (Appendix C). The BLM held scoping meetings in Moab, Monticello and Salt Lake City. These meetings were announced in the local media and the planning newsletter (Appendix D). The newsletter was mailed to individuals, organizations, and agencies and passed out at each of the scoping meetings.

The planning newsletter announced the meeting locations and times, and included instructions for submitting scoping comments. It explained the need for the MLP and included background information about the MLP process, and also requested public input about potential issues that could be considered throughout the planning process. The same information about the scoping meetings was also available on the BLM's website (<http://www.blm.gov/ut/st/en/fo/moab/MLP.html>).

The three public scoping meetings were held over a one-week period in March and April 2012. The total registered attendance for all three meetings was 100 people (Table 1-3).

Table 1-3. Meeting Location/Attendance

Meeting Location	Meeting Date	Registered Attendance
Monticello, UT	March 27, 2012	8
Moab, UT	March 28, 2012	66
Salt Lake City, UT	April 3, 2012	26
Total		100

The meetings were conducted in an open house type format with attendees coming and going throughout a two hour period. BLM resource specialists from a number of resource area disciplines were also available to answer questions and provide additional information on these and other specific issues throughout the meeting. Several informational posters and maps regarding specific resource uses and issues were displayed (Appendix E). These posters and maps served as a starting point for attendees to frame comments and raise issues with the resource specialists, and helped participants to provide feedback and comments on specific policies and issues. A number of useful comments came from these interactions and will be used in framing alternatives for the EIS.

Printed information available for participants to take with them included informational fact sheets and maps. Comment forms were also available for attendees to make scoping comments and hand them in at the meeting, or take the form with them and mail it to the BLM. Information presented at the public scoping meetings can be found in Appendix F of this report.

Although the meetings were well attended and comment forms were provided at the meetings, most commenters chose not to fill out comment forms at the meetings. Only 4 comments were received at the

meetings (Table 1-4). However, another 14 comments were written on the forms handed out at the meetings and delivered to BLM later.

Table 1-4. Number of Comment Forms Received at Scoping Meetings

Meeting Location	Number of Comment Forms Received
Moab, UT	2
Monticello, UT	1
Salt Lake City, UT	1
Total	4

CHAPTER 2—SCOPING COMMENTS

METHODS OF SUBMITTAL

A total of 181 respondents submitted scoping comments. 137 submissions were electronic (i.e., email), 40 comments were delivered to the BLM as a hard copy (18 of which were handwritten on the scoping comment forms distributed at the public meetings), and 4 comments were delivered in both email and hard copy formats. Of these 181 respondents, 3 individuals submitted comments via email that were identical (i.e., a form letter) and 12 individuals submitted a single form letter in hard copy format (Figure 2-1 and Table 2-1).

Figure 2-1. Scoping Comment Submissions by Method of Submittal

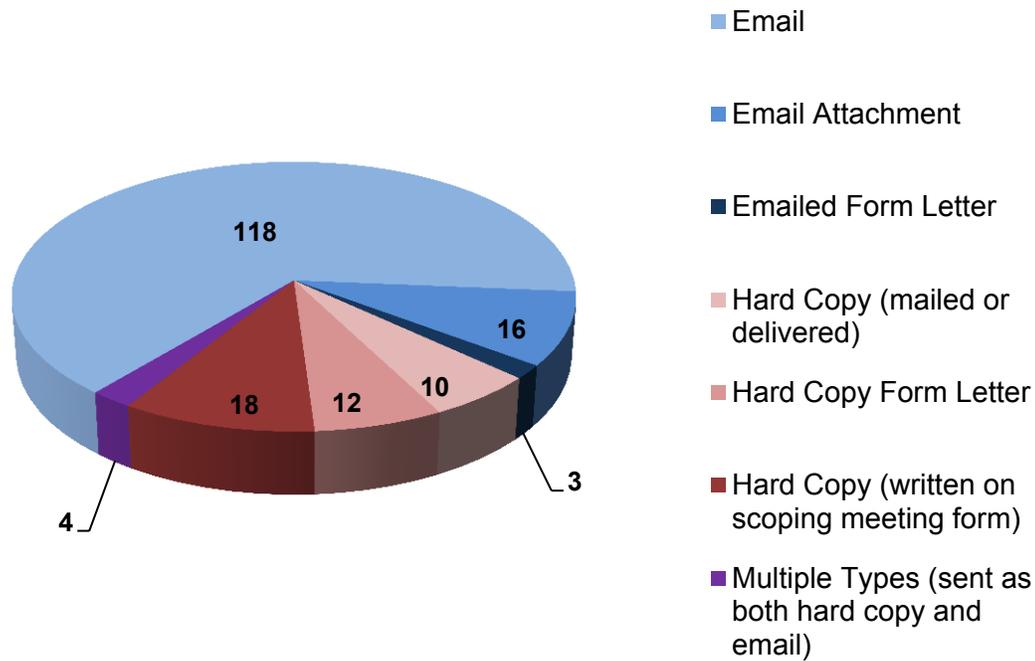


Table 2-1. Number of Comment Submissions by Method of Submittal

Method of Submittal	Number of Submissions	Percent of Total
Hard copy (e.g., mailed or delivered in person)	40	22
Electronic submission (e.g., email)	137	76
Submitted as both hard copy and email	4	2
Total Unique Comments	181	100

NUMBER AND TYPE OF COMMENTS RECEIVED

After the scoping period ended on May 7, 2012, the public comments were numbered and entered into a database. Each public comment was read in its entirety. In many cases, public comment submissions addressed more than one topic or category. In such cases, individual comments were extracted from the original submission (letter, email, etc.), recorded, and counted by topic.

Figure 2-2 and Table 2-2 indicate the number of comments identified in each resource category. This enumeration is not intended to show or indicate weighing of comment categories or bias towards any issue; it merely indicates the level of public interest in various issue areas. The comment analysis process equally considered all written and scoping meeting comments based on the issues raised and information provided.

In total, there were 319 comments extracted from the 181 individual comment submissions. Comments about the general MLP process were the most numerous, and are identified as Policy and Administration comments. This category was followed by concerns about social and economic values. Comments about water/soil, fish/wildlife, and air resources round out the top five.

Figure 2-2. Scoping Comments by Category

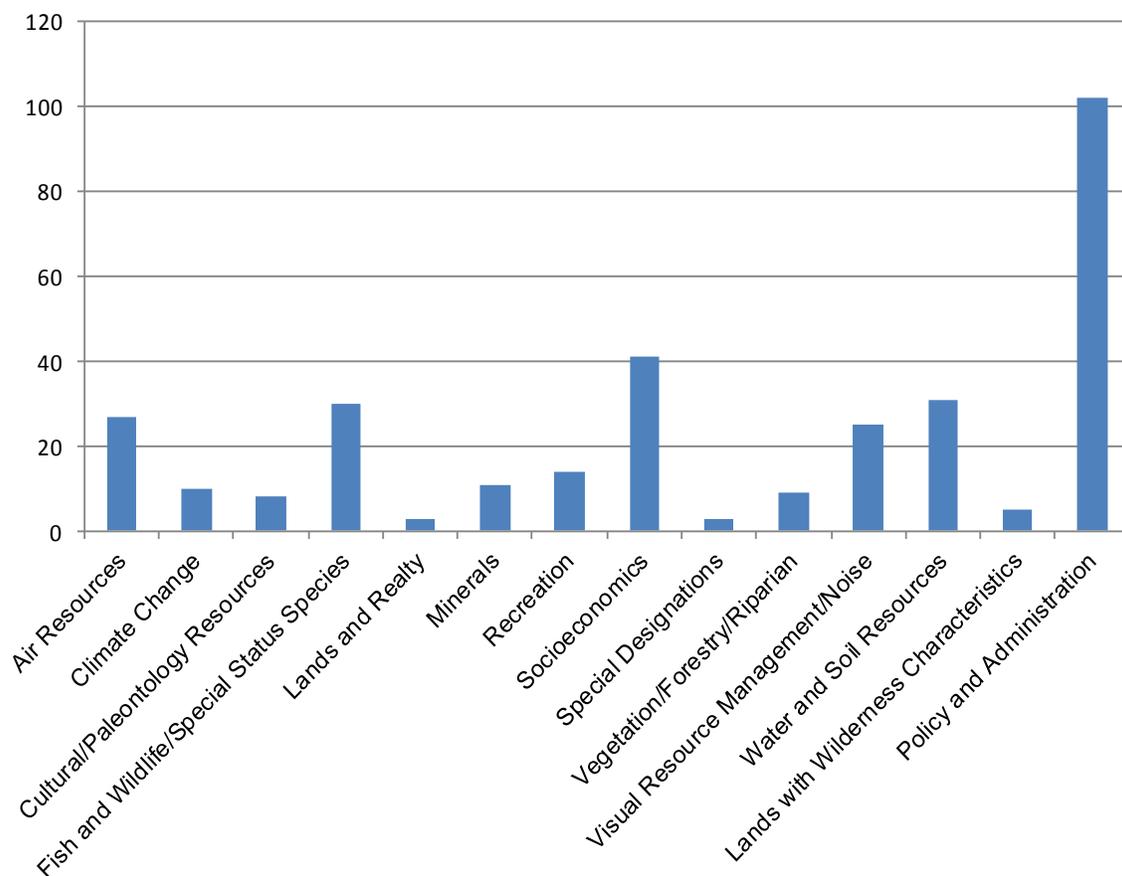


Table 2-2. Scoping Comments by Category

Comment Category	Number of Comments
Air Resources	27
Climate Change	10
Cultural/Paleontology Resources	8
Fish and Wildlife/Special Status Species	30
Lands and Realty	3
Minerals	11
Recreation	14
Socioeconomics	41
Special Designations	3
Vegetation/Forestry/Riparian	9
Visual Resource Management (VRM)/Noise	25
Water and Soil Resources	31
Lands with Wilderness Characteristics	5
Policy and Administration	102
Total	319

SUMMARY OF WRITTEN COMMENTS

The following section contains a summary of the varied comments received during the public scoping period. This summary also includes those comments that are addressed through policy or administrative actions, or those that are considered out of scope of the MLP (Chapter 4).

Air Resources

A number of comments were received regarding air resources, all of which stressed concern about the deterioration of air quality caused by airborne pollutants and fugitive dust. A number of comments also emphasized that BLM ensure any oil, gas, or potash development be managed so as to maintain or improve the current air quality of the region. A number of commenters stated that BLM should conduct air quality modeling. Commenters indicated that an accurate reasonably foreseeable development (RFD) scenario be developed to better assist in developing an emissions inventory of criteria pollutants, volatile organic compounds, and hazardous air pollutants. Multiple comments emphasized the importance of implementing dust suppression methods and that BLM should create an emissions inventory for fugitive dust. Respondents also highlighted the importance of protecting the surrounding Class 1 air sheds of the neighboring national parks. Some comments suggested that the MLP needs to accurately quantify and address air quality impacts. Other comments indicated that BLM management should implement mitigation measures and appropriate design features which provide protection to air quality.

Climate Change

Most of the comments regarding climate change indicated that the link between greenhouse gases (GHGs) and climate change must be addressed. Respondents also indicated that BLM include an analysis and disclosure of GHG emissions and climate change, including reasonable alternatives and/or potential means to mitigate project-related GHG emissions. Comments suggested that the MLP address how climate change in conjunction with planned leasing and development could cumulatively effect vegetation, wildlife, and other resources in the MLP area. A number of respondents provided various references and literature sources for BLM to review or follow when assessing climate change.

Cultural/Paleontology Resources

Comments regarding cultural and paleontology resources primarily emphasized their importance and stressed that mitigation measures be implemented to protect potential sites that have yet to be discovered. A number of respondents indicated that because of the extent of unknown sites BLM should conduct surveys and update existing inventories. Respondents also indicated that any segments of the Old Spanish Trail located in the planning area be mapped and that management prescriptions be applied to assure that the trail is protected.

Fish and Wildlife/Special Status Species

Fish, wildlife, and special status species comments primarily focused on the health, protection and restoration of wildlife habitat. Commenters stressed that management should address the compatibility of mineral and potash development with maintaining or improving fish and wildlife populations and habitat. Comments addressed the current conditions of fish and wildlife habitat and threats to the health of the habitat, such as fragmentation from mineral and potash development. Many comments emphasized the need to implement appropriate stipulations that would protect wildlife during sensitive times. Some comments provided more specific suggestions of how facilities should be developed to protect wildlife and their habitat. Respondents recommended that BLM utilize all existing scientific literature regarding wildlife to inform its management decisions. Comments also pointed out the need for appropriate mitigation measures that addressed restoration after construction and upon decommissioning of oil and gas wells.

Lands and Realty

All of the lands and realty comments were in relation to the ability for SITLA and private entities to have the ability to utilize their mineral rights. Comments stated that because most of the SITLA and private lands are small scattered single parcels, if BLM did not recognize mineral rights on these lands and created broad scope restrictions that the mineral rights of these lands could not be developed.

Minerals

A number of respondents stated that oil and gas development should not be allowed in the planning area and that the natural beauty and integrity of the area should be maintained. These comments often referred to the protection of recreation values, wildlife habitats, and scenic qualities of the area. Respondents also indicated that in order for the MLP to effectively analyze oil and gas development, an updated RFD would be required. Many commenters indicated that they realized that oil and gas development would likely occur; however, they stressed that development be done in an environmentally sensitive way and that appropriate protections be applied to the other resources found within the planning area. Some

respondents provided suggestions of BMPs and mitigation measures that they felt should be implemented during site specific analysis of any oil or gas development.

A number of comments stated that potash should not be included in the MLP process and that the existing RMPs adequately identified areas that were closed to mineral development or were identified as No Surface Occupancy. They indicated that prior to any development there would be sufficient environmental review to insure that unnecessary impacts to other resources were mitigated or avoided. Other respondents stated the need for exploration to occur in order to develop an accurate RFD and that if this did not occur, the MLP would not utilize appropriate projections in the analysis. Many respondents commented that the MLP would stifle development and approval of applications that have already been submitted. Commenters also pointed out the importance of water resources and questioned if potash development was a viable development option due to limited water supplies. It was also indicated that the Paradox Basin is believed to have a significant amount of potash potential and that the EIS should address the domestic and international need for potash. Respondents worried that the MLP would result in greater constraints and restrictions to exploration and development. Other respondents expressed concern about the impacts of potash development on the landscape and other impacts such as transportation, dust and air pollution, and water systems.

Recreation

Recreation comments generally indicated that that the region currently relies on tourism and recreation as its primary economic driving force and that BLM should consider the impacts of oil, gas, and potash leasing on these vital assets. Many respondents identified areas and trails of recreation interest located within the MLP that they believed should be protected from mineral development. Some commenters asserted that the recreation use and economic values associated with recreation and tourism have proven to be sustained and questioned the potential “boom and bust” that may result from oil, gas, and potash development.

Socioeconomics

Comments related to social and economic values were essentially split. About half of the respondents indicated that the recreation and tourism industry is the primary economic driving force in the region and that it should be protected. The other respondents stated that the MLP should consider the socioeconomic impacts from oil, gas, and potash leasing and development and should consider the economic loss if this type of development did not occur. Respondents were worried about the potential “boom and bust” of oil, gas, and potash development and stated that the recreation and tourism industry has proven to be a stable and an increasing economic vehicle. They also suggested that the impacts associated with development of oil, gas, and potash could negatively impact recreation. Of concern from both sides were the impacts of leasing to the health and safety of surrounding populations and that of workers, equipment operators, and transportation systems. Some respondents provided examples of other areas where the social structure of the town was significantly changed from mineral development.

Special Designations

The majority of these comments indicated that special designation areas be withdrawn or otherwise protected from mineral development. Other comments suggested that National Parks should be expanded or that at the very least a buffer area should be placed around existing National Parks to protect soundscapes and viewsheds.

Vegetation/Forestry/Riparian

Respondents were primarily concerned with the effects of surface disturbance on vegetative communities and reclamation efforts. Some commenters suggested that stipulations such as no surface occupancy be implemented in some vegetative communities. Others suggested that management address soil stabilization, soil nutrient cycles, watershed health, and the aesthetic role that vegetation has on the landscape. Respondents also suggested that the role of climate change and severe, sustained drought conditions be taken into consideration. In addition, several comments requested that the control and eradication of noxious weeds and invasive non-native tree species be addressed. Regarding reclamation, commenters suggested that techniques such as soils stockpiling, interim seeding for soil stabilization, maintaining soil biotic communities, and plant salvaging be implemented. Respondents also suggested that the use of native species be required unless local conditions indicated the use of non-native species was more effective.

Visual Resource Management/Noise

Several individuals commented specifically on visual resources. The majority of those comments asserted that the scenic quality of the landscape in and around the planning area is world renowned and provides a significant economic asset to the entire region. Comments stated that the visual integrity of the area needed to be maintained. Respondents also stated that national and state parks surrounding the planning area should be considered in the MLP analysis and that the preservation of dark night skies should be maintained.

Water and Soil Resources

Comments regarding water resources primarily addressed the availability, use, and quality of water supplies. One of the major concerns was the quantity of water needed for potash development. Comments suggested that potash development should not be allowed due the lack of adequate water supply, coupled with existing drought conditions. Comments emphasized that if such types of development were to occur that produced water should be reused. Comments regarding water emphasized the need for management to develop and implement specific stipulations to mitigate water resource impacts. There were a number of comments that suggested BLM assess and inventory the planning area and generate maps that identified all water resources and uses. Many comments addressing soil, wetlands, riparian, and floodplains were similar to those of water resources. These included the need to identify specific measures to mitigate impacts from mineral and potash development as well as conducting updated inventories. Respondents also commented that management needed to address erosion caused from surface disturbing activities associated with mineral and potash development.

Lands with Wilderness Characteristics

The majority of the wilderness-related comments emphasized the need to provide protections to these areas, and most respondents suggested that no leasing should be allowed within these areas. Additionally, a number of comments provided various policy statements that directed BLM in making management decisions.

Policy and Administration

In large part, those comments that addressed policy and administrative actions, or are out of the scope of the MLP, were in suggestion format. The majority of the suggestions made were issues that the BLM has to carry out in the MLP planning process. Examples included following or complying with guidance's,

policies and acts; ensuring that the public and various agencies were involved in the planning process; and suggestions of what should be included in the MLP EIS document such as an accurate reasonable foreseeable development scenario, analysis of impacts, and the use of best available data. A large number of policy and administrative comments also addressed recognition of valid and existing rights and the suspension of mineral leasing during the MLP process.

The majority of the out of scope comments were related to resource areas not being addressed in the MLP, such as Wild and Scenic Rivers or Areas of Critical Environmental Concern (ACECs). These comments identified rivers that should be considered for inclusion in the Wild and Scenic River program and areas that should be designated as ACECs. Some comments identified areas within the planning area that should be designated as Wilderness Study Areas (WSAs). There were also several comments suggesting that alternative energy should be utilized instead of the use of oil and gas and potash while several other comments indicated that the MLP process was not necessary. For the purposes of the MLP, such comments are out of scope.

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CHAPTER 3—ISSUES IDENTIFIED DURING SCOPING TO BE ADDRESSED IN THE MLP

Scoping is a dynamic process that assists with identifying issues to be addressed in the MLP. The BLM Land Use Planning Handbook (BLM-H-1601-1) defines planning issues as disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices. Issues include resource use, development, and protection opportunities for consideration in the preparation of the MLP.

The issues were derived from the public comments identified in Appendix A which are categorized by topic. Each issue was developed as a position-neutral statement or question that sets the groundwork for development of alternative solutions which are analyzed in the EIS.

The following list is a compilation of scoping issues raised to this point in the process. Issues are organized by topic and similar issues were grouped together where possible. The issues are not ordered based on the number of comments received or perceived importance of the issues. Since the scoping process is dynamic and continual, scoping issues are subject to change throughout the planning process as new conditions and/or information are identified.

Air Resources

- 1) How would the MLP address emissions and pollutants affecting air quality resulting from oil and gas and potash development?
- 2) Would the MLP process require quantitative modeling to determine impacts to air quality and/or air quality related values (AQRVs)?
- 3) What mitigation measures and design features are necessary to address potential impacts to air quality or AQRV?
- 4) How would the MLP address cumulative impacts on air quality resources (including dust generation) that occurred from oil and gas and potash development?
- 5) How would the MLP address fugitive dust and dust suppression associated with mineral operations?
- 6) How would the MLP address impacts to air quality (including the Class I areas of Arches and Canyonlands National Parks), AQRVs, and compliance with the NAAQS?
- 7) What management actions in the MLP are required to address emission standards or limitations, BMPs, and control technologies?

Climate Change

- 1) What design features and technologies are necessary to minimize contributions to climate change?
- 2) Would the MLP address contributions from fugitive dust on early snowmelt?
- 3) How would the MLP address GHG emissions and their contributions to climate change including secondary effects on soil health, vegetation growth, wildlife, and water availability?
- 4) What measures are necessary to reduce GHG emissions?

Cultural/Paleontology Resources

- 1) How would the MLP provide protection for discovered and undiscovered paleontological and cultural resources?
- 2) What are the potential direct and indirect impacts to cultural resources resulting from roads built for extraction activities?

- 3) How would the MLP address the protection of Old Spanish Trail segments (Blue Hills and Moab Trail Segments) located within the planning area and the viewshed of these segments?
- 4) Where would prehistoric rock art and historic features require protection from fugitive dust?

Fish and Wildlife/Special Status Species

- 1) How would the MLP address impacts to wildlife, such as increased noise, traffic, and surface disturbance?
- 2) What lease stipulations and BMPs for oil, gas, and potash leasing are to protect fish and wildlife habitats found within the MLP area?
- 3) How would the MLP address disruption of migration corridors?
- 4) How would the MLP protect special status species?
- 5) How would the MLP address impacts to migratory birds and their habitats?
- 6) What BMPs are necessary to protect migratory birds from contact with hazardous materials associated with mineral development?
- 7) What leasing stipulations are needed to protect deer, elk, bighorn sheep, and pronghorn?
- 8) How would the MLP address habitat fragmentation?
- 9) What protections are necessary to protect raptors?
- 10) How would the MLP provide protections to areas such as springs, riparian areas, and wetlands that provide habitat to fish and wildlife species?
- 11) How would the MLP incorporate protections for Threatened and Endangered species as specified by the US Fish and Wildlife Service?
- 12) What lease stipulations are necessary to protect the 100 year floodplain to the Colorado and Green Rivers which constitutes designated critical habitat for 4 federally endangered fish?
- 13) Would the MLP address pipeline shut-off valves for designated critical habitat for T&E species?
- 14) What impacts to fish habitats would result from water depletions due to mineral development?
- 15) How would the MLP address updated wildlife inventories?
- 16) How would the MLP address wildlife displacement including secondary impacts from visual, auditory, and fugitive dust?
- 17) How would the MLP address impacts to birds from powerline construction?
- 18) What surveys are needed for protection of wildlife species prior to mineral activities?
- 19) What design criteria, monitoring, and mitigation are necessary to provide protection to fish and wildlife habitats?

Lands and Realty

- 1) How would the MLP address potential impacts to adjacent land owners resulting from mineral development?
- 2) How would leasing decisions in the MLP affect mineral leasing and development of State lands and private inholding?

Minerals

- 1) What areas would be available for mineral development and what restrictions would be imposed to protect resource values and the recreation economy?
- 2) Where should the MLP establish corridors for roads, pipelines, and transmission lines in order to reduce impacts to natural resources?
- 3) What restrictions are necessary for the transportation of minerals to protect other users of public lands?

- 4) What restrictions on mineral development are necessary to prevent rock falls along cliff faces which impose a public safety hazard?
- 5) How would the MLP result in reducing the impacts of mineral leasing and development to air quality, water quality, wildlife habitat, viewsheds, and recreational opportunities?
- 6) What BMPs are needed to reduce impacts from mineral development such as noise, lights, dust, and pollution?
- 7) What BMPs are needed to protect birds from the impacts of potash evaporation ponds and pits?
- 8) How would the MLP address subsidence associated with underground solution mining operations?

Recreation

- 1) How would the MLP reduce impacts to recreation use and visitor experience resulting from mineral activity and development such as noise, visual impacts, and emissions?
- 2) What restrictions are necessary to protect viewsheds associated with recreation experiences?
- 3) How would the MLP protect high use recreation opportunities and assets that occur on roads, trails, and sites that support hiking, biking, OHVs, camping, equestrian, and rock climbing from mineral development?
- 4) How would the MLP protect the non-motorized recreation focus areas designated in the Moab RMP?
- 5) How would the MLP protect commercially marketed recreation assets such as Jeep Safari routes and non-motorized trails from mineral development?

Socioeconomics

- 1) How would the MLP consider the economic sustainability of recreation and tourism as compared to mineral development?
- 2) How would the MLP consider the social impacts that mineral development has on the demographics and social institutions of affected communities?
- 3) How would the MLP address the health and safety of surrounding local populations and recreationists?
- 4) How would the MLP address environmental justice?
- 5) How would the MLP address non-market values as well as ecosystem services such as visual and air quality and water resources?
- 6) How would the MLP address potential economic impacts directly related to both mineral development and recreation activities, such as employment and labor income, pay levels, rents and royalties, and fiscal (severance and property taxes) benefits to state and local governments?
- 7) Would the MLP address the potential impacts associated with mineral development to the local communities and population changes, such as housing, demographics, and local vs. non-resident labor?
- 8) How would the MLP address the economic impact of increased mineral development on the recreation economy in general and on the commercial recreation sector in particular?

Special Designations

- 1) What restrictions or stipulations are necessary to protect special designation areas (ACECs, Wild and Scenic Rivers, and National Historic Trails)?

Vegetation/Forestry/Riparian

- 1) What protective measures for vegetation are necessary such as reclamation, soil stockpiling, interim seeding, vegetation salvaging, and soil stabilization?

- 2) How would the MLP address the control of noxious weeds and invasive species?
- 3) How would the MLP protect wetlands, riparian areas, and seeps/springs?
- 4) Would a monitoring program be implemented to ensure that reclamation efforts are successful?
- 5) What restrictions are necessary to protect the Isley milkvetch and the Cisco milkvetch (sensitive plant species proposed for T and E listing) from mineral development?

Visual Resource Management/Noise

- 1) How would the MLP protect sensitive visual resources including economically valuable assets such as recreation sites and roads; hiking, bicycle, and equestrian trails; scenic overlooks; Scenic Byways; river corridors; and lands with special designations?
- 2) What provisions are necessary to protect night skies and distant views?
- 3) How would the MLP protect important viewsheds from National and State parks?
- 4) What BMPs and design features such as screening, lighting, paint color, and hiding of mineral development facilities are needed to maintain the visual quality of the area?
- 5) What restrictions are necessary to protect high use recreation areas and residential areas from the impacts of noise associated with mineral development?
- 6) How would the MLP address residential viewsheds?
- 7) Would the MLP utilize an updated visual resource inventory?

Water and Soil Resources

- 1) What mineral leasing stipulations are necessary in order to protect municipal watersheds, aquifers, water supplies to national parks and other users, wetlands, springs, seeps, rivers, and riparian areas?
- 2) How would the MLP identify and address major, shallow, and sensitive aquifers, groundwater recharge areas, and potential underground sources of drinking water?
- 3) How would the MLP address Sole Source Aquifers, Drinking Water Source Protection Zones, and Municipal Watersheds?
- 4) How would the MLP address water uses such as surface water and groundwater use including the location and source identification of agricultural, domestic, and public water supply wells, springs, or surface water intakes.
- 5) How would the MLP identify and address surface water quality and impaired or threatened water body segments?
- 6) How would the MLP disclose the water needs of projected development?
- 7) Would the MLP require a water management plan and water monitoring plan for mineral projects to protect nearby water uses?
- 8) How would the MLP address impacts to surface and groundwater from waste management, solution mining, oil and gas well drilling?
- 9) How would the MLP address the effect of sedimentation from mineral development on surface water quality?
- 10) How would the MLP impose stipulations to avoid and mitigate potential significant impacts to water resources?
- 11) What BMPs are needed to protect surface and groundwater resources?
- 12) How should the MLP address soils, sensitive soils, biological soil crusts, and components of their health?
- 13) How would the MLP address soil erosion and the potential impacts to wildlife from mineral development?
- 14) What stipulations are necessary to protect steep slopes?
- 15) How would the MLP address secondary impacts to fish and wildlife from water usage associated with mineral development?

16) What BMPs are needed to protect stream crossings and ephemeral washes?

Lands with Wilderness Characteristics

1) What management actions and/or stipulations are needed to protect lands with wilderness characteristics from mineral development?

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CHAPTER 4—ISSUES ADDRESSED THROUGH POLICY OR ADMINISTRATIVE ACTIONS AND ISSUES OUTSIDE THE SCOPE OF THE MLP

ISSUES ADDRESSED THROUGH POLICY OR ADMINISTRATIVE ACTIONS

Policy or administrative actions include those actions that are implemented by the BLM as a standard operating procedure, because law requires them, or because they are the policy of the BLM. These actions do not require a planning decision to implement. The following issues are addressed through policy or administrative actions:

- 1) Compliance with current BLM regulations, policies, guidance, IMs, and Memoranda of Understanding (MOUs).
- 2) Coordination and involvement with local, state, and federal agencies as well as the public and stakeholders.
- 3) Not adhering to Secretarial Order 3310, pertaining to the protection of lands with wilderness characteristics, which is rescinded.
- 4) WSAs are closed to mineral leasing and are excluded from the MLP area.
- 5) Inventory of wilderness characteristics in accordance with BLM Manual 6310.
- 6) Analysis of impacts (including short term, long term, and cumulative), considering a range of alternatives (including a no leasing alternative), mitigation, and monitoring in accordance with the National Environmental Policy Act.
- 7) Enforcement of management decisions.
- 8) Use of the best available data.
- 9) Preparation of a reasonably foreseeable development scenario for potash that includes the best available data regarding all forms of potential potash development, projected numbers of mining and processing operations, and estimated water and energy use.
- 10) Use of maps displaying land ownership
- 11) Access across private land.
- 12) Fire safety.
- 13) Compliance with existing laws and policies including National Historic Preservation Act, American Antiquities Act, Native American Graves Protection and Repatriation Act, Endangered Species Act, Clean Air Act, Federal Land Policy and Management Act, National Environmental Policy Act.
- 14) Surveys for cultural and paleontological resources prior to surface disturbance associated with mineral development.
- 15) Suspension of mineral leasing during the MLP process.
- 16) Procedures regarding issuance of prospecting permits and preference right leases.
- 17) Consistency with adjoining BLM jurisdictions.
- 18) Administration of existing permits and leases.
- 19) Valid existing rights associated with leases and permits.
- 20) Bonding pertaining to mineral development.
- 21) Policy regarding climate change and greenhouse gases.
- 22) Preparation of a MLP and the inclusion of potash in the process.
- 23) Utilization of the least restrictive stipulations necessary to protect the applicable resource in accordance with BLM Washington Office Instruction Memorandum 2002-174.
- 24) Compliance with the Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development (The Gold Book)

- 25) Jurisdiction of State agencies and other Federal agencies.
- 26) Use of lease stipulations, BMPs, and adaptive management as specified in IM 2010-117.
- 27) Management decisions regarding resource values and priorities are provided in the Record of Decision for the MLP/EIS.
- 28) Use of existing roads as access routes in accordance with The Goldbook.
- 29) Compliance with the Memorandum of Understanding regarding air quality analysis and mitigation
- 30) Compliance with the Mineral Policy Act and the Mineral Leasing Act.
- 31) Closure of lands to mineral development according to the Federal Land Policy and Management Act.
- 32) Health and safety of mineral personnel.
- 33) The use of off-site mitigation is considered on a case by case specific basis at the permit stage in accordance with IM 2008-204.

ISSUES BEYOND THE SCOPE OF THE PLAN

Issues beyond the scope of the plan include all issues not related to decisions that would occur as a result of this planning process. In short, they include decisions that are outside the jurisdiction of the Canyon Country District Office or are beyond the capability of the BLM to resolve as part of the planning process. Issues identified in this category are as follows:

- 1) Exclusion of mineral leasing and development from the area proposed in America's Red Rock Wilderness Act.
- 2) Not considering the exclusion of mineral development in lands found by the BLM to possess wilderness characteristics.
- 3) Consideration of wilderness quality lands for National Monument status.
- 4) Considering alternative energy sources as substitutes for activities related to mineral development.
- 5) Changes in policy regarding the timeframe for rehabilitation and closure of drill sites.
- 6) Changes in policy regarding natural gas flaring/venting, fracking, and handling of hydrocarbon wastes.
- 7) Changes in the process for exploration and development of potash.
- 8) Addressing the national and international need for potash.
- 9) Analysis of unknown mineral technologies.
- 10) Expiration of leases where the MLP closes the area to leasing.
- 11) Designation of new ACECs (Sec. 202 FLPMA), Wild and Scenic Rivers, SRMAs, and areas managed for wilderness characteristics.
- 12) Expansion of national parks.
- 13) Protection of areas outside the MLP area.
- 14) Availability of funding and personnel for managing management decisions.
- 15) Changes to the approved Travel Plans for the Moab and Monticello RMP.
- 16) Analysis of emissions (including dust) from vehicles utilized by visitors.

CHAPTER 5—DATA AND DATA GAPS

During the scoping period, the public was encouraged to identify issues for the MLP. Additionally, individuals, organizations, and agencies were encouraged to provide the BLM with applicable data that could assist in alternatives development and/or impact analysis. For consideration in the process, the public had to provide specific information, beyond casual reference, about new data and data gaps. Public comments that simply made statements of preference were not considered new data. As with data gaps, lack of existing data would not halt the planning process. The BLM will utilize the best available data in the MLP process. With the existence of all data gaps, the BLM will comply with NEPA regulation 40 CFR 1502.22 (Incomplete or Unavailable Information).

DATA

Data provided by agencies and organizations during the public scoping period included:

- List of trails to be protected provided by Backcountry Horseman of Utah (see images attached to the original comment for the full list of trails).
- List of trails to be protected provided by Rim Tours (see the original comment for the full list of trails).
- List of rock climbing areas submitted by Friends of Indian Creek (see .kml file attached to the original comment for the full list of routes).
- Economic Contributions of Outdoor Recreation on the Colorado River & Its Tributaries (May 3, 2012). This study highlights the economic importance of the Colorado River.
- The Economic Value of Public Lands in Grand County, September, 2011. This report was compiled by Headwaters Economics.
- EPA's general recommendations for leasing stipulations to protect water resources, particularly drinking water sources, during mineral development.
- EPA approved Total Maximum Daily Load (TMDL) within the Moab MLP planning area. A TMDL establishes the maximum amount of a pollutant allowed in the water while maintaining all of its designated beneficial uses. Utah is required by law to identify polluted waters and to develop TMDL's to help address these problems.
- Water Quality Assessment: Utah's Current Integrated Report (2010). The final 303(d) list of impaired waters requiring a TMDL and delisted waters.
- *Energy by Design* offered by the Nature Conservancy as a planning tool designed to reduce conflicts between energy development and conservation.
- The National Visitor Use Monitoring (NVUM) Program; Moab Field Office.
- Current species lists from the USFWS Utah Field Office found at website: <http://www.fws.gov/utahfieldoffice/EndSpp.html>
- Suggested Practices for Avian Protection on Powerlines; State of the Art available at website: http://www.dodpif.org/downloads/APLIC_2006_SuggestedPractices.pdf
- EPA's Natural Gas Science to Achieve Results (STAR) Program. See EPA, Recommended Technologies and Practices, <http://www.epa.gov/gasstar/tools/recommended.html> (Feb. 2, 2012).
- Council of Environmental Quality prescriptions on climate change and GHG emissions.
- Efforts of the Utah's Climate Change Workgroup found at website: <http://www.deq.utah.gov/workgoups/climatechange/index.htm>.
- Hydraulic Considerations for Pipeline Crossings of Stream Channels, USDI, 2007.

DATA GAPS

During the scoping process the public identified potential data gaps and offered suggestions to remedy these gaps. In some cases the BLM has already addressed these data gaps or is in the process of collecting this data. The following is a list of all potential data gaps and suggested remedies identified during the scoping process.

Air Quality

- Utilize available baseline data for wind direction and speed to better understand how to mitigate and reduce the potential impacts of fugitive dust caused by surface disturbing activities.
- Consider dispersed modeling for all National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) pollutants. If necessary, the model would involve particulate matter and ozone which are likely important pollutants. Examples of emission types include
 - particulate matter,
 - combustion emissions,
 - VOCs,
 - nitrogen oxide,
 - criteria pollutants and
 - NAAQS (ozone, carbon monoxide, nitrogen oxides, sulfur dioxide, and lead),
 - PSD at Class I areas, and
 - AQRVs in Class I and sensitive Class II areas.

Climate Change

- Consider utilizing the modeling methodology for Climate Change found in the Supplementary Information Report prepared for the Montana, North Dakota, and South Dakota BLM, available at http://www.blm.gov/pgdata/etc/medialib/blm/mt/blm_programs/energy/oil_and_gas/leasing/eas.Par.26526.File.dat/SIRupdate.pdf. This document provides model discussion of the phenomenon of climate change as well as the preparation of GHG emission inventories.
- Adopt the recommended technologies and practices found in the EPA's Natural Gas Science to Achieve Results (STAR) Program. See EPA, Recommended Technologies and Practices, <http://www.epa.gov/gasstar/tools/recommended.html> (Feb. 2, 2012).
- Adopt the prescriptions set forth by the Council of Environmental Quality as they relate to the effects of climate change and GHG emissions.

Cultural/Paleontology Resources

- Update surveys of cultural resources within the planning area (The BLM will utilize the best available data).
- Map the Old Spanish Trail segments found within the planning area.
- Map paleontological sites within the planning area (The BLM will utilize the best available data).

Fish and Wildlife/Special Status Species

- Utilize the most recent endangered, threatened proposed and candidate species in Utah. A list of species is available at <http://www.fws.gov/utahfieldoffice/EndSpp.html>.
- Update wildlife habitat maps (The BLM will utilize the available data).

Minerals

- Map high grade deposits of minerals within the planning area by collecting geological data (The BLM will utilize the best available data).
- Expanded and further refine RFD of potash potential based on sound geophysical exploration (The BLM will utilize the best available data).
- Develop a well-conceived and accurate RFD scenario, which includes at least the reasonably likely number of oil and gas wells and potash mines or ancillary operations.

Water and Soil Resources

- Update existing groundwater and surface water data. This includes a summary of miles of streams, acreage of lakes and riparian areas and the number of springs.
- Identify existing water uses within the planning area. This includes all source water protection areas, surface and groundwater uses (i.e., agricultural, domestic, public, supply wells, springs, and surface water intakes).
- Identify Clean Water Act (CWA) impaired or threatened water body segments within or downstream of planning area including the designated use of the water bodies and the specific pollutants of concern.
- Generate inventories and maps of existing wetlands and waters of the U.S. within the planning area. Include wetlands that are regulated under Section 404 of the CWA and wetlands that are determined to be non-jurisdictional and protected under Executive Order 11990 - Protection of Wetlands (May 24, 1977).
- Identify the location and extent of groundwater recharge areas, the location of shallow and sensitive aquifers that are susceptible to contamination from surface activities, and the location of existing and potential underground sources of drinking water.

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APPENDIX A—WRITTEN PUBLIC SCOPING COMMENTS

INTRODUCTION

This appendix contains public comments received during the scoping period for the Moab Master Leasing Plan (MLP) and associated Environmental Impact Statement (EIS). This includes comments received in all formats (i.e., hard copy letters and emails). All of the comments submitted during the scoping period were read and individual comments were identified and entered into an Access database. Each comment was categorized by topic.

As these comments are taken from public submissions, they may contain inconsistencies in spelling, terminology, acronyms, references, or inconsistent or inaccurate policy statements. These were not corrected in this appendix. Terminology and acronyms were carried over from the original comments without an attempt to interpret or define them. In addition, comments that contained verbatim identical text were not duplicated in this appendix or in the comment or issue analysis, as the National Environmental Policy Act (NEPA) or the Federal Land Policy and Management Act (FLPMA) does not require or encourage accounting for simply the number of comments (e.g., votes), but the addressing and identification of issues to consider in the environmental impact statement (EIS).

ISSUES RAISED BY THE PUBLIC TO BE ANALYZED IN THE MASTER LEASING PLAN

Air Resources

Comment: Canyonlands and Arches National Parks are Class 1 air sheds under the Clean Air Act. Several of the resources in these parks, such as visibility, vegetation, and wildlife, known as Air Quality Related Values (AQRVs) under the Clean Air Act, are provided additional protection from the harmful effects of air pollution. The National Ambient Air Quality Standard for ozone is .75 ppm or below for all areas of the country. Canyonlands is barely meeting that standard. In 2008, ozone levels at Canyonlands reached .75 ppm. As a part of the Master Leasing Plan it will be important to determine whether additional safeguards will be needed to keep the area in attainment and to protect AQRVs.

Comment: Fugitive dust, another air quality matter, should also be a planning issue because development-related activities have the potential to exacerbate emissions of fugitive dust which can adversely affect air quality and other environmental attributes far downwind of source areas.

Comment: More time should be taken to adequately study cumulative air impacts establishing baseline information for existing impacts from industrial development in the region covered by the MLP EIS and from the reasonably foreseeable development scenario (RFDS) proposed as required by NEPA. The population of Grand and San Juan counties is nearly 27,000 residents and visitors annually are about 2 million, and any heavily concentrated oil/gas development scenario such as may be possible in the MLP EIS, which augments existing impacts, should assess possible effects on human health.

Comment: The MLP EIS must assess methane emissions.

Comment: The MLP EIS must assess black carbon or soot emissions.

Comment: Effects of blowing dust from unstable soils on human (and animal) health has been documented. In our area for example, the Mancos shale contains mercury and arsenic, among other constituents and fine particles (PM10), that when disturbed, can be entrained by the wind and then available to be inhaled, possibly resulting in respiratory ailments.

“The situation in the West has gotten much worse in the past five years, since drought set in. And climatologists say there are signs this is just the start of a 30-year pattern known as a megadrought. The research on crusties [biological soil crusts] was based on their life during wetter years.We don't have any idea of how what we now know applies to the future, if it's going to be a lot drier,” Belnap says.”

The uncertainty expressed in Belnap’s statement underscores that the BLM must address the potential effects on soils of changing climate scenarios as it proceeds with this planning process.

Comment: Fugitive emissions from oil and gas development infrastructure including pipelines, compressor stations, wells, storage tanks and transport trucks is a major source of methane, Volatile Organic Chemicals and Hazardous Air Pollutants, all of which are unmonitored and unmeasured. The MLP EIS must assess and acknowledge impacts from fugitive emissions.

Comment: By far our leading concern is deterioration in the air quality in our region caused by dust and air-borne pollutants. It is important that baseline data for wind direction and speed be included, particularly for existing and new leases for potash drilling, mining and processing as well as for natural gas production and pipelines. Plans for monitoring and reducing threats to air quality must be required for exploration, drilling, and recovery of oil, gas and potash resources.

Comment: The BLM should prepare modeling for all NAAQS pollutants but particularly for fine particulates (PM2.5) and ozone, which are likely important pollutants here. In addition, the Moab MLP should disclose that the EPA will be revising the ozone NAAQS to a lower standard a standard which the Moab area will likely violate, according to current monitoring from Canyonlands. For this reason it is critical that the Moab MLP consider the impacts to air quality of potential oil, gas and potash leasing and development through dispersion modeling (as the BLM routinely does in other projects and committed to do in the Moab and Monticello RMPs).

Comment: The Moab MLP should not lump fine particulates with course particulates for analysis; it does not allow the BLM to see the specific impacts of the fine particulates and is contrary to guidance from the Environmental Protection Agency (EPA). NAAQS distinguishes between fine particulates, PM2.5, and course particulates, PM10. The BLM must do the same in the Moab MLP.

Comment: In 2009 a federal district court issued a temporary restraining order on a determination that the Moab RMP lacked sufficient analysis of the impacts on air quality from oil and gas development in the planning area. See *S. Utah Wilderness Alliance v. Allred*, Civ. No. 08-2187 (RMU), 2009 WL 765882 (D.D.C. Jan. 17, 2009). This determination is still applicable. In fact, with the potential added pollution from potash development as well, this insufficiency is only heightened. The BLM should use the Moab MLP process to rectify these inadequacies in air quality analysis.

Comment: The Moab BLM does not have adequate cumulative impact analysis to demonstrate that it has taken a hard look at the impacts of all approved activities in the planning area, coupled with the potential oil, gas, and potash leasing and development in the Moab MLP area, on air quality. General statements about ‘possible’ effects and ‘some risk’ do not constitute a ‘hard look’ absent an explanation of why more definitive information could not be provided.” See *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1998). Cumulative impacts analysis clearly requires that past and present actions be included in the analysis as well.

Comment: BLM should use the Moab MLP to analyze the impacts of the proposed oil, gas, and potash leasing and development along with other activities on groundlevel ozone in the region. Nearby data shows that this area will soon exceed ozone NAAQS. According to the Monticello RMP, ozone concentrations in the region are nearing NAAQS limits. See Monticello PRMP/FEIS at 3-5 to -6 (showing concentrations of ozone in the region that are just below the current NAAQS limit of 0.075 parts per million (ppm)). However, the EPA is currently in the process of revising its NAAQS ozone limits. See National Ambient Air Quality Standards for Ozone, 75 Fed. Reg. 2938 (Jan. 19, 2010); see also EA at 152. The new range of limits for ozone that the EPA proposes will likely mean that the project area will no longer comply with federal air quality standards. Compare 75 Fed. Reg. at 2938 (proposing a new ozone NAAQS between 0.060 and 0.070 ppm), and Monticello PRMP/FEIS at 3-5 to -6 (indicating that current ozone levels in Canyonlands National Park are at 0.070 ppm—located adjacent to the proposed development area—and are at 0.073 and 0.072 in Montezuma County, Colorado and San Juan County, New Mexico, respectively—both of which are nearby). The BLM has not prepared any cumulative analysis in the form of quantitative analysis or dispersion modeling to consider impacts to ozone from development in the region. Such analysis is necessary to understand potential ozone formation.

Comment: BLM does not prepare modeling at the site specific stage, it should therefore prepare modeling now: The Moab RMP's Record of Decision was signed on October 31, 2008. Before this RMP was finalized, however, EPA Region 8 submitted comments on the BLM's final environmental impact statement. EPA Moab RMP Comments. The EPA's comments identified the lack of adequate air quality analysis and called into question the BLM's decision not to perform quantitative air quality analysis at the land use planning stage. Specifically, the EPA stated "the absence of detailed dispersion modeling [did] not provide for confidence that" the BLM's projection that pollution concentrations in the planning area would remain below national ambient air quality standards. Furthermore, the EPA recommended that the BLM commit, in the Record of Decision, to conduct quantitative air quality analysis "for project-specific assessments performed pursuant to NEPA." In response to EPA's comments, the BLM committed to conduct quantitative air quality analysis "as appropriate" for project-specific developments. Moab RMP at 5-120 to -121. However, it is now clear that the BLM's Moab Field Office does not in fact intend to conduct site-specific quantitative analyses for oil and gas development projects for all criteria pollutants – or potash development or any other surface disturbing activities—and is therefore ignoring the substantial cumulative impacts of these activities on air quality.

Comment: Since the approval of the Moab RMP the Moab Field Office has prepared environmental analyses for at least forty-five oil and gas wells. None of these analyses included any dispersion modeling. Thus, since the Moab RMP was approved, the BLM has approved significant oil and gas development in the field office without any dispersion modeling. The same is true for potash development and for other site-specific approvals in the Moab Field Office. The same could be said for the Monticello Field Office. BLM clearly has been avoiding dispersion modeling for activities in the Moab MLP area. Now is the time for the agency to tackle this issue.

Comment: BLM should not reference the Uinta Basin Air Quality Study. The Moab MLP must not rely on the discredited and plainly inadequate Uinta Basin Air Quality Study (UBAQS) for air quality analysis. UBAQS does not analyze potential pollution beyond 2012 and is of no value here for that reason alone. Furthermore, the EPA has informed the BLM that the "EPA, the National Park Service, and the Forest Service, recognized that there were important shortcomings in the UBAQS modeling protocols that will need to be improved to meet the provisions of NEPA

Comment: It is critical that the Moab MLP evaluate the potential contributions of the activities it envisions on soil disturbance which leads to early snowmelt in nearby mountains when transported in wind storms. It should also analyze the potential cumulative impacts in this arena from other ongoing,

planned, and reasonably foreseeable future activities in the planning area, as neither the Moab RMP nor the Monticello RMP have undertaken such analysis.

Comment: Without preparing dispersion modeling for all NAAQS and PSD pollutants the BLM cannot know the impacts of these pollutants because it does not know their ambient concentrations. NAAQS and PSD are expressed in terms of specific quantities of pollutants found in the atmosphere at a specific time.

The Moab and Monticello RMPs only express pollutants in terms of emissions in a given year, they do not explain how they will linger or congregate in given areas. Thus, BLM has not taken a hard look at these pollutants in the past. The BLM should prepare dispersion modeling as part of the Moab MLP.

Comment: The BLM has not prepared any cumulative analysis in the form of quantitative analysis or dispersion modeling to consider impacts to ozone from development in the region. Such analysis is necessary to understand potential ozone formation. The Moab MLP is the opportune document to undertake such analysis.

Comment: The Monticello RMP significantly understated particulate matter pollution in the planning area; the Moab RMP has done the same. The BLM should inventory likely fugitive dust emissions from vehicular travel on designated routes as well as wind erosion on those routes, differentiated for PM10 and PM2.5, in order to begin to understand the true cumulative impacts of ongoing and reasonably foreseeable activities on air quality in the MLP area. BLM should then perform dispersion modeling to know how individuals, plants, and wildlife will be affected by these activities. The Moab and Monticello RMP's lack of cumulative impacts analysis of the air impacts of oil, gas and potash development and motor vehicle use on routes designated in the Moab RMP means that it does not know whether it has authorized activities that will result in, or are now exacerbating ongoing exceedances of federal air quality standards thereby affecting public health. The BLM should perform dispersion modeling in the Moab MLP to accurately assess impacts to all criteria pollutants.

Comment: Despite the fact that the Moab and Monticello field offices have ambient concentrations of pollutants near NAAQS and despite the fact that the EPA specifically asked the BLM to commit to site-specific analysis of oil and gas development projects, BLM's practice has been to avoid dispersion modeling for all oil and gas development activity—as well as all other pollution-generating activity—in the field office. The BLM should use the Moab MLP to rectify this situation and prepare a full cumulative impacts analysis making use of dispersion modeling for all NAAQS criteria pollutants.

Comment: The methodology for inventorying dust generation, discussed above, could be applied to any activity that will cause fugitive dust (e.g. mining, potash development, oil and gas development, grazing) in order to estimate total dust emissions. Disclosing this information is a necessary step in the NEPA process and in ensuring that the public receives all the information necessary begin to understand these impacts. Although there may not yet be a widely accepted method for modeling dust on snow impacts at the present time, BLM should still attempt to create an emissions inventory for fugitive dust for the various alternatives it analyzes in the Moab MLP. This would allow BLM and the public to understand the differences between the impacts of the various alternatives, impacts that would likely significantly influence the dust on snow problem. The Moab MLP should not attempt to shirk such analysis by suggesting that no models exist to accurately predict the effects of surface disturbance on dust on snow problems. The BLM may use qualitative methods to analyze this problem.

Comment: The Moab MLP should discuss how leasing and subsequent development decision it makes will, or will not, help to alleviate dust on snow problems.

Comment: Dust suppression from unpaved roads and disturbed areas is a particularly critical mitigation consideration in the arid west. Dust particulates from construction, vehicle travel on paved and unpaved roads, and ongoing operations dust may not only be a visual nuisance, but can be unhealthy to those who live, work, or recreate in the project area. The EPA recommends the Draft EIS include plans for addressing dust control for mineral development. We suggest the plan include, but not be limited to: dust suppression methods and the level of required or anticipated control, inspection schedules, and documentation and accountability processes. Given the dry climate of the Colorado Plateau and the associated challenges with reclamation, EPA believes that reduction of surface disturbance will be the most effective means of reducing fugitive dust.

Comment: As with essentially all similar NEPA actions, EPA believes an early step that serves to focus the NEPA analysis is the completion of a well conceived and accurate reasonably foreseeable development (RFD) scenario, which includes at least the reasonably likely number of oil and gas wells and potash mines or ancillary operations. With the RFD scenario, an emissions inventory of criteria pollutants, volatile organic compounds and hazardous air pollutants can then be prepared. Based upon this emissions inventory, it will be possible to determine whether quantitative modeling needs to be conducted to assess impacts to air quality and/or AQRVs. This decision can be informed by the National Air Quality MOU, which specifies that modeling is necessary if the proposed action meets specific criteria for level of emissions/impacts as well as geographic location (outlined in section V.E.3. of the MOU). If BLM concludes that modeling is not required, the Draft EIS should document the decision not to model and include a qualitative narrative analysis of the impacts to air quality and AQRVs. We would like to collaborate with you early in this decision-making effort to develop an agreeable approach regarding modeling.

Comment: EPA also recommends that the BLM identify reasonable mitigation and control measures and design features to address potential adverse impacts to air quality or AQRVs on affected lands; and to do so after completing the air quality analysis that is informed by the RFD and the emissions inventory. As articulated in the MOU, this includes evaluating the mitigation measures and determining which ones would need to be employed to eliminate or reduce adverse impacts to air quality and AQRVs. In the end, EPA recommends that the NEPA document describe the selected methods for protecting air quality (which can include emission standards or limitations, best management practices (BMPs), control technologies, and considerations of the pace of development) and the regulatory mechanisms the BLM will use to ensure their implementation (including lease stipulations and conditions of approval, notices to lessees, and permit terms and conditions). We look forward to participating in the technical workgroup to help identify reasonable mitigation measures once more is known about potential future mineral development.

Comment: Dust suppression from unpaved roads and disturbed areas is a particularly critical mitigation consideration in the arid west. Dust particulates from construction, vehicle travel on paved and unpaved roads, and ongoing operations dust may not only be a visual nuisance, but can be unhealthy to those who live, work, or recreate in the project area. The EPA recommends the Draft EIS include plans for addressing dust control for mineral development. We suggest the plan include, but not be limited to: dust suppression methods and the level of required or anticipated control, inspection schedules, and documentation and accountability processes. Given the dry climate of the Colorado Plateau and the associated challenges with reclamation, EPA believes that reduction of surface disturbance will be the most effective means of reducing fugitive dust.

Climate Change

Comment: THE MLP EIS must also be guided by the prescriptions set forth by the Council of Environmental Quality as they relate to the effects of climate change and greenhouse gas emissions.

Comment: Nitrous oxide has a global warming potential 310 times that of carbon dioxide and an atmospheric lifetime of approximately 114-years (Forster and Ramaswamy 2007). It constitutes the second largest proportion of anthropogenic non-CO₂ gases at 7%. The main sources of nitrous oxide emissions are agriculture, wastewater, fossil fuel combustion, and industrial adipic and nitric acid production. OG&P production relies heavily on incidental fossil fuel combustion, and because the fuel eventually produced will also be burned by consumers, the project will likely lead to an overall increase in nitrous oxide emissions. The BLM must explore these emissions in its MLP EIS. The BLM must also discuss any other greenhouse gas pollutants that may result from the proposed projects. In sum, the science concerning greenhouse gases and global warming is advanced and makes clear that we must stop the growth of greenhouse gas emissions, and then rapidly reduce overall emissions to a very small fraction of current levels. The MLP EIS must fully acknowledge this critical context in which OG&P development's greenhouse gas emissions must be analyzed. Without analyzing the greenhouse gas emissions within the overall context of the climate crisis we are facing, the BLM cannot comply with its legal obligations to fully analyze and disclose the unacceptable impact that a commercial leasing program will have on the environment.

Comment: The MLP EIS must assess nitrous oxide and all other greenhouse gas pollutants. OG&P production relies heavily on incidental fossil fuel combustion, and because the fuel eventually produced will also be burned by consumers, the project will likely lead to an overall increase in nitrous oxide emissions. The BLM must explore these emissions in its MLP EIS. The BLM must also discuss any other greenhouse gas pollutants that may result from the proposed projects.

Comment: The science concerning greenhouse gasses and global warming is advanced and makes clear that we must stop the growth of greenhouse gas emission, and then rapidly reduce overall emission to a very small fraction of current levels. The MLP EIS must fully acknowledge this critical context in which OG&P development's greenhouse gas emissions must be analyzed. Without analyzing the greenhouse gas emissions within the overall context of the climate crisis we are facing, the BLM cannot comply with its legal obligations to fully analyze and disclose the unacceptable impact that a commercial leasing program will have on the environment.

Comment: As for climate change, we noted that the RMPs did not consider its causes and impacts, and we are glad to see that the RMP Amendments will do so.

Comment: The Moab MLP should consider the impacts of climate change on the MLP area as well as the potential contributions of oil, gas, and potash leasing and development on climate change. Neither the Moab RMP nor Monticello RMP has analyzed these impacts. Now is the appropriate and legally mandated time for the BLM to undertake such analysis.

The BLM should review and emulate the Climate Change Supplementary Information Report prepared for the Montana, North Dakota, and South Dakota BLM. Available at http://www.blm.gov/pgdata/etc/medialib/blm/mt/blm_programs/energy/oil_and_gas/leasing/eas.Par.26526.File.dat/SIRupdate.pdf. This document provides model discussion of the phenomenon of climate change as well as the preparation of greenhouse gas emission inventories. The Moab MLP should emulate these facets of this document.

Comment: The Moab MLP should also discuss how climate change in conjunction with any planned leasing and development will cumulatively effect vegetation, wildlife, and other resources in the MLP area.

Comment: The BLM should also require the adoption of recommended technologies and practices found in the EPA's Natural Gas STAR Program. See EPA, Recommended Technologies and Practices,

<http://www.epa.gov/gasstar/tools/recommended.html> (Feb. 2, 2012). These technologies and practices will serve to limit the impacts of oil and gas development in the MLP area on climate change.

Comment: Pursuant to draft Council on Environmental Quality (CEQ) guidance and Executive Order 13514, the EPA therefore recommends the BLM include an analysis and disclosure of greenhouse gas emissions and climate change, including reasonable alternatives and/or potential means to mitigate project-related GHG emissions. For the NEPA analysis, we suggest a four-step approach:

I. Describe the potential range of GHG emissions that may be associated with lifecycle commercial mineral development under each alternative, to help BLM decisionmakers and the public understand how GHG emissions scenarios may vary. We recommend that GHG emissions be quantified in CO₂-equivalent terms and translated into equivalencies that are easily understood from the public standpoint (e.g., annual GHG emissions from x number of motor vehicles, see <https://www.epa.gov/ROEE/energy-resources/calculator.html>). In addition, because information on the "downstream" indirect GHG emissions from activities such as refining may be of interest to the public in obtaining a complete picture of the GHG emissions associated with the proposed project, it may be helpful to estimate and disclose them.

II. Describe any existing Regional, Tribal or State climate change plans or goals that cover the MLP area as well as the extent to which the BLM would reconcile, through mitigation or otherwise, its proposed action with such plans. For example, please consider the efforts of Utah's climate change workgroup (<http://www.deq.utah.gov/workgroups/climatechange/index.htm>).

III. Qualitatively discuss the link between GHGs and climate change, and the potential impacts of climate change. Include a summary discussion of ongoing and projected regional climate change impacts relevant to the action area based on U.S. Global Change Research Program assessments.

IV. Identify any potential impacts from the proposed action that may be exacerbated by climate change (e.g., reclamation could become more difficult with climate change, or the impacts of water consumption could increase). We recommend that the BLM assess and implement measures to reduce GHG emissions associated with the proposed project, including alternatives and/or potential means to mitigate emissions. We recommend considering mitigation measures from the EPA's Natural Gas STAR Program as examples of cost-effective technologies and practices to reduce GHG emissions (www.epa.gov/gasstar/).

We suggest reviewing the Final EIS for Oil and Gas Leasing on Lands Administered by the Dixie National Forest for a recent example of an EIS in Utah that addressed GHG emissions associated with mineral development planning: (<http://www.fs.usda.gov/detail/dixie/landmanagement?cid=STELPRDB5325040>)

Comment: Climate change and climate variability present a variety of challenges to an ecologically, economically, and socially sustainable land management program. Drought, floods, and temperature fluctuations due to climate change can directly affect soil quality and nutrient/water balances that in turn affect watershed function. Other indirect effects of climate change include higher soil erosion rates, conditions more conducive to invasive species, and changes in soil and vegetative relationships.

Cultural/Paleontology Resources

Comment: Dust from construction and heavy vehicle travel needs to be looked at not only for air quality but for effects on prehistoric rock art and historic features.

Comment: The EIS must also assess the cumulative impacts of increased use of the areas, both legal and illegal, that is likely to occur when recreational OHV use invades roads built for extraction activities.

Section 106 of the National Historic Preservation Act (“NHPA”), 16 U.S.C. § 470f, requires land managers to protect historic sites from harm caused by transportation impacts.

Comment: It has come to our attention that the Moab BLM office is considering updating its RMP. We request that we be considered as consulting parties in the development of the new RMP. The Utah Rock Art Research Association (URARA) has a long standing interest in the Moab region. We have worked with BLM archeologists to document rock art sites in the area. We are working with the BLM to create a regional rock art nomination to the National Register of Historic Places. We have held several symposia in the area to discuss rock art. We read and commented on the previous RMP. Our members live in the area.

Comment: The Advisory Council on Historic Preservation (the entity charged with interpreting the NHPA) states that the Area of Potential Effect (APE) for the road, trail, or area shall include corridors or zones adjacent to the road, trail, or area that the Service determines to be subject to direct or indirect effects due to local environmental factors or the proximity of particularly sensitive resources. This will include the road, trail, or area surfaces, passing or parking areas, and campsites or other features established as part of the road or trail. It shall also include additional affected areas or properties if the designation would facilitate increased access to those historic properties.

Comment: In reviewing your project map, it appears that as much as 28 miles of the Congressionally designated route of the Old Spanish National Historic Trail lies within the land you have identified for your project area. Two trail segments, totalling about half of the trail route in this area, are currently considered to be high potential trail segments. These are known as the Blue Hills Segment and the Moab Trail Segment. Oil and gas development, or potash mining on or near the trail will impact the trail setting and viewshed, and possibly high potential trail segments and trail associated sites. We request that all lands within a 10-mile wide viewshed corridor (5 miles either side of the trail) be excluded from the Master Leasing Plan lands.

Comment: BLM’s “Preliminary Planning Issues” list “historic trails and traditional cultural properties of importance to Native American tribes.” Please note that such cultural resources are of importance to everyone, not just to descendants of the ancestral pueblan civilizations. Such ancient rock art, ruins, relics, sacred sites and burial grounds are easily disturbed and devastated by exploitation of mineral resources. The Old Spanish Trail should be mapped and efforts made to reduce impacts to this historically important way. Plans must include identification and preservation of cultural resources wherever possible.

Comment: The Colorado Plateau/Paradox Basin are known for salt anticlines, the presence of Pennsylvanian period deposits, and for dinosaur fossils and tracks. The Moab area is often called part of a “dinosaur diamond.” These remnants should be mapped and protected.

Comment: We would like to emphasize that Cultural Resources are an important consideration to be included in the MLP process. We know they are on the general list of issues, but were not deemed significant enough in their own right to be included with their own poster and handout at the recent scoping meeting in Moab, UT on March 28, 2012. Specifically, the area north of Moab in the Blue Hills contains significant and unique archaic and formative sites which are scattered throughout the proposed leasing area. The extent of these sites is unknown because intensive surveys have only been done in limited areas where specific projects were proposed. Pro-active surveys need to be undertaken before leasing stipulations can even be meaningfully formulated. When you don't know the extent of what you have, you cannot make informed management decisions.

Fish and Wildlife, including Special Status Species

Comment: Assessment of wildlife habitats should address disruption of migration corridors.

Comment: The proposed OG&P projects will likely affect the life history of several rare, threatened, and endangered species. These species all share a common trait, namely scarcity in populations. Because of this, protection of habitat that may be colonized if numbers increase is very important. So even if a listed species does not occur on the site, it may be affected by the proposed disruption of habitat, because it can grow into that area if conditions improve. Sensitive fish that live downstream will be affected by pollution as demonstrated by the studies presented elsewhere in this letter.

Comment: Mitigation should include the option for off-site, in-kind habitat compensation. We recommend the BLM use any necessary mitigation to support the goals and objectives identified in the State's Wildlife Action Plan (UDWR 2005). In 2010, the Utah Division of Wildlife Resources, in coordination with a Partner Advisory Group which included the BLM, developed specific recommended actions for every species listed in the Wildlife Action Plan. These recommendations will help coordinate and guide future mitigation, monitoring, and restoration efforts undertaken by the land management agencies in Utah.

Comment: The Migratory Bird Treaty Act (MBTA) prohibits any "take" of migratory birds. The definition of take includes the killing, possessing, or collecting of migratory birds. All migratory birds killed as a result of contact with exposed oil, or other hazardous materials constitute violations of the MBTA. The BLM should provide measures so that operators always ensure that no surface oil is present on pits, tanks, etc. Exposed oil or other hazardous material (even as the result of an oversight or equipment malfunction) places the company at risk of violating the MBTA should migratory bird mortalities occur.

Comment: To prevent violations of the MBTA, the BLM should require companies to take proactive steps to ensure that migratory birds do not come in contact with oil, sheens or hazardous materials. Examples of effective steps proven to prevent bird mortality include the installation of physical barriers such as netting or using closed containers that prevent birds from coming into contact with the oil. We recommend protecting and conserving wildlife resources by implementing the following measures.

- Use Closed Containment Systems - Closed containment systems should be used to store oil at the proposed facility. Closed containment systems require little or no maintenance and the system can be moved to a new site when the facility is closed. Closed containment systems eliminate soil contamination and remediation expense.
- Eliminate Pits or Keep Oil Off Open Pits or Ponds- If evaporation ponds for water disposal will be part of the proposed facility, the facility should be designed to prevent oil from entering the pond. Additionally, a contingency plan should be developed for the facility to ensure immediate clean-up of oil discharged into the evaporation pond to prevent wildlife mortalities:
- Use Effective and Proven Wildlife Deterrents or Exclusionary Devices - If open-topped tanks or pits will be used to store oil at the proposed facility, effective wildlife exclusionary devices should be installed to prevent wildlife mortality. Netting appears to be the most effective method of keeping birds from entering wastewater evaporation ponds and oil production skim pits. Flagging is not an effective deterrent.
- Implement Engineering Controls to Prevent Oil Discharge to Pond - If evaporation ponds for water disposal will be part of the proposed facility, engineering controls should be designed and implemented to prevent the discharge of wastewater containing oil into the evaporation pond.
- Dispose of Oil Field Wastewater by Deep Well Injection - If the facility will receive oil field produced water for disposal, deep well injection of oil field wastewater would eliminate the need

for evaporation ponds and thus eliminate the risk to migratory birds and other wildlife from exposed oil and hypersaline conditions which could result in mortality.

Comment: Elk, mule deer, bighorn sheep and antelope crucial habitats are within the master leasing plan boundaries. BLM should analyze timing restrictions within the pertinent habitat during the winter for elk and mule deer (December 1 to April 15) and during bighorn lambing and pronghorn fawning (April 15 to June 15) for any lease development activities, including construction and drilling.

Comment: If permanent or semi-permanent structures are located within crucial habitat, we recommend the proponent develop avoidance and mitigation strategies with the Utah Division of Wildlife Resources. UDWR geospatial habitat coverage for elk, mule deer, bighorn sheep and antelope may be downloaded at: <http://dwr.cdc.nr.utah.gov/ucdc/DownloadGIS/disclaim.htm>.

Comment: Apply route density limitations to protect wildlife habitat and other sensitive resources, which will not mandate the location of routes associated with development but will require that routes are limited to a specific density that is compatible with other resources. BLM proposed such limitations in the San Juan Public Lands Draft Land Management Plan,⁴ which would cap road densities based on management areas and the sensitivity of resource values. BLM can also apply other metrics to limit habitat fragmentation to levels appropriate for key species.

Comment: Mitigation should include the option for off-site, in-kind habitat compensation. We recommend the BLM use any necessary mitigation to support the goals and objectives identified in the State's Wildlife Action Plan (UDWR 2005). In 2010, the Utah Division of Wildlife Resources, in coordination with a Partner Advisory Group which included the BLM, developed specific recommended actions for every species listed in the Wildlife Action Plan. These recommendations will help coordinate and guide future mitigation, monitoring, and restoration efforts undertaken by the land management agencies in Utah.

Comment: Much of the master leasing plan boundary contains raptor nesting, brood-rearing and fledging habitats for peregrine falcons, golden eagles, ferruginous hawks and burrowing owls. Raptor surveys are recommended if any project related activities occur from January 1 to August 15. If nesting, brood rearing or fledging raptors are observed, UDWR recommends referencing the U.S. Fish and Wildlife Service's Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (Romin and Muck 2002) for species specific timing restrictions.

Comment: In addition to Critical and Endangered Fish and Prairie Dog Habitat and breeding grounds for such birds as the Mexican Spotted Owl, Bald and Golden Eagle, Burrowing Owl and Ferruginous Hawk, consideration should be given to leks of the rare Gunnison Sage Grouse and habitat of Desert Bighorn Sheep in the southeastern park of the MLP area. Their distribution and characteristics should be protected by stipulations for all oil, gas, and potash leasing.

Comment: The Moab MLP should avoid impacts from oil, gas, and potash development on threatened, endangered, or sensitive (TES) species in the Moab MLP area. This document should analyze the potential threats to the various TES species in the region.

Comment: Our interest lies in protection of sensitive plant and animal populations, natural communities and watershed hydrology. Based on our review of the area's biological diversity, we offer the following key environmental factors and management issues to consider. Key environmental factors to consider are:

- Wildlife migration corridor.
- High quality riparian areas.

- Sensitive species including Desert bighorn sheep.
- Threatened and endangered species including Mexican spotted owl, Colorado pikeminnow, Razorback sucker, Bonytail sucker and Humpback chub.
- Nesting and roosting sites for birds of prey and neotropical migrants.
- Fragile soils.

Comment: The project area may contain numerous special status species, including Endangered Species Act (ESA) listed species. The EPA's NEPA review responsibilities include assessing the adequacy of NEPA analyses. On this basis, we recommend that BLM engage the U.S. Fish and Wildlife Service (USFWS) as early in the analysis as possible to ensure that this topic is adequately analyzed during the NEPA review. Generally, we suggest the analysis include a summary of the status and trends of analysis area ESA-listed species and potential suitable habitat; disclosure of potential impacts to these resources; and the results of USFWS coordination, including any recommended design criteria, monitoring and mitigation requirements.

Comment: As you are aware, we developed lease notifications for several listed species in coordination with the Bureau of Land Management's (BLM) Utah State Office. The lease notifications are applied to every leased parcel containing currently occupied or suitable habitat. Lease notifications exist for the Mexican spotted owl, bald eagle (no longer federally-listed, but protected under the Bald and Golden Eagle Protection Act), Southwestern willow flycatcher, listed plant species, the endangered fishes of the Upper Colorado River system, and a general lease notice for all threatened and endangered species. We recommend these measures be applied where these species and their habitats may occur. We work with your State Office on an ongoing basis to update the lease notices as needed and to ensure consistency between the BLM Field Offices. We recommend that you incorporate the updated lease notices as they become available.

Comment: We received letters from the Moab and Monticello BLM Field Offices (dated November 15 and December 14, 2011, respectively), regarding the stipulations in Appendix D of the biological assessment for the existing RMPs. We have worked with the State Office to clarify the stipulations, specifically language inconsistencies from one species stipulation to another. As of yet, however, the State Office has not finalized clarified language. We hope to resolve this issue promptly.

Comment: We recommend you include lease notifications for sensitive species surveys in project areas containing suitable habitat for those species. This is particularly important for portions of the planning area that have not yet been thoroughly inventoried, but contain suitable habitat. The notifications should apply at minimum to species listed as Tier I or Tier II species in Utah's Wildlife Action Plan (UDWR 2005).

Comment: Oil and gas drilling can impact fish lethally and sublethally. In order to protect federally endangered fish and their designated critical habitat, we recommend No Leasing or at minimum No Surface Occupancy within designated critical habitat of the four federally endangered fish species, which includes the 100-year floodplain of the Colorado and Green Rivers. We further recommend No Surface Occupancy within tributaries (and their floodplains) draining to designated critical habitat, including dry washes. If drilling must take place in a dry wash, then closed loop drilling should be required.

Comment: Shut-off valves should be required for all pipelines that cross designated critical habitat for endangered fish. Shut-off valve locations should be commensurate with the product being transported and the pollution impact of a spill (i.e., crude pipelines should have shut-off valves close to the riverbank, but natural gas pipelines may have shut-off valves farther away). We recommend shut-off valves for pipelines crossing tributaries within five miles of designated critical habitat.

Comment: Water depletions from any portion of the Upper Colorado River drainage basin above Lake Powell are considered to adversely affect or adversely modify the critical habitat of the four resident endangered fish species, and must be evaluated with regard to the criteria described in the Upper Colorado River Endangered Fish Recovery Program. All projects that deplete more than 0.1 acre feet of water from the Upper Colorado River Basin must consult on impacts to fish and fish habitat from water depletions.

Comment: You may obtain current County species lists from our Utah Field Office website at: <<http://www.fws.gov/utahfieldoffice/EndSpp.html>>. We recommend that you check this website on a regular basis to confirm that you are working with the most current list.

Comment: We recommend that you specifically identify areas of high wildlife habitat value and incorporate these areas into the Plan and RMP amendments through establishing appropriate leasing categories and committing to protect and enhance their values. New resource information obtained since the most recent RMPs were finalized may indicate that existing stipulations should be modified and new areas may warrant additional protections.

Comment: The Plan should provide measures to avoid or minimize increased access to previously remote areas which contain sensitive species and their habitat.

Comment: The EIS should also estimate the amount, location, and timeframe of temporary disturbance as well as permanent facilities that could result from the proposed alternatives in the Plan. Displacement of wildlife across a large area during critical times, such as breeding or wintering, could be a significant impact. If wildlife are displaced, it is likely that the area to which they move is inhabited by other wildlife or disturbed by other ongoing activities. Depending on the season and species, displacement could lead to nest abandonment, inter- and intra-specific competition, reproductive failure, and possible mortality. In addition, the cumulative effects of other projects in the area may limit the availability of alternative sites for displaced wildlife. The analysis should not be limited to the estimated disturbance footprint, but should also include visual, auditory, and fugitive dust analyses of impacts which will likely occur adjacent to the footprint. Analysis should also address the risk of produced hydrocarbons and spills to water resources, and should provide protective measures.

Comment: We recommend you evaluate and minimize impacts to migratory bird habitat focusing on species on the USFWS 2008 list of Birds of Conservation Concern, Utah Wildlife Action Plan, and the Partners in Flight Priority Species. To help meet responsibilities under Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds), and the "Memorandum of Understanding between the U.S. Department of Interior Bureau of Land Management and the U.S. Fish and Wildlife Service To Promote the Conservation of Migratory Birds" (signed in 2010) we recommend conducting activities outside of critical breeding seasons for migratory birds; minimizing temporary and long-term habitat losses; and mitigating unavoidable habitat losses. If activities occur in the spring or summer, we recommend conducting surveys for migratory birds and their nests prior to ground disturbing activities and identifying reasonable measures to avoid and minimize impacts to nesting birds.

Comment: We recommend use of the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (USFWS 2002) which were developed in part to provide consistent application of raptor protection measures statewide and provide full compliance with environmental laws regarding raptor protection. Raptor surveys and mitigation measures are provided in the Raptor Guidelines as recommendations to ensure that proposed projects will avoid adverse impacts to raptors, including the peregrine falcon.

Comment: We recommend the EIS include information regarding the design for power lines associated with energy exploration and development. Raptor-safe construction of power lines would ensure compliance with the Migratory Bird Treaty Act. Remedying lethal power line designs involves modifying problem structures or using new construction designs with proper spacing of design elements. Important design components for raptor protection include providing adequate separation between conductors and/or grounded hardware, or insulating hardware or conductors against simultaneous contact if such separation is not possible. Perch guards may also be used to prevent larger raptors from landing on the power poles. Specific guidelines are provided in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (APLIC 2006). This document is available at: < <http://www.aplic.org/mission.php>>.

Comment: We are concerned about the potential for migratory bird mortality in evaporation ponds, open topped tanks or open pits for storing recycled oil. Typically, evaporation ponds are used in oil field wastewater disposal facilities in Utah for storage and disposal of the water inefficient management of evaporation ponds usually results in oil or visible sheens on the surface of the ponds which results in the mortality of migratory birds and other wildlife.

Comment: Additional practical measures for minimizing increased access to sensitive species habitat should be developed.

Comment: Maintain all wildlife corridors.

Lands and Realty

Comment: Currently, there is a renewed, active interest in exploring and developing the potash asset outside of the Moab Salt facility on SITLA lands and also BLM lands. During the scoping process, a discussion should be had on the inheld SITLA lands and how any special designations could affect those non-BLM lands. Some priority to resolution of this issue between SITLA and the BLM should be considered during the MLP process.

Comment: I suspect that any new MLP would have a very negative impact on the leasability of Utah State SITLA lands, and practically preclude SITLA from the possibility of profitable development of its own mineral endowment, as almost all of the SITLA parcels in the MLP area are scattered single sections amongst BLM land. As leasing funds generated from mineral development are used to help support education in Utah, the current BLM thinking of placing potash in the same regulatory criteria as oil and gas would likely severely hinder SITLA from its mission of promoting Utah education. These potential potash resources should not be sterilized or placed off limits solely due to BLM actions.

Comment: Private individual or families in the area that hold ownership of mineral rights will be negatively affected if potash is bound up with oil and gas in a new MLP.

Minerals

Comment: Close areas to oil, gas and potash leasing to protect natural and cultural values, such as lands with wilderness characteristics, important wildlife habitat and migration corridors, areas with high potential for cultural resources, and important viewsheds.

Comment: BLM should pay particular attention to road widths/corridors, that for OG&P production particularly, may include various pipeline facilities adjacent to the road bed that contribute substantially to disturbance area. Also, new roads allow more access by 'unforeseen users' to adjacent undisturbed areas that can lead to further damage to soils.

Comment: Prioritize mineral leasing in areas with high development potential and minimal resource conflicts, which will support more efficient leasing and development. BLM should consider phased leasing and development, which can be accomplished through identifying areas to be leased in order (as BLM did in the Pinedale, WY, RMP)¹ and by using limitations on the amount of cumulative surface disturbance that can occur and requiring reclamation prior to additional development (as BLM did in the Little Snake, CO, RMP).

Comment: Evaporation ponds containing concentrated brine solutions can cause bird mortality when birds enter the pits, ingest the brine, and die from sodium toxicity. The water quality of produced water in impoundments should be monitored semi-annually to determine if salts or trace elements are increasing to levels considered hazardous to fish and wildlife. The water quality analysis should also include at the very least the following constituents: arsenic, barium, cadmium, chromium, copper, iron, manganese, selenium, zinc, total petroleum hydrocarbons, benzene, toluene, ethylbenzene, and xylene (BTEX). If salts or trace elements become a hazard to migratory birds landing in the produced water impoundments or if oil is present on the surface of the impoundments, effective and proven wildlife deterrents or exclusionary devices should be deployed at the impoundments to prevent migratory bird mortality. If the BLM thinks that there may be a water quality issue, we recommend chemical analysis to characterize impounded produced water from oil and gas wells in your planning area.

Comment: It appears that the MLP is a mechanism for defacto Park expansion through the mechanism of a management zone which may otherwise be referred to as a "buffer zone." BLM may note that this Association objects to the implementation such zones around otherwise protected areas.

Comment: Transportation of equipment and minerals by truck or train should be undertaken at night so as not to interfere with safety and enjoyment of the out-of-doors by residents and visitors.

Comment: We encourage the BLM to evaluate a broad range of measures for mineral leasing and development in the Moab field Office including measures listed in IM 2010-117, as well as measures that successfully resolved resource conflicts in other areas. One such example of these measures includes the possibility of route closures in areas to protect and improve wildlife habitat, compensating for losses in areas of development.

Comment: Of special note is the Conservancy's innovative process known as Energy by Design. This is a conservation science and planning tool that follows the mitigation hierarchy to: 1) steer development projects away from sensitive, high-value lands and waters, reducing conflicts between development and conservation; and 2) achieve positive outcomes for conservation by ensuring development impacts are compensated for appropriately with conservation actions. The Conservancy's approach provides a tool for industry and land managers who are looking to avoid or mitigate the effects that infrastructure projects have on lands and waters. We mention Energy by Design as a possible collaborative project for the lands under consideration in the Master Leasing Plan. The Conservancy has worked successfully with other BLM offices in Wyoming using this planning process. If you would like to discuss Energy by Design as it applies to the Canyon Country District we would be happy to meet with you.

Comment: Management factors to consider are:

- Desired level of use to retain wilderness type of experience.
- Cumulative impacts from numerous uses.
- Roads and invasive weeds and their impact to biological diversity and on agricultural practices.
- Noise levels.
- Compatibility with private land use practices.
- Access across private property.

- Safety considerations such as fires.
- Management of SITLA property.

Comment: The plan as presented allows for exploration and development along Porcupine Rim. This area borders the Town of Castle Valley on the West. In discussions at your presentation, it was reported by your representatives no setback from the rim edge was required for potential exploration, drilling or development should a lease be taken. I recommend the BLM: a) study the geology of Porcupine Rim and perform a risk assessment on the potential of rock fall being caused by exploration or development, b) establish a minimum set back of 3000 feet or greater for any seismic exploration or drilling. I base these request on the fact that the Utah Geological Survey, (open file report 238 by William E Mulvey) identified significant natural Rock Fall hazards along this rim. Weathering, freeze thaw and seismic activity are identified as causes. Seismic exploration and drilling with out adequate set back would in my opinion significantly raise the rock fall danger, jeopardizing human lives and properties in Castle Valley. I am sure your intent is not to create a public safety hazard for those individuals and homes in the rock fall zone. In addition, a significant set back would minimize view and noise issues associated with exploration or development. As a volunteer fire fighter and resident of Castle Valley I have responded to the results of natural rock falls and seen the destructive effects. If a significant set back is established I feel it would help to mitigate rock fall, protect lives and property, reduce potential noise and view issues, while still allowing the BLM to balance development goals with public safety and community needs.

Comment: The Canyonlands Back Country Horsemen of Utah chapter urges the BLM to limit the number of mining leases and locate the ones that are given to areas that will create the least amount of damage to air quality, water quality, the wildlife environment, and recreational opportunities. Limits should include those on noise, lights, disturbance of the skyline view, roads and the dust they create, pollution from construction. Both potash mining and oil and gas drilling have their environmental problems. These industries need to locate their mining and processing operations in locations that do not affect the environment of our community or the tourist industry upon which we depend. They also need to reclaim the land after the product has been extracted and processed.

Recreation

Comment: The Canyonlands Chapter of the BCHU in Moab has sent us a list of a number of trails in your area. We are including the list with this letter. We would ask you to include recreational use of the planning area, including equestrian trail use, as an issue in your planning process. We would encourage you to contact Dick Walter, President of the Canyonlands Chapter for more detailed information and to answer any questions about these lists.

Comment: This is not the place to authorize industrial development projects. While the Friends of Indian Creek supports the prudent development of energy resources on our public lands, we are concerned that that the longstanding recreational opportunities and associated economic benefits established in this planning area could be irreparably harmed by the large-scale industrial development. This extractive development could also put at risk sensitive and over-used water resources and threaten other important values such as clean air, wildlife habitat, cultural resources, and the cultural vitality of rural communities.

Comment: Please take time to consider breaking this [MLP] map down. Pull some larger buffers to the towns, consider where current recreational traffic use is. Promote drilling use in areas FAR FROM CURRENT USE PATTERNS, TOWNS, PARKS, TRAILS, CLIMBING AREAS, BIKING AREAS ETC. These uses are extremely important for the economy and users of the Moab area. They were there first and need to be protected.

Comment: I would like to ask for protection to the major recreational routes and view sheds of this area, including but not limited to, Sand Flats Road and the Porcupine Rim Trail, Lockhart Basin, and around Arches and Canyonlands National Park.

Comment: Significant impact to our course areas including sight, sound, air quality, roads, and possible point source pollution in the following areas: a. Hatch Point/ 8 Mile rock Areas, b. Lockhart Basin Area, c. Increased extractive presence/ impact near the put-in for Cataract Canyon (Rims and Basins along the river before the entrance to CNP).

Comment: I would like to express my concern for the continued availability of the trails in and surrounding Moab in light of the master leasing plan. Moab offers many opportunities that can be found no where else in the US: it is a mecca for mountain biking, climbing, hiking, and OHV access, all of which would be negatively affected by the designation of this public land for oil/gas drilling. I do understand the need for new sources of energy and the potential gains that they offer; however, I feel that the areas potentially affected by this leasing plan offer much more considering the large tourism business they support as well as the natural beauty that they offer.

Comment: I use energy like everyone else so I am not opposed to oil and gas development on the whole by any means. But when I look at the map of the areas of concern, my first reaction is that they overlay an area valued for it's beauty and recreational opportunities. My second reaction is that recreation and oil/gas development cannot coexist in approximately without conflict. I cannot find one area on this map (and I have been to nearly every square) that does not encompass some sort of recreational activity; hiking, mountain biking, jeeping, motorcycling, canyoneering, climbing, etc. People come to Moab from all over the world and it's not just for the national parks. I would much rather see the BLM embrace, develop, and monitor the recreational opportunities of this area rather than the oil and gas opportunities. It's like having a popular trail for jeeps and mountain bikers, it just doesn't work very well, and everyone ends up annoyed. The areas north and south-east of the plan area see much less people and would be more suited for this kind of development.

Comment: Because of the negative impacts to the tens-of-thousands of climbers that recreate in these areas each year, we oppose any efforts to develop industrial developments for oil, gas, and potash near the areas noted herein.

Comment: The Friends of Indian Creek urges the BLM to ensure that any oil, gas and potash leases in this planning area do not compromise the unique, world-class recreational experiences of climbers and threaten the sustainable economy supported by human power recreation in the region.

Comment: Because many of our members climb regularly in the planning area and would be negatively affected by this initiative, we urge you to deny lease applications that would be located near our valuable climbing resources.

Comment: Please consider other areas for these leases and not the areas surrounding the trails or the parks.

Comment: The BLM RMP designated specific focus areas for non-motorized recreation and through MTA and Trail Mix, considerable resources are being used to shape them into showpiece trail networks. Those areas and their view sheds as well as sensitive wildlife habitat must be protected from heavy industry. Then key players from each and all of the user groups, recreation and mining, etc., should sit down at the negotiating table and look at all other serious inquiries with an eye for the long-term health of the county. It is the only sensible way to deal with such staggering implications.

Comment: Rim Tours operates on many trails and roads throughout the Moab Field Office and I would like to ask for protection of all our routes and the view sheds of each area from potash development (list of routes attached). In addition all designated recreational focus areas from the recent RMP should be protected from development as well as their view sheds protected as well. Our business future, the jobs we create and the tax revenues that fund our community depend on the lands that we travel in being protected from adverse development that could destroy the appeal of our wild lands.

Comment: The BLM should consider the impacts of its potential oil, gas and potash leasing and development decisions on recreation in the Moab MLP area. One tool that will facilitate the BLM's analysis in this area is the National Visitor Use Monitoring (NVUM) Program for the Moab Field Office. This NVUM Program was developed through an interagency agreement with the Forest Service to be useful, in part, for making decisions during the planning process. BLM's website on the program explains the NVUM's relevance and applicability:

Socioeconomics

Comment: We as a community depend on tourism and recreation for our livelihood. As an equestrian group who invites and sponsors recreational activities in our community, we do not want more industrialization of our land. A visiting equestrian will not want to return to Moab year after year to ride in the vicinity of a potash mine or plant or by the oil and gas wells.

Comment: The local and national value of the MLP area cannot be over stated, its mineral resources are unique and constitute vital resources to our Nation. The MLP should recognize the ability to responsibly develop mineral resources and protect critical landscapes, habitat, and species. Years of compatible development has been achieved in the area providing significant benefits to the local and regional economy, an excellent example being the Cane Creek mine operated by Intrepid Potash. Potash has been mined at Cane Creek since 1965, and it has been established conclusively that there is no contamination of ground water. Air contaminants and carbon emissions from the mine are much smaller than emissions from tour buses and passenger vehicles that transport a minimum 2 million visitors to the area each year. To our knowledge, the Cane Creek operations are in full compliance with all Federal, State, and County laws and regulations.

Comment: Recreation is currently the main source of income and jobs for the Canyon Country District for reasons of scenic views, scientific curiosity, and a challenging landscape. Extractive industries would likely become a competitive force that could disinterest the 2 million annual visitors from returning. Extractive industries provide short-term benefits and long-term impacts to the watershed, whereas the tourism industry has a lower impact on natural resources and may have the capacity to avoid the boom-and-bust cycles that plague mining activity. However, of course, recreation is becoming a serious impact that could measure up to extractive industries if not checked. This applies particularly to the use of old mining routes for off-road vehicle activity, but extends to nonmotorized recreation as well. For example, the river corridors were getting crowded and unsanitary in the late 60s and early 70s; the managing agencies provided stipulations and regulations for that user group that resolved the problem. Now off-road use, both motorized and nonmotorized, is at a level where sensitive resources are being damaged and little revenue is generated to repair the increasing damage. Inadequate law enforcement is also increasing the impacts over time, and public education on the ethics of "leave no trace" are falling to the wayside. Again, all of these cumulative impacts to canyon country must be considered in the EIS.

Comment: Recognizing that potash industry development is an integral component for sustainable development and growth for Grand County, the state of Utah and the US, expedite the MLP to allow for potash development.

Comment: BLM's consideration of "sensitive areas" should include the "sensitive" condition of the finances for education and county services in both Grand and San Juan counties. Mitigation measures applied to resource leasing should not be so onerous or so expansive as to foreclose exploration and production within the planning area.

Comment: However, I cannot stress enough that all decision makers must clearly understand the long term socio-economic and security impacts of hampering domestic minerals development. Without a clear understanding, information needed in order to make overriding considerations will be lacking, decisions will be poor, they will continue to exacerbate the existing economic climate, and will further harm future generations. The economic impacts from continued delays in development surely outweigh the minor unmitigated impacts that may slip through the existing layers of regulation.

Comment: The question at issue should not be whether exploration and production may proceed within the planning area but how these activities may proceed while accommodating, to the extent practicable, the human interests in recreation, viewshed and the like. Curtailing natural resource exploration and production strikes at the heart of public financing in Grand and San Juan counties and this public financing is as critical to the support of the recreation and tourism industries as are the attractions that bring the recreationalists and tourists to the area in the first place.

Comment: According to the Scenic Byways Corridor Management Plan for Grand County (Jorgen, 2008), Grand County has transitioned from a resource extraction-based economy prior to the late 1980's to a tourist-based economy, the latter contributing 56% of employment to the economy. Potential impacts to this key piece of the local economy due to OG&P exploration and development should be addressed in this EIS.

Comment: I understand that you are soliciting information on development of potash mining on BLM lands in which you work in Utah. I am a geologist who explores and develops new mines and I would urge you to carefully consider how to develop new mines in your areas of Utah which is uniquely endowed with potash. There are very few places in the world that can be so easily developed in an environmentally sound way as in Utah. I know that this development will spur numerous new jobs and allow the US to develop better farm production on our ever shrinking farm lands.

I would encourage you to develop these resource on our public lands as they:

- 1) Create long lasting good paying jobs,
- 2) Create a product that our nation needs to feed ourselves and the world
- 3) Unique to this part of the Utah and can not be readily found but in a few other places in the world.

Comment: Don't lease public lands to oil and gas development. Those industries come and go, destroying clean appreciated beauty and leaving behind ugly waste in the process. Moab's economy relies on people who appreciate the beauty that is there to be seen. Placing man-made contraptions on the earth's face that require destruction and result in a reaping of the earth's resources would jeopardize that economy.

Comment: Economic benefits may be most easily understood if they are specific, and quantified, to allow affected counties to understand the relative benefits likely to occur. Please include projections of how many full-time jobs at what pay level are expected during exploration for what time period, similarly for post-exploration, and projected annual mineral lease monies and other revenues likely to accrue to each affected county.

Comment: Recently, interested stakeholders, businesses, and elected officials created an informal steering committee to explore the economic and fiscal significance of public lands in Grand County.

Members of the steering committee contacted Headwaters Economics to help research and write the study. Headwaters Economics is a non-profit economics research group that works regularly with public land management agencies and has specialized expertise in rural economic development. Their report was finalized in September, 2011 and is called *The Economic Value of Public Lands in Grand County, Utah*. The data in this report will serve the purposes of the MLP EIS well, in regards to assessing the impacts of extractive activities in the Canyon Country District.

Comment: We acknowledge that our region is rich with oil, gas and potash potential and that mining is important for jobs and economy overall. We do not oppose “all” mineral development. We are concerned about the effects of mineral leasing adjacent to our permitted activity areas. San Juan and Grand Counties have worked long and hard since the uranium “bust” of the 1980’s to reframe our image and brand as a place of vast, relatively pristine beauty and outdoor adventure.

Comment: Mineral extraction development including potash threatens the gains that our community has made in creating a more sustainable economy here. The potential damage to our prime resource which is the largely unspoiled beauty of the area cannot be measured against the minimal number of long term jobs that such operations provide. The unknowns or potash development include water resources and the long term effects of potentially altering large areas of our landscape with evaporation ponds, the run-off of salt by-products and the impacts of building the infrastructure to conduct such operations on the surrounding lands are all issues that need to be closely analyzed against what they may displace in lost visitors who value our unscarred landscapes as the backdrop for their wilderness-like experiences.

Comment: Careful steps should be taken to balance the economic and recreational concerns of the affected communities within the revised Resource Management Plans.

Comment: The local and national value of the MLP area cannot be over stated, its mineral resources are unique and need to be developed. Years of compatible development has been achieved in the area providing significant benefits to the local and regional economy, an excellent example being the Cane Creek mine. An additional benefit of creating a structure in which exploration can thrive is that Utah will continue to maintain its reputation as a pro business State that can balance the management of the environment and extractive industries and ensure a healthy economy. Potash development is compatible and/or necessary, here are some reasons why: • America is far too dependent on foreign potash suppliers – 81% of all products are imported into the United States today. • With today’s regulations in place for emissions, hazardous waste, worker safety and environmental protection, this creates an ecosystem for a Small environmental footprint and the appropriate protection for the environment. • Provides an opportunity to increase employment with good paying jobs, and increase the local and state revue streams through taxation policies and royalty payments.

Comment: The socioeconomic benefits of potash to Grand County, Utah, and the United States should be addressed. The EIS should consider the loss of potash to the economies of the County, State and Nation should development not occur. Potash development can be consistent with the goals and direction of the RMP.

Comment: The potash resources underlying the Paradox Basin can play a significant role in meeting domestic demands. Potash development would provide substantial tax revenue to Grand County and Utah. The jobs created are highly paid and help diversify the local economy. These types of economic benefits must be analyzed and addressed.

Comment: Development of the significant potash resources in this region would provide jobs, tax revenue, and rent and royalty revenue. The potash resources would supply the domestic agricultural markets. These impacts should be addressed in the MLP.

Comment: BLM should weigh the socioeconomic impacts of all of the alternatives and include the respective effect on county, state and federal levels. Stakeholders should know the importance of allowing viable and cost-effective processes for energy development in the Moab/Monticello area, which promote the availability of affordable, reliable energy to the public.

Comment: Oil and gas exploration and production can provide needed revenue to the affected area. BLM should inform the public where royalty revenues are used once they are collected and how these funds can positively impact federal programs. Royalties can also help decrease the current budget deficit. Oil and Gas exploration and development provides many industry jobs in the affected areas and can bring more income to local businesses.

Comment: BLM should also include an analysis of how domestic production would increase and strengthen energy security. Fidelity urges BLM to clearly outline the positive socioeconomic effects industry can have on the project area and compare these effects to other alternatives outlined in the MLP that may not be as economically beneficial.

Comment: The socioeconomic benefits of potash industry development to Grand County, Utah (i.e. tax revenue, job creation and diversification resulting in a more robust local economy), and the United States (i.e. meeting growing demand) should be addressed and analyzed. Alternatively, the EIS should consider the impact of the loss of potash to the economies of the County, State and Nation should development not occur. Potash development can be consistent with the goals and direction of the RMP.

Comment: The development of potash in Utah is critical to the local, regional, and State economy. American's and the citizens of Utah in the area under consideration are in need of long-term stable jobs. While the BLM recognizes that approximately 2 million people visit the area annually, the jobs associated with the tourist economy are highly cyclical, seasonal, low paying, transient, and seldom long-term. Although tourism is a critical industry to the overall State, local benefits are not as positive as generally promised. Jobs associated with potash development are higher paying, long term, stable jobs that can support careers, families and stability in the region. These factors must be taken into account by the BLM in the formation of the MLP.

Comment: Mineral production jobs will close the income gap for local residents and bring a much needed stabilizing effect to the employment base in the region. Potash development will also result in increased revenues for the County, the State and the Federal Government. An increase in jobs and wages will also result in increased collection of taxes and other revenues associated with economic growth due to this development.

Comment: It is a proven fact, most recently discussed in the October 2011 study from Headwaters Economics, that recreation is the biggest driver in Grand County's increasing quality of life and thriving economy. The current BLM Master Leasing Plan outlining the potential for future exploration and development of oil, gas, and potash is problematic and possibly drastically detrimental to those assets as well as the goals and past work of this group.

Comment: Given that the Moab BLM field office has been pretty accurate so far in their prediction of how many producing oil and gas wells would sprout up each year and that that number has not been overwhelming, the same prediction needs to be made about potash plants to give the public an idea of just how desperate this situation could or could not be.

Comment: A number of studies related to the economic contributions of various natural features have been released recently, including studies that assess the economic value of the National Parks, the public lands, wilderness and other protective designations, and most recently, the Colorado River. The

limitations of these studies must be acknowledged and analyzed. The state is concerned that these studies are all framed from the same base data. The state has extensive experience in the generation and review of such work and is prepared to engage in a detailed analysis of any work BLM may believe would be relevant.

Comment: Since the primary impetus underlying the MLP appears to be human benefit, it is proper to balance the sought for benefit against the costs of foregone or forestalled economic opportunities, which costs will be incurred by the local and regional human community as a consequence of any added exclusions, stipulations or other development constraints that may be applied within the MLP area. As a matter of equity and balance, which are legitimate considerations under multiple use principles, the MLP process and the associated EIS should consider the human benefit being sought under the MLP not just within the context of a variety of natural values as listed in the Federal Register notice, which are actually peripheral to the study as they are already substantially protected under present law and plans. The MLP process should also include an evaluation and estimation of the local human economic cost that will result from added exclusions, stipulations or other development constraints on oil, gas and potash development within the MLP area. This is to say that if human benefit is the issue at primary interest under the planned MLP, as it appears to be, then human cost at the level at which the plan is to be implemented should be the primary counterpoint against which that benefit is measured.

Comment: Of concern are both the impacts of leasing to the health and safety of surrounding populations and that of workers, equipment operators, and transport systems. Alternatives should specify the respective population changes and characteristics—numbers of single persons, families, income levels, local vs imported labor, etc. Housing is scarce in towns of Grand and San Juan Counties. The negative effects of boom towns are well known, whether in crime and social disruption or the economic turmoil of the inevitable bust phase. Perhaps the most important thing BLM could do is to phase in the leasing and later operations programs.

Comment: The Moab MLP should consider the socioeconomic impacts from oil, gas, and potash leasing and development. These impacts include not only the potential benefits from the development of these resources but also the costs and tradeoffs from their development. Oil, gas, and potash development could have substantial, adverse socioeconomic impacts in the Moab MLP area. These impacts are particularly likely to come from harm to recreation and tourism, harm to ecological services, and harm to air and water quality.

Comment: National parks and other federally and state managed lands are a huge economic draw to southern Utah and the Moab MLP area. The BLM should consider the economic implications of oil, gas, and potash leasing and development and their potential to degrade the very resources that draw so many visitors to the area. For the national parks alone, in 2010, nearly 1.5 million (1,450,313) visitors to Arches and Canyonlands national parks contributed approximately \$150 million (\$144,177,381) to the regional economy sustaining over 2,300 jobs. Headwaters Economics, Economic Impact of National Parks <http://headwaterseconomics.org/headwaters/economic-impact-of-national-parks/> (last visited May 7, 2012).

Comment: The Moab MLP should also consider the potential adverse socioeconomic impacts from oil, gas, and potash leasing and development on recreation on BLM lands in the Moab MLP area. Recently, a study was released that highlights the economic importance of the Colorado River; the BLM should review this study and incorporate its findings in the Moab MLP analysis and decision. See Southwick Assoc., Economic Contributions of Outdoor Recreation on the Colorado River & Its Tributaries (May 3, 2012), available at http://protectflows.com/wpcontent/uploads/2012/05/Colorado-River-Recreational-Economic-Impacts-Southwick-Associates-5-3-12_2.pdf.

Comment: The Moab MLP should quantify the costs of increased air and water pollution from any potential development that might result from the Moab MLP. The Moab MLP should also quantify the cost of ecological services that might be lost as a result of oil, gas, or potash development in the area. These ecological services could include such processes as water filtration or soil stabilization.

Comment: Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," applies to federal agencies that conduct activities that substantially affect human health or the environment. Consistent with this order, EPA recommends the NEPA analysis disclose and evaluate any environmental justice concerns associated with impacts to minority and low income communities from the potential build-out for the reasonably foreseeable development analysis. To this end, EPA recommends the following:

- A general evaluation of the geographic scope of the impact area and identification of minority, low-income, and tribal communities within that scope.
- A determination of whether there may be disproportionately high and adverse impacts, including cumulative impacts, on the identified communities.
- If there are no applicable Environmental Justice (EJ) considerations, then that should be disclosed.
- These goals can be accomplished by completing the following:
- Disclosure of EJ communities in the impact area, including a description of the methodology and criteria utilized for identifying low income and minority communities, the sources of data used for these analyses, and the references used for establishing the criteria. The EPA recommends comparing census block group percentages (if available, or, at a minimum, census tract data) for below poverty and minority populations with the state average. If a block group percentage is greater than the state average, we recommend further analysis regarding the potential for disproportionate adverse impacts. The EPA does not recommend use of higher thresholds, which may fail to identify an EJ community in the situation where the minority or low income population percentage of the affected area is meaningfully greater than the corresponding population percentage in the state (but less than the specific ratio selected).
- To the extent information is available, perform a detailed assessment of environmental justice and other socioeconomic concerns for any communities that have below poverty or minority populations greater than the state average. We recommend the assessment include the following information:
 - A discussion of the potential direct, indirect and cumulative environmental impacts of mineral development on the health of these communities, including air quality and water quality impacts.
 - An evaluation of the socio-economic impacts to the local communities, including the potential for any additional loading placed on local communities' abilities to provide necessary public services and amenities resulting from implementation of mineral development activities (e.g., housing, recreation, tourism, transportation, emergency response, etc.).
- The BLM's Final EIS for the Gasco Uinta Basin Natural Gas Development Project contains a thorough analysis on impacts to EJ communities.
- If any disproportionate adverse impacts are identified, we recommend that the BLM consider mitigation measures to reduce those impacts and involve the affected communities in developing the measures. The EPA recognizes the need for early involvement of the local communities, and supports the meaningful participation of community representatives in the NEPA process. We encourage the BLM to thoroughly disclose all efforts taken to ensure effective public participation.

For additional information, please consult the EPA's website on NEPA and environmental justice at: <http://www.epa.gov/compliance/nepa/nepaej/index.html>

Comment: The oil and gas resource potential in the MLP planning area is significant. It is estimated that the planning area contains 145 Bcf of natural gas, 32,477,632 barrels of oil, and 4,410,384 barrels of Natural Gas Liquids (NGL). In addition, technological advances that enable the development of oil and natural gas resources that were previously thought to be unrecoverable could increase the overall resource potential in the MLP area. By closing areas at the pre-releasing stage through the MLP process, BLM would be closing access to significant domestic energy resources in the MLP area. These closures, along with restrictive lease stipulations that could ultimately be applied, will have a significant negative impact on capital investment in energy development in the MLP area, job creation and economic activity. Accordingly, BLM must provide a thorough analysis of the socio-economic impact of the closures and restrictions to oil and gas development in the MLP. Utah's oil and gas industry contributes significantly to the local, state, and national economy, providing millions of dollars each year in royalties, bonuses, and severance taxes, besides the added benefits of direct capital investment to local economies and over 79,000 high paying jobs. Continued access to oil and gas resources on Utah's public lands is critical to ensuring economic growth and job creation in eastern Utah's rural communities.

Comment: By closing areas at the pre-leasing stage through the MLP process, BLM would be closing access to significant domestic energy resources in the MLP area. These closures, along with restrictive lease stipulations that could ultimately be applied, will have a significant negative impact on capital investment in energy development in the MLP area, job creation and economic activity. Accordingly, BLM must provide a thorough analysis of the socio-economic impacts of the closures and restrictions to oil and gas development in the MLP.

Comment: Please consider the 25 something full time guides I employ here in Grand County and remember. If you ruin our backyard for a short term gain in oil & gas revenues, the tourism side of things could suffer an crushing blow, never to return.

Comment: Because Moab is directly impacted by tourism the proposed action would negatively effect the number of tourists visiting this amazing part of the country for its stunning vistas and recreational activities. I don't know of anyone who would like to camp, hike, or bike with oil rigs, potash mines, or the like in view. The amount that we already have is excessive and huge eye sores. Being that I work for a business that is completely supported by tourism dollars this plan would effectively be putting me out of a job eventually.

Comment: Finally, it is obvious to me that the development of at least one or two new potash mines in this area would enhance and better balance the socio-economic interests of both Grand and San Juan Counties, to the benefit of all the citizens of that region. Such would balance the interests of industry and tourism, and agriculture and environment of the region. Potash is an essential commodity to the local region, and to our country, helping to grow our crops better, and ultimately helping the nation's balance of trade.

Comment: I believe the BLM needs to take into consideration the needs of the tourism and recreation based economy of Grand County. These businesses create jobs and create opportunities for the vast number of people who visit here to work and play.

Special Designations (ACECs, Historic Trails, WSR)

Comment: The BLM can continue to advocate and enforce protection for Areas of Critical Environmental Concern (ACEC) and proposed wild and scenic river corridors.

Comment: All areas noted as having special designations should be outside leasing tracts and protected from leasing impacts. Same with National Parks and State lands.

Comment: To be consistent with the BLM's recent withdrawal of placer mining for rare and precious minerals along the river corridors in SE Utah, The Three Rivers Withdrawal, so should OG&P facilities also be withdrawn from the river corridors.

The BLM should be careful not to violate the WSRA and the BLM Manual by failing to recommend segments that otherwise qualify as suitable because they are supposedly protected by some other management prescription, including wilderness study area status, area of critical environmental concern (ACEC) designation, or special recreation management area (SRMA) designation. 16 U.S.C. § 1275(a); BLM Manual § 8351.33(A). These other management prescriptions are only temporary, and do not offer permanent protection specifically for the rivers' outstandingly remarkable values. If the BLM were to fail to recommend segments that otherwise meet the suitability criteria as suitable, BLM violates the WSRA by applying criteria outside of those enumerated in the WSRA and the BLM Manual, and allows for the potential degradation of these rivers and their outstandingly remarkable values. 16 U.S.C. § 1275(a); BLM Manual § 8351.33(A). BLM's failure to recommend these otherwise-suitable sections would defeat the purpose of the WSRA, which is to protect rivers and their outstandingly remarkable values. 16 U.S.C. §§ 1271, 1272, 1276(d)

Vegetation/Forestry/Riparian Resources

Comment: The BLM must enhance vegetation management programs to consider the following issues: the reclamation of past disturbances, soil stabilization, soil nutrient cycles, watershed health, the aesthetic role of vegetation in the landscape, and the potential ramifications of a loss of vegetation productivity as a result of climate change and severe and sustained drought conditions. This would also include the control and eradication of noxious weeds and invasive non-native tree species such as the tamarisk monoculture, Russian olive and Chinese elm.

Comment: The MLP EIS must begin vegetation management programs to consider the following issues: restoration of past disturbances, soil stabilization, soil nutrient cycles, watershed health, the aesthetic role of vegetation in the landscape, and the potential ramifications of a loss of vegetation productivity in a sustained drought. For example, in 2001, the Veritas Corporation completed seismic work in Grand County at considerable damage to vegetation, wildlife burrows, and soil crusts. The stipulations for seismic exploration must be more thoroughly vetted with the consultation of certified ecologists.

Comment: BLM should consider such techniques as soils stockpiling and interim seeding for soil stabilization and maintaining soil biotic communities, plant salvaging for later replanting, and identify other factors that will lead to successful reclamation. Monitoring program should include criteria to deem reclamation a success and require at least a 15-year timeframe.

Comment: Wetland, riparian, seep/spring, and headwater ecosystems are limited in extent but have high species diversity and provide key elements to watershed function including aquifer recharge. Disturbance of these valuable resources must be avoided. Adjacent lands to these ecosystems can serve as buffer areas for protection. Three hundred foot buffer areas should be established and part of mitigation requirements.

Comment: Vegetation recovery after removal of plants and soil disturbance in the planning area is difficult and requires good baseline data to ensure reclamation plan requirements are robust and on target. Because soil moisture is so extremely limiting as well as unpredictable, broadcast seeding efforts are largely failures. This will only increase the challenges for reclamation as the forecast for climate change sees only more extreme weather patterns in the area. BLM should consider such techniques as soils

stockpiling and interim seeding for soil stabilization and maintaining soil biotic communities, plant salvaging for later replanting, and identify other factors that will lead to successful reclamation. Monitoring program should include criteria to deem reclamation a success and require at least a 15-year timeframe.

Comment: Potential impacts to our programming/ program areas include possible impacts from a large amount of water in the Potash extraction Process leading to increased stress on local flora and fauna-contributing to a possible decline in over all ecosystem health.

Comment: We recommend you analyze impacts and provide conservation measures, including consideration of a No Surface Occupancy stipulation, for narrow endemic plants which may occur within the planning area. These include Cisco milkvetch (*Astragalus sabulosus*) and Isely milkvetch (*Astragalus iselyi*), which were petitioned for ESA listing and will be evaluated by the Fish and Wildlife Service to determine if federal listing is warranted.

Comment: As with all projects that will create surface disturbance, there is potential for introduction and spread of invasive and noxious plant species. The EIS should evaluate the potential for oil and gas development activities to introduce and spread weedy species. Leasing stipulations should identify specific measures to prevent weed introduction and proliferation. These measures should include both preventative actions as well as monitoring and control actions. The use of native species should be required unless local conditions indicate the use of non-native species that will not naturalize.

Comment: The BLM should develop stipulations to ensure that all mitigation efforts are monitored using established thresholds to indicate the need for remedial action. Success criteria should be applied that address sensitive periods, species of concern, and desired vegetation communities.

Visual Resources Management (VRM)

Comment: The scenic quality of the landscape in and around the planning area is world renowned and is a very significant economic asset for the entire region. Maintenance of that landscape should be included as a planning issue.

Comment: The preservation of dark night skies should also be a planning issue, since new oil, gas, and potash leasing has the potential to affect the natural dark night sky that is among the outstanding features of the area in and around the planning area, and which is a feature preserved at Arches and Canyonlands National Parks.

Comment: Though the borders of southern Utah's most famous parks are preserved, the impact of expanded roads, altered viewsheds and increased pollution, tailings and runoff will not stop at the borders. Should significant oil and gas reserves be found in this area, the interests behind energy exploration will have no problem lobbying congress to allow Utah's iconic landscape to be marred by oil derricks and fracking operations. Please do not allow such an extensive area to be opened for private use. Perhaps small, localized areas that have minimal impact to the surrounding ecology and visual landscape should be considered, but not everything in the area between town and our cherished national parks.

Comment: New oil, gas, and potash leasing has the potential to affect natural quiet and natural soundscapes. Protecting natural quiet and natural soundscapes should be among the planning issues for this Master Leasing Plan.

Comment: Identification of “sound scapes” i.e. the potential range of hearing pumps and other machinery... not only on BLM lands but in nearby National Park areas such as the Maze, Needles and Stillwater [should be fully addressed].

Comment: Development of OG&P in the Lockhart Basin must not occur and the BLM leasing program should provide opportunities to assist the objectives of the Organic Act of 1916, especially as the Act approaches its 100th anniversary in 2016. The following map delineates the area we would like to see exempt from any new OG&P leasing: Figure No. 6: Map of Greater Canyonlands National Park.

Comment: Areas adjacent to Arches and Canyonlands National Parks should be prioritized for closure and identified in conjunction with input from the National Park Service.

Comment: I recently learned that the BLM is considering allowing Oil & Gas leases on tracts of land adjacent to and surrounding the Arches National Park. I understand the need to reduce dependency on the small percentage of non domestic gas and oil. I understand that higher gas and fuel prices effect everyone. I would rather pay \$8 a gallon for gas and turn down my heat than see towers and pumps in one of the truly beautiful places left in North America. Please consider the irreparable damage that this type of exploration and development will inflict.

Comment: Keep industrial development away from our national parks.

Comment: When considering the new leasing plan please keep into consideration why this area has two National Parks, what will happen to the visual resources, what will happen to the air and water quality, how many local people will benefit and how many will suffer from the deleterious effects of mining.

Comment: Air quality assessment should include the dark night sky as a resource and potential impacts of lighted rigs on view sheds. Opportunity to experience silence, see big undeveloped vistas and exceptional starry skies are among the reasons our client teachers choose CFI/Moab.

Comment: The BLM must withdraw the Lockhart Basin from development to protect its scenic resources and to allow for a Greater Canyonlands National Monument to be established in the near term. Completion of Canyonlands National Park has been a conservation objective since the park was established in 1964.

Comment: The national parks here, Arches and Canyonlands, are known for their dark skies and receive special visits and educational programs from stargazers, and people who enjoy distant scenic views, sunrises and sunsets. OG&P facilities (lights, pads, pipes, jacks, condensation tanks and etc.) would degrade these established values and purposes of the national parks. The existing potash facility on SITLA lands is a detriment to the visitors of Dead Horse Point State Park and any other similar facility would have a cumulative impact. At a minimum, please require lessees to comply with Grand County Land Use Code Section 6.6 for full cutoff lighting, and shielding all light sources from offsite view.

Comment: Scenic Byways in Grand and San Juan Counties include Hwy. 128 (“River Road”), Hwy. 279 (“Potash Hwy.”), Hwy. 313 (“Dead Horse Mesa”), Hwy. 211 (“Indian Creek Corridor”). The view for these highways should not be impaired by OG&P facilities or pipelines. The views from trails in established BLM Resource Areas should also not be impaired.

Comment: BLM must also create a reasonable buffer zone around the entire perimeter of Arches National Park, and preferably establishing a no drilling zone on the internationally significant federal lands lying between Arches and Canyonlands National Parks.

Comment: Potential impacts to our programming/ program areas include; significant visual impact for La Sal Mountain users. Most notably at night when an increase in drill rig lighting would reduce the quality of the view scape when looking S, SW, W and NW.

Comment: The economic base of both Grand and San Juan Counties is tourism. Anything which negatively affects visual resources is detrimental to our economies and quality of life. Where possible, such industrial evidence as drill rigs, plant sites, and tailings ponds should be hidden from the viewshed of roads and trails.

Comment: One potential impact that the Moab MLP should consider is denigration and development within the viewshed of Arches, Canyonlands, and Dead Horse Point.

Comment: In addition to the potential impacts to the viewshed of national and state parks, the Moab MLP should consider impacts to the viewshed of scenic vistas on BLM-managed lands. The viewsheds at the Needles Overlook, Anticline Overlook, Canyonlands Overlook, the Monitor and Merrimac Overlook, and the Needle's access highway in Indian Creek, for example, should all be free from the sights of future oil, gas, and potash development. The Moab MLP should include a viewshed analysis to ensure that such viewsheds will be protected.

Comment: The National Park Service recognizes dark night skies as an important cultural, natural, and scientific resource. The BLM should use the Moab MLP to ensure the protection of the night skies in the Moab MLP area as well as at Arches and Canyonlands national parks. National parks have become some of the last sanctuaries of darkness amidst a rising surge of light pollution. Many visitors go to national parks just to experience the dark, starry skies, which in turn brings economic benefit to the parks and surrounding communities. A 2007 visitor survey by Southern Utah University in Utah national parks found that 90% believe that some places need to be preserved especially for their nighttime visibility, and 80% believed that communities near national parks should assist in maintaining dark skies. In addition to the visitor experience, wildlife species depend on natural patterns of light and dark for navigation, to cue behaviors, or hide from predators. These factors should be discussed and analyzed in the Moab MLP.

Comment: The Moab MLP should also consider the potential impacts on noise and night skies at the national parks and state park. Any leasing that could lead to development in the Moab MLP that will be audible from these locations should be eliminated. Likewise, the Moab MLP must consider how development may be visible at night from these parks.

Comment: The BLM should analyze and consider how the national parks' visual resources will be impacted by potential oil, gas, and potash leasing and development. Specifically, the infrastructure required for this type of development—road building, drill pads, haul trucks, and evaporation ponds—could diminish the appeal of these remote, protected landscapes of the Colorado Plateau if they are allowed to cover the lands within the viewshed of the national and state parks.

Comment: Any area within view of overlooks at Deadhorse Point State Park should be closed to leasing or subject to no surface occupancy (NSO) limitations. The Island in the Sky overlooks in Canyonlands National Park, such as the Grand View Point, the White Rim Overlook, and the Buck Canyon Overlook viewsheds should be protected from all surface disturbance related to oil, gas and potash development. Potash leasing and development in the recently identified Ten Mile KPLA, Hatch Point area, and lands immediately west of Arches National Park also threaten park resources and should be fully considered in the Moab MLP.

Comment: The National Park Service has previously raised issues related to oil and gas leasing in the Hatch and Lockhart Basin areas because of potential impacts to park viewsheds. See NPS Memo. It has

also raised issues with oil and gas leasing west of Arches National Park because of impacts to viewsheds. See *id.* These outstanding issues from the BLM's December 2008 oil and gas lease sale in the National Park Service's comments should be addressed in the Moab MLP. The National Park Service has previously raised issues related to oil and gas leasing in the Hatch and Lockhart Basin areas because of potential impacts to park viewshed. It also has raised issues with oil and gas leasing west of Arches National Park because of impacts to viewsheds. These outstanding issues from the BLM's December 2008 oil and gas lease sale in the national Park Service's comments should be addressed in the Moab MLP.

Comment: The NPS has found that light from distant cities affect night skies over 200 miles away and that almost all national parks have noticeable light pollution. In addition, one of the greatest threats to our night skies is air pollution. According to the park service, "Air pollution particles...increase the scattering of light at night, just as it impacts visibility in the daytime. Managing natural lightscapes and artificial light pollution is therefore a priority for the National Park Service from both a recreational and ecological perspective. The Moab MLP should honor this priority and harmonize its management of oil, gas, and potash leasing and development with the improvement and maintenance of dark nights skies in and around Arches and Canyonlands national parks.

Water and Soil Resources

Comment: The BLM must clearly define and articulate all watershed protection zones and withdraw extractive activities to protect water supplies for communities, national parks, and wildlife species at risk.

Comment: The Plan and EIS should include language to provide management commitment and protection of springs, riparian areas, and wetlands, and encourage appropriate protection for perennial, ephemeral, and intermittent streams. These areas provide important habitat for a myriad of species, including amphibians, reptiles, birds, mammals, and macroinvertebrates. Watershed protection will be increasingly critical in coming years as the pressures from other uses continue to intensify. The identification and implementation of goals and appropriate protective measures in the RMP is an important step. Establishing monitoring priorities and strategies will help determine if resource needs are being met.

Comment: BLM has identified water resources including aquifers as a planning issue. We agree that water resources, including aquifers, should be addressed in the Master Leasing Plan since new oil, gas, and potash leasing does have the potential to affect water resources, including the quality, quantity, and normal seasonal flow fluctuations of surface and subsurface waters associated with natural and cultural resources protected within Arches and Canyonlands National Parks.

Comment: The analysis must address all soil resources that BLM and NRCS have mapped. Soil impacts typically addressed include, for example, soil erosion from wind and water (rain splash/runoff/flash flooding), soil compaction/structure loss, soil fertility, and the ability to be reclaimed after disturbance. In addition, BLM should analyze the effects on the soil matrix biological community – fauna and flora – which is key to soil quality.

Comment: The watershed approach has been articulated by the Environmental Protection Agency at the following website: <http://water.epa.gov/type/watersheds/approach.cfm>. As stated by the EPA, "A watershed approach is the most effective framework to address today's water resource challenges. Watersheds supply drinking water, provide recreation and respite, and sustain life. More than \$450 billion in food and fiber, manufactured goods, and tourism depends on clean water and healthy watersheds." CWC endorses this framework and recommends that the BLM craft an alternative that places the protection of water, land, air and cultural resources on a higher tier of development than the extraction of

nuclear and fossil fuels and minerals. CWC foresees such a framework as producing an unique model for the rest of the region to implement, and CWC would offer to assist MLP EIS planners in its development.

Comment: CWC strongly suggests that until our water supply is better understood and quantified, the extraction of OG&P should not be permitted. The technology of extracting non-renewable resources has become invasive and is poised to alter the natural state of renewable groundwater reserves. Essentially, communities are being asked to exchange one resource for another. Though alternatives exist for energy and fertilizer, no alternative exists for dependable and inexpensive water supplies for these two counties.

Comment: BLM must take into consideration soils typically known to be sensitive – these include but may not be limited to those that occur on steep slopes and rugged topography, riparian zones, uplands adjacent to riparian zones that can provide buffers to riparian/stream corridors, headwater areas.

Comment: Biological soil crust ecosystems (BSC) present a very special case as a sensitive soils category due to their extent and importance in maintaining soil stability and ecological balance. On the Colorado Plateau, soil crust communities are integral to the cool desert ecology and are fundamental in maintaining healthy, fully functioning watersheds. BLM should be striving to restore BSC lost to previous use and abuses while planning for futures uses.

Comment: BLM should give special analysis consideration to BSC in the planning area. This starts with accurate mapping of this sensitive resource in addition to the existing soil survey mapping available for the study area.

Comment: BLM must withdraw all public lands in the planning area from speculative potash development, since the exorbitant amount of water required for such mining operations will affect the entire Colorado River basin. The Basin's water resources are presently over-allocated and experiencing diminished annual yields with each passing decade. Such a decision would calm the impending conflict over water rights in the basin.

Comment: Second in priority to air quality is consideration of the availability, use and quality of our water supplies. It seems evident that potash mining and processing will use—and lose, large quantities of water. Given the current and future impacts of global warming and severe drought conditions, serious questions must be raised about the wisdom of new leasing of potash resources at this time. Despite its economic benefits to mine owners and to the State, some thought should be given to delaying such leases until less water-intensive (and energy-intensive) processes are developed.

Comment: Disturbance effects can result in a wide variety of negative impacts to BSC. A partial list of topics that must be fully addressed include:

- Species Composition
 - Air pollution (dust, HAPs emissions from operations and support systems)
 - Annual plant invasion (cheatgrass and other noxious and obnoxious weedy species that disrupt ecological balance)
 - Mechanical disturbance due to all activities associated with exploration, development, and operation.
 - Oil spills and other spills from process, production, etc chemical materials from the O&G activities or potash operation scenarios and ancillary/support activities (eg vehicle/equipment maintenance, etc)
 - Burial of SBC and associated 'secondary creeping loss' caused by the initial disturbance.
- Nutrient inputs and retention including carbon fixation and nitrogen inputs
- Vascular plant germination, survival, and nutrition

- Surface albedo increase due to disturbance
- Soil hydrology: water infiltration, runoff, soil moisture holding capacity, and aquifer recharge
- Wind and water erosion and loss of soil stability and effects of soil loss and sedimentation to surface waters

Also, special attention should be given to unique and rare SBC ecosystems such as those formed on gypsiferous soils.

Comment: Secretary Salazar has hailed the Colorado River as the most vulnerable river system (watershed) in the United States. The BLM must initiate much firmer stipulations, such as precluding drilling redundant and speculative wildcat wells and restricting well pads from impacting proposed wilderness areas, national parks, and scenic byways and trails. BLM must begin to restore many of the unreclaimed well pads throughout southeast Utah.

Comment: OG&P mining exploration and development have similar yet many different processes, facilities, footprints that will disrupt the soil resource. BLM should identify all disturbance vectors and processes associated with these resource projects.

Comment: Grand County's Land Use Code prohibits building on slopes of 30% or more. While leasing will impact only public and split estate lands, the local codes of both Grand County and San Juan County should be respected.

Comment: For this MLP, the EPA notes the importance of disclosing methods for protecting the Glen Canyon and Castle Valley Aquifers, which are vital drinking water resources that EPA has designated as Sole Source Aquifers.

Comment: We recommend that the BLM characterize existing groundwater and surface water resources within the planning area in the Draft EIS by:

- Mapping groundwater and surface water resources in the development area. This could include a summary discussion of the water resources that exist in the planning area (i.e., miles of streams, acreage of lakes, acreage of riparian areas, number of springs, etc.).
- Identifying water uses within the planning area, including:
 - All source water protection areas within each alternative (i.e, Sole Source Aquifers, Drinking Water Source Protection Zones designated by the State of Utah, or Municipal Watersheds).
 - Surface water and groundwater use, including the location and source identification of agricultural, domestic and public water supply wells, springs, or surface water intakes.
- Presenting baseline data on the condition and quality of groundwater and surface water resources, and where appropriate and possible, reasons why these resources have been impacted (e.g., oil and gas development, mining), including:
 - Lists of any Clean Water Act (CW A) impaired or threatened waterbody segments. within, or downstream of, the project area, including the designated uses of the waterbodies and the specific pollutants of concern. We recommend contacting the Utah Department of Environmental Quality to identify/validate any such waterbodies potentially affected by the project.
 - Inventories and maps of existing wetlands and waters of the U.S. within the planning area, including wetlands that are regulated under Section 404 of the CW A and wetlands that are determined to be non-jurisdictional and protected under Executive Order 11990 - Protection of Wetlands (May 24, 1977), and, where applicable, acreages and channel lengths, habitat types, values, and functions of these waters.
- Discussing groundwater resources, with particular emphasis on:

- The major aquifers in the basin, their three dimensional extent, the physical and chemical characteristics of their groundwater, estimates of the quantity of water in the aquifers and aquifer recharge rates;
- The location and extent of the groundwater recharge areas;
- The location of shallow and sensitive aquifers that are susceptible to contamination from surface activities; and
- The location of existing and potential underground sources of drinking water (USDW). USDWs include not only those formations that are presently being used for drinking water, but also those that can reasonably be used in the future.

Comment: Oil and gas well completion activities, enhanced oil recovery operations, solution injection for potash mining, and potash processing typically use freshwater. We recommend that the BLM disclose in the Draft EIS, to the extent that information is available, the water needs and anticipated sources for projected development. The EPA recommends reuse of produced water or potash processing water for these activities to reduce the use of drinking water resources and help ensure the long term sustainability of these operations.

Comment: Further, because availability of freshwater could be a concern for future mineral development projects in the planning area, we recommend that the Draft EIS confirm that future projects will need a water resource management plan to address water consumption and produced water disposal, including identifying water recycling opportunities.

Comment: Based on our knowledge of the area and mineral development process, the EPA suggests that a comprehensive analysis of potential impacts to the quality of surface water and groundwater resources evaluate the following activities for their impacts:

- Waste management, including use, reuse, recycling and disposal of mine water, potash processing water, and oil and gas produced water as well as disposal of solid potash mining solid waste;
- Impacts to shallow aquifers from potash solution mining and oil and gas well drilling, well completion and production;
- The potential for toxics leaching from ore and waste rocks, or nitrogen residue associated with blasting;
- Management of spills or leaks from surface impoundments, including potash evaporation ponds, oil and gas pits, or produced water evaporation ponds;
- Erosion and sedimentation impacts associated with surface disturbance, including those associated with roads, well pad construction, well drilling and completion, pipelines, and mining activities.

As part of completing the aforementioned evaluation, we recommend that the following resource impacts be discussed including disclosure of which waters may be impacted, the nature of potential impacts, and specific pollutants likely to impact those waters:

- Groundwater: Potential impacts to groundwater, including the Glen Canyon and Castle Valley Sole Source Aquifers and other municipal or private water supplies. We recommend that this include an analysis of the management of any fluids that will be injected underground for well completion or potash solution mining, including the toxicity and fate of these fluids, with a focus on avoiding surface spills or leaks of these fluids.
- Impaired Waterbodies: Potential impacts to impaired waterbodies, including waterbodies listed on the CWA § 303(d) list and waterbodies with completed Total Maximum Daily Loads (TMDLs).

- If mineral development occurs in the planning area, it could constitute a new nonpoint source that may result in further impairment and the potential for additional violations of surface water quality standards. We therefore request that the BLM explain in the Draft EIS how mineral exploration and development may impact any waterbodies with completed TMDLs and/or listed water quality impairments, if present, for the specific pollutants listed.
- In addition, if there are permittees in the watershed discharging a pollutant of concern under the TMDL, any change to the ambient loading of the pollutant of concern may result in changes or additional permit requirements for point sources. We recommend that this potential be evaluated and discussed in the Draft EIS so that permitted facilities are aware of potential impacts of the project alternatives.
- Surface Water Quality and Sedimentation: Potential impacts to water quality from runoff associated with surface disturbance. Erodible soils can represent a significant nonpoint source, and runoff could introduce sediments, as well as salts, selenium and other heavy metals into surface waters. To ensure sufficient information is included about the potential impacts of soil disturbance, we recommend that the Draft EIS include an estimate of erosion rates for each alternative in tons per year based on amount of surface disturbance, soil types, topography and slope, to avoid significant sedimentation.
 - For example, the Wyoming BLM's Bighorn Basin Draft RMP/EIS estimated sediment runoff based on projected surface disturbance, types of surface disturbance, and general characteristics of the basin (erodible soils, slopes, etc.). Erosion rates were calculated using the Water Erosion Prediction Project (WEPP) model. The WEPP model used by the BLM is a web-based interface designed by the United States Forest Service and can be accessed at: <http://forest.moscowfs1.wsu.edu/lfswepp/>. We recommend that BLM consider using this or an equivalent model.

Comment: The EPA recommends the Draft EIS identify and discuss how surface water and groundwater quality will be protected during future mineral development and how significant impacts will be mitigated. This can be accomplished by developing specific stipulations for avoiding wells and surface disturbing activities in sensitive resources areas, and acknowledging where existing RMPs also include several important stipulations for protection of water resources. Establishing additional stipulations during development of the MLP will avoid and mitigate potential significant impacts to water resources within the planning area. A list of our general recommendations for leasing stipulations to protect water resources, particularly drinking water sources, during mineral development is provided in Attachment 1. Please note that we look forward to working with you once the impact analysis is complete in your efforts to identify which mitigation strategies appear appropriate to mitigate significant impacts.

Comment: One important example of mitigation we already believe to be essential, given the presence of the Castle Valley and Glen Canyon Sole Source Aquifers is a No Leasing stipulation over the Sole Source Aquifers. This stipulation would make the Sole Source Aquifers unavailable for mineral leasing. Based on the map of the MLP area provided in the scoping materials, it appears there is very little overlap between the Sole Source Aquifers and the planning area boundary, and we believe that, at most, this stipulation would remove a few hundred acres (or a few tenths of a percent) from the MLP area available for leasing. EPA's designation of these Sole Source Aquifers recognizes these areas as providing a difficult to replace and extremely valuable drinking water resource. No Leasing over these aquifers provides necessary increased protection for drinking water compared to the current No Surface Occupancy (NSO) stipulation in the Castle Valley and Mill Creek-Spanish Valley watersheds by preventing potential down-hole impacts associated with accessing the minerals by use of directional drilling.

Comment: In addition, EPA recommends that the analysis identify the mitigation measures available to protect sensitive water resources. To this end, the EPA recommends the Draft EIS include:

- A list of BMPs that may be required to protect surface water and groundwater resources;
- A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of erosive soils, slope, shallow water aquifers, proximity of water wells, etc.); and,
- An explanation of how the BLM would ensure that the BMPs would be monitored and enforced.

We have provided some general recommendations for mitigation measures to protect groundwater resources in Attachment 1. We recommend following CEQ's recent guidance, *Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact*, when addressing mitigation of any impacts identified in the Draft EIS.

Comment: We additionally recommend that the Draft EIS include a commitment that future project-level NEPA analyses for mineral development will contain a monitoring plan and program to track groundwater and surface water impacts as drilling and production operations occur. This will ensure the BMPs are mitigating impacts from routine development activity. It will also identify potential impacts associated with spills or leaks of hazardous materials. An essential component of future project-level monitoring is baseline and long-term monitoring for private wells. In the absence of groundwater modeling to determine the distance from the project at which impacts may occur, the EPA recommends the BLM adopt a requirement for monitoring to occur in private wells within one mile of an oil and/or gas project area (the BLM Gasco Uinta Basin Natural Gas Development and Greater Natural Buttes projects are examples of where similar monitoring programs have been established). This monitoring will help assure mitigation measures are adequate and that water resources are being fully protected.

Comment: The protection, improvement, and restoration of wetlands and riparian areas are a high priority since they warrant protection under Section 404 of the CWA as well as Executive Order 11990. Executive Order 11990 directs all Federal Agencies to take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands regardless of the CWA § 404 jurisdictional status of the wetlands. These areas increase landscape and species diversity, and are critical to the protection of designated water uses. Well pad construction in floodplains presents the potential for flood damage to well-heads and associated production equipment that could result in leaks or spills of toxic materials to waterbodies, and should be avoided consistent with Executive Order 11988 - Floodplain Management, which calls on Agencies to avoid to the extent possible impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.

Comment: the EPA recommends the BLM disclose the extent to which wetlands, riparian areas and floodplains could be impaired by potential activities, including:

- Impacts to surface waterbodies from subsidence associated with conventional underground mining;
- Stream structure and channel stability,
- Streambed substrate, including season and spawning habitats,
- Stream bank vegetation, riparian habitats, and aquatic biota.
- The cumulative effects of increased levels of erosion and sedimentation.

Comment: We also recommend that the Draft EIS analyze methods for restricting actions in these important resource areas and developing and enforcing BMPs to mitigate the potential impacts of the project. More specifically, the EPA suggests the Draft EIS:

- Include a development buffer to protect wetlands, riparian areas and floodplains. A buffer will help to prevent erosion and sedimentation impacts in sensitive soils, possible spills or leaks from

reaching surface water resources, impacts to wetland plants in unique wetlands such as springs and seeps which can be difficult to replace (e.g., compensatory mitigation through restoration or creation may not be feasible), or disturbance to surface or groundwater hydrology which could impact the viability of wetlands.

- Identify specific mitigation requirements and BMPs applicable to the operator for all phases and actions involved in drilling and production to prevent direct and/or indirect impacts that may exist despite the NSO stipulation (e.g., water quality or hydrologic impacts). We have provided some suggested mitigation measures in Attachment 1.
- As future development proceeds, the EPA encourages the BLM to require delineation and marking of perennial seeps, springs and wetlands on maps and on the ground before development so operators can avoid impacts to them.

Comment: Because of the critical importance of wetland and riparian areas in arid regions, we recommend stipulations be developed to avoid any wetland losses in accordance with Section 404 of the Clean Water Act, Executive Order 11990 (wetland protection) and Executive Order 119R8 (floodplain management) as well as the goal of "no net loss of wetlands."

Comment: We recommend the EIS analyze water use scenarios under each alternative, and assess effects to stream, wetland, spring, and riparian resources, including potential effects beyond the project development footprint. Impacts to fish and wildlife resources, including mollusks, amphibians, fish, migratory birds, bats, and terrestrial species should be evaluated.

Comment: Stipulations should be developed to ensure placement of well pads, roads, pipelines, tank batteries, and other infrastructure avoids ephemeral washes prone to flash flood events. To reduce the risk of contaminants or their by-products reaching streams with aquatic biota, we recommend you implement the management practices described in Hydraulic Considerations for Pipeline Crossings of Stream Channels from the BLM National Science and Technology Center (USDI 2007).

Comment: Impacts associated with this project may lead to heightened erosion and degradation of fish and wildlife resources. We recommend the EIS discuss the potential for erosion, particularly relative to soil crusts, and measures that will be taken to minimize the impacts.

Wilderness Characteristics

Comment: WSAs and non-WSA lands with wilderness characteristics should be outside leasing tracts and protected from leasing impacts.

Comment: BLM must evaluate opportunities to protect lands with wilderness characteristics and to minimize impacts to those values. Protecting lands with wilderness characteristics and minimizing impacts in this MLP process can be achieved by closing areas to mineral leasing and by leasing with no surface occupancy without exceptions, waivers, or modifications.

Comment: BLM should consider whether and how protecting lands with wilderness characteristics in this MLP process would contribute to protecting and recovering the many other values in this planning area, including those identified by the BLM and the public, such as wildlife habitat, cultural resources, national parks, and scenic values. Further, these potential benefits should support a final decision to protect inventoried lands with wilderness characteristics.

Comment: BLM should evaluate protection of lands with wilderness characteristics in a full range of alternatives, analyze and acknowledge how such protection will protect other resources, use that analysis to inform decisions on managing lands with wilderness characteristics, and protect lands with wilderness

characteristics by managing them as closed to leasing or not surface occupancy with no exceptions, waivers or modifications.

Comment: Please keep oil and gas drilling out of proposed wilderness areas in Grand and San Juan counties. Protect our wilderness-quality public lands.

ISSUES ADDRESSED THROUGH POLICY AND ADMINISTRATION

Comment: The EIS team must heed the two Secretarial Orders that provide protocols for addressing climate change and utilizing the best available, rigorous science for vetting this EIS. (SO # 3289 & SO # 3305). The MLP EIS must also be guided by the prescriptions set forth by the Council of Environmental Quality as they relate to the effects of climate change and greenhouse gas emissions.

Comment: Air quality data used for analysis in the MLP EIS, if obtained from industry sources, must be verified by BLM, EPA, NOAA or some entity without financial interests in development scenarios.

Comment: The State of Utah and BLM have a very good relationship working on air quality issues most recently reflected in their joint efforts to understand and model the effects of oil and gas development on the quality of the air in the Uintah Basin. The state expects to continue this good relationship in any studies or analysis of air quality in these two Field Offices. The state also expects to work with the BLM to identify best management practices for control of air pollution.

Comment: Any areas that may be subject to direct impacts or vehicle access because of this management plan must be analyzed and surveyed for archaeological/historical sites under Section 106 of the National Historic Preservation Act, and a plan to protect them must be included in the MLP EIS.

Comment: Looting and vandalism of cultural resource sites is a major problem on BLM land on southeastern Utah. BLM must incorporate the requirements of ARPA, as well as consult with First Nation peoples, on locations and preferred practices surrounding important sites in the planning area. Analysis must be site-specific and enforceable. This problem is exacerbated by increased ease of access, which applies particularly to mineral development roads and their subsequent use by off-road vehicles.

Comment: The Morrison Formation is a dominant formation in the MLP study area and is rich with paleontological resources. Special inventories must be prepared to preserve and protect these scientific and educational resources and the appropriate consulting agency is the Office of the State Paleontologist.

Comment: Impacts to sacred sites and medicinal plants are also sensitive resources that need to be evaluated in the MLP EIS.

Comment: The BLM may not utilize initiatives consistent with Secretarial Order No. 3310, dated Dec. 22, 2010, and BLM's Manuals 6301 and 6302.76 Fed. Reg. 21003, 21004 (April 14, 2011). Secretarial Order No. 3310 provided: "BLM shall maintain a current inventory of land under its jurisdiction and identify within that inventory lands with wilderness characteristics that are outside of Wilderness Study Areas and that are pending before Congress or units of the National Wilderness Preservation System. The BLM shall describe such inventoried lands as "Lands With Wilderness Characteristics," share this information with the public, and integrate this information into its land management decisions. All BLM offices shall protect these inventoried wilderness characteristics when undertaking land use planning and when making project-specific decisions . . ." Id. at 2 (emphasis added). It appears from the publications thus far on this MLP effort that BLM is attempting to follow this directive. The BLM may not implement the Secretary Salazar's "Wild Lands Policy" as articulated in Secretarial Order No. 3310 through this MLP process.

Comment: The BLM should update its inventory of lands with wilderness characteristics as part of this planning process and consider protecting inventoried lands.

Comment: FLPMA and BLM's current guidance require the agency to inventory lands for wilderness characteristics in preparing the Moab MLP.

Comment: Manual 6320 applies to land use planning, which includes land use plan revisions and amendments, such as this MLP process. The Manual directs the BLM to "consider the wilderness characteristics of public lands when undertaking land use planning" and to "consider a full range of alternatives for such lands when conducting land use planning."

Comment: BLM should update its wilderness characteristics inventories in compliance with the new inventory procedures and guidance. The updated inventory should be used to inform development of management alternatives that include protection of lands with wilderness characteristics.

Comment: On April 15, 2011, the President signed into law Pub. Law 112-10, the Department of Defense and Full-Year Continuing Appropriations Act of 2011 ("2011 C.R."). Section 1769 of the 2011 C.R. provided: "For the fiscal year ending September 30, 2011, none of the funds made available by this division or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010." *Id.* (emphasis added). This spending moratorium was continued with subsequent spending bills and remains in force today. The BLM must not violate this clear Congressional moratorium in regard to lands with wilderness characteristics and the BLM may not restrict mineral development based upon a management directive (Secretarial Order No. 3310) that BLM is legally barred from implementing, administering, or enforcing.

Comment: Utah Code Section 63J- 8-103(4) provides that the public lands should not be "segregated into separate geographical areas for management that resembles the management of wilderness, wilderness study areas, wildlands" and the like. Instead, the law indicates the BLM should simply adhere to the normal standard of preventing unnecessary and undue degradation to the land. In addition, the BLM must not manage any of its lands pursuant to the terms of Secretarial Order 3310, or in any manner similar to the provisions of the Order. The state requests the BLM give these laws proper consideration as the study process proceeds.

Comment: BLM should consider water quality impacts: In addition to complying with 43 U.S.C. § 1712(c)(8) and 43 C.F.R. § 1610.5-3, BLM must meet 43 C.F.R. § 2920.7(b) which requires that "[e]ach land use authorization shall contain terms and conditions which shall . . . [r]equire compliance with . . . water quality standards established pursuant to applicable Federal and State law." There are several EPA approved TMDLs within the Moab MLP planning area, including Onion Creek, Mill Creek and Ken's Lake, the terms of which must be followed. See <http://www.waterquality.utah.gov/TMDL/> (listing approved TMDLs). There are also several impaired water bodies listed on the state of Utah's approved 2010 303(d) list within the Moab MLP planning area. See <http://www.waterquality.utah.gov/WQAssess/currentIR.htm>. BLM must not approve any activity which would lead to further impairment of these streams and lakes. NEPA also requires that BLM indicate that lessees and/or operators might need to obtain permits for the discharge of storm water from culverts or diversion ditches that would be built as a result of energy development. See 40 C.F.R. § 1502.25(b). Stormwater runoff from diversion ditches and culverts have been recognized as "point source discharges" for which a National or Utah Pollution Discharge Elimination System Permit (NPDES or UPDES permit) is required under the Clean Water Act. See, e.g., *Northwest Env'tl. Defense Center v. Brown*, 640 F.3d 1063, 1069-73 (9th Cir. 2011); see *id.* At 1070 (comparing point and nonpoint source pollution).

Comment: The BLM must close redundant roads reduce sediment loads in the Colorado River as well as requiring any new operations to use existing roads to the greatest extent possible.

Comment: During this planning level process, BLM should develop a robust, on-the-ground monitoring/mitigation program that clearly includes baseline inventory (Order 1 level survey) requirements so that it is in place if/when exploration or development applications are proposed for the next round of NEPA compliance.

Comment: As the EIS process moves forward, CWC would like to be able to review the soil impacts criteria to be used to identify significant versus non-significant impacts and how the agency will define low, moderate, and high levels of effects using quantifiable metrics.

Comment: We recommend water withdrawal from designated critical habitat for oil and gas purposes follow the Fish and Wildlife Service's most recent Pumping Guidelines (attached) to prevent impacts to larval and juvenile fish.

Comment: The vast areas in question are difficult for many members of the public to even comprehend let alone offer specific comments. Indeed the 783,000 acres under consideration is larger than the entire state of Rhode Island. Given this daunting task it is critical that the Bureau of Land Management (BLM) do everything possible to actively seek out local residents input as well as provide the public with accurate and comprehensive data. Without a true understanding of what areas could potentially be affected the public is simply unable to offer meaningful substantive comments to this notice. A widespread inventory of riding areas, traditional routes of travel, camping and sightseeing areas and other important recreation oriented opportunities must be part of any information provided. This material needs to be presented, along with maps of a reasonably small scale, in order for the public to understand and participate in this process.

Comment: The EIS must explain what mitigation is possible, and at what financial cost, for areas proposed to be open to mineral extraction despite numerous resource concerns. In some EIS documents, area analysis reports for areas with few proposed restrictions often list a host of potential resource impacts (e.g., sensitive soils, presence in critical winter mule deer habitat, multiple stream crossings, or running through potential sage grouse brood rearing habitat), and then answer "YES", with no explanation, to the question of whether the impacts to the above sensitive resources be avoided, minimized or mitigated.

Comment: The EIS and MLP should look at protecting important natural resources for long-term viability rather than facilitating short-term profits through mineral development.

Comment: There should be a strong emphasis on BLM reviewing and utilizing all available validated and peer-reviewed data when considering the MLP alternatives. Empirical data is a crucial source of information. These data should be readily available to the public and transparent so the results can be reproduced and/or validated.

Comment: Cumulative effects from additional mines will not impact the ecosystem demonstrably given the small footprint and nominal air emissions documented at potash solution mines operating around the world.

Comment: On the BLM maps that are produced for this project, there should be a distinction between SITLA lands and Utah Sovereign Lands. There are Sovereign lands within the Courthouse Wash block which are not managed by SITLA. Please change the ownership legend to reflect this difference as these comments only apply to the SITLA trust lands and not to any lands managed by Forestry, Fire and State Lands.

Comment: Cumulative impacts on resources should be analyzed not just the effects of one lease at a time. BLM should learn from successes and failures of the extensive oil and gas development in the Nine Mile-Myton- Vernal, Utah areas and Pinedale, Wyoming.

Comment: Oil and Gas Leasing Should Continue During Any MLP or RMP Update Process. Under the MLP and plan amendments to the Moab and Monticello RMPs that the BLM Canyon Country District is currently preparing, the BLM should not impose a de facto moratorium on oil and gas leasing.

Comment: A RFDs will impact the findings and the recommendations of the MLP. The industry should be consulted. There is virtually no geological data in the Basin with which to determine high grade deposits and subsequently addressing the location and infrastructure needs such as wells, roads, pipelines, processing plants, and evaporation ponds.

Comment: If the exploration is successful, we will have the opportunity to submit an application for a preference right lease which will require another level of environmental review that will address the impacts associated with development of the deposit discovered during prospecting. At this time, the BLM will be able to make an informed decision to address whether and under what terms a lease should issue. We believe that prospecting will be necessary on the lands contained within our applications before a determination can be made that a valuable deposit of potash exists, so analysis of potash leasing in the MLP will not reflect the values of the potash resource. This information will not be available until after prospecting is completed. Further, the MLP process will do little, if anything, to support a properly informed leasing decision for potash.

Comment: The “potash and salt deposit – development potential” shown in Map 3-5 of the Moab District RMP identified very few sites, including known potash leasing areas (such as the Seven Mile KPLA and Lisbon Valley KPLA). Comparing this map to the MLP potash “poster” shows a significant increase in the amount of acreage as “prospecting permit applications (pending).” I hope I would be correct in assuming that all such applications would be held in abeyance until the MLP process is completed. Indeed, the poster appears to demonstrate that the worst case scenario has already occurred; the poster shows a severe rash over BLM, SITLA, and private lands, a terminal case of rosacea.

Comment: Mesa believes that the potash resources on our project lands can be developed in a responsible manner, without significantly impacting priority environmental resources. Accessing the 73,000 acres that Mesa holds under current Applications can be developed with a very small environmental footprint utilizing underground solution mining operations without impacting fresh water supplies. No hazardous chemicals are used or generated by the process and no waste dumps, no shafts or underground workings are used for underground solution mining operations. All mining operations will be governed and regulated under existing Federal, State, and County laws and regulations. Regulations at all levels are in place for emissions, hazardous waste, worker safety and environmental protection. Our operations will utilize modern, best practices mining techniques that will minimize effects on the environment and insure full compliance with all environmental laws and regulations. The MLP should insure that Mesa’s project lands remain available for responsible development without undue stipulations.

Comment: The potential world class potash resources in the Paradox Basin extend across the state boundary from Utah to Colorado. Ensure the federal policies for exploration, leasing and development are administered consistently across the two jurisdictions.

Comment: BLM has logs from oil and gas wells. While these can be useful in identifying potash beds, they are inadequate to address quality of the potash. This can only be determined after core drilling and laboratory analysis, combined with 3-D geophysical data. BLM will utilize data they have to determine reasonable and foreseeable development. Should the RFDs exaggerate the impacts from potential

development, then the leasing decisions, stipulations and conditions of approval may be onerous and prevent development. The RFDs will greatly influence the outcome. BLM must ensure up-to-date information and expertise is used in the RFDs. The potash industry should be consulted prior to finalizing the RFDS as it is critical to an appropriate assessment of cumulative impacts. BLM and the contractor must utilize individuals who are knowledgeable and experienced in potash exploration and development to develop the RFDS.

Comment: The 2008 RMP adequately identified the critical resources in the region that require protection. It did not address potash development adequately, but it clearly identified areas of no leasing or no surface occupancy, which according to the RMP apply to "all resource uses". The RMP should be utilized to allow potash development to proceed where appropriate. The MLP process should quickly review these areas where the RMP is adequate and make recommendations for leasing. This would allow companies to explore the resource, acquire the leases and present BLM with sound development projects.

Comment: Information presented at the public scoping meetings included Poster #13. It identified two potash recovery methods. The underground solution mining-crystallization method may not be workable in southeast Utah. Further analysis by the industry must be performed. Also on the same poster are assumptions for well field spacing under the solar evaporation process. The assumption is for 1-2 well pads per square mile. This may not be what a well field looks like. BLM and the contractor must ensure that science and economics determine the methods of potash recovery. Consult the industry.

Comment: The RFDS will impact the findings and the recommendations of the MLP. Reportedly, there is virtually no geological data in the Paradox Basin with which to determine potash deposits and associated infrastructure locations for ancillary roads, pipelines, processing plants and evaporation ponds. Should the RFDS exaggerate the impacts from potential development, then the leasing decisions, stipulations and conditions of approval may be onerous and prevent development. The BLM must ensure up-to-date and representative information and expertise is utilized in the RFDS. The potash industry can provide valuable contributions and should be consulted prior to finalizing the RFDS to help create a broader and encompassing RFDS.

Comment: Every EIS results in greater constraints and restrictions to exploration and development. This is a result of a review process with the critical flaw that does not consider a balanced land use approach to the resident resources and ultimately regards development as unnecessary. Potash development is necessary. The 2008 RMP adequately identified the critical resources in the region that require protection. It did not address potash development adequately, but it clearly identified areas of no leasing or no surface occupancy, which according to the RMP apply to "all resource uses". The RMP should be utilized to permit potash development to proceed where appropriate. The MLP process should quickly review these areas where the RMP is adequate and make recommendations for leasing, thus removing the uncertainty prevalent within the current regime. A rapid resolution would promote the confidence to allow companies to engage in exploration and advancement of the potash resources, which will consequentially contribute sound development projects to assist in the Reasonable and Foreseeable Development Scenario ("RFDS") for the BLM.

Comment: I believe the BLM should only allow potash development that has been thoroughly demonstrated to have minimal impacts on the land and that all aspects of that development must have been secured before permission is granted or be conditional upon such securing of water, funding and demonstrating the ability to return land to its natural condition after such development has ceased. Permits should have strict time limits for development and not be transferrable. If an area that is permitted does not materialize into a development it should not be put back into consideration for future mineral development until analyzed that it is still an appropriate use for that area. Restrictions such as what I have

mentioned will hopefully prevent "locking up" lands to suit the whims of the industry and only promote sound exploration and development projects.

Comment: It is apparent that the increased economic value of potash has already led to rampant speculation. Assuming that the MLP governs prospecting, and even though the MLP will determine only the leasing phase, it would be wise to look at the longer term implications at each site. Again, looking at the poster, the Draft should answer:

- How many potential leases are represented?
- How many applicants are represented?
- If adjacent leases are granted to different corporations, would each of them be constructing and operating separate processing plants?
- Would alternatives include stipulations for prospecting and exploratory drilling?
- If so, how are such stipulations enforced?
- Whether or not such permits are followed by leases, will reclamation bonds and plan be required of the applicants?
- Is the financial strength of applicants considered in leasing? If a corporation goes bankrupt and is unable to fulfill its cleanup/reclamation responsibilities, how is the burden borne?
- Most important, what are the water and energy usage required for each alternative?

Comment: Acknowledge and cite the BLM's Mineral Policy in the MLP. The study should affirm the implementation of the BLM's Mineral Policy in its findings.

Comment: The BLM must allocate funding and air monitoring stations at strategically optimum places.

Comment: As you know, the EPA, U.S. Department of Agriculture and U.S. Department of Interior have entered into a "Memorandum of Understanding Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions Through the National Environmental Policy Act Process" (National Air Quality MOU; June 23, 2011; <http://www.epa.gov/compliance/resources/policies/nepalair-quality-analyses-mou-2011.pdf>). We have begun to use this helpful tool to ensure effective and efficient NEPA air quality evaluations. We are eager to work with BLM using this tool, and believe it works best to convene a technical workgroup composed of the MOU signatory agencies who will participate in this BLM action. The EPA is committed to working productively with our Federal partners on this effort.

Comment: The BLM must close redundant roads to control fugitive dust as well as requiring any new operations to use existing roads to the greatest extent possible.

Comment: The BLM Mineral Policy released in 2008 (IB 2008-107) provides in part "The BLM will adjudicate and process energy and mineral applications, permits, operating plans, leases, rights-of-ways, and other land use authorizations for public lands in a timely and efficient manner and in a manner to prevent unnecessary or undue degradation" (emphasis added). We are concerned that the present proposal to include potash leasing in the MLP process will delay the timely processing of our applications contrary to the BLM's stated policy. The BLM Mineral Policy also provides that decisions... "will incorporate and consider energy and geological assessments as well as energy and mineral potential on public lands through existing energy, geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential". To attempt to include potash development in the MLP and amend the RMPs before information from prospecting is available would be contrary to this policy.

Comment: A "no further leasing" alternative would serve to establish baseline data and monitoring of natural and cultural resources in the district. Such an alternative should include analysis of the possible

landscape restoration efforts, both active and passive, that could be undertaken under these circumstances, comparing the value of healthy ecosystems to the number and quality of jobs extraction realistically provides. It is presumptuous to implement a master plan at this time when Congress is poised to review, for example, stipulations as regards to hydrofracking practices. There is uncertainty as to the establishment of wilderness in Grand County, as recently recommended by Secretary Salazar. There is also uncertainty about the expansion of Canyonlands National Park. For these reason it is prudent to provide a no leasing alternative to the MLP EIS process until these uncertainties are resolved. In addition to the “no leasing” alternative, the MLP EIS must provide an alternative that gives preference to other user groups’ needs over mineral development interests.

Comment: We believe that extending the scope of the MLP to include potash leasing is inappropriate and recommend that the BLM limit the scope of the Moab MLP effort to address oil and gas leasing only to be consistent with Bureau guidance for the MLP effort. (see comment letter).

Comment: We strongly suggest that BLM reduce the scope of the Moab MLP effort to only address the oil and gas objectives outlined in the Director’s guidance. This would enable the BLM to more efficiently accomplish the task and enable the staff that would be tired up in addressing the potash issues to direct effort towards processing the pending prospecting permit applications consistent with the BLM’s stated mineral policy.

Comment: The BLM instruction memorandum that set the direction for the MLP process (IM 2010-117) states that the purpose of the MLP is to establish "...a process for ensuring orderly, effective, timely, and environmentally responsible leasing of oil and gas resources on Federal lands". We understand that the BLM initiated the MLP effort because of concerns that the existing RMP's did not provide the level of environmental review necessary to support oil and gas leasing. We appreciate that BLM could feel that additional analysis was necessary for oil and gas, because BLM guidance for oil and gas leasing clearly provides that the RMP provides the basis for oil and gas leasing decisions. This is made clear in BLM Instruction Memorandum (IM 2004-110) which provides, "Fluid mineral leasing allocation decisions are made at the planning stage. The EIS associated with the RMP is intended to meet the NEPA requirements in support of leasing decisions." However this is not the case for potash. For potash, and other solid leasable minerals, the planning decision is supposed to identify areas open or closed to non-energy leasing and development, and any area wide terms, conditions, or other special considerations needed to protect other resource values while exploring or developing minerals under the non-energy leasable regulations (BLM H-1601-1, Appendix C, p. 26). The MLP process, which reforms the oil and gas program to provide additional environmental review, is not necessary for potash leasing which already requires additional environmental review beyond the RMP before leasing actions can proceed.

Comment: The BLM Mineral Policy states, "The BLM will adjudicate and process energy and mineral applications, permits, operating plans, leases, rights-of-ways, and other land use authorizations for public lands in a timely and efficient manner and in a manner to prevent unnecessary or undue degradation"(IB 2008-107). Some of the prospecting permits we are seeking have been pending since 2008, and BLM has not yet made some of the initial determinations required by BLM procedures. This does not appear to be either timely or efficient. The processing of these applications will be further delayed by attempting to address potash leasing in the MLP. It would be more efficient if the BLM would allow the technical personnel whose efforts are being directed towards the MLP process to be free to process the pending applications.

Comment: Existing valid Potash Permit Applications must be respected by the current process and deference should be given to those projects who have expended resources toward the development of these resources under existing BLM criteria.

Comment: I note that the existing management protocol regarding potential potash development as a solid mineral, consisting of potash prospecting permits to exploration plan to preference right lease to mineral lease and mine, as documented in CFR 43 3505, allows for the timely development of these resources and allows for adequate environmental regulations and safe guards.

Comment: The BLM shall also be responsible for identifying consulting parties and inviting them to participate in the decision-making process. The consulting parties shall include, as appropriate, the Utah State Historic Preservation Officer (Utah SHPO), Tribal Historic Preservation Officers (THPOs), and other federally recognized Tribal governments.

Comment: Pipelines crossing washes and tributaries to designated critical habitat should be buried at a depth that protects the pipe from extreme flow events. A scour analysis should accompany any pipeline permit where the depth is in question; the BLM Technical Note Hydraulic Considerations for Pipeline Crossings of Stream Channels (USDI 2007) may be helpful for this analysis.

Comment: The BLM has an obligation under NEPA and the Federal Land Policy and Management Act (FLPMA) to ensure that its leasing plan will conform with federal air quality standards and to disclose whether such a violation is possible. FLPMA requires the BLM to ensure that its approval of the Moab MLP—and the development which flows from it—will comply with all applicable air quality standards. See 43 U.S.C. § 1712(c)(8) (requiring BLM to “provide for compliance with applicable pollution control laws, including State and Federal air ... pollution standards or implementation plans”). Regulation extends this same requirement to all BLM leases, permits, and other land use authorizations that might flow from the Moab MLP.

Comment: Given the wide and remote nature of much of the planning area, we are afraid that BLM will be unable to enforce the regulations and permit stipulations put forth in the MLP. Citizens, federal employees and media outlets report a widespread flouting of regulations in more heavily booming areas like the Uintah Basin. While the Moab planning area does not currently see that level of development, a rise in mineral prices could foreseeably create similar conditions--where extraction activities far outstrip BLM’s ability to monitor them. BLM must document how it credibly expects to enforce the rules the EIS claims will protect resource values--on a practical budget and staffing level. It is the responsibility of BLM to include in its plan real and effective consequences for permittees if they do not follow the stipulations of their contracts. Without enforcement, stipulations and mitigating measures cannot be counted as effective for EIS analysis purposes.

Comment: Dakota Salts, LLC is making a significant investment in the United States with a goal of developing a domestic supply of this [potash] important commodity and expects that BLM can move forward with processing our applications in a timely and efficient manner. We are concerned that the timely processing of our applications will be unnecessarily delayed while BLM expands the scope of the MLP to include potash leasing.

Comment: The state expects that BLM will consider the views of the state with regard to wildlife and water allocation and use. These resources are fully within the jurisdiction of the state, except for wildlife within the National Parks. The state will provide BLM with its best advice, and expect deference from BLM on these views.

Comment: The state again requests the BLM to reconsider, and defer to the decision made in the 2008 Records of Decision for the Moab and Monticello field Offices. Should the BLM proceed with this planning exercise, the state will participate as a full Cooperating Agency in the process, and work with the BLM to finalize the results.

Comment: Generally speaking and also by virtue of the relevant Moab and Monticello district resource management plans it is understood that there are no naturally occurring resources within the MLP planning area, such as wildlife, vegetation, water or soil, that are not currently protected under a variety of administrative mechanisms including standard stipulations, no surface occupancy, closed to leasing, leasing notices and best management practices. This fact in addition to the location and geographic extent of the MLP project area support the view that the impetus behind the MLP is primarily for human benefit in the form of the human perception of recreational and aesthetic or viewshed values.

Comment: In the DEIS, the public needs to be able to see for each area where the BLM considers resources concerns to be mitigatable (a) what type of mitigation is being considered; and (b) what the estimated cost of that mitigation would be, and (c) whether or not the BLM has the funds and staff to conduct the mitigation and future monitoring to ensure that permittees remain in compliance with the regulations for which impacts are being mitigated. For an impact to be considered mitigatable under NEPA, BLM must demonstrate that specific and effective mitigating can and will be performed.

Comment: Adaptive management should be a key element in developing the MLP and Amendments. As the new planning process is implemented, it is imperative BLM and stakeholders acquire new information regarding the planning area and maintain the ability to be flexible in future planning in order to successfully integrate new information. The implementation of an adaptive management process will allow BLM and affected parties to set common objectives and promote continuous progress towards common goals that best support multiple use in the affected area.

Comment: My last comment is that the MLP and EIS process must be completed timely. There are companies with potash Prospecting Permits Applications. These companies will submit Exploration Plans. The 43 CFR 3500 regulations authorize prospecting for 2 years. Once the prospecting concludes the proponent has two options. The first is to apply for a Preference Right Lease. Should the MLP effort not be complete, BLM may not be able to react to the application. The second option is to request a 2 year extension. The rationale for the extension would be that BLM is not prepared to make a leasing decision. The regulations are unclear regarding whether this is adequate justification for BLM to authorize an extension. I recommend that BLM address this by making a policy decision to suspend the conclusion of the prospecting period by decision of the authorized officer. If BLM does not suspend the period of prospecting, then a policy decision should be made that the prospecting extension will be granted. The regulations do not address this situation. Please consider relief for the companies impacted.

Comment: Allow existing leases to expire in areas with potential resource conflicts and make these areas unavailable for future leasing. BLM made such a commitment in the Jack Morrow Hills (WY) Coordinated Activity Plan 3 for an area that, like the Moab MLP planning area, contains lands with wilderness characteristics, cultural resources, wildlife habitat and other “sensitive” resources, and should do so here.

Comment: Develop and evaluate best management practices to reduce or resolve resource conflicts: IM 2010-117 contains a list of best management practices that BLM should explore in the expanded range of alternatives for the MLPs. These practices include drilling multiple wells on a single pad and minimizing or prohibiting new infrastructure, many of which would minimize surface disturbance from oil and gas and potash development in the MLP planning area.

Comment: I request that most oil and gas development have additional stipulations that assure maintenance of the above values. It will be important to minimize drill pad and new road disturbance and limit such activities to areas not already dedicated to the visitor economy. In addition, the impacts to hwy. 191 should be considered and mitigated through phasing time and intensity of such activity. Further road

expansion is not conducive to the exploration and remoteness that draws people. But if it is needed due to development, industry should foot the bill.

Comment: These potash companies are concerned that BLM has not followed standard BLM policy and procedures in processing the pending potash applications, and including potash leasing in the MLP effort will cause further delay, cost and unnecessary regulatory burden in the processing of these applications.

Comment: Instead of tying up BLM staff time in attaching potash to this MLP revisit, those personnel should be resolving the backlog of existing potash prospecting permits by processing them utilizing the existing procedures, policy, and steps of the BLM.

Comment: Approval of a new Instructional Memorandum (No. 2010-117), does not represent new information concerning the resources found within the Field Offices. New planning guidance simply represents the opportunity to examine new resource information in light of the priorities of the guidance. New planning rules or guidance of any sort are not reasons, in and of themselves, to initiate plan amendments or revisions. New guidance is properly only employed when new resource conditions, pursuant to legal provisions, require the need for an amendment.

Comment: The drilling, mining and reclamation temporal losses must, at a minimum, be addressed by the agencies, and preferably should be avoided by denial of the mining or drilling permit.

Comment: As to potash, we recognize that interest in potash mining has increased dramatically since the latter phases of development of the RMPs and that BLM did not and could not accurately predict this increase. At the cooperating agency meeting on May 3, we discussed the adequacy of RMP analyses for potash and concluded that additional analysis of potash leasing was needed. We were told that this would have to be done regardless of whether potash is included in the MLP or analyzed separately. We know that certain investors and mining interests are very interested in developing the potash resources in the area and they feel that the MLP process will only hinder their plans of development. As stated in the recent County Resolution in support of 1<20 Utah, we request that their project receive expedited attention leading to project approval as soon as possible.

Comment: Cumulative impacts and connected actions related to OG&P exploration and development effects on tourism should be addressed. For example, tar sands and oil shale exploration and development is occurring in northern Grand County. Increased air pollutants and GHG emissions should be considered as connected actions and addressed in the RFDS for cumulative effects analysis. Other areas of concern include but may not be limited to impacts to regional and local traffic, housing of workers and impacts to local infrastructure, and effects on tourism.

Comment: In conclusion, it is recommended that BLM clarify the distinction between an MLP, on the one hand, and an EIS and RMP amendment on the other.

Comment: During the development of the alternatives, BLM should seek input from key stakeholders, such as the National Park Service, conservation groups, oil and gas and potash industries, tribes, counties, and the Utah Division of Wildlife Resources. BLM should also release preliminary alternatives for comment.

Comment: BLM must consider a no leasing alternative for the Moab MLP area. NEPA requires that BLM prepare a pre-leasing National Environmental Policy Act (NEPA) document that fully considers and analyzes the no leasing alternative before the agency engages in an irrevocable commitment of resources (i.e., the sale of non-surface occupancy oil and gas leases or potash leases). BLM has never considered a no leasing alternative in the Moab or Monticello resource management plans (RMPs) and

accompanying environmental analyses. Thus, as part of its MLP analysis BLM must consider a no leasing alternative—in addition to a no action alternative. The Moab and Monticello RMPs did not analyze the possibility of a no leasing alternative. Their previous management framework plans were not NEPA documents and thus did not constitute adequate pre-leasing analyses that considered a no leasing alternative. Finally, the brief mention and rejection in the 1976 Oil and Gas Leasing Program, Moab District, Environmental Analysis Report (EAR) of the no leasing alternative was plainly insufficient and cannot be relied upon now for that necessary analysis. Hence, BLM has never had before it the possibility of totally abandoning oil and gas leasing in this planning area, something it is required to consider.

Comment: The RMP is the result of years of study and planning by the BLM, with input by the National Park Service and the public, on appropriate areas to designate for the various land uses, including mineral development. It took into account all of the planning issues now involved in the MLP. If there is to be new mineral leasing in the BLM's Canyon Country District, the RMP should be the framework within which to make decisions. The work has been done and shouldn't have to be done again, at taxpayer expense, and costing our local BLM office time and resources better spent on other demands.

Comment: The BLM should involve the public and key stakeholders in the development and evaluation of alternatives for the Moab MLP. Public participation is a key part of BLM's planning process, and is paramount to obtaining the "public scrutiny" that is considered "essential to implementing NEPA." BLM's planning guidance and IM 2010-117 also specifically emphasize the importance of opportunities for meaningful public participation. In preparing the Moab MLP, BLM should provide additional opportunities for public involvement before publication of a draft environmental impacts statement to obtain maximum input and investment from interested and affected parties.

Comment: Western Energy Alliance is concerned about the apparent headlong rush by BLM to develop and implement MLPs despite an apparent lack of legal authority. The IM did not undergo proper rulemaking procedures including public notice and comment. Western Energy Alliance won a recent lawsuit against the corresponding IM 2010-118 on categorical exclusions, released along with 2010-117, because BLM had failed to follow proper rulemaking procedures. Under the Federal Land Policy and Management Act (FLPMA), federal land management decisions are to be made pursuant to RMPs developed under FLPMA, and federal regulations already establish a clear and precise process for amending those RMPs. See generally 43 U.S.C. § 1712(a), 43 C.F.R. § 1610. Failing to follow a full rule-making process to change these unambiguous regulations is unwarranted. Further, unlike the regulations governing the development and revision of RMPs, the IM deems that certain leasing recommendations, including those to withhold a lease parcel from offering, are not appealable or protestable decisions. IM 2010-117 at 5. This unilateral restriction of due process and protest rights exceeds the discretionary authority of BLM to impose such a prohibition outside of the standard land use planning regulations.

Comment: BLM has, without following the public notice and comment requirements of the federal Administrative Procedures Act (APA), 5 U.S.C. § 553, promulgated and implemented resource management guidance establishing a mandatory process for amending existing RMPs. This unilateral, non-public rulemaking creates de facto BLM land use planning regulations, promulgated without required due process and notice and comment opportunities for the public.

Comment: We also encourage the BLM to engage the full range of interested parties during the planning process for the MLP; such engagement over mineral leasing and development decisions is highly recommended by the IM and in recent years has helped resolve conflicts over several oil and gas projects in Utah.

Comment: The BLM should consider a broad range of alternatives for resource protections.

Comment: Our organizations (herein referred to as CWC) are opposed to new or continued fossil fuel and potash development on public lands until the federal government provides affirmative legislation that provides unfailing protection of water, air and soil resources in the Colorado River basin. The degradation of these resources manifests itself in the following ways: 1. Colorado River reservoirs are now being managed to respond to water shortages with prescriptive and enforceable conservation measures. 2. Fugitive dust due to the cumulative effects of surface-disturbing activities on the Colorado Plateau is a persistent springtime event that is reducing the yield of snow reserves, especially at elevations above 8,000 feet. 3. Emissions from fossil fuel development in the Uinta Basin and the Canyonlands Province are measurably affecting the air quality of rural communities and our vistas at national parks and BLM recreation areas. Commitments of public resources to greenhouse gas-intensive energy development are incompatible with an energy or public lands policy to reduce greenhouse gas emissions. Such commitments threaten regional water quality, water quantity, imperiled species and biological diversity, recreational, agricultural and other values.

Comment: Through this MLP, BLM can and should protect natural and cultural values through various management decisions, including by excluding or limiting certain uses of the public lands. See, 43 U.S.C. § 1712(e); IM 2010-117.

Comment: Because of the apparent lack of new information regarding the resources or condition of the resources themselves, the state is concerned about damage to the credibility and legitimacy of the BLM planning process and the expenditure of funds on unnecessary planning efforts. The state believes that a significant amount of time and effort will be spent in unnecessary planning work when the funds could be better spent on recreational facilities, trail maintenance, or support for reasonable OHV opportunities in the area. In addition, the state is very concerned about the unilateral suspension of the provisions of the existing RMP by the BLM under the apparent pretense of the need for further planning. There has been no determination of any failings or deficiencies in the existing plan, simply the issuance of additional guidance. Implementation of the new guidance through plan amendments initiated by the Master Leasing Plan review procedure is not warranted by any discernible changes in condition of the resources, whether related to outdoor recreation, paleontological survey, riparian review, archeological discoveries, wildlife movement, or mineral exploration, or other resource issues.

Comment: BLM justifies this proposed MLP process by saying it will lead to general agreement about the lands to be offered for leasing, which will, in turn, eliminate the time-consuming and confrontational protests which follow many leasing decisions today. The state is hard-pressed to understand this assertion. Governmental entities or interested parties choose to protest or litigate BLM decisions for a variety of reasons. The oil and gas resources are found where geological forces have placed them. The State of Utah is pleased with the resource allocation decisions made in the 2008 Records of Decision. Other parties were not and initiated litigation. The state, in fact, entered that litigation in defense of the decisions made and has the legal status of an intervener. The BLM must not proceed under the assumption that this MLP process will resolve resource use disagreements in and of itself. Rather, the BLM should look at the resources, maintain the current allocation of resources, and determine conditions and stipulations which will allow for the reasonable development of those resources. BLM must work with the Cooperating Agencies to seek a balanced allocation of resources, be consistent with state laws, plans, programs and policies, and work to enhance the local, state and national economic needs through its allocation decisions.

Comment: I am of the opinion that potash should not be a part of any new MLP-RMP for this BLM District, and instead it should address only oil and gas exploration and development and leasing.

Comment: In summary, the state believes this entire exercise is totally unnecessary and amounts to a waste of limited funds - funds which would be better spent on on-the-ground resource and visitor use

needs. Everything that will be examined in this process was already fully analyzed in the 2008 work leading to the Records of Decision for the Moab and Monticello RMPs or is already part of existing BLM procedure. This MLP process adds absolutely no value. The state requests that BLM cease working on this process and allocate funds to more useful expenditures.

Comment: The state questions the justification and necessity for this planning effort. The Notice of Intent states that the BLM will engage in a new planning process to address mineral leasing concerns connected to oil, gas and potash leasing. The Notice does not provide any new information concerning any changes in the condition or existence of the various resources in the Field Office. The BLM's planning process is placed at risk without disclosure of the type and nature of such new information and the opportunity for interested parties to review this information. The state and the public have a valid expectation that BLM planning processes, once engaged, will lead to final conclusions reflected in a Record of Decision. The resource allocations and development stipulations and conditions contained in a Record of Decision should lead to management which implements the conclusions of the planning effort. A final Record of Decision should not lead to further and continual reworking of the allocations, stipulations and conditions based on the same or essentially similar information.

Comment: The Moab MLP Process Should Identify a Range of Specific Measures to Guide Leasing and Development Through a Process That Provides for Meaningful Stakeholder Input. As discussed in IM 2010-117, MLPs should identify “resource protections” to resolve resource conflicts and these protections “may include lease stipulations for new leases and/or closing certain areas to leasing.” Resource protections for the Moab MLP should address the many important values in the planning area and engage interested parties.

Comment: In addition to the direction found in IM 2010-117, BLM should look to the conclusions of an interdisciplinary DOI review team that released its final report and recommendations on 77 contested leases issued in Utah BLM’s December 2008 lease sale⁵ (“Stiles Report”) in October 2009. Note that these conclusions apply just as much to potash development as they do to oil and gas development. The report made specific recommendations for not only addressing the flaws in the specific parcels, but also the overall approach to leasing decisions, encompassing decisions made in the underlying plans, which includes the Moab Resource Management Plan. Direction from the Stiles Report that should be incorporated in the Moab MLP includes:

- Complete a comprehensive interagency air quality strategy;
- Increase coordination with the National Park Service around Moab;
- Develop best management practices to protect night skies and natural soundscapes;
- Update/complete visual resource inventories and amend visual resource management classifications based on those inventories;
- Prioritize leasing “in areas where development is most likely to occur based on historical development, adjacent development, or geologic information” as opposed to expanding into currently unleased areas;
- Issue guidance on inventorying/managing lands with wilderness characteristics; and
- Modify RMP decisions if needed.

Comment: Fidelity is pleased that BLM has acknowledged it's recognition of valid existing lease rights in the scoping notice and that language in the MLP will emphasize how BLM plans to honor this. It is legally required that BLM protect these rights and the MLP cannot deny development, impose new stipulations or require new conditions of approval on existing rights. The acknowledgment of these existing rights should be documented and incorporated into the MLP.

Comment: BLM must use a collaborative approach to jointly determine that the Mineral Leasing Act (1920) is upheld and mineral leasing will be properly managed.

Comment: Acknowledge and cite the BLM's Mineral Policy in the MLP. The study should affirm the implementation of the BLM's Mineral Policy in its findings.

Comment: The Record of Decision (ROD) for the two existing RMP's provide that in the known potash areas, lands could be leased by competitive bidding and prospecting permits could be issued where potash values are not known. We believe that these decisions provide an adequate basis for moving forward with processing the pending applications. The environmental review that will be undertaken prior to issuance of a prospecting permit and the additional review that will be made if a valuable potash deposit is discovered will enable the BLM to make an informed leasing decision when one is required. The potash decisions reflected in the ROD are consistent with the BLM planning handbook which provides that RMP decisions for solid leasable minerals should identify areas that are open or closed to non-energy leasing and development and any area area-wide terms and conditions that should be applied to leases and permits issued in accordance with the non-energy leasable regulations.

Comment: The additional review required by the regulations is properly phased to allow the final leasing decisions to be fully informed with regards to the mineral potential of the area and relative resource values consistent with the BLM's stated Mineral Policy that decisions "... will incorporate and consider energy and geological assessments as well as energy and mineral potential on public lands through existing energy, geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential". To attempt to include potash development in the MLP and amend the RMP's before information from prospecting is available would be contrary to this policy.

Comment: One of the Planning Issues listed for the MLP project includes "National Parks and State lands adjacent to and within the planning area". We caution your use of this as an issue and remind you that San Juan County does not support buffer zones or management that could be construed as buffer zone management for lands adjacent to national parks and certainly not for lands distant from national park boundaries.

Comment: Western Energy Alliance does not believe the Master Leasing Plan is a valid or necessary use of planning resources. Utah BLM spent 5 ½ years and millions of dollars developing the Moab and Monticello RMPs, with Records of Decision published in 2008. There is no valid reason for reworking that extensive planning efforts with RMP amendments so soon after the RODs were signed. Western Energy Alliance is concerned that the MLP process will include new lease stipulations that are more restrictive than necessary and will close certain areas to oil and natural gas leasing.

Comment: BLM Should Take a Hard Look at its Legal Authority to Establish a Master Leasing Plan Prior to Moving Forward. Western Energy Alliance urges BLM to reconsider whether proceeding with this MLP is prudent. The time and costs associated with the development of the Plan will be significant for all interested parties. If the Plan is determined to be unlawful under federal law, then all of the effort put into this project will have been wasted.

Comment: Withdrawal of Lands from Mineral Leasing Requires Congressional Approval. In accordance with congressional mandate and FLPMA, BLM must analyze any withdrawal of land from mineral leasing, including impacts and costs.

Comment: The MLP Must Recognize Valid Existing Rights and Ensure that Management Prescriptions do not Restrict Access to, Amend, or Otherwise Restrict, Existing Oil and Gas Lease Rights The RMP

and implementation of its management prescriptions cannot infringe upon or materially restrain valid and existing lease rights. This important legal principle must be reflected in the MLP.

Comment: In developing the MLP or RMP amendment, BLM must utilize the least restrictive lease stipulation necessary to protect the applicable resource providing the basis for the stipulation.

Comment: The MLP program is duplicative of existing federal land use planning and resource management programs, is not authorized by federal law, and it appears to simply provide an opportunity for the agency to make an “end run” around the established resource planning processes required by FLPMA and its implementing regulations. Federal courts have regularly rejected efforts by federal agencies to implement programmatic changes via guidance that are obligatory, inconsistent with established law, and inconsistent with properly promulgated existing regulation. See e.g. *Natural Resources Defense Council v. EPA*, 643 F.3d 311, 320-21 (D.C. Cir. 2011). Western Energy Alliance requests that BLM explain the legal basis for the MLP program established under IM 2010-117, including how the MLP policy is not an attempt to circumvent FLPMA or its regulations. The IM clearly was not developed in a manner consistent with APA rulemaking, and it is Western Energy Alliance’s concern that all parties’ efforts to develop a MLP will be in vain if the IM is ultimately deemed to violate the APA.

Comment: While I understand that the BLM has a multiple use mandate, I do not believe that must be interpreted as "most everything in all sectors of the Plan Area most of the time". In fact, I think some prioritization of values must be part of BLM planning and I hope you do, too. It seems easy to lose site of this planning area as only one piece of a larger matrix that encompasses much of the American West. But I hope that may be part of the evaluation.

ISSUES OUTSIDE THE SCOPE OF THE MASTER LEASING PLAN

Comment: The Moab and Monticello RMPs did not consider the ambient concentrations of fugitive dust emissions from the authorized motor vehicle use (e.g. use approved in the Moab and Monticello travel plan), let alone the concentrations in combination with oil, gas, and potash development. Indeed, just as the Price RMP acknowledges that “[a]ir quality emissions were not considered in Travel Plan decisions within the Draft [RMP] or the Proposed [RMP]” the Moab and Monticello RMPs also did not consider these emissions. The BLM should take the opportunity in the Moab MLP to consider these sources of pollution when evaluating cumulative impacts. Such information is vital in determining the appropriate level of oil, gas and potash development in the MLP area.

Comment: The Moab MLP should also analyze the significant contributions to particulate matter pollution, and other relevant pollutants, that come from other activities it has authorized in the Moab and Monticello RMPs. The BLM has never considered, through quantified analysis, the contributions from off-road vehicles (ORVs) and other motorized vehicles traveling on routes designated in the Moab and Monticello RMPs’ travel plans. In arid Utah, travel by motor vehicles, including trucks and off-road vehicles, on dirt roads generates a significant amount of dust; in addition, the vehicles themselves produce emissions (e.g. tailpipe emissions).

Comment: Look to solar and wind energy for economic growth and energy dependence.

Comment: CFI aims to reduce our energy and water footprint; we would support mandated conservation measures (BLM could require of its permittees for example.) We believe priority given developing sound renewable energies over fossil fuel installations on public lands (given the same considerations to visual, wildlife and other resources.) The water and energy utilized in processing and contributions to carbon-based global warming.

Comment: The BLM must consider the effects of its proposals, including any special designation areas, upon the inheld SITLA lands. The BLM should make it a priority to resolve these issues. In addition, the BLM maps that are produced for this project should distinguish between SITLA lands and Utah Sovereign Lands. There are sovereign lands within the Courthouse Wash block which are not managed by SITLA.

Comment: In addition, assess the importance and critical aspect of potash as a fertilizer in relation to the Administration's efforts and priorities.

Comment: In addition, a proposal I have, would direct perhaps 10-25 acres of public land to be automatically allotted or reserved for crops in ethenol production or other alternative energy, for each oil and gas well that is unproductive. This seems perfectly fair and reasonable to me. It creates incentive and promotes accountability. Furthermore, the well should be deemed unproductive at the exact time the drilling has ceased with no success, or the production is less than what the well cost to operate. And the well operators should be required to plant seed and repair the land within 30 days after this, not 6 months or years after weeds have started and the site becomes an incubation site for weeds or soil erosion.

Comment: Please don't open Moab area up to big oil. If you do, please don't let them burn off the Natural Gas flares to avoid the cost of piping it to where it can be used and distributed. Natural Gas is a legitimate alternative energy source to our dependence on Petroleum products Gas and Diesel, don't let them waste it and cherry pick the high profit stuff at the expense of the quality of life in and around our national park areas.

Comment: As stated in our letter of May 27, 2011, to BLM State Director Juan Palma, San Juan County disagrees with the need for master lease planning for oil and gas leasing. We believe that oil and gas leasing was adequately analyzed in the 2008 Resource Management Plans (RMPs) and that the decisions developed in this process are more than adequate to protect resources during responsible mineral development. We are not aware of any new information on resource condition or concerns that would warrant a change in management. Absent the discovery of significant new information that would warrant such a change, we can see no reason to change existing management. That being said, we recognize that arguing against the need for MLPs is probably futile as MLPs are politically driven, not resource driven.

Comment: There are several million acres of wilderness quality lands that I am asking for your serious consideration in granting leases. Some of these lands should also be considered for national monument status.

Comment: The BLM must impel industry to recycle fracking wastewater and recover all hydrocarbon wastes and emissions so that cumulative impacts can be significantly reduced.

Comment: I have particular concern about proposed potash development which appears to be a significant industrial activity in a landscape that easily reveals all its scars, is relatively remote for transportation purposes, subject to dust air pollution and already is quite challenged to manage its water systems. It may simply be a use that is incompatible with other well established uses. I think of the undesirable impacts that similar mining development has had in the Soda Springs, Idaho area. There are several superfund clean-ups being attempted there and severely diminished stream quality. Closer to home (Moab), the uranium tailing clean-up along the Colorado River is an excellent example of an outcome that should NOT occur in order to insure health and safety for residents and visitors.

Comment: Also, determinations at this time should not be made regarding limiting any future potash mining to either conventional underground, or solution mining... future undiscovered or unproven techniques may arise that should not be thwarted at this time.

Comment: BLM faces issues that impede a clear process for exploration and development of potash. The MLP and EIS must result in a better process. This should be a goal of the MLP.

Comment: We believe that because of the differences between potash and oil and gas leasing, the Record of Decision (ROD) for the two existing RMP's being amended by the MLP provide a sufficient basis to move forward with leasing subject to the specific level of environmental review provided by the regulations. The existing plans provide that in the known potash leasing areas (KPLA), lands could be leased by competitive bidding and prospecting permits could be issued where potash values are not known. This is consistent with BLM planning guidance discussed above and adequately addresses which lands should be open to consideration for potash development. The plans and regulations provide that leases and permits may be issued only after proper environmental review beyond the environmental review in the RMP.

Comment: The EIS should address the domestic and international need for potash and the role of the Paradox Basin potash in meeting demands.

Comment: As to Planning Criteria, we agree that the MLP should focus on and be confined to mineral leasing decisions only. The County would not support the consideration of new Areas of Critical Environmental Concern, suitable Wild and Scenic Rivers, wilderness character lands, Special Recreation Management Areas or other special designations. These all received adequate consideration in the development of the RMPs.

Comment: Another logical withdrawal would include all public lands east of the Colorado River in the vicinity of Fisher Valley, Professor Valley, and Castle Valley for reasons that that these lands have watershed, ranchland, scenic, wildlife and recreational values.

Comment: As part of the Moab MLP process, the BLM should consider the designation of eligible and suitable Wild and Scenic River segments within the planning area. This will necessitate a new analysis of which river segments may be eligible and suitable in the Moab MLP area. After BLM makes its suitability determinations, the agency must coordinate with the State of Utah, local and tribal governments, and other federal agencies to recommend segments to Congress for inclusion in the NWSRS. Only Congress can designate rivers as part of the NWSRS. 16 U.S.C. §§ 1273(a), 1275(a). In order to adequately protect Utah's valuable and spectacular rivers, BLM should emphasize the designation of suitable rivers.

Comment: CWC supports the expansion of Canyonlands National Park. When the park was established in 1964 it contained just 257,400 acres, little over one quarter of Interior's one million acre proposal. With the addition of the Horseshoe Canyon annex in 1971, also a compromised boundary, the park increased in size to its current 337,540 acres. Utah politics intervened in what should have been protection of an entire hydrogeological basin, the Canyonlands Basin watershed, which is critical to the health of the Colorado River System. We reiterate here and emphasize that any industrial development in this region will imperil the drinking water of 25 million downstream users.

Comment: Finally, while we note that the MLP excludes Canyonlands National Park, the Sierra Club strongly advocates holding the currently roadless Greater Canyonlands area east of the Park off limits for all mineral leasing and development.

Comment: When developing a land use plan amendment, such as the Moab MLP, FLPMA mandates that BLM "give priority to the designation and protection of areas of critical environmental concern" or ACECs. 43 U.S.C. § 1712(c)(3). ACECs are areas "where special management is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable

damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes.” Id. § 1702(a). A critical aspect of the statutory language cited above is FLPMA’s requirement that BLM “give priority” to ACEC designation and protection. 43 U.S.C. § 1712(c)(3). In essence, FLPMA directs BLM to prioritize protection and designation of ACECs across all alternatives under consideration, not simply the “conservation” alternative.

Comment: Although the Moab and Monticello RMPs did not give priority to the designation and protection of ACECs, the Moab MLP may rectify that situation now. The Moab MLP should consider designating the White Wash ACEC, Labyrinth Canyon ACEC, Upper Courthouse ACEC, Canyon Rims ACEC, Behind the Rocks ACEC, Mill Creek Canyon ACEC, Colorado River ACEC, Lockhart Basin ACEC and Indian Creek ACEC as described in Alternatives B and/or E and the Shay Canyon ACEC and Lavender Canyon ACEC from Alternative A in the Monticello RMP. See Monticello PRMP/FEIS at Map 50, Map 51; Moab PRMP/FEIS at Map 2-14-B. In the alternative, the Moab MLP must consider no surface occupancy lease stipulations or similarly protective management for these potential ACECs.

Comment: In the Moab MLP, once BLM has determined that certain areas in the planning area contain the requisite relevant and important values (R&I values) and that the current land use plans do not protect all of the R&I values—which the BLM has already done for the planning area in the Moab and Monticello RMPs—the agency must give priority to the designation of those areas as ACECs over other competing resource uses and likewise give priority to the protection of those areas over other competing resource uses.

Comment: Other provisions of FLPMA, the National Historic Preservation Act, and Special Recreation Management Areas (SRMAs), and other management prescriptions and regulations do not necessarily protect the R&I values of ACECs. These designations, companion laws, and prescriptions do not release the BLM from its obligation to prioritize the designation and protection of ACECs. SRMAs are designated to provide recreation opportunities for users of different types, e.g. motorized, equestrian, biking, hiking, etc., and have nothing to do with protecting R&I values of potential ACECs. The NHPA deals only with cultural resources, and applies different management prescriptions than ACECs. Wilderness study areas can be eliminated by Congress, such a decision may not contemplate management directives and purposes related to ACEC management. Therefore, the BLM should not use existing designations as a rationale for not considering ACEC designation.

Comment: BLM is also required to evaluate information it receives during the Moab MLP planning process according to agency guidance. Specifically, BLM Manual 1613 (Areas of Critical Environmental Concern) provides the following: Provide temporary management of potential ACEC, if necessary. If an area is identified for consideration as an ACEC and a [land use] planning effort is not underway or imminent, the District Manager or Area Manager must make a preliminary evaluation on a timely basis to determine if the relevance and importance criteria are met. If so, the District Manager must initiate either a plan amendment to further evaluate the potential ACEC or provide temporary management until an evaluation is completed through resource management planning.

Comment: The Moab MLP should consider recommending Indian Creek under the WSRA. Indian Creek possesses outstandingly remarkable cultural values in the form of significant rock art that must be protected. Monticello RMP Appendix H-84. In addition, the Monticello RMP eligibility study found that Indian Creek also possesses outstandingly remarkable recreation values. Id. At 4-383. Based on the eligibility study, BLM should add recreation as an outstandingly remarkable value for this waterbody. As explained, other management prescriptions, such as ACEC and SRMA designations are not a substitute for Wild and Scenic River suitability. The BLM has admitted that not recommending Indian Creek suitable “would have long-term, adverse impacts.” Id. at 4-383 to -384. To protect the outstandingly remarkable values of Indian Creek, BLM should recommend this segment suitable.

Comment: The BLM's inventory of contiguous wilderness study areas in the boundary of the MLP EIS include Arches National Park—Devil's Garden Unit (18,069 acres) and Canyonlands National Park—Needles Unit (61,182). Other contiguous and isolated inventories include such places as Mary Jane Canyon (28,400 acres), Negro Bill Canyon (7,260 acres), Mill Creek Canyon (9,780 acres), Fisher Towers (19,100 acres), Beaver Creek (27,500 acres), Hunter Canyon (5,800 acres), Behind the Rocks (12,635 acres), Hatch Wash - (14,100 acres), Goldbar (8,100 acres), Gooseneck (8,100 acres), and Hart's Point (19,700 acres). The proposed America's Red Rock Wilderness Act has larger acreages, and is legislation that CWC supports. The MLP EIS should withdraw any OG&P parcels from the proposed Red Rock Wilderness Act to create a situation of no harm that would allow Congress the opportunity to pass this wilderness bill in the future.

Comment: Congress has previously recognized prized lands surrounding the MLP area and BLM has recognized Areas of Critical Environmental Concern through past NEPA driven efforts in establishing the current Resource Management Plan. The BLM should recognize that Congress chose the existing boundaries to the National Parks, and has not designated the area within the MLP as Wilderness under the 1964 Wilderness Act. BLM must follow the current law regarding areas with potential wilderness characteristics. If BLM excludes lands with wilderness characteristics from prospective potash development, it may be a violation of federal law. By way of example, when BLM published its notice of intent to prepare the Master Leasing Plan, the document includes reference to lands with wilderness characteristics as criteria of special note.

Comment: The Moab MLP should also find Tenmile Canyon eligible and suitable for inclusion in the NWSRS and classified as wild. Tenmile Canyon has several outstanding and remarkable values that the BLM has not identified previously: 1) it is a perennial stream and riparian ecosystem in an otherwise dry corner of the MLP area and 2) it possesses nationally and regionally significant cultural and archaeological resources. These resources are documented by Colorado Plateau Archaeological Alliance and acknowledged by BLM in the Moab RMP. This action should also be taken in concert with eliminating the designated motorized route below Dripping Spring. The suitability designation should extend from Dripping Spring to the Green River.

Comment: Finally, the Moab MLP should upgrade the classification of the relevant stretches of the Colorado River. In violation of the WSRA and its own manual, the BLM previously chose to downgrade the classification of Segment 6 of the Colorado River from "wild" in the eligibility study to "scenic" in the governing RMPs. Moab RMP at 2-40; id. at Appendix J-67, J-68; see BLM Manual § 8351.32(C); 16 U.S.C. § 1273(b). It is BLM's own policy to protect the values identified in the eligibility process by protecting the outstanding and remarkable values and tentative classifications, yet BLM disregarded its policy and failed to designate certain river segments as eligible with the proper criteria. See BLM Manual Section 8351.32C.

Comment: When developing a land use plan amendment, such as the Moab MLP, FLPMA mandates that BLM "give priority to the designation and protection of areas of critical environmental concern" or ACECs.

Comment: Although the Moab and Monticello RMPs did not give priority to the designation and protection of ACECs, the Moab MLP may rectify that situation now. The Moab MLP should consider designating the White Wash ACEC, Labyrinth Canyon ACEC, Upper Courthouse ACEC, Canyon Rims ACEC, Behind the Rocks ACEC, Mill Creek Canyon ACEC, Colorado River ACEC, Lockhart Basin ACEC and Indian Creek ACEC as described in Alternative B and/or E and the Shay Canyon ACEC and Lavender Canyon ACEC from Alternative A in the Monticello RMP. In the alternative, the Moab MLP must consider no surface occupancy lease stipulations or similarly protective management for these potential ACECs.

Comment: The BLM should not use existing designation as a rationale for not considering ACEC designation

Comment: Provide temporary management of potential ACEC, if necessary: if an area is identified or consideration as an ACEC and a [land use] planning effort is not underway or imminent, the District Manager or Area Manager must make a preliminary evaluation on a timely basis to determine if the relevance and importance criteria are met. If so, the District Manager must initiate either a plan amendment to further evaluate the potential A CEC or provide temporary management until an evaluation is completed through resource management planning.

Comment: We believe that the greater Castle Valley area qualifies for exclusion under your definition of an "Area of Critical Environmental Concern" (ACEC). The Council encourages the BLM to exclude these areas from leasing perpetually.

Comment: Although they are not within the current boundaries of the MLP proposal, we are concerned with two areas that should be included: Behind-the-Rocks and Mill Creek Wilderness Study Areas. These two areas should be ACECs due to the density and sensitivity of their cultural resources. The ACECs for Behind-the-Rocks and Mill Creek do not currently include the Behind-the-Rocks and Mill Creek WSAs. (ie the Behind-the-Rocks ACEC is 5,201 acres and the Behind-the-Rocks WSA is 12,635 acres while the Mill Creek ACEC is 3,721 acres and the Mill Creek WSA is 9,780 acres.) During the formation of the 2008 Management Plan it was stated that they already had protection due to their Wilderness Study Area status. However, whenever the wilderness areas in Utah are finally decided, they may or may not retain wilderness status. They need recognition as the unique areas they are immediately and should be included in any leasing plan restrictions that may evolve from this process.

Comment: The BLM must allocate funding to install water stations at strategically optimum places.

APPENDIX B—FEDERAL REGISTER PUBLICATION: NOTICE OF INTENT

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<p>greater floodplain connectivity, and improved extent and quality of riparian habitat. A detailed assessment of the geomorphology, ecology, hydrology, and management function of the Blitzen River would occur for the first 7 years. The next 5 years would be used for implementing and monitoring pilot projects to gain a better understanding of system response to enhancement efforts. Using results from the pilot projects, a comprehensive plan would be crafted to guide river rehabilitation efforts. Because the river effort would proceed slowly and would likely not be fully implemented until the end of the 15-year timeframe, no discernible difference would exist between Alternatives 2 and 3 with regard to the management of other wetland and terrestrial habitats within the Blitzen Valley and Double-O Units.</p> <p>Public Uses: Management under Alternative 3 for compatible wildlife viewing, photography, and welcome and orientation would be similar to Alternative 2, but there would be less emphasis on developed facilities and more emphasis on self-guided and off-trail experiences.</p> <p>The Blitzen Valley auto tour route (Center Patrol Road) would be seasonally closed to vehicle access (August 15 to the fourth Friday of October in the Buena Vista unit, and August 15 to March 1 in the P Ranch unit) and would be redesigned into two or three year-round shorter auto tour routes. Walk-in free-roam access along the closed portions of the Center Patrol Road and dike tops in both units would be allowed during the periods listed above to provide opportunities for self-guided and off-trail experiences. Vehicle access to Krumbo Reservoir would be seasonal; walk-in access would be allowed November 1 to the fourth Friday of April. Year-round vehicle access would be allowed on the Boat Landing Road near Refuge Headquarters to the Malheur Lake elevated viewing platform. Spur and loop trails of one mile or more and a number of specific viewing facilities such as overlooks and platforms would be added with limited investment. Existing trails would be upgraded to promote accessibility.</p> <p>The historic Audubon photography blind at Refuge Headquarters Display Pond would be restored. In free-roam areas, temporary photography blinds would be permitted. The refuge would maintain and replant trees and shrubs at four historic sites to provide habitat used by rare and incidental passerines.</p> <p>The upland game and the waterfowl hunts would be managed as under Alternative 2, except a Buena Vista waterfowl hunt would not be permitted.</p>	<p>However, a youth hunt opportunity on the State-designated weekend would be explored for the Double-O unit.</p> <p>Fishing opportunities and management would be the same as Alternative 2, but less vehicle access to fishing areas compared to Alternative 2 may limit the number of people engaging in this use.</p> <p>Environmental education, interpretation (including docent-led tours), volunteer programs, potential land exchange with BLM, cultural and paleontological management, energy independence, and inventory and monitoring would be managed the same as under Alternative 2.</p> <p>Public Availability of Documents</p> <p>In addition to the information in ADDRESSES, printed copies of the document will be available for review at the following libraries:</p> <ul style="list-style-type: none"> • Harney County Library, 80 West "D" Street, Burns, OR 97720. • Bend Public Library, 601 NW Wall Street, Bend, OR 97701. <p>Next Steps</p> <p>After this comment period ends, we will analyze the comments and address them in the final CCP/EIS. A record of decision will follow the final CCP/EIS.</p> <p>Public Availability of Comments</p> <p>Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may become publicly available at any time. While you can ask us in your comment to withhold your identifying information from public review, we cannot guarantee that we will be able to do so.</p> <p>Dated: Nov 8, 2011.</p> <p>Robyn Thorson, <i>Regional Director, Pacific Region, Portland, Oregon.</i></p> <p>[FR Doc. 2012-5297 Filed 3-2-12; 8:45 am] BILLING CODE 4310-55-P</p>	<p>ACTION: Notice of Intent.</p> <p>SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM), Moab and Monticello Field Offices, Utah, intend to prepare a Master Leasing Plan (MLP), amendments to the 2008 Moab and Monticello Resource Management Plans (RMPs), and a single environmental impact statement (EIS) to consider leasing for oil and gas and potash on about 783,000 acres of public lands. By this notice, the BLM is announcing the beginning of the scoping process to solicit public comments and identify issues.</p> <p>DATES: This notice initiates the public scoping process for the MLP/plan amendments and associated EIS. Comments on issues may be submitted in writing prior to the end of the scoping period which is 60 days after the date of publication of this notice in the Federal Register. During the scoping period, it is anticipated that scoping meetings will be held in Moab, Monticello, and Salt Lake City, Utah. The date(s) and location(s) of the scoping meetings will be announced at least 15 days in advance through local media, newspapers, and the BLM Web site at: http://www.blm.gov/21jd. Additional opportunities for public participation will be provided upon publication of the Draft EIS.</p> <p>ADDRESSES: You may submit comments related to the Master Leasing Plan and plan amendments by any of the following methods:</p> <ul style="list-style-type: none"> • Email: <i>BLM UT Comments 2@blm.gov</i> • Mail: BLM, Moab Field Office, 82 East Dogwood, Moab, Utah 84532, Attention: Brent Northrup • Fax: (435) 259-2106 <p>FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Brent Northrup, Project Manager, BLM Moab Field Office, 82 East Dogwood, Moab, UT 84532, telephone (435) 259-2151 or email <i>Brent_Northrup@blm.gov</i>. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for the above individual. You will receive a reply during normal business hours.</p> <p>SUPPLEMENTARY INFORMATION: The BLM will prepare a MLP in accordance with</p>
<p style="text-align: center;">DEPARTMENT OF THE INTERIOR</p> <p style="text-align: center;">Bureau of Land Management</p> <p style="text-align: center;">[LLUTY01000.L16100000.DP0000]</p> <p style="text-align: center;">Notice of Intent To Prepare a Master Leasing Plan, Amendments to the Resource Management Plans for the Moab and Monticello Field Offices, and an Associated Environmental Impact Statement</p> <p style="text-align: center;">AGENCY: Bureau of Land Management, Interior.</p>		

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the BLM's Washington Office Instruction Memorandum No. 2010-117. The MLP process will provide additional planning and analysis for areas prior to new leasing of oil, gas, and potash. The MLP will enable the Moab and Monticello Field Offices to (1) evaluate in-field considerations, such as optimal parcel configurations and potential development scenarios; (2) identify and address potential resource conflicts and environmental impacts from development; (3) develop mitigation strategies; and (4) consider a range of new constraints, including prohibiting surface occupancy or closing certain areas to leasing. The MLP process could result in new leasing stipulations and development constraints which would require amendments to the Moab and Monticello RMPs completed in 2008. The EIS will analyze likely mineral development scenarios and land use plan alternatives with varying mitigation levels for leasing.

The planning area covers about 783,000 acres in east-central Utah, encompassing west-central Grand County south of Interstate 70 and a portion of northern San Juan County. The western boundary is along the Green River and the northeastern edge of Canyonlands National Park. To the south of Moab, the boundary includes the area between Canyonlands National Park and U.S. Highway 191. The planning area encompasses a mix of land uses including a variety of recreation uses, livestock grazing, potash production, and oil and gas development. Interest in oil, gas, and potash exploration and development is high in the area, as evidenced by the recent submission of over 170 potash prospecting permit applications encompassing over 350,000 acres and expressions of interest to lease oil and gas encompassing over 120,000 acres within the planning area.

Planning issues can generally be stated as resource management issues and opportunities that the BLM needs to address to ensure it is fulfilling its multiple use resource management mission. The potential decisions in any proposed land use plan amendments could affect numerous other resources. The preliminary resource issues currently identified by a BLM interdisciplinary team include the following: air quality and climate change, cultural resources, lands and realty, paleontological resources, recreation, riparian resources, socioeconomic, soil and water, special status species, special designations (National Scenic and Historic Trails), vegetation, visual resources, wildlife

and fisheries, and wilderness characteristics. Planning criteria are the constraints or ground rules that guide and direct the development of the land use plan amendments and determine how the planning team approaches development of alternatives and ultimately, selection of a Preferred Alternative. Planning criteria ensure that plans are tailored to the identified issues and ensure that unnecessary data collection and analyses are avoided. Preliminary planning criteria include: (1) Any plan amendments will focus on mineral leasing decisions only, (2) any plan amendments will recognize valid existing rights, (3) lands addressed in plan amendments will be public lands (including split estate lands) managed by the BLM, (4) the BLM will use a collaborative and multi-jurisdictional approach, where possible, to jointly determine how mineral leasing will be managed, (5) as described by law and policy, the BLM will strive to ensure that its management decisions are as consistent as possible with other planning jurisdictions within the planning area boundaries, (6) development scenarios will be prepared for oil and gas and potash based on historical, existing and projected levels, (7) management decisions will consider a range of alternatives that focus on development scenarios and varying mitigation levels based on the relative values of resources, (8) the socioeconomic impacts of the alternatives will be addressed, (9) the BLM will use current scientific information, research, technologies, and results of inventory, monitoring, and coordination to determine appropriate decisions for mineral leasing, and (10) the BLM will coordinate with Native American Tribal Governments to identify sites, areas, and objects important to their cultural and religious heritage within the planning area.

Note: Planning issues and criteria outlined above are preliminary at this stage and will likely be modified as the public becomes more fully involved.

Federal, state, local, and tribal agencies, along with other stakeholders that may be interested in or affected by the BLM's decision on this project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

You may submit comments in writing on issues and planning criteria to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments

before the end of the scoping period. The BLM will provide the public with the results of scoping through our Web site and by newsletter.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2(c).

Shelley J. Smith,

Actg. Associate State Director.

[FR Doc. 2012-5177 Filed 3-2-12; 8:45 am]

BILLING CODE 4310-DQ-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS03000.L71220000.EU0000.
LVTFF1101700; N-86294; 11-08807;
MO#4500020396; TAS: 14X5232]

Notice of Realty Action: Modified-Competitive Sale of Public Land in Pahrump, Nye County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer one parcel of public land totaling approximately 120 acres in Pahrump, Nye County, Nevada, by modified-competitive, sealed-bid sale at not less than the appraised fair market value (FMV) of \$645,000. The sale will be subject to the applicable provisions of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) and other BLM land sale and mineral conveyance regulations.

DATES: Interested parties may submit written comments regarding the proposed sale and the environmental assessment (EA) until April 19, 2012.

Sealed bids may be mailed or delivered to the BLM Pahrump Field Office, at the address below, beginning April 19, 2012. Sealed bids must be received no later than 4:30 p.m. Pacific Time, May 4, 2012 in accordance with the sale procedures. The BLM will open the sealed bids on May 7, 2012 at the BLM Pahrump Field Office.

ADDRESSES: Mail written comments to the BLM Pahrump Field Manager,

APPENDIX C—PRESS RELEASE



Bureau of Land Management

UTAH
NEWS

CANYON COUNTRY DISTRICT OFFICE
82 EAST DOGWOOD, MOAB, UT 84532
PHONE (435) 259-2100, FAX (435) 259-2106
[HTTP://WWW.BLM.GOV/UT/ST/EN.HTML](http://www.blm.gov/ut/st/en.html)

For Immediate Release
Contact: Brent Northrup, 435-259-2151

BLM Announces Preparation of Master Leasing Plan and Plan Amendments to the Moab and Monticello Resource Management Plans *Public is encouraged to participate in the planning process*

The Bureau of Land Management (BLM) Canyon Country District announces its intention to prepare a Master Leasing Plan (MLP), plan amendments to the Moab and Monticello Resource Management Plans (RMPs), and a single Environmental Impact Statement (EIS). The BLM has determined that additional planning and analysis are necessary for considering new leasing of oil and gas and potash on about 783,000 acres of public lands within the planning area.

The outcome of the MLP process may be to identify new leasing stipulations, establish best management practices, and specify development constraints. A change to the leasing stipulations and conditions would require amendments to the RMPs. The EIS will analyze likely mineral development scenarios and alternatives with varying mitigation levels for leasing.

The planning area covers about 783,000 acres in east-central Utah, encompassing west-central Grand County south of Interstate 70 and a portion of northern San Juan County. The western boundary is along the Green River and the northeastern edge of Canyonlands National Park. To the south of Moab, the boundary includes the area between Canyonlands National Park and U.S. Highway 191. The planning area encompasses a mix of land uses including a variety of recreation uses, livestock grazing, potash production, and oil and gas development. Interest in oil, gas, and potash exploration and development is high in the area, as evidenced by the recent submission of over 170 potash prospecting permit applications encompassing over 350,000 acres and expressions of interest to lease oil and gas encompassing over 120,000 acres within the planning area.

The RMPs for the Moab and Monticello Field Offices were completed in 2008. Since that time, BLM has implemented a reformed leasing process that involves additional planning and environmental analysis for areas having a high potential for resource conflicts prior to new leasing. The preliminary resource issues currently identified include the following: air quality and climate change, cultural resources, paleontological resources, recreation, riparian resources, socioeconomics, soil and water, special status species, special designations (National Scenic and Historic Trails), vegetation, visual resources, wildlife and fisheries, and wilderness characteristics.

The BLM recognizes the importance and value of the public's input during the planning process and encourages citizens who have an interest in the public lands within the planning area to provide their issues and concerns. Public scoping meetings are scheduled in Monticello (Monticello High School, March 27 from 5-7 p.m., Moab (Grand Center, March 28 from 5 – 7 p.m., and Salt Lake City (Salt

Lake Public Library, April 3 from 6 – 8 p.m.). More information about the Master Leasing Plan process is available on the BLM website at: <http://www.blm.gov/21jd>.

For more information about becoming involved with the MLP process or to submit comments during the 60-day scoping period, please use the following contact information: MLP Comments, BLM Canyon Country District, Brent Northrup, MLP Project Manager, 82 East Dogwood, Moab, Utah 84532, phone - (435) 259-2100, email - BLM_UT_MB_Comments_2@blm.gov.

APPENDIX D—PLANNING NEWSLETTER

Bureau of Land Management - Canyon Country District Office

Moab

Master Leasing Plan and Environmental Impact Statement

Contact Information:
 Brent Northrup, Project Manager
 Canyon Country District Office
 82 East Dogwood
 Moab, UT 84532
 (435) 259-2100
 BLM_UT_MB_Comments_2@blm.gov

March 2012

Introduction and Background

In accordance with Bureau of Land Management (BLM) Washington Office Instruction Memorandum No. 2010-117, the BLM Canyon Country District Office is initiating a planning effort to prepare the Moab Master Leasing Plan (MLP), possible amendments to the Moab and Monticello Resource Management Plans (RMPs), and a single environmental impact statement (EIS). The scope of the MLP is limited to new oil, gas, and potash leasing within the planning area.

The MLP process will provide additional planning and analysis prior to new leasing of oil and gas and potash within the planning area. The MLP will enable the Moab and Monticello Field Offices to 1) evaluate in-field considerations such as optimal parcel configurations and potential development scenarios; 2) identify and address potential resource conflicts and environmental impacts from development; 3) develop mitigation strategies; and 4) consider a range of new constraints, including prohibiting surface occupancy or closing areas to leasing. The outcome of the MLP process may result in new mineral leasing stipulations and development constraints accomplished through amendments to the land use plans (Moab and Monticello RMPs). The EIS will analyze likely development scenarios and land use plan alternatives with varying mitigation levels for mineral leasing.



The Master Leasing Plan Process

The MLP process starts with the publication of the Notice of Intent (NOI) in the Federal Register and continues with scoping. Public participation in the scoping process results in identifying issues to be addressed by developing a range of alternatives with varying mitigation levels for mineral leasing. The BLM will evaluate the potential environmental consequences associated with the likely development scenarios for each alternative in the Draft MLP/EIS. A Draft MLP/EIS is made available to the public for a 90 day comment period. Public meetings are held during this comment period. After gathering, analyzing, and incorporating public comments on the Draft into the document, the BLM will then issue the Proposed RMP/Final EIS. Following the 30 day protest period and the 60 day Governor's Consistency Review, the BLM will resolve any protest and sign a Record of Decision (ROD) and issue the Approved MLP and Plan Amendments to the Moab and Monticello RMPs.





<http://www.blm.gov/21jd>

BLM
Canyon Country District Office, Utah

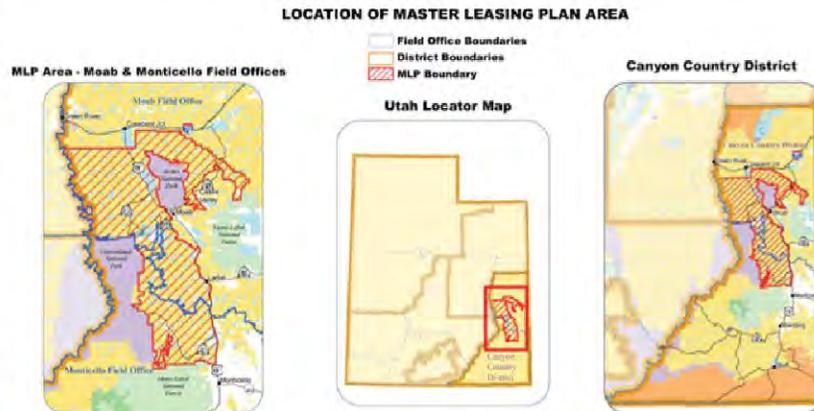


Planning Area Description

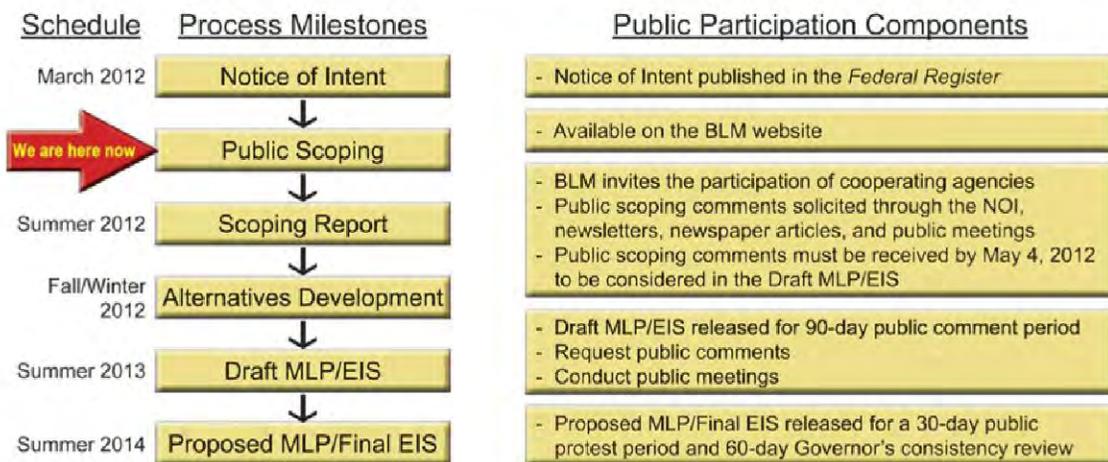
The planning area includes about 946,469 acres in east-central Utah in Grand County (526,784 acres) and San Juan County (419,685 acres). The total area includes about 783,000 acres of public lands. The planning area is located south of Interstate 70, surrounds the town of Moab, and wraps around Arches National Park. The western boundary is the Green River and the northeastern boundary of Canyonlands National Park. To the south of Moab, the planning area includes the Indian Creek/Lockhart Basin area between Canyonlands National Park and Highway 191.

The planning area has high potential for the development of oil, gas, and potash. Interest in oil, gas, and potash exploration and development is high in the planning area. The BLM has received recent expressions of interest to lease over 120,000 acres for oil and gas. Additionally, the BLM has received 170 potash permit applications covering over 350,000 acres.

The planning area also has some of the most iconic scenery on the Colorado Plateau. The planning area is immediately adjacent to two National Parks. About 2 million visitors a year enjoy a wide variety of recreational experiences within the planning area. In addition, the planning area contains lands identified by the BLM as having outstanding visual resources, high value recreation areas, lands with wilderness characteristics, and high quality air resources.



Moab MLP/EIS Process and Public Participation Components





Planning Issues

Planning issues are topics of interest or concern about the potential effects resulting from leasing and development of oil, gas, and potash resources within the planning area. The following preliminary issues have been identified by the BLM through an interdisciplinary process:

- ◆ Air quality and global climate change
- ◆ Cultural resources, including traditional cultural properties of importance to Native American tribes, and historic trails
- ◆ Paleontological resources of scientific importance
- ◆ Wildlife and fisheries habitat, including special status species, and migration corridors
- ◆ Visual resources including visual resource inventories and management classes
- ◆ Fragile soils and steep slopes
- ◆ Water resources including aquifers
- ◆ Vegetation, including rare plants and riparian resources, and the ability to achieve interim and final reclamation standards (Gold Book, Chapter 6)
- ◆ Recreation use including Special Recreation Management Areas and Recreation Focus Areas
- ◆ Socioeconomics
- ◆ Special Designations which include ACECs and suitable Wild and Scenic Rivers
- ◆ Lands identified by BLM as having wilderness characteristics
- ◆ National Parks and State lands adjacent to and within the planning area

Federal, state, and local agencies, the public, and other stakeholders have the opportunity to identify additional issues to be addressed in the MLP process. You may wish to consider the preliminary issues identified when submitting comments but you do not need to limit your comments to these issues.

Planning Criteria

Planning criteria ensure that plans are tailored to the identified issues and ensure that unnecessary data collection and analyses are avoided. Preliminary planning criteria include:

- ◆ The MLP will focus on mineral leasing decisions only.
- ◆ The MLP will recognize valid existing rights.
- ◆ Lands addressed in the plan amendments will include public lands (including split estate lands) managed by the BLM.
- ◆ The BLM will use a collaborative and multi-jurisdictional approach, where possible, to jointly determine how mineral leasing will be managed.
- ◆ As described by law and policy, the BLM will strive to ensure that its management decisions are as consistent as possible with other planning jurisdictions.
- ◆ Development scenarios will be prepared for oil and gas and potash based on historical, existing, and projected levels.
- ◆ Management decisions will consider a range of alternatives that focus on development scenarios and varying mitigation levels based on the relative values of resources.
- ◆ The socioeconomic impacts of the alternatives will be addressed.
- ◆ The BLM will use current information, research, technologies, and results of inventory, monitoring, and coordination to determine appropriate decisions for mineral leasing.
- ◆ The BLM will coordinate with Native American Tribal Governments to identify sites, areas, and objects important to their cultural and religious heritage within the planning area.

Moab Master Leasing Plan and Environmental Impact Statement

PENALTY FOR PRIVATE USE, \$300

OFFICIAL BUSINESS

Moab, Utah 84532
82 East Dogwood

Canyon Country District Office
BUREAU OF LAND MANAGEMENT

FIRST CLASS MAIL
UNITED STATES POSTAGE
AND FEES PAID
U.S. Department of the Interior
Permit No. G-76

Public Scoping

The BLM planning process officially started with the publication of the Notice of Intent (NOI) in the Federal Register on March 5, 2012. The NOI announced the Canyon Country District Office’s intent to prepare a MLP, potential amendments to the Moab and Monticello RMPs, and an associated EIS. The NOI also initiated the scoping period, which will continue until May 7, 2012. The objective of the scoping period is to involve the public in the planning process. The BLM encourages members of the public who have an interest in the planning area to submit their comments on issues or concerns, planning criteria, or other relevant information during the scoping period through one of the following methods:

Mailed or Delivered to:

- ◆ Canyon Country District Office
- ◆ Attn: Brent Northrup
- ◆ Project Manager
- ◆ 82 East Dogwood
- ◆ Moab, UT 84532

Emailed to: BLM_UT_MB_Comments_2@blm.gov

Additional information can be accessed on the BLM project website at: <http://www.blm.gov/21jd>. Please email your name and mailing address to add your name to the project mailing list.

We also encourage you to attend one of the upcoming public scoping meetings to ask questions and provide input. The public scoping meeting will be held in Moab, Monticello, and Salt Lake City. Several information stations will be located within the meeting venue that will present information on key issues and the planning process. Attendees can learn about the MLP process, ask questions, and provide written comments.

<u>Date</u>	<u>Location</u>	<u>Address</u>
March 27, 2012 5 p.m. to 7 p.m.	Monticello	Monticello High School 1400 Independence Way Monticello, Utah
March 28, 2012 5 p.m. to 7 p.m.	Moab	Grand Center 182 North 500 West Moab, Utah
April 3, 2012 6 p.m. to 8 p.m.	Salt Lake City	Salt Lake City Main Library 210 East 400 South Salt Lake City, Utah

APPENDIX E—SCOPING MEETING DISPLAY BOARDS

Appendix E contains copies of the display boards used during the public scoping meetings. Three public scoping meetings were held in March and April 2012. These meetings were held in Moab, Monticello, and Salt Lake City, Utah.



MOAB MASTER LEASING PLAN

BLM

INTRODUCTION

In accordance with Bureau of Land Management (BLM) Washington Office Instruction Memorandum No. 2010-117, the BLM Canyon Country District Office is initiating a planning effort to prepare the Moab Master Leasing Plan (MLP), possible amendments to the Moab and Monticello Resource Management Plans (RMPs), and a single environmental impact statement (EIS). The scope of the MLP is limited to new oil, gas, and potash leasing within the MLP area. The MLP process will provide additional planning and analysis prior to new leasing of oil, gas, and potash within the planning area (783,000 acres of public lands).



The planning area has high potential for the development of oil, gas, and potash. In addition, the planning area is adjacent to Canyonlands and Arches National Parks and contains lands identified by the BLM as having outstanding visual resources, high value recreation areas, lands with wilderness characteristics, and high quality air resources.

The outcome of the MLP process may result in new mineral leasing stipulations and development constraints accomplished through amendments to the land use plans (Moab and Monticello RMPs). The EIS will analyze likely development scenarios and land use plan alternatives with varying mitigation levels for mineral leasing.



Scenic Dome Plateau



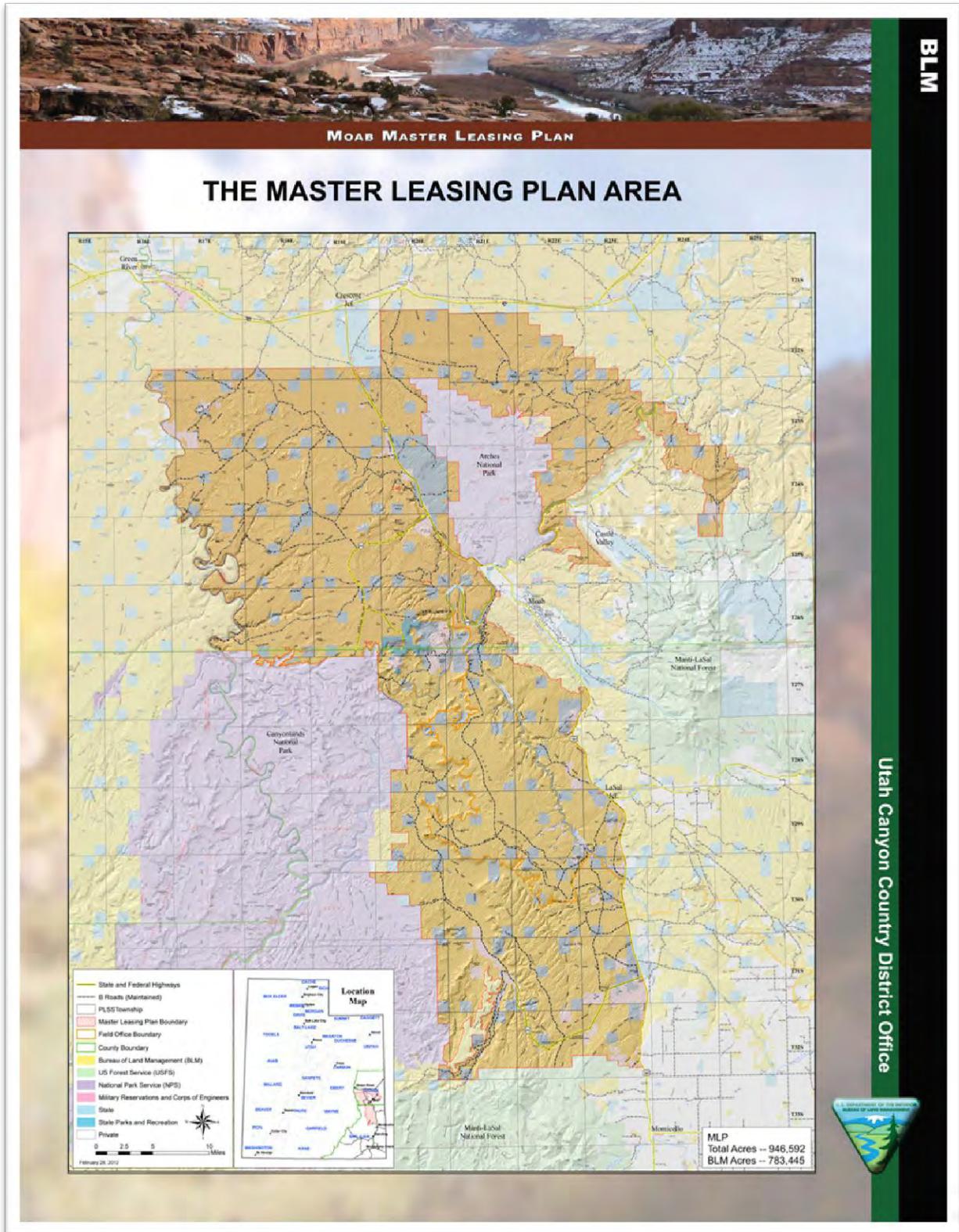
Potash Evaporation Ponds

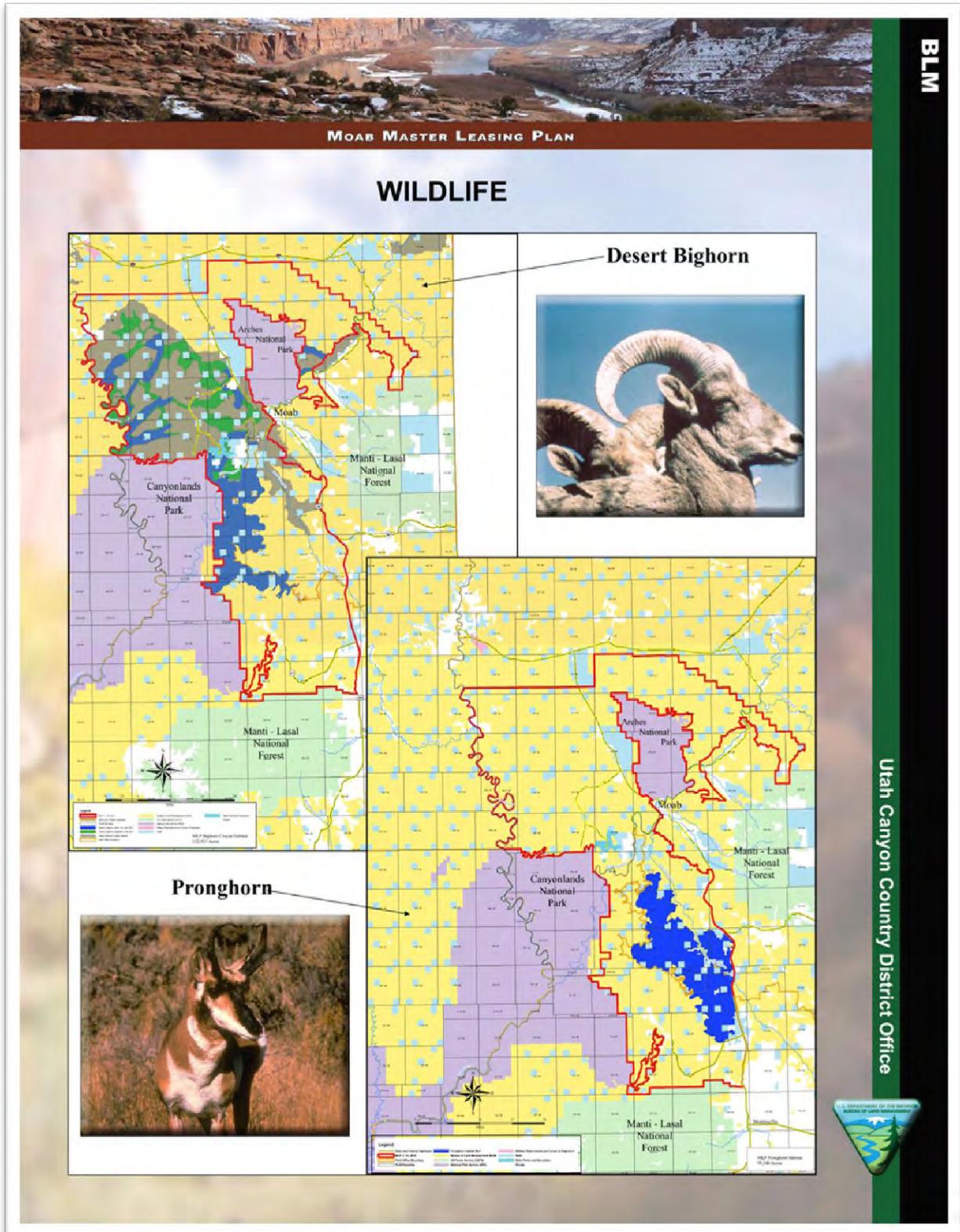


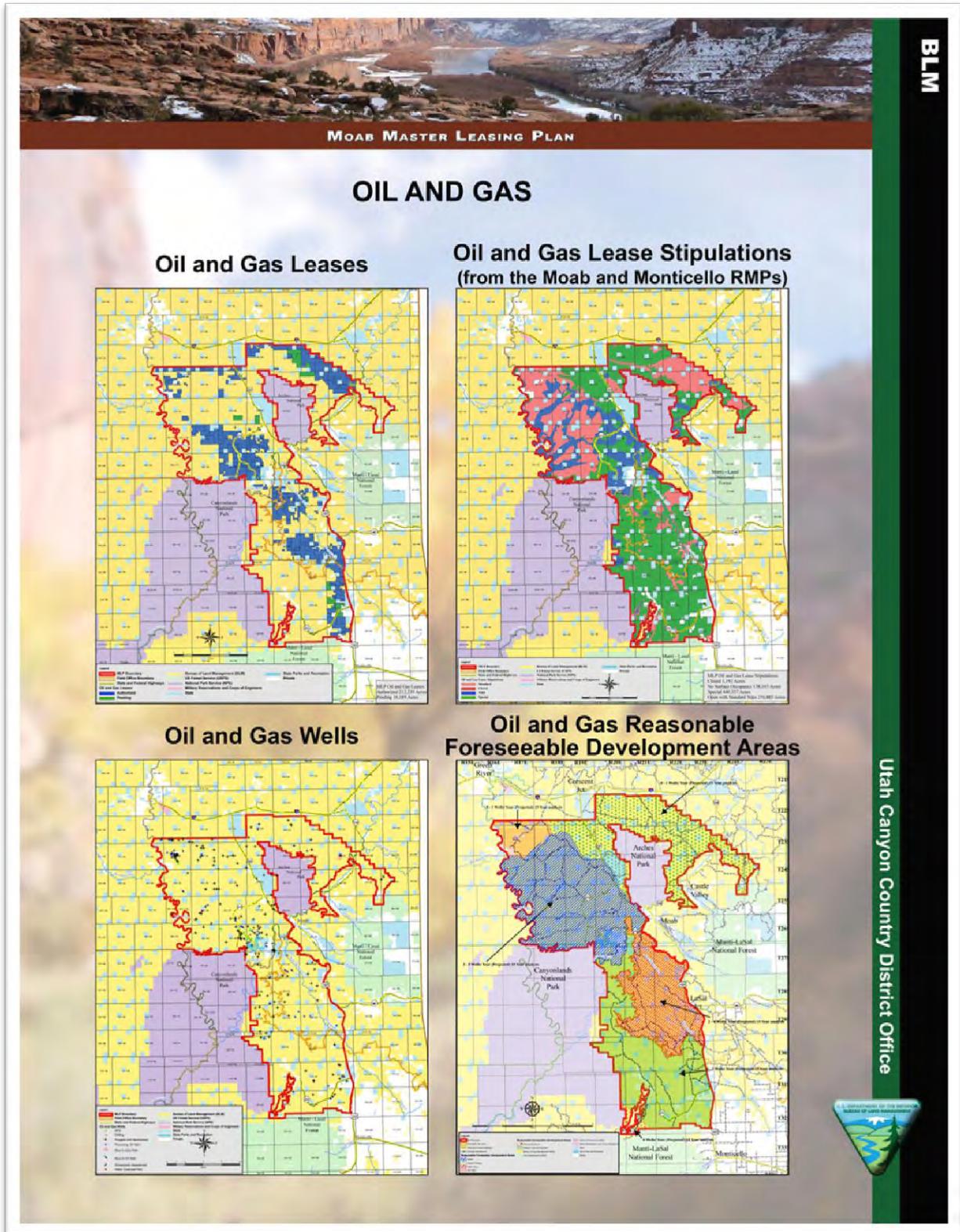
Oil and Gas Well in the Big Flat Area

Utah Canyon Country District Office









BLM

MOAB MASTER LEASING PLAN

PRELIMINARY PLANNING ISSUES

Planning issues are topics of interest or concern about the potential effects resulting from leasing and development of oil, gas, and potash resources within the planning area. The following preliminary issues have been identified by the BLM through an interdisciplinary process:

- **Air quality** and global climate change
- **Cultural resources**, including historic trails and traditional cultural properties of importance to Native American tribes
- **Paleontological resources** of scientific importance
- **Wildlife and fisheries habitat**, including special status species and migration corridors
- **Visual resources**, including visual resource inventory and management classes
- **Fragile soils** and steep slopes
- **Water resources**, including aquifers
- **Vegetation**, including rare plants and riparian resources, and the ability to achieve interim and final reclamation standards (Gold Book, Chapter 6)
- **Recreation use**, including Special Recreation Management Areas and Recreation Focus Areas
- **Socioeconomics**
- **Special Designations**, which include ACECs and suitable Wild and Scenic Rivers
- **Wilderness characteristics** lands identified by BLM
- **National Parks and State lands** adjacent to and within the planning area

Federal, state, and local agencies; the public; and other stakeholders have the opportunity to identify additional issues to be addressed in the MLP process. You may wish to consider the preliminary issues identified when submitting comments but you do not need to limit your comments to these issues.







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MOAB MASTER LEASING PLAN

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SOCIOECONOMICS

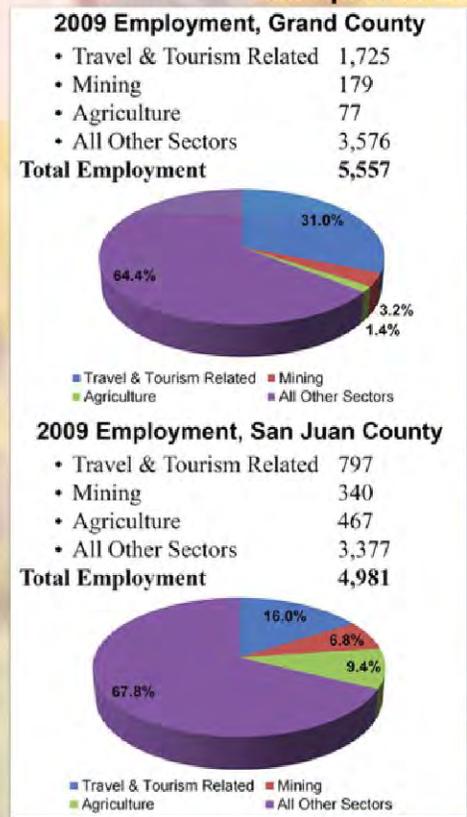
“Socioeconomics” addresses the effects of social and economic conditions and trends on BLM public land resources and the positive and negative impacts of BLM’s management decisions on those conditions and trends at the local level and beyond.

Socioeconomics is not a BLM management decision; rather, it is a contextual element for planning.

Socioeconomic analysis for the MLP will include:

- Development of a Socioeconomic Baseline Report – a review of current social/cultural and economic conditions and trends in the region.
- Socioeconomic Impact Analysis – quantitative and qualitative assessments of the social/cultural and economic impacts of the management alternatives.

Examples of Economic Indicators



Source: Impact Analysis for Planning (IMPLAN) baseline data from the Bureau of Economic Analysis, Bureau of Labor Statistics, and U.S. Census Bureau.



Source: Utah State Auditor’s Office, Local Government Audited Financial Statements; Utah Tax Commission, Annual Report 2010, Property Tax Division Annual Statistical Report 2010, and Calendar Year Taxable Sales.

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MOAB MASTER LEASING PLAN

BLM

SOCIOECONOMICS

Economic Impacts

Uses of BLM resources have economic impacts on local communities. The “multiplier effect” refers to the way that direct use of resources has additional effects in the economy, as shown below.

To the extent that indirect and induced purchases are local, money recirculates in the local economy additional times; for example, when a transportation company buys fuel from a local fuel supplier. We will carefully quantify the direct effects of each MLP management alternative, then put that data into a computer model of the local economy to estimate the total impacts.



Other Impacts

In addition to addressing monetary flows as described above, we will address:

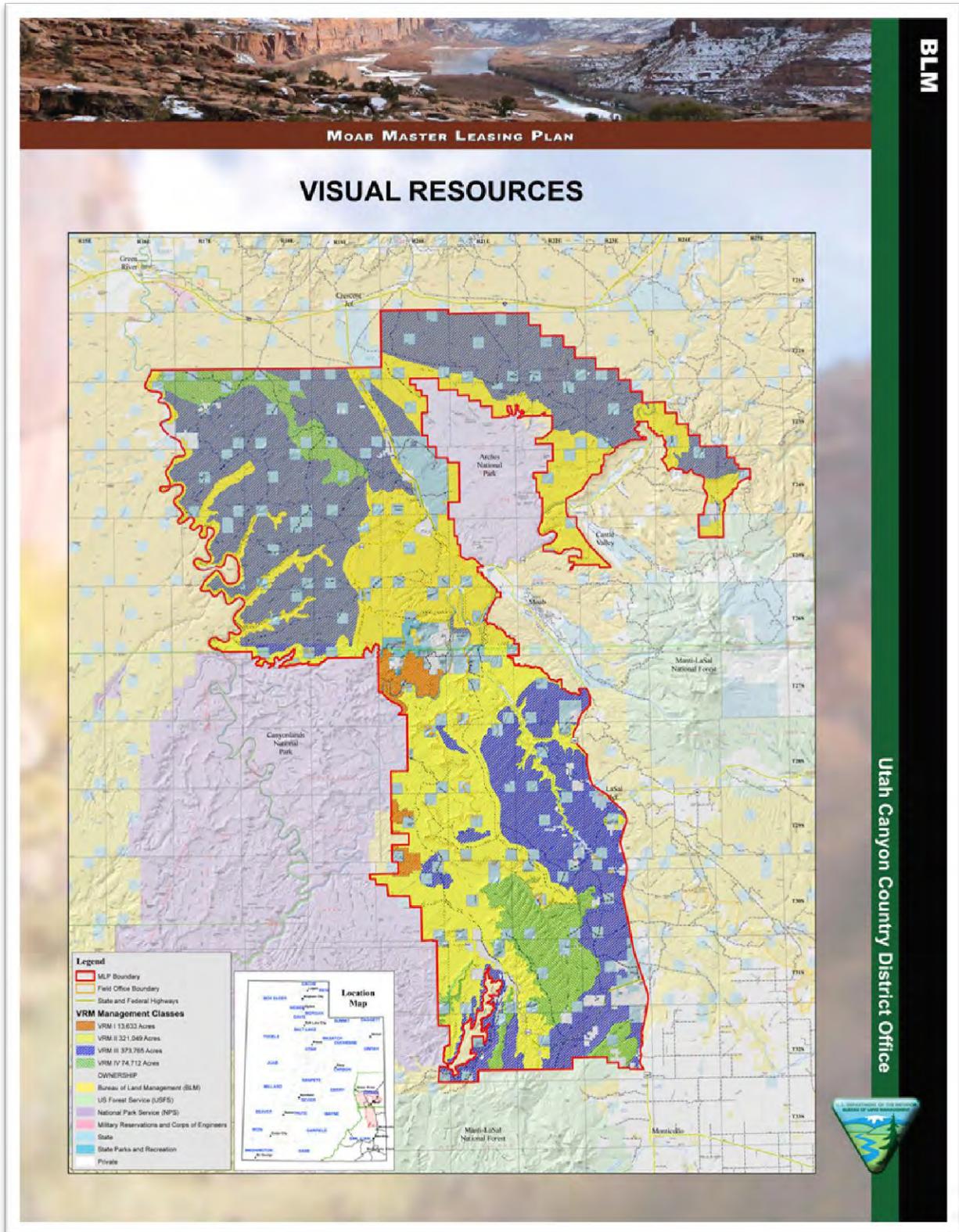
- Nonmarket values – For instance, while expenditures of hikers, bikers, and rafters on motels and restaurants are captured via the approach above, the value of the enjoyment they derive is not. For the most part recreation on BLM-managed lands comes free or at a nominal charge, but this does not mean it does not have value.
- Social impacts – People have cultural as well as economic linkages to public lands. Ranching, mineral prospecting, recreation, and many other activities have important social and cultural significance that may be affected by land use changes.

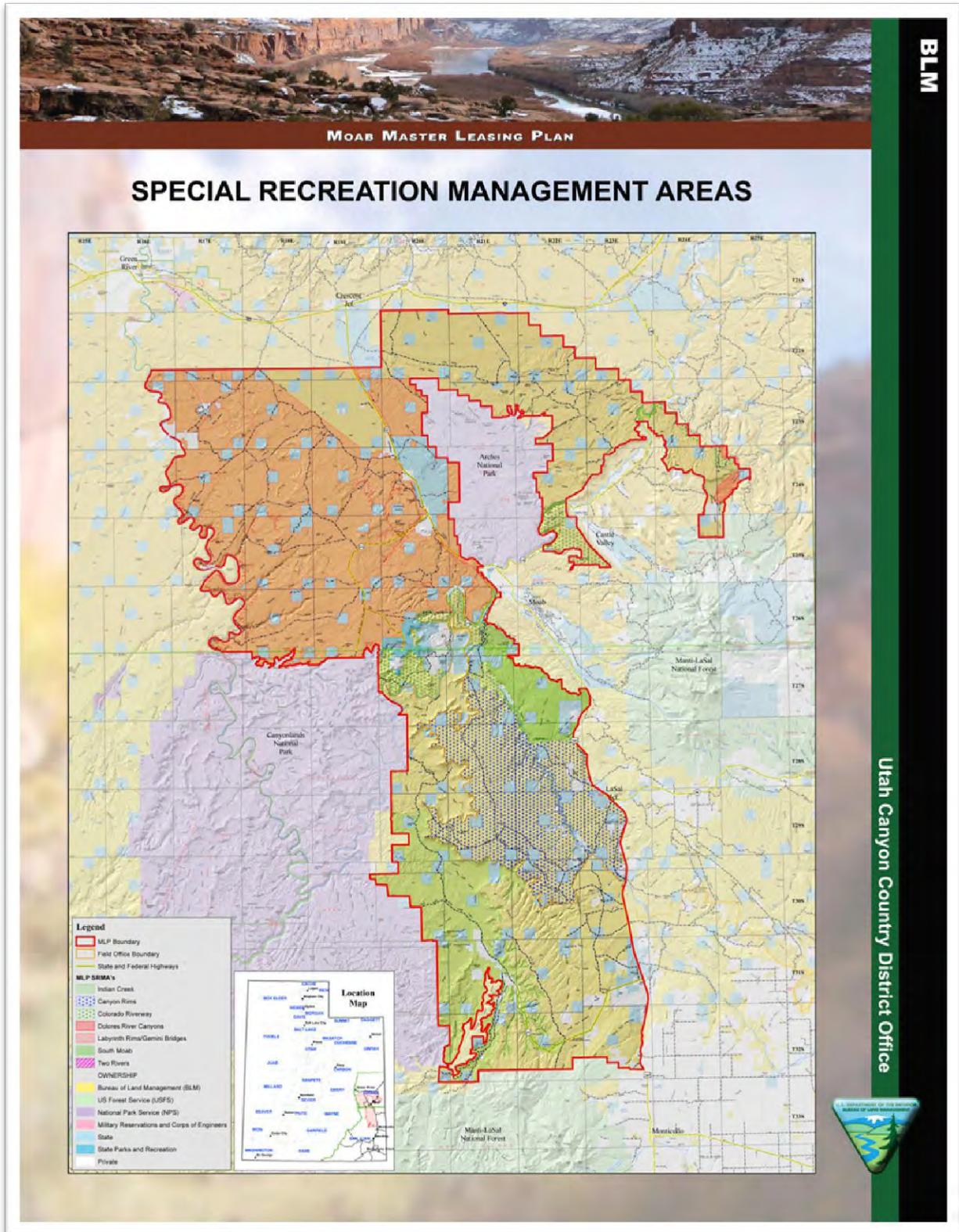
Some questions for your consideration/comments:

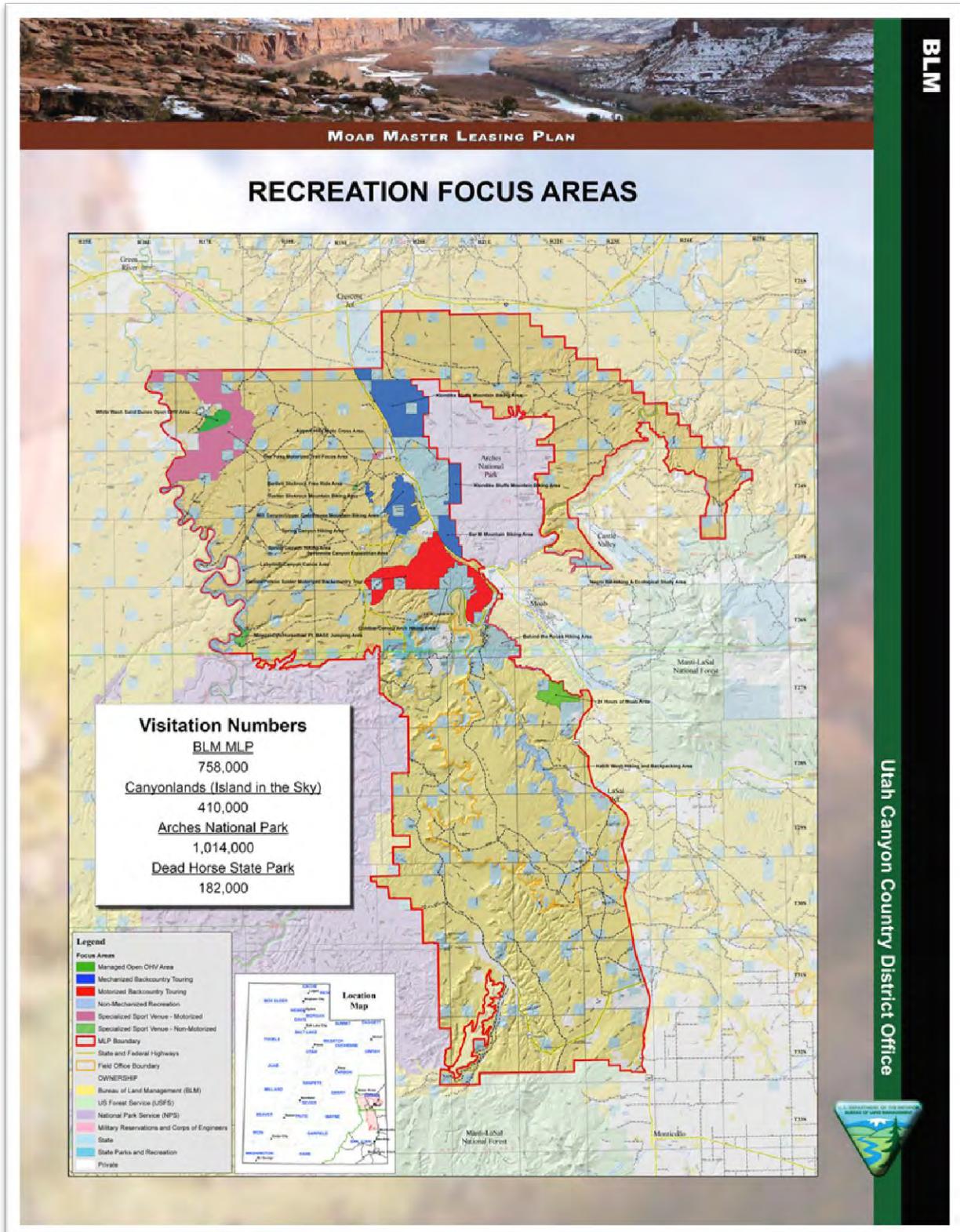
- What social and economic conditions and trends are most important for BLM to consider?
- How do you think oil, gas, and potash development in the planning area will affect social and economic conditions and trends?
- What are the economic and social/cultural tradeoffs between different uses of BLM public lands in the planning area (for example, mineral development and recreation)? How should BLM balance those trade-offs or mitigate socioeconomic impacts?
- Are there areas within the two counties with low-income or minority populations that could be impacted by BLM’s planning area management decisions? If so, what areas, populations, and potential impacts are of concern?

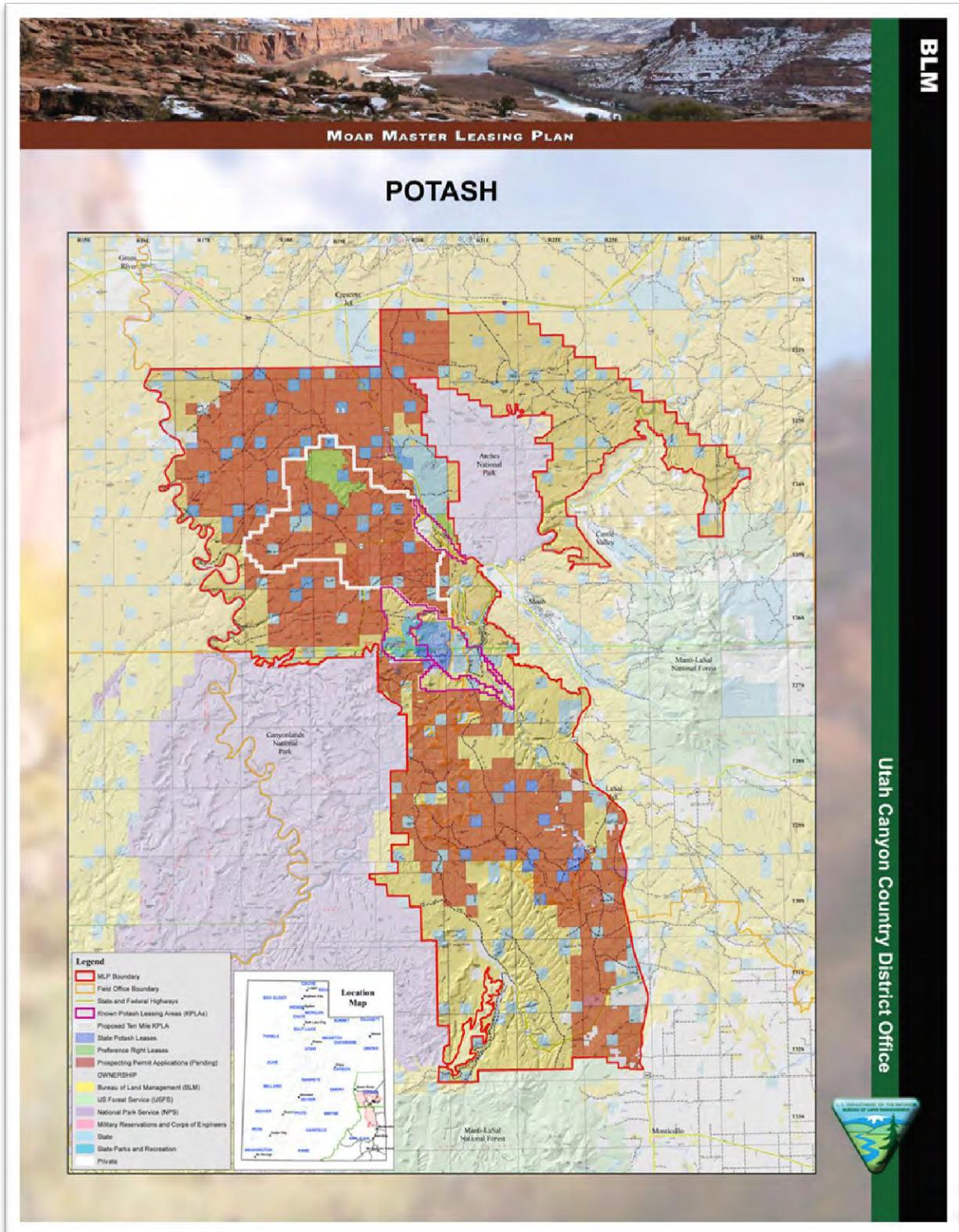
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MOAB MASTER LEASING PLAN

BLM

POTASH

Potash refers to a group of potassium salts soluble in water. The most common potassium salt is sylvite (potassium chloride – KCl).

- About 95% of the potash produced is used as fertilizer for food production.
- The U.S. imports over 85% of its potash, mainly from Canada.
- Price in 2000 – \$100/ton; price in 2011 – \$386/ton; projected price in 2012 – \$490/ton.

Potential Methods of Potash Extraction and Processing within the Master Leasing Plan Area

Underground Solution Mining — Crystallization Processing

Well Field—hot water injection and extraction wells

1-2 well pads per square mile

Potash Processing

- Mechanical crystallizers for cooling brines, and/or production cooling ponds, up to 180 acre footprint
- Drying, compacting, sizing, and shipment storage facilities
- Plant site; varies from 100 to 500 acre footprint, depending on production
- Water usage, recirculation; 4-12 times less than solar evaporation
- Uses electricity and gas for heating and cooling
- Surge pond and tailings pond may be required



Underground Solution Mining — Solar Evaporation Processing

Well Field—hot water injection and extraction wells

1-2 well pads per square mile

Potash Processing

- Evaporation ponds (400 acres/100,000 tons potash/year); includes milling and flotation systems
- Drying, compacting, sizing, and shipment storage facilities
- Plant site; up to 400 acre footprint
- Water usage about 5,000 gal/ton; most water lost to evaporation
- Utilizes solar energy; lower electrical and gas consumption
- Tailings pond may be required



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APPENDIX F—SCOPING MEETING MATERIALS



BLM

RECREATION

The Moab Field Office, as well as adjacent locations within the MLP Planning Area, is an internationally recognized recreation destination. The proximity of two national parks (Arches and Canyonlands), the extraordinarily scenic and diverse landscape, the accessibility of two major river systems (the Colorado and Green rivers), the presence of interesting cultural and paleontological resources, and the opportunities for a wide range of recreational activities have made the planning area popular for those seeking an array of outdoor experiences. Recreational opportunities range from casual sightseeing and hiking to more intense activities such as mountain biking, rock climbing and river running. Moab has been named “2012 Top Adventure Destination” worldwide by Frommer’s.

The estimated annual BLM visitation within the MLP planning area is 850,000 visitors, with over 2 million visitors throughout the planning area. Visitation to the area occurs throughout the year. Recreation activities occurring within the planning area are abundant and diverse and include but are not limited to: scenic driving, camping hiking, jeeping, mountain biking, canoeing and rafting, rock climbing, OHV and dirt bike riding, horseback riding, and basejumping.

There are a number of areas that, while not necessarily designated solely for recreation use, directly and indirectly benefit the recreation user. These areas include Special Recreation Management Areas (SRMAs) and Recreation Focus Areas. Below is a list of these areas that are located within the MLP planning area.

Special Recreation Management Areas (SRMAs)

Monticello Field Office

- Indian Creek

Moab Field Office

- Canyon Rims
- Labyrinth Rims / Gemini Bridges
- South Moab (partial)
- Colorado Riverway (partial)

Recreation Focus Areas

Moab Field Office

- | | |
|--|---|
| <ul style="list-style-type: none"> • Dee Pass Motorized Trail Area (portion) • Scenic Driving Corridor 191 • White Wash Sand Dunes Open OHV Area • Airport Hills Moto Cross Area • Tusher Slickrock Mountain Bike Area • Bartlett Slickrock Freeride Area • Klondike Bluffs Mountain Biking Area • Scenic Driving Corridor 128 (portion) • Mill Canyon / Upper Courthouse Mountain Biking Area • Spring Canyon Hiking Area • Sevenmile Canyon Equestrian Area • Canyon Rims Scenic Byways (Needles Overlook and Anticline Roads) | <ul style="list-style-type: none"> • Labyrinth Canyon Canoe Area • Bar M Mountain Biking Area • Mineral Canyon / Horsethief Point Competitive BASE Jumping Area • Goldbar / Corona Arch Hiking Area • Scenic Driving Corridor 279 • Tombstone Competitive BASE Jumping Area • Scenic Driving Corridor 313 • Gemini Bridges / Poison Spider Mesa Motorized Backcountry Touring Area • 24-Hours of Moab Mountain Biking Area • Hatch Wash Hiking and Backpacking Area |
|--|---|

Utah Canyon Country District Office





BLM

SPECIAL DESIGNATIONS AND BLM LANDS WITH WILDERNESS CHARACTERISTICS

Wild and Scenic Rivers

There are two suitable Wild and Scenic Rivers (W&SR) located within the MLP planning area. These include segments of the Colorado and the Green River. The Colorado River segments are classified as either scenic or recreational. The entire segment of the Green River within the MLP has been classified as scenic. Scenic rivers are those rivers that may have some development and may be accessible in places by roads or trails. Recreational rivers are almost always accessible by roads and trails, may have more extensive development along their shoreline, and may have undergone some impoundment or diversion in the past. Management of suitable W&SRs is based on the classification of the river segment and is intended to maintain that classification.

National Historic Trails

There is one National Historic Trail located within the MLP planning area; this is the Old Spanish Trail, found in the northwest portion of the MLP. Management associated with national historic trails typically involves restrictions on surface disturbance activities, recreational and OHV use and fire management and is intended to enhance public enjoyment and understanding of the historic trail.

Areas of Critical Environmental Concern (ACEC)

An ACEC is defined as an area "within the public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards." The Federal Land Policy and Management Act (FLPMA) states that the Bureau of Land Management (BLM) will give priority to the designation and protection of ACECs in the development and revision of land-use plans. There is no single management approach for all ACECs; instead management is designed specifically for the relevant and important values for which the ACEC was identified.

Monticello Field Office

- Shay Canyon
- Indian Creek
- Lavender Mesa

Moab Field Office

- Ten Mile
- Highway 279 Corridor/Shafer Basin/Long Canyon
- Behind the Rocks

BLM Lands with Wilderness Characteristics

Since Wilderness Study Areas (WSAs) were established in the 1980s, designation and protection of wilderness in Utah has become a prominent and national issue. Since then, the public has debated which lands have wilderness characteristics and should be considered by Congress for wilderness designation.

The Moab and Monticello Field Offices identified which lands outside the WSAs possessed wilderness characteristics as part of their 2008 Resource Management Plans. A decision was made to manage a subset of these lands as Natural Areas to protect and maintain their wilderness characteristics. Within the MLP area, 190,470 acres of land have been determined by BLM to possess wilderness characteristics; there are no Natural Areas within the MLP area.

Utah Canyon Country District Office





BLM

VISUAL RESOURCE MANAGEMENT

In 2011, the Moab Field Office conducted a visual resource inventory to assess the current visual character of the entire field office area. The visual resource inventory process provides the BLM a means for determining the visual values of an area. When conducting a visual inventory, three factors are evaluated, including a scenic quality evaluation, a sensitivity level analysis, and a delineation of distance zones. Based on these three factors, all BLM-administered lands are placed into one of four visual resource inventory classes. These inventory classes represent the relative value of the visual resources. Classes I and II are those that are the most valued, Class III represents a moderate value, and Class IV is of least value.

It is important to understand that the VRI Class does not indicate the type of management chosen. Instead, the inventory classes provide the current assessment of the visual values and serve as the basis for considering visual values in subsequent resource management planning (RMP) processes. During the RMP process, the visual resource inventory provides the visual information that is used to establish Visual Resource Management (VRM) classes. VRM Classes provide specific management for a given area that are intended to maintain a given visual preference. There are four VRM classes that are identified during the RMP process:

- **Class I:** Maintain landscape setting to appear unaltered by humans. It applies where management activities are to be restricted (i.e., wilderness areas, natural areas, wild sections of Wand scenic rivers).
- **Class II:** Design proposed alterations in a manner that retains the existing character of the landscape. Level of change should be low. Any alteration to the landscape may be seen but should not attract attention of the casual observer.
- **Class III:** Design proposed alterations in a manner that partially retains the existing character of the landscape. Contrasts to the landscape may be evident and begin to attract attention; however, the changes should remain subordinate to the existing characteristic landscape.
- **Class IV:** The objective of this class is to provide for management activities that require major modification of the existing character of the landscape. Contrast may attract attention and be a dominant feature of the landscape; however, the change should repeat the basic elements inherent in the characteristic landscape.

During the MLP process, no VRM Management Classes will be determined. Instead, the visual inventory classes may be used in identifying appropriate and non-appropriate locations for mineral or potash development based on existing visual qualities. This information will also provide BLM the ability to meet NEPA requirements by developing a range of alternatives.

The use of the visual inventory data will only apply to the BLM-administered lands located within the Moab Field Office and within the MLP Planning area. BLM-administered lands within the Monticello Field Office will use the VRM classes identified in the ROD of the 2008 RMP, as the Monticello Field Office has not yet undertaken a new VRI inventory.

Utah Canyon Country District Office





BLM

SPECIAL STATUS SPECIES

Special Status Species and BLM Sensitive species within the MLP Planning Area include plants, wildlife, and fish. It is BLM's responsibility and obligation to provide appropriate management to protect these species' habitats. The habitats of these species and their life requirements will be considered in developing potential stipulations for oil, gas, and potash development in the Planning Area.

Federally-Listed Species

Federally-listed species include any species which is listed, or proposed for listing, as threatened or endangered by the U.S. Fish and Wildlife Service or National Marine Fisheries Service under the provisions of the Endangered Species Act. Federally-listed species that are found within the planning area include:

Fish

- Bonytail
(*Gila elegans*) – Endangered
- Colorado pikeminnow
(*Pychocheilus Lucius*) – Endangered
- Humpback chub
(*Gila cypha*) – Endangered
- Razorback sucker
(*Xyrauchen texanus*) – Endangered

Wildlife

- Mexican spotted owl
(*Strix occidentalis lucida*) – Threatened
- Southwestern willow flycatcher
(*Empidonax traillii extimus*) – Endangered
- Western yellow-billed cuckoo
(*Coccyzus americanus occidentalis*) – Candidate
- California condor (*Gymnogyps californianus*) – Endangered, Experimental

Federally-Protected Species

- Migratory Birds
- Golden Eagles (*Aquila chrysaetos*)

BLM Sensitive Species

BLM sensitive species are those species that meet the following criteria:

1. Native species found on BLM-administered lands for which BLM has the capability to significantly affect the conservation status of the species through management,
2. Data indicate that the species has recently undergone, is undergoing, or is predicted to undergo a downward trend such that the viability of the species or a distinct population segment of the species is at risk,
3. The species depends on ecological refugia or specialized or unique habitats on BLM-administered lands, and there is evidence that such areas are threatened with alteration so that the continued viability of the species in the area would be at risk, and
4. All federally designated candidate species, proposed species, and delisted species in the 5 years following their delisting.

Habitat for the following BLM special status species is found within the planning area:

Fish

- Colorado River cutthroat trout
(*Oncorhynchus clarki pleuriticus*)
- Bluehead sucker (*Catostomus discobolus*)
- Roundtail chub (*Gila robusta*)
- Flannelmouth sucker (*Catostomus latipinnis*)
(wildlife listed on the back)

Utah Canyon Country District Office



Wildlife

- Bald Eagle (*Haliaeetus leucocephalus*)
- Ferruginous hawk (*Buteo regalis*)
- Burrowing owl (*Athene cunicularia*)
- Long-billed Curlew (*Numenius americanus*)
- Short-eared owl (*Asio flammeus*)
- Allen's big-eared bat (*Idionycteris phyllotis*)
- Big free-tailed bat (*Nyctinomops macrotis*)
- Fringed myotis (*Myotis thysanodes*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- Western Bat (*Lasiurus blossevillii*)
- Gunnison sage-grouse (*Centrocercus minimus*)
- Gunnison's prairie dog (*Cynomys gunnisoni*)
- White-tailed prairie dog (*Cynomys leucurus*)
- Kit fox (*Vulpes macrotis*)
- Bobolink (*Dolichonyx oryzivorus*)
- Corn snake (*Pantherophis guttatus guttatus*)
- Great Plains toad (*Bufo cognatus*)
- Yavapai Mountainsnail (*Oreohelix Yavapai*)

