

APPENDIX D

Public Response Letters

Comment aa



**United States Department of the Interior
NATIONAL PARK SERVICE
BRYCE CANYON NATIONAL PARK
Highway 63 Bryce #1
PO Box
Bryce Canyon, UT 84764**



L2427 (1330)

February 5, 2007

Susan Baughman
Oil and Gas Leasing Project Manager
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, UT 84720

Dear Ms. Baughman,

This letter is in response to the request for scoping comments for the proposed *Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest*. Combined comments are provided from Bryce Canyon National Park (BRCA) and Cedar Breaks National Monument (CEBR) due to the similarity of concerns shared by both. Our scoping comments are similar to those presented in a letter from August 28, 1995 by multiple Utah park service sites on the *Draft Environmental Impact Statement for Oil and Gas Leasing on Lands Administered by Dixie National Forest*.

We are pleased to have this opportunity to suggest issues and other topics that should be included in the scope of the EIS that is being prepared. In the past the potential of oil and gas development on the Dixie National Forest was considered low so we did not give the level of attention it probably deserved. Now the increasing level of leasing activity makes it imperative that the potential impacts to federal lands be examined so that energy development can be conducted in a manner that ensures the protection of these lands for the public.

As directed by the Organic Act (16 USC 1 et seq. Organic Act), Redwoods National Park Act (16 USC 79a-79q), and National Park Service Policy (2006), national parks are responsible for responding to any proposals and changes to adjacent lands that may impact the park's resources such as but not limited to air pollution, water pollution, and the loss of scenic vistas, natural quiet, and wildlife habitat. As part of our efforts to minimize impacts to resources in the parks, we would like to cooperate with staff from the Dixie National Forest as this plan is developed.

Bryce Canyon National Park was established, in part, for its "unusual scenic beauty," and the authorities establishing and enlarging the park explicitly mandate the preservation of these scenic resources. The park receives 1.5 million visitors annually, all of whom travel on Highways 12 and 63 as they approach the park entrance. The park has outstanding visual, recreational, and



resource values that may be severely compromised if adjacent lands are open to oil and gas leasing. Bryce Canyon National Park is the main visitor attraction to Garfield County, where tourism represents 60% of the economic base. As such, visitor expenditures contribute substantially to employment and economic activity of Garfield County. We believe that activities such as oil and gas exploration and extraction could adversely impact the park's recreation and tourism attractiveness, and thus, the park's ability to attract visitors.

The proclamation creating Cedar Breaks National Monument specifically cites the preservation of "features of scenic and scientific interest" as the purpose for the monument. The location of Cedar Breaks at the top of the Markagunt Plateau provides the opportunity to experience panoramic vistas. All of the monument's four scenic overlooks along Highway 143, and two primary hiking trails, have views to the west into the breaks and to the broken plateaus beyond. Enjoying this view is the primary visitor activity in the Monument. The view from overlooks at Cedar Breaks National Monument are nearly free of roads or other human development in the foreground and middle distances, consisting of the breaks themselves, the Ashdown Wilderness and Dixie National Forest, and the mixture of private and public lands beyond.

The proposal to determine which lands are available for oil and gas leasing on the Dixie National Forest raises many concerns about what impacts these activities would have on both BRCA and CEBR. Specifically there are significant concerns by both parks related to the following:

Scenic Values. BRCA and CEBR rise above surrounding terrain and oil and gas developments would be highly visible from park viewpoints and roads. There is a need to fully examine visual resources from both parks. During the 1990's oil and gas lease proposal the parks coordinated with the Dixie National Forest to develop view shed maps in GIS. We propose that this analysis be reevaluated and updated as appropriate considering new technological advances. Both parks are willing to work with staff from the Dixie National Forest in this process. Additionally, many of the slopes in the viewshed are steep and some are prone to landslides. Roads, drill pads or other surface disturbances on these slopes will, by necessity, result in inordinately large visual scars that can expand over time should slope failures be initiated. We suggest that these slopes be evaluated in the EIS process and be include in leasing only if visual impacts and slope stability issues can be mitigated through a stipulation of no surface occupancy. While we feel strongly that this protection is necessary for lands in park viewsheds, it would be appropriate to apply to all Forest lands with similar steep slopes and landslide-prone strata.

Visibility of facilities including well heads, pipes, tanks, antennas, etc., is also a concern. A stipulation is suggested that the visibility of facilities be reduced through topographic screening, coloration to blend with the landscape, and minimizing the area of surface disturbance.

Night Skies. The ability to have a clear view of the night sky in the absence of artificial lighting is a valuable resource that is often overlooked. These parks are fortunate to be located in some of the best areas in North America for night sky viewing. In order to preserve this, and the feeling of isolation provided by a nighttime view with large areas lacking in artificial light sources, we suggest nighttime lighting be included as an impact topic and a stipulation of no night lighting is suggested. If lighting on some facilities is necessary for safety or by regulation, it should be shielded from view off site.



Air Quality. Bryce Canyon and nearby Zion National Park are Class I areas under the Clean Air Act, so no significant degradation of air quality should be permitted under the proposed actions in the EIS. In addition to impacts to criteria pollutants, we ask that you examine the visibility of dust plumes from haul roads and drilling activities in the impact analysis.

Water Quality. Concerns for water quality arise from the same slope stability issues cited above under scenic values. Ground disturbing activities on steep slopes, particularly where the underlying strata are landslide-prone, will lead to excessive sediment reaching streams. The potential for water contamination from spills and drilling muds should also be addressed.

Coalbed Methane. It is unclear in the notice if coalbed methane development will be addressed in the EIS. We suggest that it be addressed in the EIS. Further, given the greater number of wells and high well density needed for coalbed methane development, and in particular the need to dispose of large amounts of wastewater, the impacts of coalbed methane leasing should be addressed separately from standard oil and gas leasing.

Tourism. The impacts of oil and gas development on the tourism industry of the area should be included in the impact analysis. This should include users of National Park System units and National Forests, and visitors traveling through the area on highways and scenic byways. Please address additional heavy equipment and increased traffic loads on surrounding highways. Increased traffic would have a negative impact on both residents and visitors to the area. This should be considered both in the exploratory phase and during the production phase when oil or gas products are being trucked to a refinery.

Boundary Issues. Leases that would create additional road access to the boundaries of BRCA and CEBR can create avenues of inappropriate and unauthorized use by the public (i.e. off-road vehicles, poaching, wood gathering, etc.). Such leases should be avoided if possible, or stipulated that access be controlled during operations and roads be removed and rehabilitated at the conclusion of operations.

Other Resource Concerns. The EIS should address a number of concerns related to possible impacts to park resources and visitor appreciation of the parks and surrounding area. These include soundscapes; odor; wildlife; habitat; sensitive species (surveys for such species should be done multiple years and during times when species are most likely to be present, i.e. rare plants are not always seen above ground); and cumulative impacts from other extraction activities (logging, proposed coal mine operations, residential expansion through out the region surrounding the forest).

We recommend that areas proposed for leasing are evaluated for their ability to be rehabilitated. Those areas that are more resilient should be offered for lease over less resilient areas including those that would have high erosion potential. Within the proposed sites address restoration actions in order to minimize erosion and invasion of non-native plants and how long restoration will take. Standards and guidelines should be developed for revegetation and exotic weed control. The lands in around these parks are relatively free of exotic weed species compared to many other areas throughout the state and country. Any ground disturbing activities leads to the increased probability of exotic weed invasions. While exotic weed invasion is more prevalent at

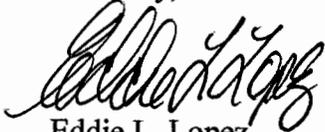


lower elevations, it cannot be assumed that this will remain the case throughout the planning horizon of the EIS.

Of course, the EIS must address cumulative impacts of multiple wells, roads, compression stations, collection tanks, etc. Many factors (light pollution, dust, noise, additional roads) singly may not degrade the visitor's experience but cumulatively could greatly impact the visitor to BRCA and CEBR. Please address what will happen if there is future need for a pipeline to transport oil or compressed gas, including likely corridors and impacts.

We are very interested in being involved in the EIS process, especially in the evaluation of suitability for leasing and the development of stipulations to protect National Park and National Forest values. We appreciate the opportunity to provide input into this proposed project and look forward to working with the Dixie National Forest cooperatively on this analysis. Please contact Kristin Legg, Chief of Resource Management, at 435-834-4900 or Kristin_legg@nps.gov to arrange a time to discuss our concerns and how to proceed with setting up buffers around these two parks.

Sincerely,



Eddie L. Lopez
Superintendent
Bryce Canyon National Park

cc: Paul Rolandt, Superintendent, Cedar Breaks National Monument
Deputy Director, Intermountain Region, National Park Service
Cordell Roy, NPS Utah State Coordinator
Donna Owens, District Ranger, Powell Ranger District
Carol McCoy, Geologic Resources Division, NPS



Kane County Commission
Mark W. Habbeshaw, Chairman
76 N. Main
Kanab, UT 84741

January 31, 2007

Susan Baughman
Oil and Gas Leasing Project Manager
1798 N. Wedgewood Lane
Cedar City, UT 84720

Re: Oil and Gas Leasing EIS scoping comments

Dear Susan,

Kane County appreciates the opportunity to provide scoping comments in this planning effort. Kane County is within a portion of the Dixie NF and would derive economic benefit from successful oil and gas leasing projects approved on forest land within the county.

It is unknown what potential oil or gas reserves may lay within the county but the extraction of oil, gas or minerals has the potential to change the county from a oil, gas and mineral bearing county to a oil, gas or mineral producing county.

That change would not only bring economic benefit to the county but it would also change the county's status regarding the distribution of oil, gas and mineral lease funding with in the State of Utah.

Needless to say, the county is supportive of responsible resource extraction and would offer our assistance at whatever level may be appropriate as this planning process moves forward.

Sincerely,

Mark W. Habbeshaw
Commission Chairman

January 29, 2007

Susan Baughman,
Oil and Gas Leasing Project Manager,
Dixie National Forest
1789 North Wedgewood Lane
Cedar City, Utah 84720

RE: Scoping Comments for Dixie National Forest Oil and Gas Leasing EIS

Dear Susan,

The Utah Environmental Congress (UEC), Center For Water Advocacy, Forest Guardians (FG), Red Rock Forests (RRF), Grand Canyon Trust (GCT), and The Wilderness Society (TWS) appreciate this opportunity to submit scoping comments in response to the December 29, 2006 Federal Register Notice Of Intent initiating the scoping process for "Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest." We are interested parties with concerns and great interest in the preparation of this EIS, the alternative development and analysis, as well as resulting decisions. Please add and/or maintain each of those undersigned to all of the contact and mailing lists associated with this proposed action and development of this EIS.

I. Tiering, Forest Plan commitments, NFMA direction, and recommended alternatives that must be included with the scope of this analysis and analyzed in detail

The Federal Register NOI for this EIS says that this EIS analysis will, "be used to develop an amendment to the Forest Plan if necessary" and that "All alternatives studied in detail must fall within the scope of the purpose and need for action and will generally tier to and comply with the Dixie Forest Plan." NEPA at 40 CFR § 1508.28 establish the authority to tier one of NEPA's Environmental Documents to another, stating, "Tiering is appropriate when the sequence of statements or analyses is: (a) From a program, plan or policy environmental impact statement to a program, plan or policy statement or analysis of lesser scope or to a site-specific statement or analysis."

1. Current Forest Plan direction and commitments must be in the scope, and action alternative must be developed that complies with this direction.

The above is consistent with page 3 of the Forest Plan ROD, which states any subsequent CE, EA, or EIS developed, "will be tiered to the [Forest Plan] FEIS, pursuant to 40 CFR 1508.22 (1982)." Pages 11-12 of the ROD says that standards and guidelines and stipulations for leasing are in the Forest Plan, such as in its management area direction.

Some examples include the standards and guidelines for leasing on page IV-44 of the Forest Plan, which incorporates appendix C stipulations as standards. Among other things, appendix C prohibits all surface occupancy on 10 of the Forest Plan's 19 Management Areas.

Is, or was, the proposed action developed to be compliant with this and other Forest Plan direction? If the proposed action does not comply with and analyze this existing Forest Plan's commitments and direction, it must include a Forest Plan amendment that specifically changes this Forest Plan direction, which is already committed to as ROD-level mitigation measures. In that event, it is axiomatic that other action alternatives must be developed that do comply with these current Forest Plan commitments so that the effects of those amendments may be disclosed and analyzed.

2. Revised Forest Plan's decision-free direction may also need to be in scope and used to develop an action alternative

The Federal Register NOI's statement that this EIS will be tiered to the Forest Plan direction raises another issue: This EIS can not be tiered to a revised Forest Plan that is not supported by one of NEPA's Environmental Documents. If the Dixie N.F. abandons the direction and commitments in the current Forest Plan by issuing a revised Forest Plan via a categorical exclusion from NEPA prior to the signing of this oil/gas leasing EIS/ROD, then there will be no Forest Plan EA or EIS statement to which this EIS can tier to. Should that turn out to be the case, then the following issues inevitably must be included within the scope of this EIS analysis, and used to drive alternative development:

- Current/draft EMS as well as the duties outlined in ISO 14001. See Three Forests Coalition (TFC) Forest Plan revision comments enclosed and/or incorporated by reference for background on EMS and ISO 14001 issues.
- The Dixie N.F. Draft proposed revised Forest Plan direction, which has been described to us at public meetings by FS staff as being consistent with the 2005 NFMA rules, and described as essentially decision-less, aspirational, and containing no direction implying commitments for allocation of one resource use over another anywhere across the Forest. Since (1) it would be exempt from NEPA and would have no EA/EIS to tier to, (2) has no decisions, mitigation measures, standards, or any other commitments that must be applied or that compel/constrain/or direct actions that implement it, use the draft revised Forest Plan direction to develop a maximum oil and gas leasing/production alternative in the EIS, or as another needed action alternative.
- Implications of the 2005 NFMA regulations must be included within the scope of this EIS and unavoidably will be driving issues central to alternative development and possible increased surface impacts. For example, there will be diminished Forest Service regulatory authority to modify/deny unacceptable resource impacts in response to BLM, UDOGM, and industry demands under this new aspirational regulatory regime for the NFMA. The demands from UDOGM and BLM will inevitably be supported by concise, stronger regulatory authorities, unlike the

ambiguous and flawed circular logic of the 2005 NFMA regulations that result in decision-less and decision-free National Forest Planning.

More on significance of 2005 NFMA rules, draft revised Forest Plan, conservation of soil, water, roadless, water quality, aquatics, and species viability and diversity.

The 2005 NFMA regulations and corresponding FSM and FSH NFMA directives are incorporated by reference into these scoping comments. Please let us know in writing if this proposed action is being analyzed and implemented pursuant to the Forest Plan and the 1982 regulations that it is based upon, or if the 2005 NFMA regulations are being used along with the current Forest Plan direction for this proposed action. If implementation is pursuant to the 2005 NFMA regulations, how do you resolve the problem of there being NO standards or stipulations for Forest Plan implementation under the new regulations? For example, under the current Forest Plan that was promulgated pursuant to the 1982 NFMA rules certain oil/gas leasing and development activities would violate the Forest Plan's commitments and standards, such as those prohibiting surface occupancy in most Management Areas, or the direction for goshawk, lynx, wolverine, sage grouse, CRCT and other MIS and TES species. Conversely, under the proposed revised Forest Plan that is being promulgated pursuant to the 2005 NFMA rules, there can not be any commitments, standards, or stipulations in the Forest Plan that could restrain leasing/development, or other activities. This is a significant, central issue that must be included in the scope of this EIS.

The 2005 NFMA regulations require Forest units to *first* establish the required Environmental Management System (EMS) for each Forest consistent with ISO 14001 *before* proceeding with Forest Plan revision process under the new January 2005 regulations:

The Responsible Official is not required to halt the process and start over. Rather, upon the unit's establishment of an EMS in accordance with sec. 219.5, the Responsible Official may apply this subpart as appropriate to complete the plan development, plan amendment, or plan revision process. 36 C.F.R. §219.14(e)(1) (2005)

For clarification on the EMS and its requirements, FSM 1921.03a – Environmental Management Systems, states, “At a minimum, the scope of the environmental management system (EMS) is the land management planning process. For that part of the EMS within the scope of the land management planning process, the land management plan identifies the most pressing environmental issues that need attention. (See 36 CFR 219.5; FSM 1330; FSM 1921.9; and FSH 1909.12, sec. 23)” FSM 1921.9 – Environmental Management System Requirements, further explains that:

“An environmental management system (EMS) shall be established for each National Forest System (NFS) unit. The EMS shall conform to the consensus standard developed by the International Organization for

Standardization (ISO) and adopted by the American National Standards Institute (ANSI) as "ISO 14001: Environmental Management Systems — Specification with Guidance for Use" (36 CFR 219.5). An EMS is established, implemented, and maintained on an administrative unit when an independent audit has verified conformance with the ISO 14001 Standard and the system is working.

Plan amendments, or plan revisions conform to 36 CFR 219.5 and 219.14 as having an EMS established when an internal audit (ISO 14001 (4.5.5)) and management review (ISO 14001 (4.6)) are completed before the effective date of the forest plan approval document. The required independent audit shall be conducted within one year following the approval of the forest plan revision or amendment. The EMS shall address land management environmental aspects (or issues) identified from evaluation reports or National Environmental Policy Act documents associated with approval of a plan, plan amendment, or plan revision. Within the scope of the land management planning process, identifying environmental aspects may be accomplished through reviews of recent analyses and evaluations. The work of prioritizing environmental conditions to achieve through the land management planning process can identify the most pressing environmental issues to address in an EMS. Actual work on the ground is carried out, monitored, and evaluated during the annual monitoring work planning and reporting cycle (FSH 1909.12, sec. 23). Pertinent legal requirements related to the plan components shall be listed, referenced, or hyperlinked (FSM 1010, FSM 1920.11) and captured within the scope of the EMS. FSM 1330 contains authorization and direction for environmental management. FSH 1909.12, chapter 20 shows the relationship of planning to EMS."

The ISO 14001 standards and direction in the resulting Dixie EMS direction must be described and included within the scope of this EIS. Similarly, the Dixie N.F. oil/gas leasing direction and resulting cumulative impacts that are subject to this EIS will need to be identified as one of the Forest's significant environmental aspects in the EMS.

There are many additional problems/issues triggered by the new NFMA rules that must be in the scope of this EIS. A primary and significant concern that relates to this scoping process, is that once you start implementing decisions from this process and the Forest Plan (with or without amendments related to this project) under the 2005 NFMA rules — which must be by January 2008- is that the Forest Planning documents will no longer contain decisions, commitments, agreements, management sideboards such as standards, and so forth that constrain future decisions. This is because Forest Plans in the context of the 2005 NFMA rules are only aspirational, do not contain decisions, commitments, allocations of one resource over another, and so on. One reason this is a significant concern is because existing standards, commitments, or stipulations in the 1986 Forest Plan (as it is now and if amended in light of this EIS), by their basic nature, become decision-free and commitment-free aspirations upon transition to the 2005 NFMA rules. The Forest Plan and its stipulation measures and management sideboards will not have any functional value in protecting surface resources, particularly in light of private-rights

based mineral laws. Thus, in order for this programmatic EIS to have any meaning or effect, it must include clear, well-worded commitments that will ensure protection of surface resources both with and without underlying support from the NFMA and the Forest Plan. If not, this EIS and decisions made in light of it will be meaningless.

The 2005 NFMA regulations violate the NFMA, NEPA and the ESA. This did not matter for the current, active Forest Plan/FEIS/ROD which used the 1982 NFMA regulations, which are legal. The Forest Plan ROD even applies the 1982 36 CFR part 219.27 regulation to all projects implementing the Plan. That rule is clear and has the substantive regulatory standards and guidelines that NFMA requires – and that you will likely find is good should you find that decision-less Forest Planning results in decreased FS surface control relative to stronger BLM and UDOGM authorities. The illegality of the 2005 regulations now becomes a major concern to us, and a significant issue within the scope of this EIS, because the decisions made in light of this EIS will be implemented using Forest Planning that relies on the 2005 NFMA rules.

3. SMUA alternative

The TFC Sustainable Multiple Use Alternative has programmatic forest planning direction for oil/gas leasing and related activities. This is also developed to be consistent with the intent of the 2005 NFMA rules. TFC has submitted this to the Forest as a revised Forest Plan option to be considered in detail. The entire SMUA and supporting comments that have been submitted to this Forest are hereby incorporated by reference in their entirety. See incorporated SMUA alternative:

http://www.threeforests.org/smu_at_work.htm#dixie

The oil/gas Forest Plan components most relevant for this EIS and its alternative development are below.

Social and Economic Components for the Dixie/Fishlake National Forest Plan Revision FOREST-WIDE: Sustainable Multiple Use Option	
RESOURCE: Oil, Gas and Mining	
Desired Condition	<ul style="list-style-type: none"> • The Forest Plan implements withdrawals and non-waivable NSO lease stipulations to protect highly valued and special interest lands, including roadless and riparian areas, and to safeguard areas with special features such as steep slopes and sensitive soils. • In areas open to surface occupancy, various non-discretionary protective measures – either special stipulations or standard stipulations – are enforced to protect wildlife habitat, soils, water quality, air quality, cultural and scenic resources, and other natural resource values. • Disturbed sites are reclaimed to native, natural condition consistent with potential natural condition. • As mandated by MUSYA, the relative scarcity of the values involved and the availability of alternative sites for those values must be considered in all management decisions. • Some areas currently leased are removed from leasing. The leases simply

	<p>expire without incident or are not reissued, or, should the leaseholder file an APD, are suspended pending further consideration of the area's resource values.</p> <ul style="list-style-type: none"> • The national interest in certain lands, the importance of their preservation, and their unique beauty and wildlife habitat result in the purchase or exchange of overlapping lease parcels. • All of these conditions, and management decisions leading to them, are based in complete analysis, prepared under provisions of the National Environmental Policy Act with extensive public review and comment, of projected levels of oil, gas, and mining activities in the forest, of potential impacts from those activities, and of means of limiting and mitigating those impacts. No new oil or gas leases or drilling permits are issued before such analysis is completed.
<p>Objectives (to move from existing to desired)</p>	<p>Obj. 1: The following areas will be closed, upon implementation of the Forest Plan, to any exploration, leasing and development related to mineral extraction (e.g. oil, gas, coal and hardrock minerals):</p> <ol style="list-style-type: none"> 1. municipal watersheds 2. designated wilderness 3. recommended wilderness 4. designated critical habitat 5. roadless areas 6. archeologically rich areas (areas with high concentrations of sites) 7. reference areas, Research Natural Areas, Special Interest Areas 8. eligible Wild And Scenic River corridors 9. critical wildlife habitat 10. areas where recreational, scenic, wilderness and/or wildlife values outweigh marginal oil and gas resources. <p>Obj. 2: The following areas will be closed, upon implementation of the Forest Plan to hardrock mining and will be open to other mineral development subject to non-discretionary NSO stipulations:</p> <ol style="list-style-type: none"> 1. developed recreation sites 2. semiprimitive recreation sites 3. springs, riparian areas, wetlands, meadows, streams (including a 660 foot buffer) 4. slopes greater than 30% 5. areas above tree line 6. areas characterized by sensitive soils or where a geologic or erosion hazard is high 7. areas of high scenic value. <p>Obj. 3 The following wildlife areas will be subject to non-discretionary wildlife-related stipulations as well as to the standard stipulations listed below. Seasonal restrictions should only be used where adequate field staff is available for</p>

monitoring and enforcement.

1. key winter range for large ungulates: surface occupancy not allowed from 12/1 to 4/15);
2. general winter range for large ungulates: surface occupancy not allowed from 12/1 to 4/15)
3. sage grouse leks: no surface occupancy within 3 miles of sage grouse leks, and the identification of large blocks of brood rearing habitat subject to NSO stipulations, consistent with the most current scientific findings.
4. habitat for listed, candidate, and vulnerable species. Institute NSO buffer as necessary to ensure the continued occupancy of the species
5. seasonal restrictions as necessary to assure secure habitat on winter range, fawning/calving areas and/or habitat for pronghorn antelope, desert bighorn sheep, rocky mountain bighorn sheep, and raptors

Obj. 4 All other areas are subject to non-discretionary standard stipulations, including:

1. require non-negotiable best management practices that require directional drilling where necessary to avoid surface impacts, minimized drilling facility size, limited construction of new roads and rehabilitation of roads not needed after drilling is completed, air pollution control, and prohibition on gas flaring
2. accommodate the public's increasing sensitivity to development within currently natural landscapes
3. reduce vehicular access for oil and gas development and ORV recreation during prolonged drought conditions
4. mitigate the spread of invasive and noxious weeds on oil and gas leases relating to,
5. minimize habitat fragmentation
6. emphasize pollution prevention over pollution containment and clean-up
7. ensure exploration, development and extraction is consistent with Forest Desired Conditions
8. close to ORV use any roads and tracks not designated open for public use and require reclamation of any such roads and tracks once production ends
9. require posting of bonds that ensure adequate reclamation including long term monitoring
10. prevent contaminated operation water entering either ground or surface water.

Obj. 5 Before specific lands are open for exploration or leased for mineral development, an environmental analysis is conducted with opportunity for full public participation, to assess:

	<ol style="list-style-type: none"> 1. the regional and national need for such mineral production 2. the economic feasibility of development 3. the extent to which other sources and means to meet the mineral extraction needs exist 4. the cumulative impacts from full development of a structure or field 5. the economic benefits (to whom) and costs (to whom) that full development would entail. <p>Obj. 6 Off-site mitigation in lieu of avoiding adverse impacts to natural resource values or on-site mitigation is not allowed.</p> <p>Obj. 7 Any exploration activities must be restricted to existing designated roads to the maximum extent practicable. Lines off existing designated roads should be placed on foot.</p> <p>Obj. 8 Site-specific environmental review of any proposal to lease particular lands for mineral extraction is required.</p> <p>Specific Objectives (Coal Bed Methane):</p> <p>Obj. 1 Before any leasing or development activities associated with coal bed methane occurs, a complete environmental review is undertaken with full opportunity for public participation, of the impacts of such development, including a consideration of alternatives, cumulative impacts, and effects on water quality, air quality, wildlife and other natural values. From this process, standards and monitoring that will protect water quality, air quality, wildlife, and other natural values based on sound science are adopted by the Forest with public input.</p> <p>Obj. 2 Air contaminant emissions are controlled by requiring the use of electrified compressor stations associated with coal bed natural gas development.</p> <p>Obj. 3 Protection of surface and groundwater resources, including quality and quantity, are protected by prohibiting surface disposal of water and by requiring treatment of water before reinjection into ground water</p> <p>Obj. 4 Prior to approval of proposed operations, the collection flow and quality baseline information for any surface and sub-surface waters that could be affected by mineral extraction is documented.</p>
<p>Guidelines (sideboards for future activities)</p>	<p>Gdlne. 1 All disturbed areas should be reclaimed and bonding that protects taxpayers from all liability and clean up costs should be required.</p> <p>Gdlne. 2 A base bond per well of \$20,000 or more, corresponding to potential damage and resulting</p>

	<p>restoration of natural features, for oil and gas leasing should be imposed and should implement the following terms:</p> <ol style="list-style-type: none"> 1. The required bond amount will reflect the probable difficulty of reclamation considering such factors as the severe and prolonged drought in southeast Utah, global warming, topography, geology, hydrology, vegetation, wildlife populations, and evidence from past leasing operations reclamation. 2. The amount of the bond will be sufficient to ensure the completion of the reclamation plan if the work had to be performed by the Forest in the event of forfeiture 3. The Forest can adjust the amount of the bond as affected land acreages increase or decrease, or where the cost of future reclamation changes. 4. Bond amounts will be based on worst case scenarios. 5. Bonds will cover the cost of plugging wells and restoring sites around wells; and the cost of reclaiming roads, compressor station sites, produced water containment ponds and all other associated facilities and impacts for which a bond is not otherwise provided. <p>Gdln. 3</p> <p>Environmental impacts of oil and gas drilling should be reduced by use of “closed loop” drilling techniques. Solid well cuttings should be removed from the drilling fluid and the fluid stored in tanks and reused rather than being dumped in a waste pit.¹ Further reduce environmental impacts by requiring use of directional drilling, maximized use of drill pad sites, and other evolving technologies, by limiting access to existing roads, and by requiring sequential reclamation of well pad sites, limited total simultaneous surface disturbance within geographic areas, and, where possible, implementation of federal units and use of a single operator in each federal unit.</p>
Monitoring	<p>Desired Conditions: Monitoring Elements</p> <ul style="list-style-type: none"> • Water quality and quantity upstream and downstream of mines • Air quality in mine vicinity

¹ By eliminating the waste pit, closed loop systems lower construction, closure and waste management costs and reduce liability by eliminating the possibility of contamination from a leaking waste pit.

	<ul style="list-style-type: none"> • Number of leases issued and retired. • Success of reclamation to native, natural condition • Number of miles and locations of oil, gas, and mining roads constructed and decommissioned. • Areas of Forest available and not available for mineral operations. <p>Objectives</p> <p>Mon. 1 Identification and measurement of all effects to water flow and quality are required downstream of the site.</p> <p>Mon. 2 Before any exploration, leasing and development activities related to mineral extraction begins, all historic properties within the area of potential effects are identified in cooperation with all consulting parties. Where eligible sites are found, measures are developed and implemented to avoid any adverse effects of the undertaking, in cooperation with all consulting parties.</p> <p>Mon. 3 Before any exploration, leasing and development activities related to mineral extraction can occur, all listed, candidate, and vulnerable plant and animal species are identified within the affected region. Where such species are found, measures to avoid any adverse effects to these species are developed and implemented.</p> <p>Mon. 4 The efficacy of special stipulations relative to wildlife are assessed. Once 10,000 acres subject to special stipulations are developed, whether and how the special stipulations are adequately protecting the wildlife and habitat they are designed to protect is assessed within two years. If the assessment does not occur within the two years, the agency will not allow development on additional areas subject to special stipulations.</p>
<p>Suitable Uses</p>	<p>Mineral and energy leasing, and related mining and drilling operations are closed on the following Forest lands</p> <ol style="list-style-type: none"> 1. designated wilderness 2. recommended wilderness 3. designated critical habitat (ESA) and other important wildlife habitat 4. roadless areas 5. areas with high concentrations of archeological sites 6. Reference areas, Research Natural Areas, and Special Interest Areas 7. eligible Wild and Scenic River corridors 8. areas where recreational, scenic, potential wilderness, or wildlife values outweigh oil, gas, or mineral values

This direction is within the scope of this EIS and meets the purpose and need described in the NOI. We request that the above be used to drive the development of a detailed oil/gas

leasing alternative that is analyzed in detail in this EIS. Soon, we are going to submit a preliminary oil/gas leasing suitability map to the Forest based on the direction in this option or alternative for the Forest's convenience and use in alternative development for this Draft EIS.

II. The Dixie National Forest and Bureau of Land Management must ensure that their actions are not likely to jeopardize the continued existence of the Utah prairie dog and are not likely to result in adverse modification of Utah prairie dog habitat and that they are managing Utah prairie dogs and habitat in such a way as to promote the conservation of the species as required under the Endangered Species Act.

Map 1, found at the end of these scoping comments, is referenced in the comments below on Utah Prairie Dog issues.² Duties under the ESA to conserve³ Utah Prairie Dog, as well as the fact that the proposed action results in significant negative impacts on Utah Prairie Dog conservation means that Utah Prairie Dog conservation must be identified as a significant issue used to drive alternative development in this EIS.

Background

The Utah prairie dog (UPD) is a full species, and is a member of the prairie dog genus; which comprises five species. All five species are considered keystone, meaning they play inordinately important roles in the ecosystems where they exist. The Utah prairie dog is very geographically restricted, limited to a few counties in southwestern Utah.

² *References cited in this UTPD section:*

Belnap, J. 2002. Letter from Jayne Belnap, Field Station Leader, U.S. Department of the Interior, U.S. Geological Survey, Biological Resources Division, Forest and Rangeland Ecosystem Science Center, Canyonlands Field Station to Maggie Wyatt and Bill Stringer, Moab BLM Field Office. 17 January 2002. U.S. Department of the Interior, U.S. Geological Survey, Biological Resources Division, Forest and Rangeland Ecosystem Science Center, Canyonlands Field Station, Moab. 4 pp.

Boyle, S., and L. Connaughton. 2002. "Yellow Cat Swath 2-D Geophysical Project: current and potential ecological impacts." 10 April 2002. Bio-Logic Environmental, Montrose. 38 pp.

Conway, K. 2002. UDWR comments on EA #UT-062-02-013 (Yellow Cat 2-d Geophysical Project). Letter from Kevin Conway, Interim Director, Utah Department of Natural Resources, Division of Wildlife Resources to Margaret Wyatt, Moab Field Office OE BLM. 22 January 2002. Utah Department of Natural Resources, Division of Wildlife Resources, Salt Lake City. 2 pp.

Crawford, B. 2001. Coalbed methane: one way road to environmental degradation. A study of road-related impacts during development. Unpublished report prepared for Wildlands Center for Preventing Roads. 19 December 2001.

Evans, B.J. 1997. A handbook for seismic data acquisition in exploration. Geophysical Monograph Series Number 7. W.H. Dragoset, Jr., Vol. ed. D.V. Fitterman, Series ed. Society of Exploration Geophysicists, Tulsa. 305 pp.

McLellan, B.N., and D.M. Shackleton. 1989. Grizzly bears and resource-extraction industries: habitat displacement in response to seismic exploration, timber harvesting and road maintenance. *Journal of Applied Ecology* 26:371-380.

Zimmermann, E. 2001. Ecological effects of seismic testing. Unpublished report for Wildlands Center for Preventing Roads. 18 December 2001.

³ 'Conserve' as in the context of the ESA (i.e. restore populations and habitats for listed species so they can recover and be delisted).

There are three recovery areas delineated for the species: the West Desert, Paunsaugunt, and Awapa Plateau. Declines continue across all three recovery areas.

In 2003, Forest Guardians petitioned the U.S. Fish and Wildlife Service to uplist the Utah Prairie Dog from threatened to endangered. This petition contains the most current information on Utah prairie dogs.

An explanation for the faltering population status of this long-time veteran under the ESA is that the species continues to be threatened by all five factors considered under the statute: habitat destruction (includes conversion to municipal development; livestock overgrazing; oil and gas development, road mortalities, off-highway vehicles (OHVs), and recreation impacts on public lands), overutilization, disease, inadequacy of regulatory mechanisms, and other natural or man-made factors.

Since 2001, the total census for Utah prairie dog adults has exhibited an unstable trend. In 2002, it rose to 4,994. In 2003, it decreased to 3,741, the lowest count since 1995. In 2004, it increased slightly to 4,084, not yet recovering from the decline in census count of 29% between 2000 and 2001. In 2005 UDWR reports a total count of 4,451.

The total census count for the West Desert has still not recovered to its 2000 levels. In 2002, the count was 3,852. In 2003, there was a substantial decline to 2,518. In 2004, there was a slight increase to 3,058. And in 2005, the count was 3,238, only 72% of the 2000 count.

On all eight complexes on USFS land in the Paunsaugunt, UPD populations are extirpated, marginal, have lower populations than in the past, and/or are likely to face recurring plague epizootics in light of past population crashes. The census count for this recovery area is now only 642 across all land ownerships. **The UPD is disappearing very quickly within this recovery area, with the 2005 total census count nearing an all-time low.** In 2005, two-thirds (14 of 21) of the public land complexes had either zero counts (10) or marginal counts (4). Of the other seven public lands complexes, all demonstrated unstable trends, with both decreases and increases since we filed our petition.

There are nine prairie dog complexes on National Forest land within the Awapa Plateau. These sites are located within the Dixie and Fish Lake National Forests. The total census count for this recovery area has increased since 2001, with the 2005 count double that in 2001. The total count is, however, still low, at 571 UPDs. Four of the five UPD sites on the Dixie National Forest had zero census counts in 2005. All four Utah prairie dog complexes on the Fish Lake National Forest had zero census counts in 2005. While the 2005 count was an increase from 2004, it was also lower than counts in 1991-1998, 2000, 2002, and 2003.

Overall, from 2002 to 2005, out of 26 public land complexes, 17 had either zero, marginal, or small census counts. Eight others demonstrated unstable trends, with both

decreases and increases over this period. As of 2005, out of 21 complexes, ten had zero counts. One complex no longer appears on census data. Four other complexes had marginal population counts. As of 2005, only seven of the 24 public land complexes had census counts or contained over 10 individual prairie dogs. Fifteen of the public land complexes – 62.5% - had zero counts.

What this information continues to demonstrate is that the Utah prairie dog recovery program remains in crisis. Forest Guardians outlined in detail in its reclassification petition the reasons for this, included a flawed recovery plan, an indefensible special 4(d) rule, and premature downlisting. The Utah prairie dog meets the definition of an Endangered species as it is “in danger of extinction throughout all or a significant portion of its range” (16 USC § 1532(6)).

Oil and gas impacts

Oil and gas exploration and extraction results in the degradation and loss of UPD habitat. Seismic exploration activities may crush large swaths of vegetation, destroy biological soil crusts, compact soils, bury vegetation, decrease nitrogen fixation activity, introduce noxious weeds, increase soil erosion by wind and water (Boyle and Connaughton 2002), and cause habitat fragmentation, undermine burrow structures, and increase prairie dog stress levels. An average land-based seismic exploration project requires a crew of 40 people (Evans 1997). Even shot hole exploration requires the use of vehicles such as drilling rigs and recording trucks. The effects of seismic exploration are long lasting, and may persist for 50-300 years after activity ceases (Belnap 2002). Routes used for seismic exploration often turn into established roads (McLellan and Shackleton 1989; Crawford 2001; Zimmermann 2001; Belnap 2002; Conway 2002). These roads contribute to UPD mortality by increasing the likelihood of illegal shooting and by providing opportunities for prairie dogs to become roadkill.

Obligations under the ESA

Each of the federal agencies with management authority over land on which UPDs are located or to which UPDs are being translocated – the BLM, the U.S. Forest Service, and the National Park Service – is in violation of ESA Section 7(a)(2). These agencies, in consultation with FWS, have failed to ensure that their actions are not likely to jeopardize the continued existence of the UPD and are not likely to result in adverse modification of UPD habitat. These agencies have failed to consult with FWS over their management of UPD habitat and UPD populations in the West Desert, Paunsaugunt, and Awapa Plateau areas. They have failed to consult adequately on either a programmatic basis, on their overall management of UPDs and their habitat, or an action-specific basis over the various actions, such as grazing, oil and gas development, impacts from off-road vehicles and recreations, and water diversions, in areas where UPDs are or could be located.

Furthermore, they have failed to consult with FWS over the UPD translocation program, particularly since data has been developed showing the extremely high failure rate of that program. Nor has consultation with FWS been completed over the UPD Interim

Conservation Strategy that was developed in 1997. Moreover, to the extent that any consultation has begun but not been completed, the agencies are in violation of Section 7(d) because they are making irreversible or irretrievable commitments of resources which have the effect of foreclosing the formulation or implementation of reasonable and prudent measures which would not violate Section 7(a)(2).

Section 7(a)(1) of the ESA requires that agencies, in consultation with FWS, “utilize their authorities in furtherance of the purposes of this chapter by carrying out programs for the conservation” of threatened and endangered species. The Forest Service, BLM and the Park Service are all in violation of Section 7(a)(1) because they are not managing UPDs and UPD habitat in such a way as to promote the conservation of UPDs.

III. Air Quality impacts within scope of EIS and are a significant driving issue

Under NEPA, the Forest Service must consider the impacts, on air quality, of the proposed action and its alternatives. As oil and gas development produces significant air emissions – both criteria and hazardous pollutants – the Forest Service must take a hard look at the potential impact of the various development scenarios on near-field and far-field air quality.

Impacts to Class I Areas

- The Dixie National Forest is surrounded by Class I areas – areas that receive the highest protection under the Clean Air Act. Modeling must occur to determine the impact of potential development on the air quality related values (AQRVs) of **all** impacted Class I areas, particularly:
 - Bryce Canyon National Park
 - Zion national Park
 - Canyonlands National Park
 - Capitol Reef National Park
- At a minimum, the Forest Service must perform a cumulative increment consumption assessment for the Class I increments in the nearby Class I areas. This includes a determination of whether the proposed development scenario and its alternatives would cause or contribute to a violation of the Class I increments.
- The Forest Service must predict cumulative impacts to all AQRVs. Relevant AQRVs include vegetation, wildlife, water quality, soils, visibility, and night skies.
- This analysis must be cumulative and must include past, present and reasonably foreseeable impacts from oil and gas development on the Dixie, as well as other National Forests (particularly the Fishlake) and on BLM lands, and must include impacts from existing and permitted coal-fire power plants. Coal-fired power plants can have significant impacts on a Class I area even when located 200-300 km away from that area.

- Visibility in Utah's Class I areas is already being adversely affected by air pollution. The Forest Service must consider the cumulative impacts of the potential development on visibility in the relevant Class I areas.
- Ozone is of particular concern in Class I areas, as ozone can damage native plants, some of which are particularly sensitive to this pollutant. Recent studies have indicated that the amount of light alkane hydrocarbons and methane from oil and gas development can be quite significant (and are often underestimated), which can create optimal conditions for ozone formation. Moreover, ozone is being found in association with oil and gas development – even in the winter – in Utah's northeast. Thus, the Forest Service must consider the cumulative contributions of the potential development on ozone in Class I areas.
- Also of concern is the deposition of sulfur and nitrogen in Class I areas.

Impacts to Class II Areas

- Areas in Utah which are not Class I areas or are not non-attainment areas, are Class II areas. These airsheds are protected by the PSD (prevention of significant deterioration) program of the Clean Air Act.
- At a minimum, the Forest Service must perform a cumulative increment consumption assessment for these Class II areas. This includes a determination of whether the proposed development scenario and its alternatives would cause or contribute to a violation of the Class II PSD increments.
- This analysis must be cumulative and must include past, present and reasonably foreseeable impacts from oil and gas development on the Dixie, as well as other National Forests (particularly the Fishlake) and on BLM lands, and must include impacts from permitted coal-fire power plants. This analysis must include **all** sources which consume the available PSD increment. Coal-fired power plants can have significant impacts on a Class II areas even when located 200-300 km away from a particular area.
- Ozone is of particular concern in Class II areas. Recent studies have indicated that the amount of light alkane hydrocarbons and methane from oil and gas development can be quite significant (and are often underestimated), which can create optimal conditions for ozone formation. Moreover, ozone is being found in association with oil and gas development – even in the winter – in Utah's northeast. Thus, the Forest Service must consider the cumulative contributions of the potential development on ozone in Class II areas.

Hazardous Air Pollutants

- The Forest Service must consider the individual and cumulative impacts from hazardous air pollutants based on the various development scenarios.
- As with other modeling, near-field monitoring for hazardous air pollutants must consider the topography of the area.
- Analysis of impacts from hazardous air pollutants must include consideration of flaring.

General Points

- Near-field analysis must include a thorough review of particulate matter impacts, including particulate emissions from roads and from construction.
- Near-field analysis must evaluate the air impacts from construction vehicle engines and drilling rig engines.
- The Forest Service must accurately predict and consider the air quality impacts of compressor stations based on the various development scenarios.

Mitigation

- The Forest Service should consider and evaluate mitigation measures, such as strict technology requirements, to reduce the impacts of the proposed project on air quality.

IV. IRA and undeveloped areas

The pending Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest presents an important opportunity to plan for the development of temporary energy in a manner that protects and preserves unique and more enduring natural features of the National Forest. We incorporate by reference the Fishlake unroaded, undeveloped area inventory as well as the IRA inventory into these comments. Copies of these inventories are also found in enclosure A. Both of these Forest Service inventories must be used to drive development of additional alternatives, one that results in complete and lasting preservation of all lands inside IRA, as well as those inside the Forest's undeveloped area inventory. This resource incurs irreversible and irretrievable commitments of resources and is permanently lost from oil/gas development as well as decisions as to where to allow/not allow leasing and surface disturbance. Impacts to this resource constitute a significant alternative driving issue and must be treated as such in this EIS.

This collection of inventories must be used to guide development of alternatives in the EIS analysis, including at least one alternative that results in complete and lasting preservation of all lands in IRA, as well as all of all lands in the undeveloped lands inventory. The surface of these key, unique roadless and undeveloped lands must not be disturbed by roads or other installations or activities.

Correspondingly, the final decision regarding oil and gas leasing must either withdraw those areas from leasing or impose non-waiveable no-surface-occupancy stipulations cover all the lands in the roadless and undeveloped inventories.

A related significant issue is the fact that the Forest Service is charged with the duty of protecting the surface of lands in the national forests [30 USC 226(g)]. the Federal Onshore Oil and Gas Leasing Reform Act states that the Bureau of Land Management cannot lease national forest lands over the objection of the Forest Service and authorizes

the Forest Service to regulate all surface-disturbing activities conducted pursuant to a lease.

As you know, the 2005 roadless rule, authorizing state petitions regarding the management of national forest roadless areas, has been set aside, and the 2001 Roadless Area Conservation Rule is now again in effect for all national forests. The 2001 rule prohibits the construction of new roads in Inventoried Roadless Areas (IRAs), subject to specified exceptions; those exceptions do not allow construction or reconstruction of roads in IRAs for and lands leased after January 12, 2001 [36 CFR 294.12].

Correspondingly, all alternatives developed and analyzed in the EIS must comply with all provisions of the 2001 rule. In particular, all alternatives must not allow construction or reconstruction of roads related to oil and gas leasing in IRAs.

V. Colorado River and Bonneville Cutthroat trout

Protection, conservation, and improvement of habitats and populations (and the connectivity thereof) for TES species (plants and animals), MIS, protected migratory bird resources, elk, deer, moose, fisheries resources, game, and non game fish and wildlife is a significant issue that must be treated as within the scope of this EIS and used as a significant alternative driving set of issues. We incorporate by reference the Bonneville Cutthroat Trout Conservation Plan <http://www.wildlife.utah.gov/pdf/cacs7.pdf> and the Colorado River Cutthroat Trout Conservation Plan:

<http://wildlife.state.co.us/NR/rdonlyres/ECE93DF0-82F9-449ABA778980CAB86183/0/ConservationAgmt.pdf>

Direction from these CA's must also be driving issues. There needs to be no leasing and/or No Surface Occupancy near conservation and persistence populations of CRCT and BCT watersheds, in elk/deer/moose habitats that are high value and critical value winter range, summer range, fawning, calving and other critical habitats for big game.

As noted above, these native trout both have conservation agreements "Conservation Agreement and Strategy for Colorado River Cutthroat Trout *Oncorhynchus clarki pleuriticus* in the States of Colorado, Utah, and Wyoming, April 2001 and "Range-wide Conservation Agreement and Strategy for Bonneville Cutthroat Trout *Oncorhynchus clarki utah*, December, 2000" to guide their conservation and restoration. These conservation agreements need to be incorporated into the development of Draft Alternatives. The Forest Service should make it a priority to protect these trout and their watersheds by prohibiting all oil and gas activities – *including leasing* – unless no surface occupancy or disturbance stipulations are in place to ensure the continued conservation and restoration of these fisheries. This is reinforced with findings in the Dixie and Fishlake National Forests June 2006, "Comprehensive Evaluation Report Summary" that, at chapter 2.2.3.2 Fisheries, lists road systems in riparian areas as one of the main threats to achieving desired conditions for Bonneville and Colorado River Cutthroat trout.

In addition to protecting native trout, any oil and gas leasing decision should protect those lakes, streams, and associated uplands that provide valuable recreational fisheries

as well as those watersheds that could support native fisheries if necessary restoration efforts were undertaken.

The State of Utah employs a system for evaluating the fisheries potential of any stream. Within that system, any stream given Class 1, 2, or 3 status has fishery values high enough to warrant protection. Most, if not all, of the streams on the Dixie National Forest fall into one of these three categories, and therefore meet the criteria that Utah has set up to identify high value streams that can and should be protected. Any oil and gas leasing decision for the Dixie National Forest should address and reflect that classification system, affording the highest level of protection to those streams with the highest fisheries values and potential for native trout restoration.

In addition to analyzing the threats to fisheries that oil and gas related surface disturbances would bring to the Forest through leasing, the impacts to the freshwater aquifer and hydrology need to be thoroughly analyzed and understood. There are currently no assurances that the transport of contaminants through a base flow from the aquifer to the surface water (should a well blow out or become over pressured) will not occur. This can only be done through sufficient and adequate hydraulic and hydrological analysis. Moreover, the effects to springs on the Dixie National Forest due to drilling, ground water pumping, and activities associated with oil and gas development needs to be studied.

Regarding the problem of lost Forest Service surface management authority getting worse given a non-binding Forest Plan, one commitment that would be beneficial to see incorporated in both in this EIS and in all resulting ROD would be language similar to that in the 2003 Uinta NF Plan EIS. This essentially says that while minimum management requirements are given as lease stipulations, additional site specific analysis must to be conducted before leasing can occur.

VI. Additional scoping issues and comments on TES, MIS, and fish/wildlife viability issues

Impacts to sage grouse populations and habitats will be significant, and need to be treated as a driving issue in alternative development. Research by David Naugle, University of Montana Wildlife Biologist, found that oil/gas leasing and developments in the Powder River Basin over a 17 year period caused a 84% decline in sage grouse populations. This was primarily due to noise and traffic impacts. This research and related current scientific findings on oil/gas impacts to sage grouse must be treated as significant issues driving alternative development and analyzed in detail in the EIS. The action alternatives will need to avoid all impacts at all times possible to sage grouse via no leasing or NSO stipulations.

As outlined earlier, the 2005 NFMA rules, which any decisions associated with this EIS will be implemented under, are fundamentally different from the NFMA rules that the Forest Plan is based upon. One additional significant issue that must be treated as within

the scope of this EIS is the commitment to maintain viable populations of fish and wildlife. The 82 NFMA rules included this fish and wildlife population viability requirement in Forest Planning and Forest Plan implementation. In fact, they expanded this obligation to all native and desirable non-native plants and animals. (See attachment 2 for an outline of some of these diversity and viability requirements.) Four of the six other National Forests located in Utah have recently switched their Forest Plan revision process to the 2005 NFMA rules. Not one—including this Forest—has been willing to carry this basic, cornerstone NFMA fish and wildlife viability obligation into their new planning direction.

See Attachment 3, which is UEC's scoping comments on the Ashley NF's NOI to switch from planning under the 1982 NFMA regulations to the 2005 NFMA regulations. Note in those comments that in the first round of public meetings for planning in the context of the 2005 NFMA rules, for the first time since NFMA passed, is no longer willing to keep obligations to keep at least minimum viable populations of fish and wildlife in its proposed Forest Planning direction. Because the decisions made in light of this EIS may be made via Forest Planning using the 2005 NFMA rules, this is a significant issue for the development of this EIS.

Whether or not the Forest is willing to carry this fish and wildlife population viability obligation into the planning and development of this EIS and decisions and commitments made in resulting Decision Documents and any amendments is a significant issue that must be treated as within the scope of significant issues in this EIS. *We request that the proposed action, the environmentally preferable action, the action alternative that does not allow surface occupancy in IRA, and another action alternative based on conservation of the surface resources include commitments to maintain viable populations of all native fish and wildlife – at a minimum.* If you are not willing to do that in alternative development, please let each of us know that in writing before release of the Draft EIS.

Another significant issue is that FS is charged with the duty of protecting the surface. 30 USC 226(g). The *Federal Onshore Oil and Gas Leasing Reform Act* states that the BLM cannot lease over the objection of the Forest Service and authorizes the Forest Service to regulate all surface-disturbing activities conducted pursuant to a lease. What makes this particularly significant is that on other National Forests in Utah, such as the Manti-La Sal N.F., the BLM and UDOGM have in practice, succeeded in rolling over the Forest Service's authority to manage and protect the surface resources. Recent examples include the BLM and UDOGM's recent and continuing success in forcing National Forests to approve surface actions and occupancy that is in violation of Conservation Agreements, standards, and guidelines, and other Forest Planning-related mitigation measures that were put in place for protection of wildlife such as grouse and goshawk. You must consider this a significant issue because what is at hand, is the Forest Service's ability to protect and conserve other non-mineral or oil/gas surface resources, such as wildlife populations and habitats. This problem of lost Forest Service surface management authority is certain to get worse when you proceed with Forest Planning and Forest Plan implementation under the 2005 NFMA rules that intend to make Forest Plans

commitment-less, decision-less, and (we think, effectively) meaningless, aspirational documents. You need to include clear, concise mitigation measures in all ROD's associated with this EIS. If you intend to commit to and enforce current or proposed Forest Plan stipulations, mitigation measures, standards and guidelines, conservation agreement monitoring and protection measures, than you need to include simple, clear language and obvious commitments to do that both in this EIS and in all resulting RODs, as well as future leasing and occupancy decisions.

Economics is a significant issue.

- Consideration of non-oil and gas related costs by pursuing the chosen course of action.
- Oil/gas exploration at the expense of recreational interests could hurt the economy.
- The social and environmental costs by deterioration of natural resources.

Protection, conservation, and improvement of habitats and populations (and the connectivity thereof) for TES species (plants and animals), MIS, protected migratory bird resources, elk, deer, moose, fisheries resources, game, and non game fish and wildlife is a significant issue that must be treated as within the scope of this EIS and used as a significant alternative driving set of issues. There needs to be no leasing and/or No Surface Occupancy near in elk/deer/moose habitats that are high value and critical value winter range, summer range, fawning, calving and other critical habitats for big game. This is a project and proposed action that proposes to directly impact wildlife individuals and populations as well as to manipulate and alter major structural components of wildlife habitat, alter soil stability and change the vegetative cover. Before doing this significant action, the Forest needs to modify the proposed action such that it will not reduce wildlife populations to less than the minimum viable populations. Pursuant to FSM 2600-2700 direction and USDA Departmental Regulation 9500-4, wildlife monitoring activities will need to be conducted to determine if you are meeting (and will still meet) population and habitat goals for all animals and plants in the area.

Since habitat for mollusks, amphibians and tall forbs are directly impacted by current and proposed projects such as this, the Forest needs to consider if it should modify the proposed action such that it address and resolves all direct and indirect impacts to mollusks, native amphibians and tall forb communities and their habitat.

There also needs to be a rigorous presentation and analysis of the effects to population trends and corresponding habitats for MIS, TES and proposed sensitive flora and fauna. Original surveys should be conducted in the project area. These issues should be treated as driving issues that inform the development of the proposed action and alternatives.

How will leasing across the Forest and resulting developments impact Wildland Urban Interface problems? This is the time to evaluate, from a programmatic perspective, the economic, hydrological, and biological costs and benefits of future perceived need to do logging and fuels reduction around surface oil/gas facilities and inform the entire range of alternatives in light of the WUI issue, which needs to be treated as a significant issue.

The Migratory Bird Treaty Act (MBTA) makes it unlawful to take, kill, or possess migratory birds, their parts, nests, or eggs.⁴ Executive Order 13186 issued in January of 2001 re-instituted the responsibilities of Federal agencies to comply with the MBTA. We ask that the Forest conduct a rigorous evaluation using the newest data and research to minimize impacts to migratory birds (and their habitat), including a focus on all species on the 2002 List of Birds of Conservation Concern and all of the species that are listed among the Partner's in Flight Priority Species. To be in compliance with the language and intent of the MBTA, EO 13186, and NEPA's mandate for rigorous analysis, the analysis for this project should disclose and rigorously analyze how the proposed activities would or would not be in compliance with the Migratory Bird Treaty Act and Executive Order 13186. The Forest has been instructed to "develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service that shall promote the conservation of migratory bird populations." (EO 13186 § 3) Please demonstrate within the environmental documents for this project (or projects) that such an MOU has been developed and entered into with the USFWS. We request a copy be provided within or as an appendix to the draft and/or final environmental documents.

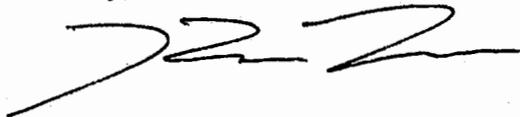
It is important to note that knowing taking of TECPS and MIS species raises a range of concerns relating to compliance with the ESA, FSM/FSH and Forest Plan direction for FS Sensitive species management, as well as the diversity and viability requirements established by NFMA and its implementing regulations.

The direct and indirect and cumulative effects to mollusks and amphibians, many of which are endemic and/or TES or species of special concern) from Forest wide oil and gas leasing issues is a significant, alternative driving issue within the scope of this EIS.

At every point we ask the Forest to first explore all options and alternatives available to first deny subsurface leasing and short of that to, second commit to NSO stipulations at every single chance possible. We look at this as an attempt to first avoid the impacts/expenses as opposed to just contemplating significance-reducing mitigations such as timing mitigations.

Please maintain every person and organization named below on all mailing lists and other contact lists associated with the proposed action. Please mail each of us hard copies of all decision documents and Environmental Documents as soon as each is available for public review and/or comment.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name or set of initials, written over a horizontal line.

⁴ 16 U.S.C. § 703-712.

Kevin Mueller,
UEC Executive Director,
and on behalf of those below:

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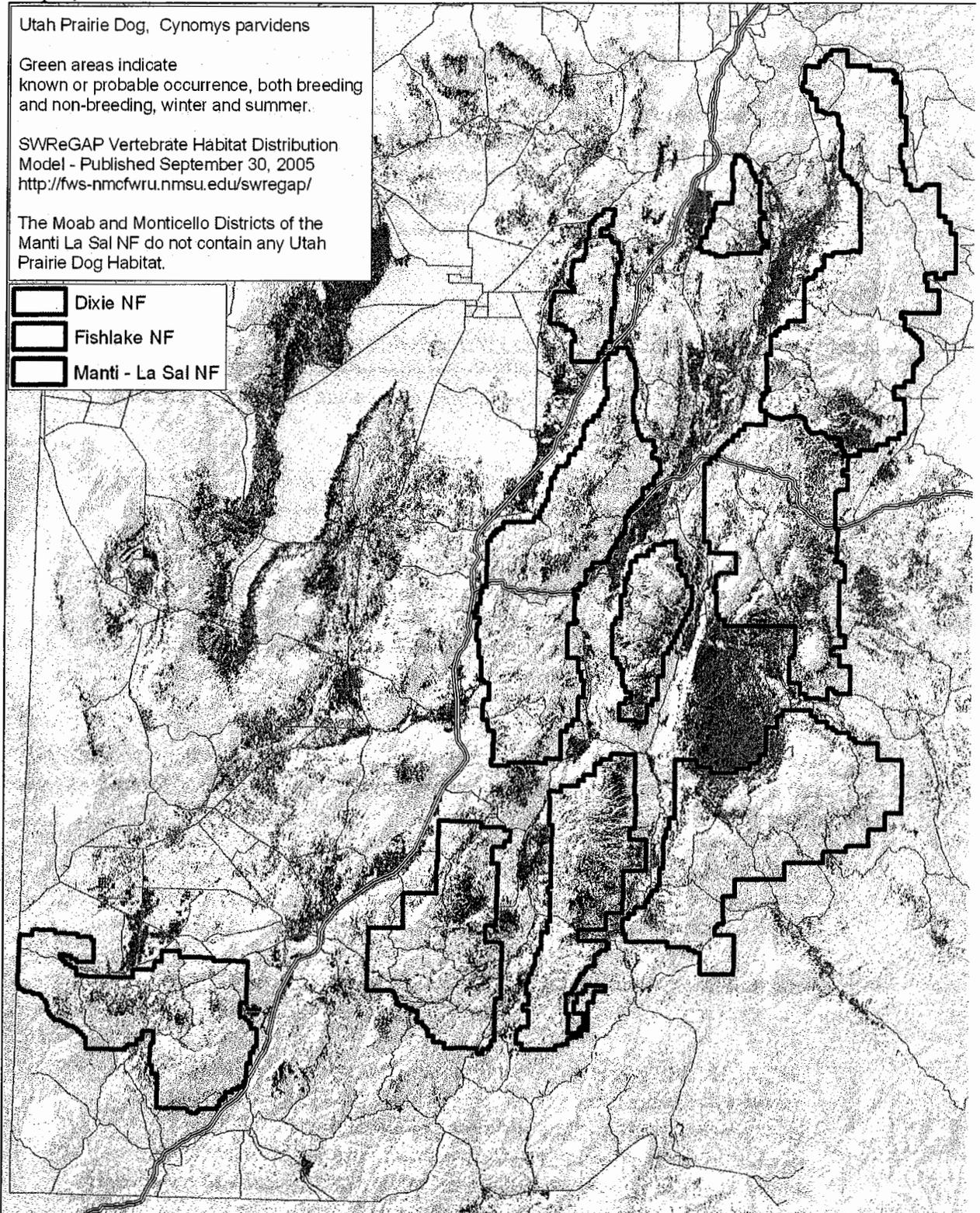
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Map 1, UTPD



ATTACHMENT 2/ENCLOSURE

US Forest Service Washington Office White Paper from 2002

Some Statutory, Regulatory and Policy Authorities on Selected Topics:
Diversity, Viability, Management Indicator Species, and
Information and Data
USDA Forest
Service

Diversity

Specific direction concerning **diversity** is given in both the 1976 NFMA statute and implementing regulations of 1982. The NFMA provides statutory direction for managing the National Forest System to provide for diversity of plant and animal communities. Section 6(g)(3)(B) of the NFMA states:

The [planning] regulations shall include, but not be limited to . . . (3) specifying guidelines for land management plans developed to achieve the goals of the [RPA] Program which ... (B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan.

To ensure an adequate consideration of diversity, the NFMA planning regulations (36 CFR 219) address diversity at several points. First, the regulations provide a definition of diversity to guide land and resource management planning:

36 CFR 219.3 Definitions and terminology. "Diversity: The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan."

Other sections of the NFMA regulations that specifically use the term "diversity" are:

36 CFR 219.26 Diversity. "Forest planning shall provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area. **Such diversity shall be considered throughout the planning process. Inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition.** For each planning alternative, the interdisciplinary team shall consider how diversity will be affected by various

mixes of resource outputs and uses, **including proposed management practices.**"

36 CFR 219.27 Management Requirements. "(a) Resource Protection. All management prescriptions shall-- . . . (5) Provide for and maintain diversity of plant and animal communities to meet overall multiple use objectives, as provided in paragraph (g) of this section; ... (g) Diversity. Management prescriptions, where appropriate and to the extent practicable, shall preserve and enhance the diversity of plant and animal communities, including endemic and desirable naturalized plant and animal species, so that it is at least as great as that which would be expected in a natural forest and the diversity of tree species similar to that existing in the planning area. Reduction in diversity of plant and animal communities and tree species from that which would be expected in a natural forest, or from that similar to the existing diversity in the planning area, may be prescribed only where needed to meet overall multiple use objectives. . . ."

FSM 2620 includes direction regarding habitat planning and evaluation, including specific forest planning direction for meeting biological diversity requirements: "A forest plan must address biological diversity through consideration of the distribution and abundance of plant and animal species, and communities to meet overall multiple-use objectives." (FSM 2622.01)

Viability

Specific direction concerning **viability** is provided in the 1982 NFMA implementing regulations at 36 CFR 219.19:

"Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area." (36 CFR 219.19)

The 1983 USDA Departmental Regulation 9500-4 provides further direction to the Forest Service, expanding the viability requirements to include plant species:

"Habitats for all existing native and desired non-native plants, fish, and wildlife species will be managed to maintain at least viable populations of such species. In achieving this objective, habitat must be

provided for the number and distribution of reproductive individuals to ensure the continued existence of a species throughout its geographic range ... **Monitoring activities will be conducted to determine results in meeting population and habitat goals.**"

Specific FSM direction, from 1986, concerning viability of plant and animal species includes:

"Management of habitat provides for the maintenance of viable populations of existing native and desired non-native wildlife, fish, and plant species, generally well-distributed throughout their current geographic range" (FSM 2622.01(2))

"Maintain viable populations of all native and desired non-native wildlife, fish and plant species in habitats distributed throughout their geographic range on National Forest System lands." (FSM 2670.22(2))

Management Indicator Species

Specific management requirements and direction concerning **management indicator species** is provided in the 1982 NMFA implementing regulations at 36 CFR 219.19, and in the Forest Service Manual 2600:

"Each alternative shall establish objectives for the maintenance and improvement of habitat for management indicator species selected under paragraph (g) [sic] (1) of this section, to the degree consistent with overall multiple use objectives of the alternative. To meet this goal, management planning for the fish and wildlife resource shall meet the requirements set forth in paragraphs (a)(1) through (a)(7) of this section." (36 CFR 219.19(a))

"In order to estimate the effects of each alternative on fish and wildlife populations, certain **vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species** and the reasons for their selection will be stated. These species shall be selected because their population changes are believed to **indicate the effects of management activities**. In the selection of management indicator species, the following categories shall be represented where appropriate: Endangered and threatened plant and animal species identified on State and Federal lists for the planning area; species with special habitat needs that may be influenced significantly by planned management programs; species commonly hunted, fished, or trapped; non-game species of special interest; and additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality, . ." (36 CFR 219.19(a)(1))

"Planning alternatives shall be stated and evaluated in terms of both amount and quality of habitat **and of animal population trends of the management indicator species**". (36 CFR 219.19(a)(2))

"Population trends of the management indicator species will be monitored and relationships to habitat changes determined. This monitoring will be done in

cooperation with State fish and wildlife agencies, to the extent practical." (36 CFR 219.19(a)(6))

"Habitat determined to be critical for threatened and endangered species shall be identified, and measures shall be prescribed to prevent the destruction or adverse modification of such habitat. Objectives shall be determined for threatened and endangered species that shall provide for, where possible, their removal from listing as threatened and endangered species through appropriate conservation measures, including the designation of special areas to meet the protection and management needs of such species." (36 CFR 219.19(a)(7))

Forest Service Manual direction concerning habitat planning is contained in 2620. "I. Management Indicators. Plant and animal species, communities, or special habitats selected for emphasis in planning, and **which are monitored during forest plan implementation** in order to assess the **effects of management activities on their populations and the populations of other species with similar habitat needs which they may represent.**" (FSM 2620.5)

"Select management indicators for a forest plan or project that best represent the issues, concerns, and opportunities to support recovery of Federally-listed species, provide continued viability of sensitive species, and enhance management of wildlife and fish for commercial, recreational, scientific, subsistence, or aesthetic values or uses. **Management indicators representing overall objectives for wildlife, fish, and plants may include species, groups of species** with similar habitat relationships, or habitats that are of high concern." (FSM 262 1. 1)

"Select ecological indicators (species or groups) only if scientific evidence exists confirming that measurable changes **in these species or groups** would indicate trends in the abundance of other species or conditions of biological communities they are selected to represent". (FSM 2621.1(3)).

"Document, in the permanent planning records for a forest plan, the rationale, assumptions, and procedures used in selecting management indicators" (FSM 2621.1(4))

"Document, **within the forest or project plan**, how management indicators collectively address issues, concerns, and opportunities for meeting overall wildlife

and fish, including endangered, threatened, and sensitive species goals **for the plan or project area**". (FSM 2621.1(5))

"To preclude trends toward endangerment that would result in the need for Federal listing, units must develop conservation strategies for those sensitive species whose continued existence may be negatively affected by **the forest plan or a proposed project**. To devise conservation strategies, first conduct biological assessments of identified sensitive species. In each assessment, meet these requirements:

1. Base tile assessment on the current geographic range of the species and the area affected by the plan or project. If the entire range of the species is contained within the plan or project area, limit the area of analysis to the immediate plan or project area. If the geographic range of the species is beyond the plan or project area, expand the area of analysis accordingly.

2. Identify and consider, as appropriate for the species and area, factors that may affect the continued downward trend of the population, including such factors as: distribution of habitats, genetics, demographics, habitat fragmentation, and risk associated with catastrophic events."

3. Display findings under the various management alternatives considered in the plan or project (including the no-action alternative). Biological assessments may also be needed for endangered or threatened species for which recovery plans are not available. See FSM 2670 for direction on biological assessments for endangered and threatened species." (FSM 2621.2)

"In analyzing the effects of proposed actions, conduct habitat analyses to determine the cumulative effects of each alternative on management indicators selected in the plan or project area. . . ." (FSM 2621.3)

"The forest plan must identify habitat components required by management indicators; determine goals and objectives for management indicators; specify standards, guidelines, and prescriptions needed to meet management requirements, goals, and objectives for management indicators. Prescribe mitigation measures, as appropriate, to ensure that requirements, goals, and objectives for each management indicator will be sufficiently met during plan implementation at the project level." (FSM 2621.4)

"**Conduct monitoring of plans and projects** to determine whether standards, guidelines, and management prescriptions for management indicators are being met and are effective in achieving expected results. Use monitoring and evaluation to guide adjustments in management and to revise or refine habitat relationships information and analysis tools used in planning". (FSM 2621.5)

Data

Specific direction concerning use of **best available data** is provided in the **1982 NFMA** implementing regulations at 36 CFR 219.12(d): "Each Forest Supervisor shall obtain and keep current inventory data appropriate for planning and managing the resources under his or her administrative jurisdiction. The Supervisor will assure that the interdisciplinary team has access to the best available data. **This may require that special inventories or studies be prepared.** The interdisciplinary team shall collect, assemble, and use data, maps, graphic material, and explanatory aids, of a kind, character, and quality, and to the detail appropriate for the management decisions to be made!"

Specific direction concerning use of **information and scientific data** is also provided in the NEPA implementing regulations at 40 CFR 1502.24: "Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix."

Specific direction concerning use of the **best available scientific and commercial data available**, in fulfilling federal agency responsibilities to insure that any action authorized, funded or carried out is not likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical, is given in the **Endangered Species Act, 1973** (as amended) at Section 7(a)(2): "In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available."

ATTACHMENT 3

March 1, 2006

Laura Jo West, Planning Team Leader
Ashley National Forest
355 North Vernal Ave
Vernal, UT 84078

Dear Laura,

The Utah Environmental Congress (UEC) appreciates this opportunity to send in comments in response to the Notice Of Initiation to switch your Forest Plan Revision process to being under the 2005 NFMA regulations, and the decision to eliminate consideration of the preparation of any Environmental Document that would support or analyzed the revised Forest Plan. Please take a minute to make sure that the UEC is maintained or added to all of your contact and/or mailing lists associated with the preparation of the revised Forest Plan, EMS, and other planning documents.

We repeat our concerns with use of the 2005 NFMA rules outlined in our January 14, 2005 comment letter sent to the ANF supervisor. That comment letter is incorporated and attached to these comments.

In the SLC public meeting, (thank you for your time in doing that) you said the decision to CE the plan has already been made. What CE are you going to use? Please write us to let us know, because we don't know of a CE for this. The units farthest along in revision under the 2005 rules have prepared one of NEPA's environmental documents (EA's in these cases) to base the decisions in the plan on. How do you know that there is no uncertainty as to the degree of potential effects from revised Forest Plan direction? Is the plan is not going to have any beneficial or detrimental effects that are significant in context or intensity to NEPA's human environment (or FSH listed 'resource conditions that when impacted result in extraordinary circumstances)? If the answer is yes, what is the value and point of the revised Forest Plan? Will it not include direction that outlines desired conditions, measurable objectives that will direct management activity towards attaining the new DC's? Will guidelines not act as management sideboards that aid in attaining objectives and desired conditions? It seems obvious that this is a major federal action requiring an EIS – even under the 2005 regs that to not prohibit preparation of EA/EIS'es. Short of that is plain as day that there is overwhelming uncertainty as to the potentially significant degree of beneficial and detrimental effects, obviating at least an EA. Finally there is no CE category for Forest Plans, so how can you have already completed the environmental analysis and made the final decision to proceed with a CE that does not exist instead of preparation of an EA/EIS? We still strongly urge the Forest not to go down this dead end street and opt to continue planning and to continue the environmental analysis with an EIS, if not an EA, in mind.

In this letter we first indicate our understanding of our nation's laws as they relate to the types of management direction or actions that will lead to significant impacts on National Forests. When more substantial draft Forest Plan revision direction is available, at that time we would like to offer a few examples of management direction that would inevitably lead to significant environmental impacts and thus warrant examination in the light of an environmental impact statement, with alternatives, environmental analysis, scientific evidence, and effective public-initiated participation (as opposed to Forest-led "collaboration.")

A Review of "Significant Impacts"

Section 102(2)(C) of the NEPA requires all federal agencies to prepare a "detailed statement ... on the environmental impact" of any proposed "major federal action significantly affecting the quality of the human environment."⁵ It is clear that NEPA implementing regulations issued by the Council on Environmental Quality ("CEQ regulations") explicitly consider the adoption of formal plans and guidance documents to be a "federal action" within the scope of NEPA.⁶ Section 1508.18(b) defines "federal actions" to include "[a]doption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based."⁷ By the Forest Service's own description, Forest Plans establish "desired conditions, objectives, guidelines, suitability of areas and special areas" that guide how National Forest lands and resources will be used, and upon which future agency actions will be based, and are the "starting point for project and activity NEPA analysis."⁸

Final decisions that result from Forest Plan amendments and revisions include:

1. Determining the Forest-wide multiple-use goals, objectives, and guidelines for the Forest, including estimates of the goods and services expected;
2. Determining general multiple-use management prescriptions containing desired conditions, objectives and guidelines;
3. Identifying land that is capable and suitable for timber production and livestock grazing;
4. Recommending wilderness areas;
5. Recommending wild and scenic river status;
6. Determining monitoring and evaluation requirements; and,

⁵ 42 U.S.C. § 4332 (2)(C).

⁶ 40 CFR § 1508.18(b).

⁷ 40 CFR § 1508.18(b).

⁸ 70 Fed. Reg. 1063, 1064.

7. Identifying lands that are administratively available for mineral development (including oil and gas), and consent to lease the available lands.

The central question in any NEPA evaluation is whether the “major federal action” is one that “significantly affect[s] the quality of the human environment.”⁹ Council on Environmental Quality (CEQ) regulations outline factors “of both context and intensity” that an agency must consider in determining whether an action “significantly” affects the environment within the meaning of NEPA.¹⁰ These factors include the “degree to which the effects on the quality of the human environment are likely to be highly controversial,”¹¹ and the “degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.”¹²

Since the passage of the NFMA, there has been no question that Forest Plans do have significant environmental impacts on the quality of the human environment. Forest Plans govern nearly every action on every acre of the National Forest. Additionally, every action on a National Forest must be wholly consistent with the governing forest plan.¹³

The nature of these impacts of guiding Forest Plans is clearly recognized by previous and current Forest Service regulations implementing the forest planning process, which, until now, have explicitly required the preparation of an EIS prior to the adoption, revision or significant amendment of forest plans.¹⁴

The Forest Service argues that the impacts of the management activities proposed in the Forest Plans are “merely” aspirational and are too vague or uncertain to be considered in detail in the plans. If that was correct, and it is not, the Forest Plan would be meaningless and would not meet the intent of the NFMA. Further, the CEQ, which administers and interprets NEPA¹⁵ identifies ten factors to be used by a federal agency to decide whether a proposal might have significant environmental impacts, thus requiring examination through an Environmental Impact Statement.

“Significantly” as used in NEPA requires considerations of both context and intensity (with emphases added):

- 40 C.F.R. § 1508.27(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action

⁹ 42 U.S.C. § 4332 (2)(C).

¹⁰ 40 CFR § 1508.27.

¹¹ 40 CFR § 1508.27(b)(4).

¹² 40 CFR § 1508.27(b)(5).

¹³ 16 U.S.C § 1604(i).

¹⁴ See, e.g., 36 CFR § 219.10 (1982); 36 CFR § 219.10(b) (2000); 36 CFR § 219.6(b) (2000); see also FSM 1950 (1992); FSH 1909.15 (1992).

¹⁵ See Abenaki Nation of Missisquoi v. Hughes, 805 F. Supp. 234, 241 (D. Vt. 1992), aff'd, 990 F.2d 729 (2d Cir. 1993).

- 40 C.F.R. § 1508.27(b) Intensity. This refers to the severity of impact. . . . The following should be considered in evaluation of intensity:
 - 40 C.F.R. § 1508.27(b)(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial . . .
 - 40 C.F.R. § 1508.27(b)(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
 - 40 C.F.R. § 1508.27(b)(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
 - 40 C.F.R. § 1508.27(b)(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations.
 - 40 C.F.R. § 1508.27(b)(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- 40 C.F.R. § 1508.27(b)(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for protection of the environment.¹⁶

In evaluating intensity, the agency must consider impacts that may be both beneficial and adverse, unique characteristics of the geographic area, the degree to which effects are likely to be highly controversial, the degree to which effects are highly uncertain, the degree to which the action may establish a precedent for future actions with significant effects, whether the action is related to other actions with cumulatively significant impacts, the degree to which the action may adversely affect threatened or endangered species or its habitat, and whether the action threatens a violation of federal, state, or local environmental laws.

A Forest Plan's Desired Conditions, Objectives and Guidelines lead to connected actions, and cumulative impacts. The CEQ Regulations at section 1508.7 define 'cumulative impact' as follows (with emphases added):

"Cumulative impact' is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-Federal) or person undertakes such actions.

¹⁶ 40 C.F.R. § 1508.27(b).

Cumulative impacts can result from individually minor but collectively significant actions taking place over time.

The CEQ Regulations at section 1508.25(a)(1) state that to determine the scope of EISs, among other things, agencies shall consider three types of actions as "connected" (with emphases added).

Actions are connected if they:

Automatically trigger other actions which may require environmental impact statements.
Cannot or will not proceed unless other actions are taken previously or simultaneously.
Are interdependent parts of a larger action and depend on the larger action for their justification.

In evaluating the intensity of a proposed action to determine its significance, the CEQ regulations at section 1508.27(7), tell agencies to consider whether "the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or breaking it down into small component parts."

More on NFMA regulations

In the SLC public meeting the ANF Supervisor said he is not willing to commit to carry existing Forest Plan direction to maintain at least minimum viable populations of fish and wildlife into the revised Forest Plan direction. The failure to make this bedrock commitment in the revised Forest Plan direction is fundamentally outrageous and, we believe, is a bedrock mistake in revised Forest Plan direction. He did explain that this unwillingness to commit to keeping existing Forest Plan direction to maintain at least viable fish and wildlife populations is largely a product of the Forest's position that, while the Reagan Administration's NFMA regulations required this commitment in Forest Plans, the 2005 Bush Administration's NFMA regulations eliminated the requirement to maintain at least minimum viable populations of fish and wildlife. That may be so when the new rules are read in a certain light. However that failure is in violation of the NFMA, and that will be addressed more below. Perhaps more importantly is the fact that there is no ban on including a commitment to maintain at least minimum viable fish and wildlife population in the 2005 NFMA rules. In light of this, the ANF has literally pointed out that because the 2005 NFMA regs don't require fish/wildlife viability, it's not going to even consider that as an alternative (call it option or iteration if you want) in the revised Forest Plan. This is a serious problem. The ANF must include clear commitments to maintain at least minimum viable populations of fish and wildlife in the revised Forest Plan. If you still refuse to do that, or even to consider this and analyze the option, please let us know in writing all of your reasons that support the decision to eliminate this basic Forest Plan direction.

The 2005 NFMA regulations require Forest units to *first* establish the required Environmental Management System (EMS) for each Forest consistent with ISO 14001 *before* proceeding with Forest Plan revision process under the new January 2005 regulations:

The Responsible Official is not required to halt the process and start over. Rather, upon the unit's establishment of an EMS in accordance with sec. 219.5, the Responsible Official may apply this subpart as appropriate to complete the plan development, plan amendment, or plan revision process. 36 C.F.R. §219.14(e)(1) (2005)

For clarification on the EMS and its requirements, FSM 1921.03a – Environmental Management Systems, states, “At a minimum, the scope of the environmental management system (EMS) is the land management planning process. For that part of the EMS within the scope of the land management planning process, the land management plan identifies the most pressing environmental issues that need attention. (See 36 CFR 219.5; FSM 1330; FSM 1921.9; and FSH 1909.12, sec. 23)” FSM 1921.9 – Environmental Management System Requirements, further explains that:

“An environmental management system (EMS) shall be established for each National Forest System (NFS) unit. The EMS shall conform to the consensus standard developed by the International Organization for Standardization (ISO) and adopted by the American National Standards Institute (ANSI) as “ISO 14001: Environmental Management Systems — Specification with Guidance for Use” (36 CFR 219.5). An EMS is established, implemented, and maintained on an administrative unit when an independent audit has verified conformance with the ISO 14001 Standard and the system is working.

Plan amendments, or plan revisions conform to 36 CFR 219.5 and 219.14 as having an EMS established when an internal audit (ISO 14001 (4.5.5)) and management review (ISO 14001 (4.6)) are completed before the effective date of the forest plan approval document. The required independent audit shall be conducted within one year following the approval of the forest plan revision or amendment. The EMS shall address land management environmental aspects (or issues) identified from evaluation reports or National Environmental Policy Act documents associated with approval of a plan, plan amendment, or plan revision. Within the scope of the land management planning process, identifying environmental aspects may be accomplished through reviews of recent analyses and evaluations. The work of prioritizing environmental conditions to achieve through the land management planning process can identify the most pressing environmental issues to address in an EMS. Actual work on the ground is carried out, monitored, and evaluated during the annual monitoring work planning and

reporting cycle (FSH 1909.12, sec. 23). Pertinent legal requirements related to the plan components shall be listed, referenced, or hyperlinked (FSM 1010, FSM 1920.11) and captured within the scope of the EMS. FSM 1330 contains authorization and direction for environmental management. FSH 1909.12, chapter 20 shows the relationship of planning to EMS.”

In light of the above direction laid out in the CFR and system-wide directives, it does not make any sense that the Forest is proceeding with development of the revised Forest Plan under the new 2005 regulations while ignoring the 2005 NFMA requirement to *first* establish an EMS in accord with ISO 14001 *before* proceeding with the Forest Plan revision process under the new 2005 regulations.

The 2005 NFMA regulations violate the NFMA, NEPA and the ESA. This did not matter for this forest plan revision until now because until recently the Forest Service has been revising its forest plan using the 1982 NFMA regulations, which are legal. The illegality of the 2005 regulations now becomes a major concern to us. The final 2005 NFMA regulations (or rule) that the Ashley National Forest now says it is using were published in the *Federal Register* on January 5, 2005 (70 Fed. Reg. 1023). The Forest Service states in the 2002 Proposed Rule that it proposed to “categorically exclude” the entire rule from NEPA review. This remains only a proposal, and yet the Forest is proceeding as if it has been made final. Unlike the 1979, 1982, and 2000 regulations, the Forest Service has not prepared an EA or EIS to assess the potential environmental impacts of the 2002 Proposed Rule or the 2005 Final Rule.

The Forest Service also has not prepared a “biological assessment” to assess the potential impacts of the 2002 Proposed Rule or the 2005 Final Rule on threatened and endangered species, and did not consult with the United States Fish and Wildlife Service or National Marine Fisheries Service, pursuant to Section 7 of the ESA. The Forest Service states that its 2005 Final Rule “embodies a paradigm shift in land management planning.” The Forest Service acknowledges that its 2005 Final Rule is “less prescriptive in nature” than the 1982 regulations. In fact, the 2005 Final Rule eliminates nearly all mandatory management requirements of the 1982 regulations.

The 2005 Final Rule differs substantially from the 2002 Proposed Rule. For instance, the 2005 Final Rule “does not include many of the specific analytical processes and requirements set out in the 2002 proposed rule.” Even though NFMA requires these standards and guidelines to be within the regulations, the 2005 Final Rule states that these requirements will instead be found in internal Forest Service directives, which courts have frequently found are not judicially enforceable.

The standards that NFMA explicitly requires to be included in the regulations, that were included in the 2002 Proposed Rule, but that are no longer found in the 2005 Final Rule, include: assurance that timber will be harvested only where soil, slope, or other watershed conditions will not be irreversibly damaged; there is assurance that such lands can be adequately restocked within five years after harvest; protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of

sediment; assurance that clearcutting and other cuts designed to regenerate an even aged stand of timber will be used a cutting method only where it is determined to be the optimum method to meet the objectives and requirements of the relevant land management plan; an interdisciplinary review has been completed; cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain; there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for the areas to be cut in one harvest operation; and that such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

The 2005 Final Rule continues to significantly weaken the required protection for fish and wildlife species on national forests. NFMA requires the Forest Service to specify guidelines to provide for the diversity of plant and animal communities. The 1982 regulations required the Forest Service to insure the viability of fish and wildlife species, and required “management indicator species” to be identified and monitored. 36 C.F.R. 219.19 (1982). The 2000 Final Rule relaxed the species “viability” requirement by requiring that plan decisions provide a “high likelihood” that ecological conditions are capable of supporting over time the viability of species. 36 C.F.R. 219.20 (2000). The 2002 Proposed Rule provided two options to meet the NFMA diversity requirements, which further weakened protections from the 2000 Final Rule, but at least provided some guidelines for plant and animal communities. The 2005 Final Rule, however, provides no meaningful guidance. The 2005 Final Rule states an “overall goal” of providing ecological conditions to support the diversity of plant and animal species, requires a “framework” to provide the characteristics of ecosystem diversity, and then grants the responsible official complete discretion to determine whether additional “provisions” may be needed for individual species. 36 C.F.R. 219.10(b) (2005). The Forest Service has failed to provide a legitimate scientific rationale for eliminating the fish and wildlife viability and monitoring requirements of the 1982 regulations.

Even though NFMA requires regulations to establish standards and guidelines, the 2005 Final Rule drops the term “standard” from the 2002 Proposed Rule, and instead uses only the term guideline in order “to reflect a more flexible menu of choices.” Even though NFMA requires that site-specific projects be consistent with the applicable Forest Plan, the 2005 Final Rule states that deviation from Forest Plan guidelines does not require an amendment to the Plan. As stated in the Final Rule, “[a] Responsible Official has the discretion to act within the range of guidelines, as well as the latitude to depart from guidelines when circumstances warrant it.”

The 2005 Final Rule requires, for the first time, that each national forest adopt an “environmental management system” (“EMS”). 36 C.F.R. 219.5 (2005). Even though the EMS is never discussed or defined in NFMA, earlier regulations, or the 2002 Proposed Rule, the 2005 Final Rule makes the EMS a fundamental part of the forest planning process. The 2005 Final Rule requires that all forest plan revisions and amendments must be completed in accordance with the EMS, and requires that each national forest’s EMS conform to a “consensus standard” developed by the “International Organization for Standardization.” Instead of properly explaining the EMS, the Forest Service provides a website (<http://webstore.ansi.org/ansidocstore/default.asp>), where the consensus standard and details of the EMS are apparently available. 36 C.F.R. 219.5(b). The website,

however, requires \$81 to purchase the information about EMS. There is no way to know from reading the 2002 Proposed Rule that the Forest Service would place such significant reliance on the EMS. There is also no way to understand the EMS by reading only the 2005 Final Rule, without also purchasing the \$81 of information online.

NFMA requires public notice prior to the amendment of a Forest Plan, and requires substantial public involvement for “significant” changes to a Forest Plan. 16 U.S.C. 1604(f)(4). The 2005 Final Rule, however, allows for potentially significant changes to a Forest Plan with no public notice whatsoever by defining such changes as “administrative corrections.” 30 C.F.R. 219.7(b). “Administrative corrections” include changes in a monitoring program and changes in timber management projections, both of which could constitute a significant change, and should therefore require substantial public involvement.

While the 2002 Proposed Rule required Forest Service decisions to be consistent with the best available science, see Section 219.14, the 2005 Final Rule only requires the responsible official to take into account the best available science. 36 C.F.R. 219.11. The 1982 regulations and 2000 Final Rule applied to both Forest Plans and site-specific projects on national forests. The 2005 Final Rule, however, apparently only applies to Forest Plans, and not site-specific projects.

The 2005 Final Rule is a major federal action that will significantly affect the quality of the human environment. 42 U.S.C. § 4332(2)(C). The Forest Service failed to prepare an EIS for the Final Rule. Defendants’ decision to develop, promulgate, and implement the 2005 Final Rule without preparing an EIS, is arbitrary, capricious, an abuse of discretion, and not in compliance with NEPA. Because the Forest is now using these rules and also not preparing an EIS for the Forest Plan, this NEPA violation is aggravated.

The Endangered Species Act requires federal agencies to consult with the United States Fish and Wildlife Service and National Marine Fisheries Service to insure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any threatened or endangered species, or result in the adverse modification of critical habitat for such species. 16 U.S.C. § 1536(a)(2). “Action” is defined as all activities or programs of any kind authorized, funded or carried out, in whole or in part, by federal agencies, and includes the promulgation of regulations, actions that may directly or indirectly cause modifications to the land, water, or air, and actions that are intended to conserve listed species or their habitat. 50 C.F.R. § 402.02. To facilitate compliance with the ESA consultation provision, federal agencies must ask the United States Fish and Wildlife Service and National Marine Fisheries Service whether any listed or proposed species may be present in the area of the proposed action. 16 U.S.C. § 1536(c)(1). If listed species may be present, the agency must prepare a biological assessment to identify any threatened or endangered species which is likely to be affected by such action. *Id.* The promulgation of the Final Rule is an “agency action” under Section 7 of the ESA. During the promulgation and prior to implementing the Final Rule, defendants failed to ask the United States Fish and Wildlife Service or National Marine Fisheries Service whether any listed or proposed species may be present on the national forest lands. 16 U.S.C. § 1536(c)(1). The Forest Service also failed to prepare a biological assessment to determine whether the Final Rule may affect listed species. *Id.*

The Forest Service failed to consult with the United States Fish and Wildlife Service or the National Marine Fisheries Service to insure that the promulgation and implementation of the Final Rule is not likely to jeopardize the continued existence of any listed species or result in the adverse modification of the critical habitat for such species. 16 U.S.C. § 1536(a)(2). The Forest Service has violated, and remains in violation of Section 7 of the ESA for failing to request information concerning species, failing to prepare a biological assessment, and failing to consult with the United States Fish and Wildlife Service or the National Marine Fisheries Service concerning the Final Rule. This ESA issue is now aggravated by this draft forest plan document because the Manti La Sal is using illegal regulations that violate the ESA in the development of the revised forest plan for areas containing listed species and their critical and other habitats, and forest plan direction proposed will affect these resources.

NFMA requires the Department of Agriculture to promulgate regulations that must include standards and guidelines which, among other things, (1) provide for the diversity of plant and animal communities; (2) insure that timber will be harvested only where soil, slope, or other watershed conditions will not be irreversibly damaged; (3) insure that timber will be harvested only where there is assurance that such lands can be adequately restocked within five years after harvest; (4) insure that timber will be harvested only where protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment; (5) insure that clearcutting and other cuts designed to regenerate an even aged stand of timber will be used as a cutting method only where clearcutting is determined to be the optimum method, there are established according to suitable classifications the maximum size limits for areas to be cut in one harvest operation, and such cuts are carried out in a manner consistent with the protection for soil, watershed, fish, wildlife, recreation, and esthetic resources. 16 U.S.C. 1604(g).

The 2005 Final Rule does not include the regulations required by NFMA, but instead provide that such standards and guidelines will be developed later and added to the Forest Service's internal Handbook and Manual. Failure to include the standards and guidelines required by Section 1604(g) within the 2005 Final Rule that is being applied here violates NFMA.

NFMA requires that the regulations specify guidelines which provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives. 16 U.S.C. § 1604(g)(3)(B). The 1982 NFMA regulations required that fish and wildlife habitat be managed to maintain viable populations of native vertebrate species. 36 C.F.R. § 219.19 (1982). To insure that viable populations would be maintained, the 1982 NFMA regulations required habitat to be provided to support, at least, a minimum number of reproductive individuals and that habitat was required to be well distributed so that those individuals could interact with others in the planning area. Planning alternatives were required to be evaluated in terms of both amount and quality of habitat and animal population trends of "management indicator species," and the population trends were required to be monitored. 36 C.F.R. § 219.19(a)(2),(6) (1982). The 2005 Final Rule does not require land management resource plans to provide for plant and animal community diversity based on suitability and capability of the specific land area. The 2005 Final Rule no longer requires the assurance

that viable populations will be maintained, and no longer mandates population or population trend monitoring. The 2005 Final Rule instead requires “a framework to provide the characteristics of ecosystem diversity in the plan area,” and grants discretion to the Responsible Official to determine whether additional provisions are needed for specific species. 36 C.F.R. 219.10(b)(1), (2) (2005).

The Forest Service has failed to provide scientific evidence or otherwise demonstrate that the 2005 Final Rule that is being applied here on this Forest will provide for the diversity of plant and animal communities. The Forest Service has also failed to provide scientific evidence or sufficient information to support the elimination of the viability requirements of the 1982 regulations.

NFMA requires that the regulations specify guidelines which insure that timber will be harvested only where soil, slope, or other watershed conditions will not be irreversibly damaged. 16 U.S.C. § 1604(g)(3)(E)(i). The 1982 NFMA regulations required that conservation of soil and water resources be guided by instructions in official technical handbooks, which were required to specify ways to avoid or mitigate damage, and maintain or enhance productivity on specific sites. 36 C.F.R. § 219.27(f) (1982). The 2005 Final Rule eliminates the requirement that conservation of soil and water resources be guided by instructions in official technical handbooks, and instead simply provides that the Forest Service include additional procedures within its internal directive system. 36 C.F.R. 219.12 (b)(2). The 2005 Final Rule that is being applied now on this Forest in this revision effort is in violation of NFMA, 16 U.S.C. § 1604(g)(3)(E)(i).

NFMA requires that the regulations specify guidelines which insure that timber will be harvested only where there is assurance that such lands can be adequately restocked within five years after harvest. 16 U.S.C. 1604(g)(3)(E)(ii). The 1982 NFMA regulations required that when trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest. 36 C.F.R. 219.27(c)(3) (1982). Adequate restocking was defined to mean that the cut area would contain the minimum number, size, distribution, and species composition of regeneration as specified in regional silvicultural guides for each forest type. Id. The 2005 Final Rule eliminates any reference to the restocking requirement, and instead simply provides that the Forest Service include additional procedures within its internal directive system. 36 C.F.R. 219.12 (b)(2) (2005). The 2005 Final Rule being applied in this forest plan revision is therefore in violation of NFMA, 16 U.S.C. § 1604(g)(3)(E)(ii).

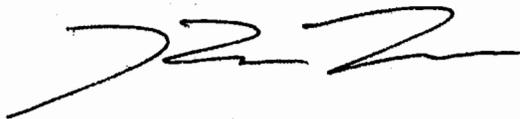
NFMA requires that the regulations specify guidelines which insure that timber will be harvested only where protection is provided for streams and other bodies of water from detrimental changes in water temperature, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat. 16 U.S.C. § 1604(g)(3)(E)(iii). The 1982 NFMA regulations required special attention to be given to land and vegetation within 100 feet of perennial streams and water bodies, and prohibited management practices within these areas that caused detrimental changes in water temperature, blockages of water courses, or deposits of sediment. 36 C.F.R. § 219.27(e). The 2005 Final Rule eliminates existing protection for riparian areas and fails to address water temperature, blockages of water courses, or deposits of sediment. The 2005 Final Rule instead simply provides that the Forest Service include

additional procedures within its internal directive system. 36 C.F.R. 219.12 (b)(2) (2005). The 2005 Final Rule that the Manti La Sal says it is now applying in this forest plan revision document is in violation of NFMA, 16 U.S.C. § 1604(g)(3)(E)(iii).

NFMA requires regulations to specify guidelines which insure that clearcutting will be used as a cutting method on National Forest System lands only where there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation. 16 U.S.C. 1604(g)(3)(F)(iv). The 1982 NFMA regulations required, with limited exceptions, that clearcuts not exceed 60 acres for the Douglas-fir forest type of California, Oregon and Washington; 80 acres for the southern yellow pine types; 100 acres for the hemlock-sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types. 36 C.F.R. § 219.27(d)(2) (1982). The Final Rule eliminates the numerical and quantifiable clear-cut requirements of the 1982 NFMA regulations, and instead simply provides that the Forest Service include additional procedures within its internal directive system. 36 C.F.R. 219.12 (b)(2) (2005). The 2005 Final Rule and the draft forest plan that this Forest now says it is using is therefore inconsistent with NFMA, 16 U.S.C. § 1604(g)(3)(F) (iv).

Thank you for this opportunity to provide comments on your NOI to scratch the NEPA EA/EIS process and to transition to revising the Ashley National Forest Land and Resource Management Plan under the 2005 NFMA planning rules. We look forward to further public involvement when you get into the core components of the revised Forest Plan direction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Mueller', written in a cursive style.

Kevin Mueller, UEC Executive Director

January 14, 2005

George Weldon, Supervisor
Ashley National Forest
355 North Vernal Avenue
Vernal, UT 84078

Mary Erickson, Supervisor
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

Robert Russell, Supervisor
Dixie National Forest
1789 North Wedgewood Lane
Cedar City, UT 84720

Alice Carlton, Supervisor
Manti-La Salt National Forest
599 West Price River Drive
Price, UT 84501

RE: SUPPLEMENTAL COMMENTS REGARDING THE EFFECTS OF THE 2005
NFMA REGULATIONS ON EACH OF YOUR FOREST PLAN REVISIONS

Dear Forest Supervisors,

I am writing this letter to you today because each of the four National Forests you manage is in various stages of Forest Plan revision. The changes in the National Forest Management Act (NFMA) regulations recently published in the Federal Register (70 Fed. Reg. 1023) appear to have the potential to radically alter the process and outcome of these four Forest Plan revisions. The impacts that these changes may have on the process and outcomes concerns the UEC, our individual members, and our twenty-plus member organizations. While this letter is to each of you as the Responsible Official, we also ask that you maintain a copy of this letter in your Forest Plan revision files and respond to these issues that we have outlined.

All four of the Forests you manage have been involving the public in the NFMA and/or NEPA aspects of revision for anywhere from one to several years now. Some NOI's apparently state that Forests are 'planning to plan' while others are farther along, having already circulated a Preliminary AMS. It appears that this January's regulations allow the Responsible Official to continue using the NFMA regulations in effect prior to November 9, 2000 [36 CFR 219.14(e)] or decide to apply the new regulations, but only after the Forest Service has established an Environmental Management System for each of your planning units. Id. at

219.14(e)(1).

This situation is not all that different from the situation that the Uinta and Wasatch-Cache National Forests found themselves in 2000: These Forests had initiated Forest Plan revision under the 1982 regulations only to have new NFMA regulations implemented the following year. At that time and in the context of the rest of the 2000 regulations, Clinton's transition regulation appeared to offer a choice for Forests that were already in the process of revision: continue under the 1982 regulations or start over with the 2000 regulations. Both the Uinta and Wasatch-Cache opted to continue revision under the 1982 regulations. In hindsight, that proved a wise thing to do. A couple years later, a Federal Court, in the Citizen's for Better Forestry ruling (circa 2002), found the 2000 regulations to be illegal. The 2000 regulations were then withdrawn by the administration. If the Uinta and Wasatch-Cache had chosen to switch to the new NFMA regulations, they would have found themselves at the end of a regulatory 'dead end street' a few years later – with revised Forest Plans based on regulations that the Federal Courts had found to be illegal that were also withdrawn. It is possible that a similar chain of events may unfold surrounding the 2005 NFMA regulations. We urge you to strongly consider continuing your revisions pursuant to the 1982 regulations for this reason as well as those outlined below.

The UEC, our member organizations and individuals, are very concerned about elimination of environmental and public review requirements specific to National Environmental Policy Act's (NEPA) EIS process from development of the revised Forest Plans. The new regulations allow Forest Plan revisions and amendments to be categorically excluded from NEPA documentation. Id. At 219.4(b). A separate Forest Service proposal to establish a new categorical exclusion for land management plans was published on January 5 and is currently available for public comment until March 7, 2005. 70 Fed. Reg. 1062. The outcome of that process is not clear at this time.

We believe that it would be a serious mistake to eliminate NEPA's EIS review and documentation from the Ashley, Manti-La Sal and Fishlake/Dixie NFs Forest Plan revision process. One reason is that people will have less access to information about the environmental impacts of the proposed management plan. Just as important, influence in the process available to different concerned citizens will be increasingly disproportionate. For example, the national pilot project underway on the Dixie and Fishlake NFs with the non-NEPA collaboration process that has been dubbed the TWiG process has exposed some potential process problems: Individuals are invited to be active participants by a private organization. Others, including those who want to be involved, are pushed aside to a less-influential 'observer' status. The UEC was honored to be invited to participate on the URDC's Roadless/Wilderness TWiG last year. We participated, and we were lead to believe that our influence in the Forest Plan revision process was increased as a result. That TWiG process has been re-initiated this year, and again we are lead to believe that we will have greater influence if we participate, as indicated in the attached letter that states:

“If you would like further opportunity to share your perspective on the process and outcomes with the Forest Service and others and possibly influence the final proposal, than this will be an important meeting for you. If you are not there, your influence will be greatly diminished.”

Again, this invitation to continue being an active participant only went out to a privately selected few. We are going to continue participation in the TWiG, partially because we are concerned that our influence in the outcome will be greatly diminished. This non-NEPA Forest Plan revision public involvement system has an element of exclusivity that can lead to unequal access and influence in process and outcome. This is not desirable, and it does not exist in NEPA's EIS scoping, comment, and public involvement processes.

An additional concern is that the Forest Service will not be required to examine alternatives to its proposed revised Forest Plan, or to supply information about the comparative advantages and disadvantages of various alternatives. This is a central problem with the new regulations that can not be resolved by anything except proceeding with the EIS process. The Uinta and Wasatch-Cache included our Citizens wilderness proposal for National Forests in Utah as an alternative wilderness recommendation in their Forest Plan revisions under the 1982 regulations. Similarly, we submitted our Citizens wilderness proposal for National Forests in Utah to you in Forest Plan revision comments a year ago with a similar request that it be analyzed as an alternative wilderness recommendation in each of your Forest Plan revisions. What will become of that process under the new regulations?

In addition, the Forest Service will not be required to study or disclose to the public the cumulative environmental effects of management activities across each National Forest. Programmatic EIS'es are needed to disclose and analyze the cumulative effects of programs ranging from timber management to coal, oil, and gas production on each Forest. The new regulations would eliminate the programmatic EIS for the Forest Plan, thus triggering the need for an increased number of issue-specific programmatic EISes on each Forest. Surely that does not increase efficiency? Eliminating NEPA from the forest planning process also appears to violate specific direction in the NFMA that the regulations "insure that land management plans are prepared in accordance with [NEPA]." 16 USC 1604(g)(1). We urge you to consider the potential waste of time and effort of switching to the new regulations if they are challenged in court and eventually determined to be illegal.

We are also skeptical that using the new NFMA regulations would result in a more efficient and timely planning process as alleged. As noted above, the new regulations can only be applied after the Forest Service has established an Environmental Management System (EMS) for the planning unit. EMS is a planning and monitoring process that has been adopted by large timber companies like Weyerhaeuser Corporation, but to our knowledge it has never before been applied to federal forest lands. How long will it take, how much will it cost, and how efficient will it be for the Forest Service to establish the required EMS process for all

three national forests in the planning area? Aside from our concerns about delay and cost, we also are concerned that EMS appears to be an entirely inappropriate substitute for NEPA to advance the public's interest in protecting the environmental integrity of the National Forests.

In addition, the Forest Service has not yet released for public comment the planning directives to implement the NFMA regulations. The regulations by themselves provide very little guidance on many critically important planning issues, such as wildlife sustainability and wilderness recommendations, and are entirely silent on several issues, such as limitations on even-aged management, that the NFMA specifically requires forest plans to address. While the Federal Register notice states that the directives will be released "as soon as possible," we are concerned that it may be many months before local forest planners receive clear direction about how to interpret and apply the new regulations.

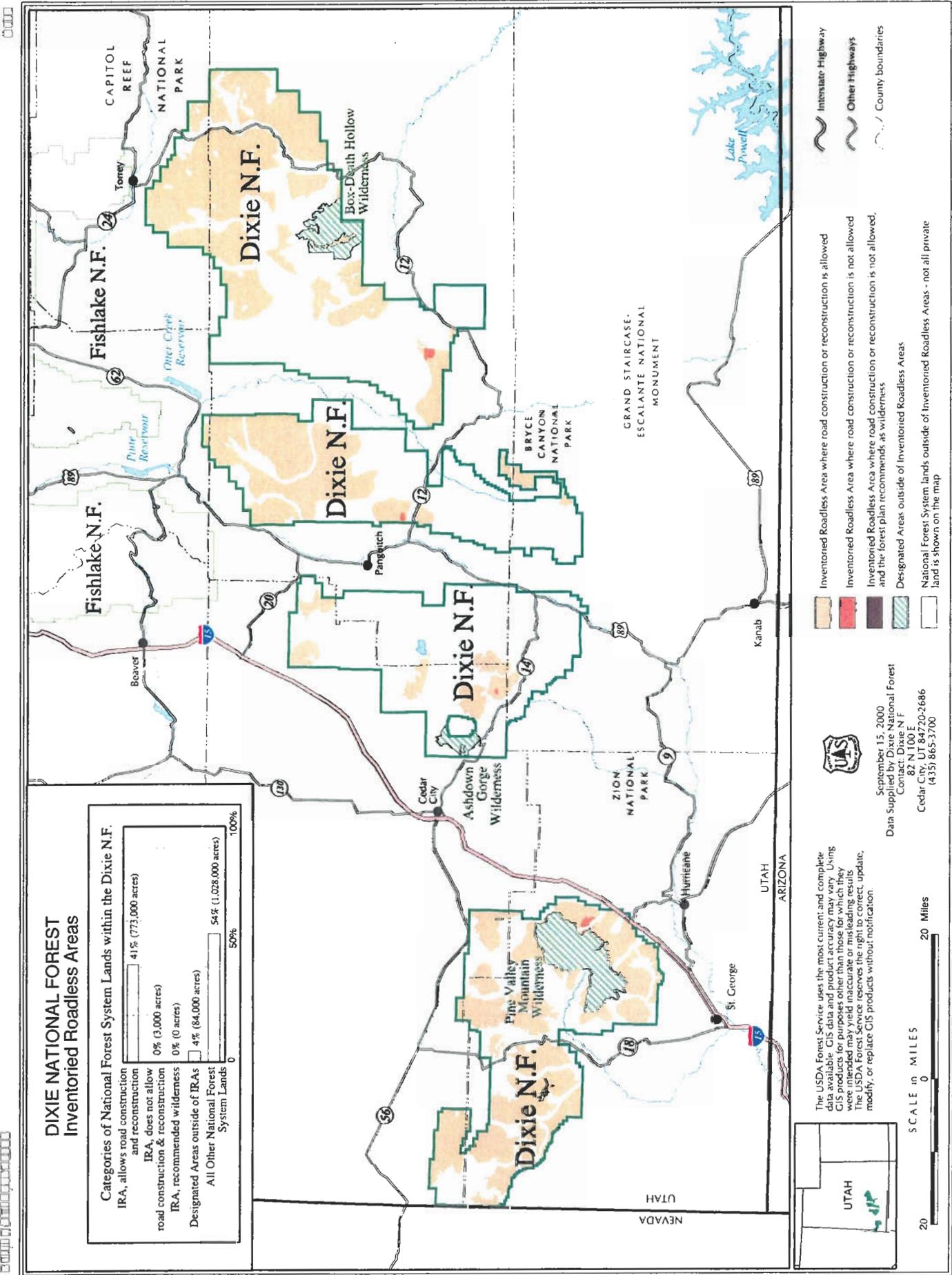
Furthermore, we are very concerned that the new NFMA regulations provide inadequate environmental safeguards, compared to the regulations under which the current Forest Plans were developed. We are especially concerned about the elimination of the requirement to maintain adequate habitat to support viable populations of native fish and wildlife. Abandoning the viability requirement for the much vaguer guidance in the new NFMA regulations could re-ignite the debate over management of old-growth forests, aquatic and riparian management, and inject needless controversy into the planning process.

In conclusion, we urge each of you to continue to use the NFMA regulations that have been in effect for about a quarter-century and not to switch to the new NFMA regulations. We request that you respond to the issues and concerns we have raised above so that we may better understand the apparent new direction that forest planning may take. We would further appreciate the opportunity to discuss these issues before you make a decision on which regulations to use.

Sincerely,

Kevin Mueller,
Executive Director

Enclosure 3
USFS maps of IRA and
undeveloped areas



**DIXIE NATIONAL FOREST
Inventoried Roadless Areas**

Categories of National Forest System Lands within the Dixie N.F.

IRA, allows road construction and reconstruction	41% (773,000 acres)
IRA, does not allow road construction & reconstruction	0% (3,000 acres)
IRA, recommended wilderness	0% (0 acres)
Designated Areas outside of IRAs	4% (84,000 acres)
All Other National Forest System Lands	54% (1,028,000 acres)

- Inventoried Roadless Area where road construction or reconstruction is allowed
- Inventoried Roadless Area where road construction or reconstruction is not allowed
- Inventoried Roadless Area where road construction or reconstruction is not allowed, and the forest plan recommends, as wilderness
- Designated Areas outside of Inventoried Roadless Areas
- National Forest System lands outside of Inventoried Roadless Areas - not all private land is shown on the map
- Interstate Highway
- Other Highways
- County boundaries

September 15, 2000
Data supplied by Dixie National Forest
Contact: Dixie N.F.
82 N 100 E
Cedar City, UT 84720-2686
(435) 865-3700

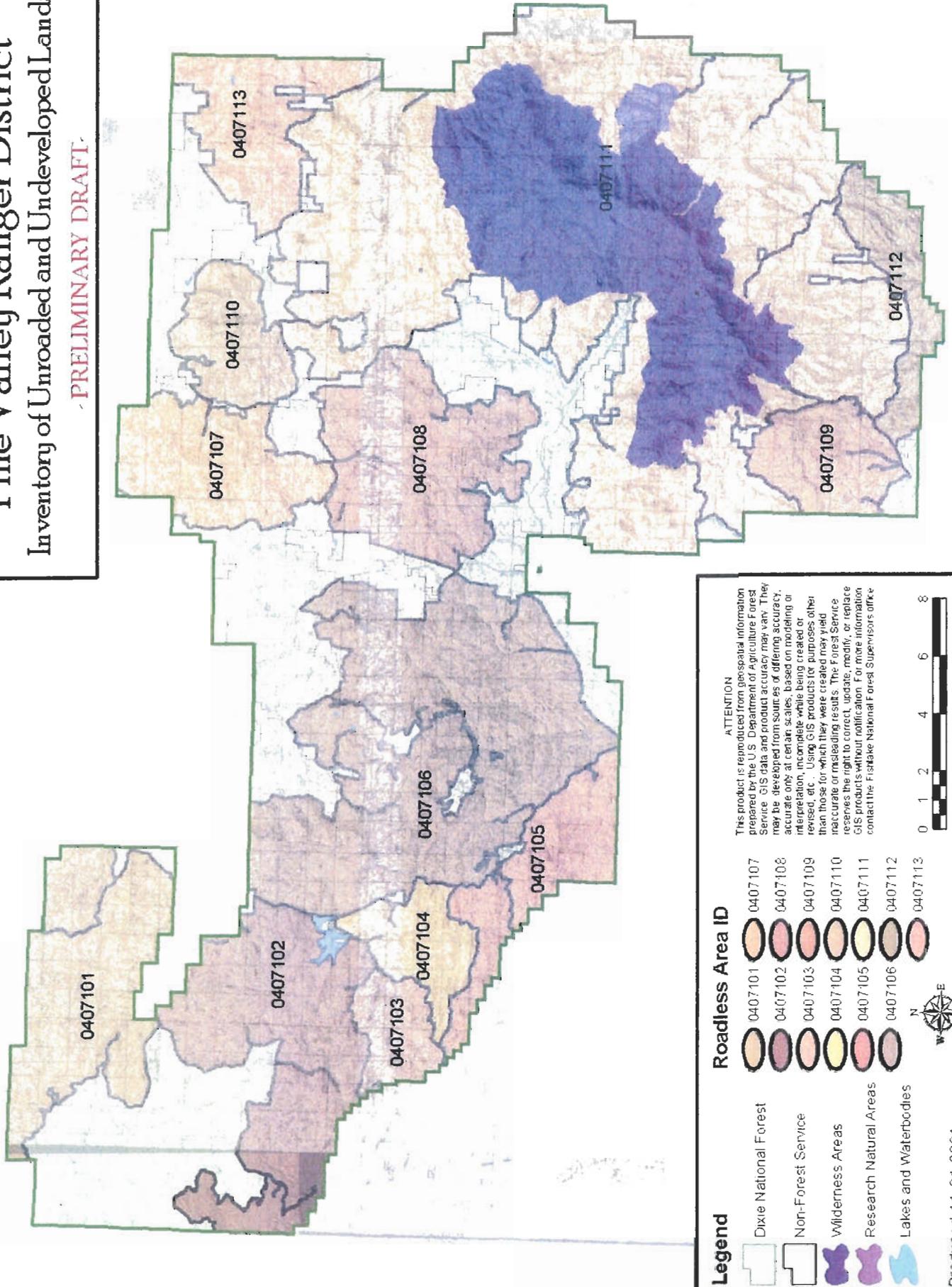
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SCALE in MILES
0 20 Miles

Pine Valley Ranger District

Inventory of Unroaded and Undeveloped Lands

PRELIMINARY DRAFT



Legend

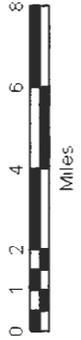
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-  Non-Forest Service
-  Wilderness Areas
-  Research Natural Areas
-  Lakes and Waterbodies

Roadless Area ID

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-  0407103
-  0407104
-  0407105
-  0407106
-  0407107
-  0407108
-  0407109
-  0407110
-  0407111
-  0407112
-  0407113

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Cedar City Ranger District

Inventory of Unroaded and Undeveloped Lands

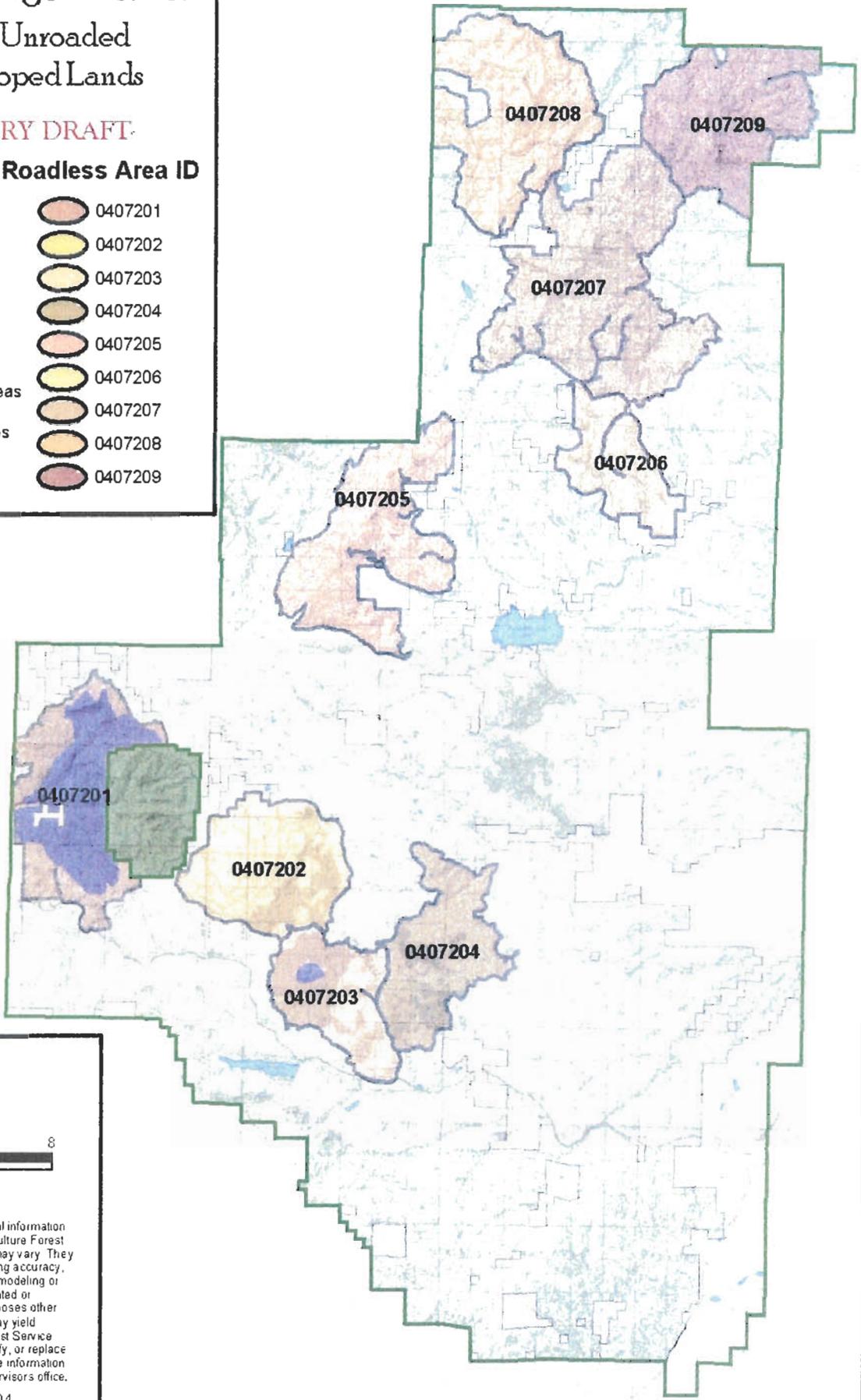
PRELIMINARY DRAFT

Legend

-  Dixie National Forest
-  Cedar Breaks
-  Non-Forest Service
-  Wilderness Areas
-  Reasearch Natural Areas
-  Lakes and Waterbodies

Roadless Area ID

-  0407201
-  0407202
-  0407203
-  0407204
-  0407205
-  0407206
-  0407207
-  0407208
-  0407209



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Powell Ranger District

Inventory of Unroaded and Undeveloped Lands

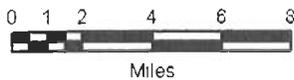
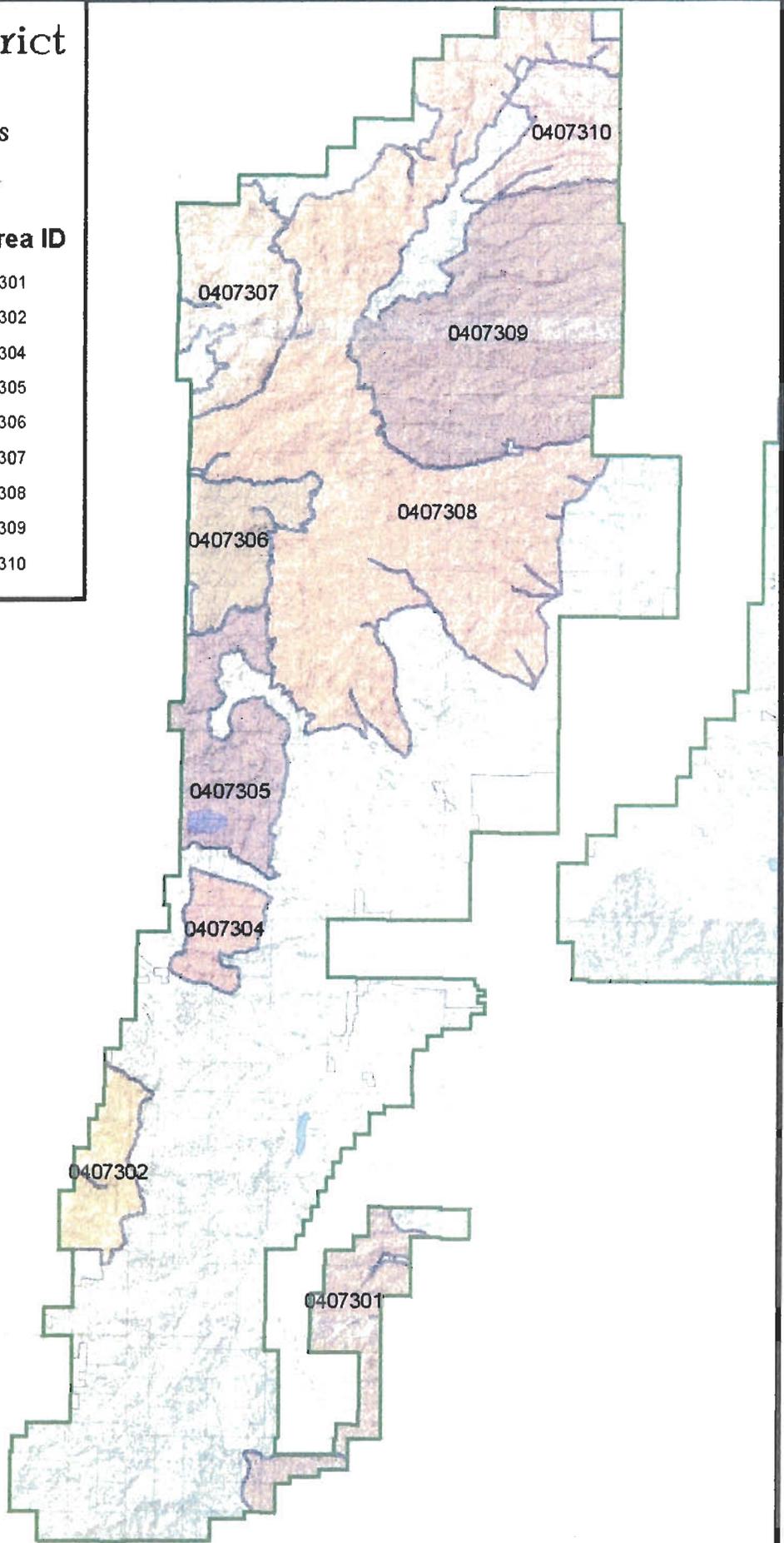
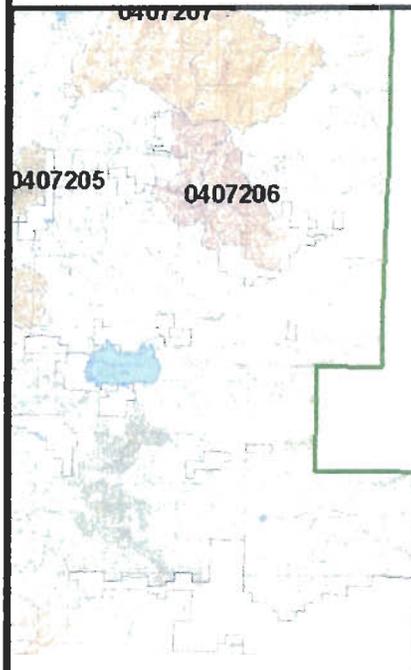
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-  Cedar Breaks
-  Non-Forest Service
-  Wilderness Areas
-  Reasearch Natural Areas
-  Lakes and Waterbodies

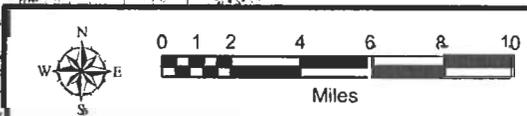
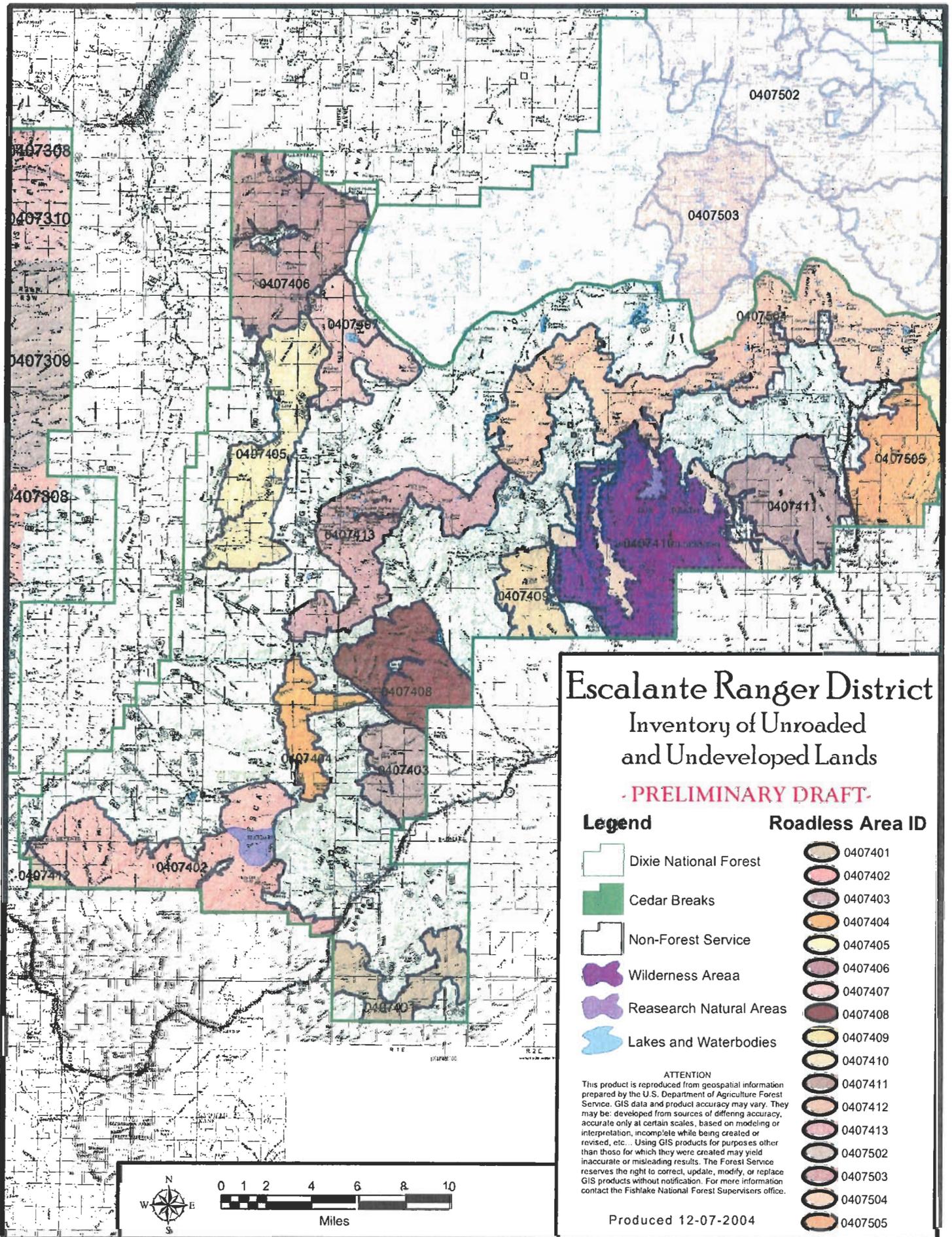
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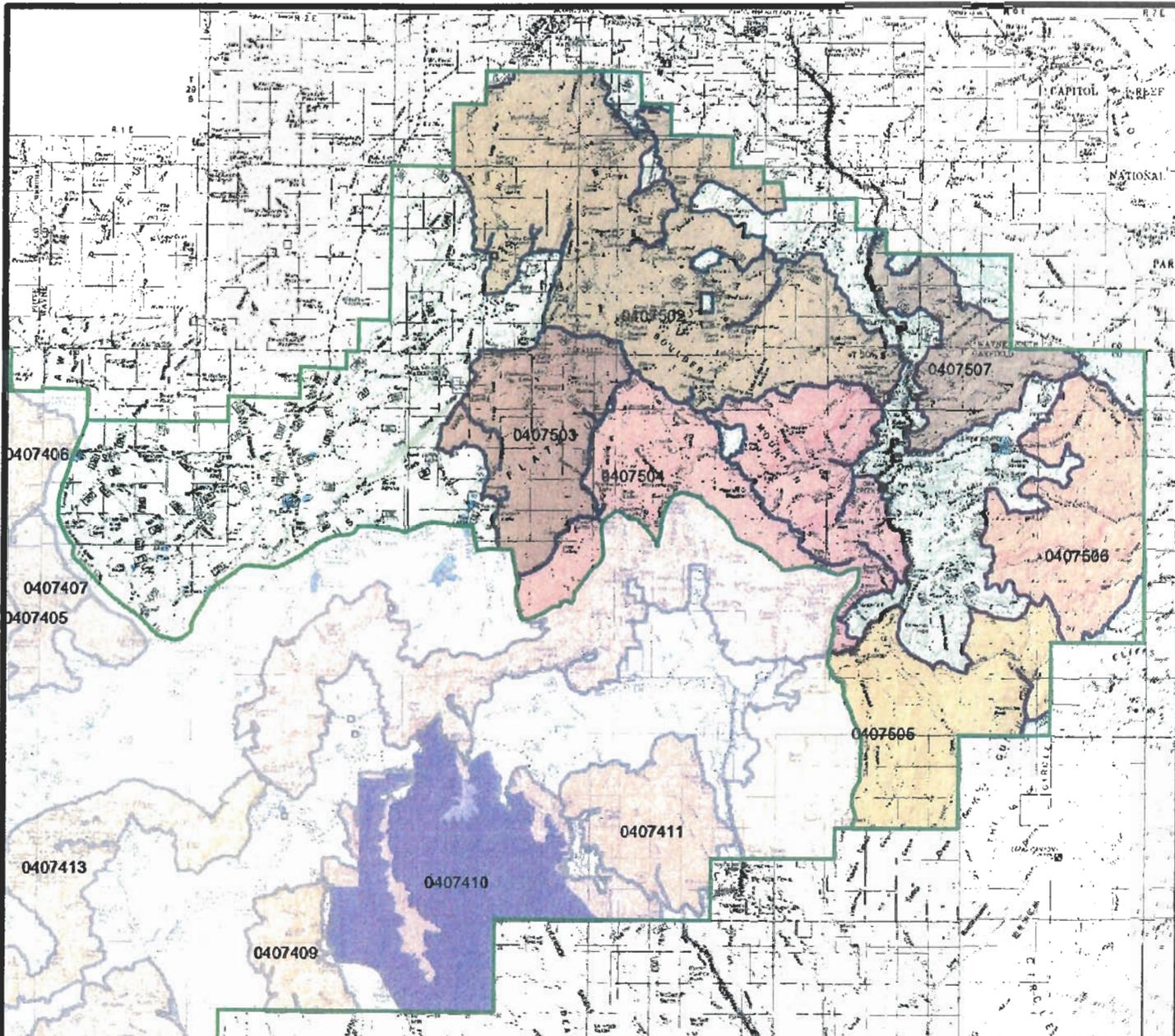
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-  0407310



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Produced 11-01-2004





Teasdale Ranger District

Inventory of Unroaded and Undeveloped Lands

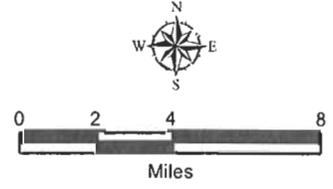
- PRELIMINARY DRAFT -

Legend

-  Dixie National Forest
-  Cedar Breaks
-  Non-Forest Service
-  Wilderness Area
-  Research Natural Areas
-  Lakes and Waterbodies

Roadless Area ID

- | | |
|---|--|
|  0407401 |  0407410 |
|  0407402 |  0407411 |
|  0407403 |  0407412 |
|  0407404 |  0407413 |
|  0407405 |  0407502 |
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|  0407408 |  0407505 |
|  0407409 |  0407506 |
| |  0407507 |



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Produced 12-07-2004



#12
 Gretchen *gm*
 Sue _____

03-Scoping/Comments/Analysis / Public Comment
 Public Comment 19.

Rob MacWhorter
 Forest Supervisor
 Dixie National Forest
 1789 Wedgewood Ln.
 Cedar City, UT 84720

January 18, 2007

RE: Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

Dear Mr. MacWhorter,

Thank you for your letter of December 19, 2006, inviting comments on the Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest.

The BlueRibbon Coalition (BRC) is a nationwide organization representing 600,000 motorized recreationists, equestrians, mountain bike enthusiasts and resource users. We work with land managers to provide recreation opportunities, conserve resources, and promote cooperation with other public land users.

Many of our members and supporters live in and/or recreate in Utah and use motorized vehicles, including off highway vehicles, to access Forest Service and Bureau of Land Management managed lands throughout the Beehive State. In addition to access travel itself, BRC members visit public lands for motorized recreation, sightseeing, photography, rockhounding, hunting, fishing, wildlife and nature study, camping and other similar pursuits.

I was glad to receive your request for comment. Many units of the Bureau of Land Management (BLM) and the U.S. Forest Service (FS) have made similar requests. In response, BRC has been talking to our members about how the increased oil and gas development in Wyoming, Utah and Colorado affects their recreational activities. The following is a brief compilation of what we have learned.

BRC members support a comprehensive analysis of the socio-economic benefits of natural gas and oil development on public lands and National Forests. Where feasible, there is strong support for the reasonable and responsible development oil and gas resources.

Most BRC members understand that royalty revenues from oil and gas development underwrite conservation of wildlife habitat, national parks, refuges and recreation areas.

I believe, at one time anyway, the oil, natural gas and mineral programs funded virtually all of the conservation and preservation work of the Department of Interior!

A significant percentage of our members live in rural areas. The jobs associated with oil and gas development are highly valued. Indeed, many of our members make their living either directly involved in the oil and gas business, or in related "service" businesses.

BRC members generally think oil and gas development has important social and economic benefits at the national and state level as well. Most BRC members think it is important to reduce our dependence on imported sources of oil.

BRC members want the agency to go beyond the traditional analysis of the impacts of oil and gas on recreation. BRC members want the agency to look for ways to enhance recreation opportunities whenever considering oil and gas development. For example, public land visitors may be negatively impacted by increase truck traffic on roads. The agency should consider this an opportunity to mitigate those impacts by developing motorized and non-motorized trail-based recreation in or adjacent to the oil and gas areas.

There is a high degree of confidence among BRC members in the agencies' (BLM and FS) ability to regulate this activity so that it is both economically feasible and environmentally sound. BRC members feel confident that the agency will include stipulations that provide sufficient protection for natural resources.

Oil and gas development is compatible with semi-primitive recreational values and opportunities. Many BRC members said they recreate where oil and gas operations have little or no impacts on other resource values such as recreation. There was quite a bit of comment on this point. For OHV users, seeing some oil and gas development during a day of OHV recreation does not significantly diminish the experience.

Many BRC members support the mandated multiple-use mission of the FS and BLM and oppose the single-use land management objectives promoted by many wilderness activist groups.

I hope this information is useful. Please contact BRC if you have any questions or require clarification regarding these comments. Please keep us informed as the EIS moves along. Electronic copies are preferred.

Thanks again for requesting our comment,



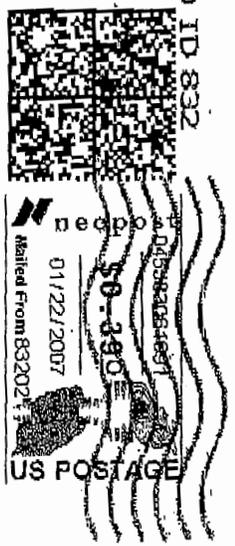
Brian Hawthorne
Public Lands Director
BlueRibbon Coalition
208-237-1008 ext 102



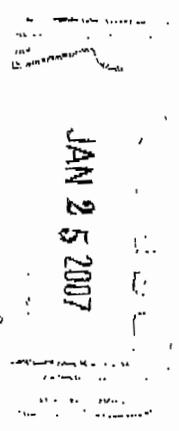
"Preserving our natural Resources FOR the public instead of FROM the public"
P.O. Box 5449, Pocatello, ID - 83202-0003 • 1-800-258-3742
Address Service Requested

POCATELLO ID 832

23 JAN 2007



Rob MacWhorter
Forest Supervisor
Dixie National Forest
1789 Wedgewood Ln.
Cedar City, UT 84720



8472047783

02/02/2007 16:28 FAX 4358653791

DIXIE NAT'L FOREST

004/008

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2468

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8EPR-N

Susan Baughman
Oil and Gas Leasing Project Officer
Dixie National Forest
1789 North Wedgewood Lane
Cedar City, Utah 84720

RE: Scoping Comments on the Oil and Gas Leasing
Environmental Impact Statement (EIS) Administered by the
Dixie National Forest, Utah

Dear Ms. Baughman:

The Region 8 Office of the Environmental Protection Agency (EPA) has reviewed the U.S. Forest Service (USFS) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to document, analyze, and disclose the environmental and human effects of oil and gas leasing on lands administered by the USFS in Utah. Pursuant to EPA authorities under Section 309 of the Clean Air Act, and the National Environmental Policy Act, EPA offers the following comments for your consideration.

As stated in the NOI, the EIS analysis area encompass the entire Dixie National Forest (DNF) (approximately 1.7 million acres), with the exception of the area designated as wilderness (approximately 82,840 acres). The purpose of the EIS is to "complete a forest-wide leasing analysis, to comply with the Federal Onshore Oil and Gas Leasing Reform Act of 1987." The EIS is intended to conduct an analysis and decide which lands to make available for oil and gas leasing on the DNF. As part of this analysis, the USFS will identify areas that would be made available for leasing subject to the terms and conditions of the standard oil and gas leases form, or subject to constraints that would require the use of lease stipulations such as those prohibiting surface occupancy.

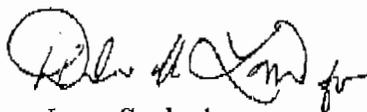
Enclosed are our detailed "Scoping Comments," which include EPA's recommendations for the analysis and protection of resources. Our detailed comments cover a range of issues that frequently arise in oil and gas leasing and development projects, and specific resource management concerns in southwestern Utah. For the DNF Oil and Gas EIS project, EPA is particularly interested in analysis and disclosure of the cumulative impacts from all reasonably



foreseeable development, air quality impacts including long-range protection of visibility, water quality impacts, habitat impact analysis particularly from invasive non-native species and habitat fragmentation, mitigation for resources which may be improved through curtailing selected leasing restrictions, and the development and funding of an effective monitoring program.

Thank you for the opportunity to provide scoping comments on the DNF's Oil and Gas Leasing EIS project. Please contact Dick Clark of my staff at (303) 312-6748, or me at (303) 312-6004, if you have any questions regarding our comments.

Sincerely,



Larry Svoboda
Director, NEPA Program
Ecosystems Protection and Remediation

Wildlife Habitats

The proposed project has the potential to fragment and destroy critical habitats for northern goshawk, common flicker, mule deer, Rocky Mountain elk, Bonneville cutthroat trout and other wildlife. Please consider lease and development stipulations that protect critically important wildlife and their habitats. We suggest consultation with Utah Division of Wildlife and the U.S. Fish and Wildlife Service early in the process to protect critical habitats for affected wildlife. Monitoring data from existing oil and gas development should be discussed and evaluated before developing habitat protection strategies and mitigation measures for leasing. DNF has already implemented an excellent monitoring program that would be very helpful in evaluating oil and gas leasing decisions within the DNF, "Dixie National Forest 2004 Monitoring Report, Wildlife and Fish." This report provides mitigation measures, standards and thresholds that can be used in leasing decisions.

The EIS should establish zones of habitat protection for areas of high wildlife value and develop habitat improvement needs in other areas. Wildlife may avoid the area or move out of it as development occurs. EPA recommends these areas be monitored when leasing occurs on the DNF. This monitoring would link with the ongoing monitoring being done by the DNF and continue through all phases of oil and gas production.

Invasive Plant and Animal Species

Invasive plant, insect and animal species have become one of the major degrading economic and environmental impacts to federal lands in the United States. The EIS should address this issue as it reviews the potential to lease public land for oil and gas exploration and drilling. EPA's web page www.epa.gov/owow/invasive_species/pathways.html highlights some of the pathways in which invasive species can be introduced. It has been our experience that the best control for invasive species is to develop a strong education/prevention program along with a monitoring program. The leasing of public land for oil and gas development will open up yet another way invasive species can be introduced to the DNF. The EIS should describe the potential pathways of invasive species to the DNF and impacts associated with the introduction of invasive species. Finally the document should describe how the DNS will address this potential impact.

Water Quality Impacts

The EPA would like to see a detailed description of surface and ground water resources so the document can present a clear understanding of the potential effects of oil and gas exploration and development. The EIS should describe water bodies within the proposed lease area which may be impacted by leasing activities. In addition, the EIS should show the extent to which aquatic resources could be impaired by project activities including effects on water quality, aquatic biota, stream structure and channel stability, stream substrate including seasonal and spawning habitat, organic material supply, stream bank vegetation and riparian habitats. The analysis should disclose whether the project will cause any reduction in habitat capability or impaired designated uses. Particular attention should be directed at evaluating and disclosing

the cumulative effects of increased levels of erosion and sedimentation. This analysis should include the effects of other current and future permitted uses of the DNF (grazing, off road vehicle use, logging).

The EIS should include potential impacts to water quality from leasing. This includes discharges to waters that were on or recently removed from the State water quality impaired 303(d) list or in waters included in the State of Utah's Priority Watersheds for Nonpoint Source Pollution Control program. EPA recommends particular emphasis on the potential for accidental spills and discharges that may be unsuitable for wildlife.

The EIS should assess how the project will conform to the State of Utah's numeric and narrative water quality standards, Utah's anti-degradation regulations, and the requirements to implement best management practices for non-point sources of pollution. The effect the project could have on these stream conditions needs to be assessed in the upcoming EIS process. Given the narrow canyons and the risk of flash floods affecting pipelines or well sites, an alternative that provides NSO lease stipulations within canyons should be presented. This again will require extensive consideration of the ability of the company to use directional drilling to reach the same natural gas or oil resources.

The EIS needs to evaluate storm water management. To protect water quality from storm water runoff, including contaminated runoff from exploration and construction activities, specific practices and conditions should be implemented. These practices include the following:

- Preserve existing vegetation during clearing and grading;
- Divert upland runoff around exposed soils;
- Use sediment barriers to trap soil in runoff where sheet flows occur;
- Protect slopes and channels from gulying;
- Install sediment traps and settling basins to reduce the velocity of channeled runoff;
- Store chemicals for exploration activities in covered containers in a specific location;
- Identify areas and procedures for fueling, and provide a protected truck washout;
- Preserve vegetation near all waterways;
- Ensure materials and education for cleaning up spills and leaks;
- Inspect the effectiveness of best management practices.

A discussion of project area geology, topography, soils and stream stability in terms of orosion and mass failure potential may be necessary to adequately portray the risk to water quality, aquatic habitat and other resources from the implementation of specific alternatives. Section 313 of the Clean Water Act requires that federal agencies comply with State and Local pollution requirements. Therefore, the appropriate Best Management Practices (BMPs) to reduce potential non-point source pollution from future leasing activities should be incorporated into the alternatives under consideration.

Soils

The soils in the leasing area should be described and related to landform stability and watershed sensitivity. The EIS should:

- Describe geologic material, areas of unstable terrain (e.g. mass failure problems), and local erosion hazards.
- Provide a map in the EIS showing areas of potential high soil erosion.

The EIS should outline any special design considerations that could be implemented by the leasing companies in the site design and road construction activities that would avoid impacts associated with unstable soils.

Road Construction and Mitigation:

Roads will likely be constructed or improved with oil and gas exploration and development activities following leasing. Therefore, mitigation measures for water quality should include provisions for road inspection and required maintenance. EPA's general recommendation regarding roads are to:

- Minimize road construction and reduce road density as much as possible. This would reduce potential adverse impacts to watersheds, current DNF permit users (grazing allotments) and recreational disruption and degradation (hunting, hiking).
- Relocate existing roads and new roads away from streams and riparian areas as much as possible.
- Locate roads away from steep slopes and/or erosion soils.
- Minimize stream crossings.
- Fully stabilize cut and fill slopes.
- Provide for adequate road drainage and control road surface drainage by providing drainage swells and other methods (e.g. water bars) to minimize erosion and segmentation.
- Restrict road usage during spring breakup conditions. Develop a comprehensive monitoring plan to address corrective actions and long-term road maintenance.
- Avoid constructing new roads in wetlands and if possible remove roads that are currently impacting wetland functions.

The EIS should note the intended source for any imported gravel that will be used for road stabilization and construction (refer to invasive species section of these comments). Any environmental impacts from mining of gravel should be described in the EIS.

Air Quality Impacts

The proposed oil and gas leasing will result in emitting atmospheric pollutants including fine particulates, NOx and volatile organic compounds. The EIS should incorporate an

assessment of current air quality conditions. It should use suitable data sets from ambient air monitoring programs with a description of the quality and completeness of the data in terms of location and the period when it was collected.

The assessment should cover the full development, including wells, compressors, and other surface facilities. It should address all categories of emissions that will occur during the construction and operating phases of the project. It should include the cumulative impact of energy-related activities and other reasonably foreseeable energy development and other activities that may affect air quality in the area.

Based upon the results of the assessment, the EIS should disclose the reasonably foreseeable impacts of air pollutants. It should disclose impacts to applicable National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) increments, and impacts to visibility.

The assessment should include dispersion modeling. The dispersion modeling should be based on an estimate of the emissions that are most likely to occur from construction (including drilling and production). The modeling should take into account the anticipated capacities and approximate locations of equipment such as compressor engines, treatment facilities and storage vessels. The modeling should take into account potential for wintertime air inversions. The results of the dispersion modeling should be compared to the NAAQS to determine if any exceedances might occur. Also, the modeling should compare estimated impacts to the PSD Class I and Class II increments, levels of concern for deposition, and visibility thresholds.

Impacts to visibility and the potential for regional haze from the range of alternatives should be estimated. Mitigation measures for visual impacts need to be identified, such as best available diesel engine technology and fugitive dust control measures for roadways.

Specific pollutants of concern include NO_x, SO_x and fine particulate contributions to regional haze. The potential for a near-field National Ambient Air Quality Standards (NAAQS) exceedance from PM-10 also is a concern because of road dust emissions.

Technologies may need to be considered which can reduce venting and flaring. Such technologies include flareless flowback and flash tank separators. Other technologies to consider include vapor recovery units on dehydrators and instrument air pumps instead of gas-driven pumps.

Affect on visual character and scenic resources.

Visual impacts associated with natural gas construction and production activities may affect the visual character and scenic resources of an area, including the aesthetic quality of recreational experiences. This may include the introduction of impacts out of character with the setting and the visual impact of equipment and crews during construction, drilling and operational activities. The severity of these effects depends on a number of factors, including: Can the surrounding landscape integrate visual changes without attracting attention; how far

from, or visible to, sensitive viewing areas and/or roadways are the activities; how much disturbance will occur; what mitigation efforts are put forth to integrate activities and structures with the area; and/or what is the potential to reclaim disturbed landscapes? The EIS should evaluate these aspects, and detail mitigation steps that will be taken to minimize associated impacts. Interim and final reclamation work should allow disturbed sites to blend into the natural surroundings, to the extent possible. Finally, the EIS should address the issue of light pollution. Poorly designed lighting can waste energy and impact the view of the night sky. These problems can be addressed with efficient lighting systems designed to illuminate the ground or work area for safety and utility without causing glare or upward shine, or wasting energy. EPA suggests that the EIS address these issues and detail mitigation requirements, consistent with OSHA or other applicable safety requirements, for implementation by the proponent.

Potential Project Effects on Local Communities, and Reasonably Foreseeable Development Considerations.

The EIS for this project should consider environmental related socio economic impacts to the local communities such as housing for project workers, schools, burdening existing waste and wastewater handling facilities, increased road traffic with associated dust and hazardous materials spill potential, and easier human access to wildlife habitat (with associated increased disturbances). Methods to avoid or minimize such impacts should be discussed. We realize that assessing the reasonably foreseeable development that may follow oil and gas leasing may be difficult without having specific plans or requests for oil & gas development operations in the DNF. However, related development activities have been increasing in recent years in other areas, some not far from the DNF. It seems reasonable to address what development could look like based on similar ongoing projects in Utah and other states. Such evaluation could look at several increasing levels of potential development; the types of environmental impacts that may be associated with such development, the loading that could be placed on local communities abilities to provide necessary public services and amenities, and methods that could potentially avoid or minimize such impacts.

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in 1994, applies to federal agencies that conduct activities that substantially affect human health or the environment. In accordance with this order, the EIS should disclose and evaluate any environmental justice aspects associated with impacts on rural low-income communities by either the proposed project, or the potential build-out for reasonably foreseeable development analysis. If there are no applicable environmental justice considerations, then that should be disclosed.

Cumulative Impacts and Connected Actions

The EIS should examine the cumulative impact of development. The use of a geologic setting rather than the political and administrative boundaries should determine the area used to assess reasonable and foreseeable oil and gas development. (See "Policy for Reasonably Foreseeable Development (RFD) Scenario for Oil and Gas", BLM Instruction Memorandum, No. 2004-089.)

In looking at cumulative impacts on the DNF, competing uses of the forest should be included in the cumulative impact study. Currently DNF is evaluating the environmental effect of grazing and off-highway vehicle use. These studies and potential impacts will need to be included in the cumulative impact analysis along with other uses on the forest (e.g. logging, hunting, camping, hiking etc.)

03- Scoping + Comments Analysis
Comment (17)



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Office of the Governor
PUBLIC LANDS POLICY COORDINATION

LYNN H. STEVENS
Public Lands Policy Coordinator

RESOURCE DEVELOPMENT COORDINATING COMMITTEE
Public Lands Section

January 26, 2007

Susan Baughman
Oil and Gas Leasing Project Manager
Dixie National Forest
1789 North Wedgewood Lane
Cedar City, Utah 84720

SUBJECT: Oil and Gas Leasing EIS
Project No. 06-7431

Dear Mr. Baker:

The Resource Development Coordinating Committee (RDCC) has reviewed this proposal. The Utah Geological Survey (UGS) comments:

UGS supports the expedited preparation of an oil and gas leasing EIS for the lands administered by the Dixie National Forest. The UGS has helped the Dixie National Forest in the past to prepare an assessment of the oil and gas resource potential on their forest lands and has identified five potential oil and gas plays covering extensive areas of the forest. Two of the plays have been productive and have high potential for future oil and gas exploration and development, and the other three plays could see limited exploration and development interest in the next 15 years as well, including coal-bed gas potential, defined since 1987. In addition to oil and gas deposits, proven carbon dioxide resources have been identified within the Dixie National Forest. The UGS offers its geologic expertise to help open these forest lands to responsible multiple use, including renewed oil and gas leasing and development.

The Committee appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee, Public Lands Section, at the above address or call the Director, Jonathan G. Jemming, at (801) 537-9023, or Carolyn Wright at (801) 537-9230.

Sincerely,

John Harja
Assistant Director
for Policy and Planning

Comment (16)

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Please check box if you do not want your name released when comments are made public.

Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.

Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

Southern Utah and their Mountain Ranges are part of the scenic beauty of the area. To lease any land would cause its beauty to dwindle. Just look at how the tree beetles are destroying the scenic view around Duck Creek. I'm pretty sure we could find other means of transportation. In the President State of the Union last night he talked about using reusable resources so he should live up to his messages.

Return comments during the open house or via mail.

To Return Via Mail:

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.

To be most useful comments should be received by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name ALMA L. ADAMS County IRON County Commissioner
 Title Commissioner Organization Iron County
Owner/Sec. Treas. Roy Adams Farms Inc Lost-Permitte
 Mailing Address P.O. Box 292
 City Parowan State UT Zip 84761
 Date 1-9-07 Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

I feel strongly that The Dixie National Forest should
enter into oil and gas leasing. We have privately done this
for many years. There has been no impact. The additional
revenue could be used for forest improvement projects such as
thinning, controlled burns, & other forest renewal projects.

Return comments during the open house or via mail.

To Return Via Mail:

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.
To be most useful comments should be received by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

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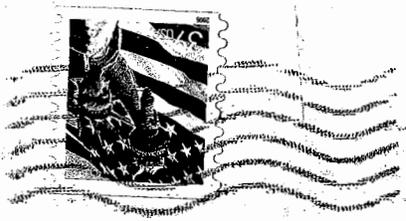
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JAN 12 2007
DIXIE NF

Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS

Parowan, Ut. 84761

Box 292

ALMA ADAMS
From:

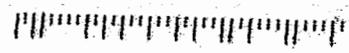


PRCVO LUT 846
10 JAN 2007 PM 1 T

Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.
Prefer comments by: **January 29, 2007**



Comment continued:



The Nature Conservancy
Moab Project Office
P.O. Box 1329
Moab, UT 84532

tel [435] 259-4629
fax [435] 259-2677

nature.org

January 29, 2007

Susan Baughman
Oil and Gas Leasing Project Manager
Dixie National Forest
1789 North Wedgewood Lane
Cedar City, UT 84720

Dear Susan:

The Nature Conservancy appreciates the opportunity to provide comments during this scoping period for preparation of an Environmental Impact Statement and development of a leasing decision for oil and gas on the Dixie National Forest. The Conservancy works to conserve native plants, animals and natural communities that represent the diversity of life on earth. Over the past quarter century we have worked jointly with the Dixie National Forest on several initiatives toward this end, such as identifying and helping to establish five Research Natural Areas, and inventory and monitoring of several rare plant species. We are currently engaged with the Dixie, Fishlake, Manti-La Sal and Ashley National Forests in a cooperative agreement to develop scientific information in support of Ecological Sustainability considerations in these Forest's revised Plans.

The Forest's 19 December 2006 letter that announced the initiation of this analysis requested comments on the nature and scope of issues to be evaluated. Accordingly, the issue of primary importance to The Nature Conservancy is that of Ecological Sustainability, as the concept is described in the Forest Service Handbook directives for the new Forest Planning rule. Though the revised Dixie National Forest Plan is still pending, we recommend that the Oil and Gas Leasing decision resulting from this project be consistent with the components of these Ecological Sustainability provisions:

- Species Diversity: The Oil and Gas Leasing decision should be designed so that viable populations of listed Threatened and Endangered Species and Species of Concern are maintained. Put another way, the details of the decision regarding areas: (1) available for leasing under standard terms, (2) available for leasing under special stipulations, including NSO, or (3) not available for leasing, should be designed so as to avoid as much as possible the potential for adverse impacts to special-status species and their habitats on the Dixie National Forest.

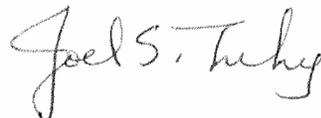
Susan Baughman
January 29, 2007
Page 2

- Ecosystem Diversity: The Oil and Gas Leasing decision should be designed to be as compatible as possible with management actions that may be needed to restore the desired mix of successional/structural stages of major vegetation types on the Forest, and the ecological processes that sustain them there.

A more specific issue related to those above is for eventual oil and gas leasing decisions to avoid any surface-disturbing impacts to the five established Research Natural Areas on the Forest: Browse, Red Canyon, Table Cliff, Timbered Cinder Cone, and Upper Sand Creek.

This concludes our scoping comments in the process to create a leasing decision for oil and gas on the Dixie National Forest. Thank you for considering them as you design a more-detailed proposed action and develop the associated Environmental Impact Statement.

Sincerely yours,

A handwritten signature in black ink that reads "Joel S. Tuhy". The signature is written in a cursive style with a large, prominent "J" and "T".

Joel S. Tuhy
Director of Conservation Science (Acting)

cc: Chris Montague, TNC Director of Conservation Programs
Amanda Smith, TNC Director of Government Relations



January 28, 2007

By fax and by e-mail

Susan Baughman
Oil and Gas Leasing Project Manager
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720.

Re: Scoping Comments – Oil and Gas Leasing Environmental Impact Statement for the Dixie National Forest.

Dear Ms. Baughman:

Trout Unlimited (TU) is a non-profit conservation organization that has more than 155,000 members dedicated to conserving, protecting and restoring North America's trout and salmon fisheries and their watersheds. Since 1959, TU has dedicated staff and volunteers toward the protection of sensitive ecological systems necessary to support robust native and wild trout and salmon populations in their respective range. TU recognizes that the value of public lands is unparalleled in providing habitat to coldwater fisheries, drinking water, wildlife habitat and public recreation opportunities.

TU has a strong base in Utah with over 2,000 members. Through passion, commitment and agency cooperation, these volunteers have been active for years in coldwater fisheries issues throughout Utah and many members enjoy fishing, hunting, hiking, wildlife watching, and other pastimes on the recreation-rich Dixie National Forest.

Trout Unlimited is not against oil and gas leasing and/or development as a use of our public lands. Rather, we are for responsible development that does not prescribe oil and gas the dominant land use and includes setting aside special areas, proper stipulations, effective mitigations, and enforcement of environmental safeguards so as to ensure the protection of fish, wildlife, and their habitats. That being said, we are concerned that oil and gas leasing, and the exploration and development that naturally follows leasing, creates an irretrievable commitment of public resources that can have deleterious impacts on coldwater fisheries and wildlife habitat. We are specifically concerned about potential impacts from energy development that could harm coldwater aquatic habitats and watershed conditions necessary to support the long-term sustainability of native aquatic species including Bonneville and Colorado River cutthroat trout. In addition, as

sportsmen and conservationists, we are concerned about the impacts of oil and gas activities to hunting and game species found on the Fishlake National Forest.

Trout Unlimited offers the following comments to be considered in the drafting of the forest-wide Oil and Gas Environmental Impact Statement. We request that our comments be fully considered and incorporated into the draft alternatives.

1.) Protect native trout

Native trout are of particular interest and importance to our members, many of whom would prefer to catch a wild native trout over a much larger hatchery raised fish or even a wild trout not native to Utah (such as a Rainbow, Brook, or Brown trout). Indeed, many of our members, and fly fishermen around the West, will travel great distances, spend a lot of money, and hike several miles simply to have the chance to catch a wild, native trout. Indigenous to the Dixie National Forest are Bonneville and Colorado River cutthroat trout.

These native trout both have conservation agreements “Conservation Agreement and Strategy for Colorado River Cutthroat Trout *Oncorhynchus clarki pleuriticus* in the States of Colorado, Utah, and Wyoming, April 2001 and “Range-wide Conservation Agreement and Strategy for Bonneville Cutthroat Trout *Oncorhynchus clarki utah*, December, 2000” to guide their conservation and restoration. These conservation agreements need to be incorporated into the development of Draft Alternatives. The Forest Service should make it a priority to protect these trout and their watersheds by prohibiting all oil and gas activities – *including leasing* – unless there is a complete understanding of impacts and effective stipulations are in place to ensure the continued conservation and restoration of these fisheries.

Should leasing occur, the Forest Service should do everything possible to keep surface occupancy and disturbances out of these areas by requiring a No Surface Occupancy (NSO) stipulation that also precludes surface disturbances such as roads in riparian areas, wetlands, and 100 year flood plains. Due to the deleterious impacts of sedimentation on natural trout recruitment, adequate buffers that prohibit surface occupancy or disturbance within at least 500 feet should be maintained for all stream riparian areas. Sediment input levels must not be increased above baseline conditions, especially if sensitive fish populations are involved. This is consistent with findings in the Dixie and Fishlake National Forests June 2006, “Comprehensive Evaluation Report Summary” that, at chapter 2.2.3.2. Fisheries, lists road systems in riparian areas as one of the main threats to achieving desired conditions for these Bonneville and Colorado River Cutthroat trout.

2.) Protect recreational fisheries, wildlife, and hunting and fishing opportunities

In addition to protecting native trout, any oil and gas leasing decision should protect those lakes, streams, and important wildlife habitats that offer high quality hunting and fishing opportunities. In debates over oil and gas development, much is often said about the economic benefits to local communities from oil and gas developments. Little is said,

however, about the economic benefits of activities such as recreational fishing, which in 2001 alone poured over \$400 million into state and federal coffers as well as the pockets of many small business owners who sold fishing equipment (including cars and trucks), licenses, gas and groceries, etc. to anglers.¹ With renowned hunting areas and fisheries making the forest a destination for sportsmen throughout the state, the importance of fish and wildlife and their habitats needs to be at the forefront of any leasing decision.

Hunting and fishing provide important social and economic benefits to local communities. Allowing oil and gas activities to harm these uses (and, in the process, drive away those who value the forest for these uses) would ultimately change not only the quality of experience on the forest, but the quality of life in the surrounding communities. The Forest Service should fully weigh the socio-economics of energy development in the forest against any diminished social and economic benefits resulting from a loss of hunting and fishing opportunities or reduced hunter/angler satisfaction resulting from oil and gas activities on the forest.

3.) Protect high value fisheries

The State of Utah employs a system for evaluating the fisheries potential of any stream. Within that system, any stream given Class 1, 2, or 3 status has fishery values high enough to warrant protection. Most, if not all, of the streams on the Dixie National Forest fall into one of these three categories, and therefore meet the criteria that Utah has set up to identify high value streams that can and should be protected. Any oil and gas leasing decision for the Dixie National Forest should address and reflect that classification system, affording the highest level of protection to those streams with the highest fisheries potential.

In this regard, several streams warrant mention; some of these offer the potential for native trout protection and/or restoration, but all of them either are or have the potential to become destination fisheries:²

Antimony Creek
Blue Spring Creek
Bunker Creek
Butler Creek
Castle Creek
Center Creek
Deer Creek
Duck Creek

¹ See U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau, 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation at 5.

² By “destination fishery,” we mean a fishery that, because of its aesthetic values or fishery values or both, will prompt someone to spend significant time, money, and energy to visit. (Please note in this regard that many of our members value solitude and quiet in a pristine natural setting as much as they value an opportunity to catch fish.)

East Fork Boulder Creek
East Fork Sevier River
Fish Creek
Leeds Creek
Mammoth Creek
North Creek
Panguitch Creek
Pine Creek
Pine Creek
Pleasant Creek
Podunk Creek
Santa Clara River
South Ash Creek
Threemile Creek
West Fork Boulder Creek

4.) Protect important wildlife habitat

The Utah Division of Wildlife Resources (UDWR) classifies big game habitat as “Critical” and “High Value.” These habitats for deer and elk need to be protected from habitat fragmentation and loss as a result of oil and gas activities. Protection from development should also be extended to important big game fawning and calving areas and important summer range. For those areas where development is suitable, development plans should include adaptive mitigation parameters established during the oil and gas development and the production periods. For the development of stipulations that offer protection to important big game habitats, the best and most recent research should be used. For instance, a study by WEST, Inc. (Hall Sawyer, “Sublette Mule Deer Study, Wyoming (Phase II):2005 Annual Report”, available at http://www.west-inc.com/big_game_reports.php) looked at the impacts of oil and gas activities on mule deer and found that the Mesa mule deer population in Wyoming decreased by 46 percent from 2002 to 2005. Those animals that remained avoided areas of development. This kind of impact is unacceptable and NSO stipulations should be enforced for the Fishlake National Forest on all high value and critical wildlife habitat to avoid such a population decline and the resulting losses in hunting opportunities.

In addition, sage grouse conservation efforts on the Dixie National Forest should not be compromised by oil and gas activities. The best available research on the impacts of oil and gas activities to sage grouse needs to be incorporated into any leasing decision. Research analysis should include the BLM and energy industry funded study “Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. PhD Dissertation. University of Wyoming. Laramie, Wyoming. 211pp Holloran, M. J. 2005)” and the management guidelines detailed in “Connelly, J.W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28 (4): 967-985.” Lands critical to sage grouse survival need to be removed from leasing and

effective stipulations that prevent loss of habitat and sage grouse populations on lands that are made available for leasing should be fully developed and analyzed.

5.) Preserve existing backcountry unroaded and undeveloped areas

Roadless areas provide a vital refuge for fish and wildlife, including native trout, deer and elk. For example, over 60 percent of remaining strong populations of Westslope, Greenback, and Colorado River cutthroat trout are found in roadless areas and crucial areas of security for deer and elk are found only within unroaded, undeveloped lands. Moreover, these areas provide valuable backcountry hunting and fishing opportunities for sportsmen on the Dixie National Forest.

The protection of these important lands is a crucial part of any leasing decision and needs to be thoroughly evaluated. A good place to start identifying and drafting lease stipulations for these backcountry Inventoried Roadless Areas in need of protection from oil and gas activities is in chapter 2.1.6 the Dixie and Fishlake National Forest's "Comprehensive Evaluation Report Summary: Highlight of Key Conditions and Trends" dated June, 2006. This document, produced for the joint Dixie/Fishlake Forest Plan Revision, outlines the latest data on undeveloped lands on the forest; currently 50 areas comprising 1,059,000 acres as determined in the "Roadless Area Conservation Final Environmental Impact Statement (USDA 2000)" and "Dixie and Fishlake Preliminary Draft Inventory of Unroaded and Undeveloped Lands (Maps) (USDA 2004a)".

It is important to note that of the 1,059,000 acres of undeveloped land on the Dixie National Forest, 776,000 acres comprise 42 Inventoried Roadless Areas (IRA), upon which road building is precluded by the 2001 Roadless Area Conservation Rule RACR, recently reinstated by U.S. District Court for Northern California and effective on all National Forests. At a minimum, these IRA's need No Surface Occupancy (NSO) stipulations that preclude all surface disturbance. By including NSO stipulations, all future leasing will be consistent with the 2001 RACR, but will still allow the Forest the management flexibility (NSO stipulations can be waived so long as the lessee and the lessor both agree to the waiver) to adjust to changes in what has been, and will likely continue to be, an evolving management direction. Moreover, NSO stipulations in these backcountry Inventoried Roadless Areas will protect fish, wildlife, and sportsmen values from the irreversible impacts that oil and gas development would have on these lands.

One other aspect identified in the recent forest planning process that needs to be evaluated in this oil and gas leasing EIS are those areas identified as "Special Areas", including "Backcountry Recreation Areas." Of these areas, the proposed plan states that

"Backcountry Recreation Areas are large, mostly undeveloped landscapes that are valued for their rugged and remote recreation opportunities. The areas principally feature recreation opportunities in a semi-primitive setting. These are special places identified to highlight unique opportunities, characteristics, historic features, vistas, destination attractions, or areas that have otherwise

developed a sense of place. The management intent is to maintain the existing characteristics and features that make the area special.”

Given this management direction, “Backcountry Recreation Areas” are unsuitable for mineral activities, as are Recommended Wilderness, Eligible Wild and Scenic Rivers, and Semi-Primitive Non-Motorized zones. Therefore, we recommend that these areas be made unavailable to leasing so as to protect the qualities that make them special from the irreversible impacts of oil and gas activities.

6.) Keep development out of geological hazards and unstable soils

No Surface Occupancy stipulations should be applied to geologic hazards and unstable soils and slopes over 35%. These stipulations should apply to the construction of well sites, central tank batteries, and to roads. Poor land management practices quite literally flow downhill and the harmful impacts of roads to coldwater fisheries are well documented (particularly by the Forest Service), causing decreased slope stability, increased sedimentation and increased surface runoff.

7.) Impacts to groundwater need to be given a hard look

Impacts to the freshwater aquifer and hydrology should be analyzed and understood. There are currently no assurances that the transport of contaminants through a base flow from the aquifer to the surface water (should a well blow out or become over pressured) will not occur. This can only be done through sufficient and adequate hydraulic and hydrological analysis. Moreover, the effects to springs on the Fishlake National Forest due to drilling, ground water pumping, and activities associated with oil and gas development needs to be studied.

8.) Preserve landscape integrity

Natural, intact landscapes remain a significant reason the Dixie National Forest is so popular with hunters, anglers and recreationists. Every effort should be made to include stipulations that retain the visual integrity of the Dixie and continue to provide a high-quality experience no matter the level of gas and oil development. To achieve this end, view sheds and visual quality objectives need to be analyzed and proper stipulations applied.

9.) Air quality is an important issue

Air quality issues should be thoroughly evaluated in order to protect views, clean air and to ensure that emissions from oil and gas activities on the Dixie National Forest will not have negative impacts. Such impacts, if not monitored and mitigated with the best available technology applications, could be felt downwind throughout a region renowned for its views. The potential for acidification of mountain lakes due to oil and gas development pollution emissions on the Dixie National Forest is a very real scenario and should be included in the EIS analysis; particularly the cumulative air quality impacts

posed by developments on state, federal, and private lands. The latest and best available technology, such as Tier II or natural gas engines, should be considered as a means for reduction of NOx and particle emissions.

10.) Noxious Weeds

Noxious weed spread is a concern because the surface disturbing activities associated with oil and gas development leave lands ripe for weed colonization and increased traffic provides an obvious seed transport method. This issue and the impacts to fish and wildlife should be thoroughly addressed in the EIS.

11.) Cumulative impacts

The cumulative impacts of oil and gas activities on the Dixie National Forest need to be thoroughly evaluated. Obviously, the Dixie does not exist in a bubble and those activities that occur on the forest are likely to have impacts off forest and vice versa. Moreover, many fish and wildlife populations, particularly deer and elk, are migratory and are likely to spend winters on lower level BLM, state, or private lands, a consideration that highlights the need to address oil and gas development from a landscape perspective and make decisions that look beyond the study area. Due to the recent spark of interest in oil and gas in the region, the cumulative impacts of development not only on the Dixie National Forest, but on BLM, state and private lands needs to be given a hard look.

12.) Regulatory Process

Because of an emerging understanding of the impacts from oil and gas development to fish and wildlife, combined with the difficulty in analyzing impacts from oil and gas leasing (and the right to development that it conveys) without specific lease parcels identified - something that may occur 10 years or more after this Forest-wide leasing EIS – it is prudent that before a decision to lease can be made by the Forest Line Officer on proposals from the BLM to offer lease parcels for sale, a more detailed site-specific analysis, including a public notice and scoping, must be conducted on the particular lease parcel(s) that have been nominated. The results of the scoping period may result in a site-specific analysis through a supplemental EA or EIS and may indicate that the stipulations applied to certain areas as described in the original leasing EIS analysis should be changed. Results may also identify areas where more restrictive stipulations should be applied depending on conditions such steep slopes, unstable soils, and landslides, or to address watershed and water quality issues and ensure the viability of aquatic, terrestrial, and plants.

Thank you for the opportunity to comment and participate in the land management decision making of the Dixie National Forest. Trout Unlimited looks forward to continued collaboration on this and other issues pertaining to coldwater fisheries and hunting and fishing opportunities on the Dixie National Forest.

Respectfully Yours,

Chris Thomas
Council Chair
Utah Council of Trout Unlimited
962 Canyon Rd
Logan Utah 84321
(435) 797-3753
chris.thomas@usu.edu

Corey Fisher
Energy Field Coordinator
Trout Unlimited
401 B East Spruce St.
Missoula, MT 59802
cfisher@tu.org

Nadia Khawam

From: Eric Holt
Sent: Thursday, January 25, 2007 9:16 AM
To: Nadia Khawam
Subject: FW: FORWARDED FROM FS: Oil and Gas leasing EIS

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----

From: USDA Forest Service [mailto:usdafs@fs.fed.us]
Sent: Friday, December 29, 2006 10:35 AM
To: Eric Holt
Subject: FORWARDED FROM FS: Oil and Gas leasing EIS

dixie_oil_gas_eis_comments@fs.fed.us
"Lindley, Laura"
<llindley@bjorkli
ndley.com>
12/29/2006 10:24
To:
cc:
Subject: Oil and Gas leasing EIS

Would you please place our name on the mailing list to receive copies of the draft and final EIS on oil and gas leasing in the DixieNational Forest ? Thank you.

Laura Lindley

Bjork Lindley Little PC

1600 Stout Street, Suite 1400

Denver, CO 80202

303 892-1400

Fax 303 892-1401

Nadia Khawam

From: Eric Holt
Sent: Thursday, January 25, 2007 9:17 AM
To: Nadia Khawam
Subject: FW: FORWARDED FROM FS: comment on fed register dixie national forest invasion to destroy it for oil and gas barons

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----

From: USDA Forest Service [mailto:usdafs@fs.fed.us]
Sent: Friday, December 29, 2006 5:47 PM
To: Eric Holt
Subject: FORWARDED FROM FS: comment on fed register dixie national forest invasion to destroy it for oil and gas barons

jean public
<jeanpublic@yahoo.com>
dixie_oil_gas_eis_comments@fs.fed.us, comments@whitehouse.gov,
.com>
12/29/2006 17:46
national forest invasion to destroy it
To: vicepresident@whitehouse.gov
cc: foe@foe.org
Subject: comment on fed register dixie
for oil and gas barons

attention susan baughman re dixie national forest noi eis oil and gas leasing - usda blm destroyers

the oil and gas industry has taken over our national government in washington and no square inch of taxpayer owned land is safe from these voracious leaches with their destructive techniques that harm this country.

the real need for america is misstated in this document. the need is to develop quickly new sources of energy and stop the oil and gas stranglehold over america and its citizens. that is the real need. one has to wonder where usda got the idea it wrote in this proposal - which is absolutely wrong. oil and gas pollutes.

this land is nationally owned by national taxpayer land. taxpayers in this country have paid to keep this land open and undeveloped for the last 70 years minimum. these profiteers want to come in and destroy it. meanwhile, these oil and gas companies dont pay proper lease rates, they have numerous spills which destroy our environmetn (still havent paid up for exxon which was 30 years ago and the oil is still there)

the statement is made there have been no new oil and gas leases in dixie, maybe its because the oil and gas profiteers have been busy digging up every other single park or open site in this country instead. we need to keep some places sacred.

i oppose this leasing in total. the effects on animals, birds, trees, and people is devastating from this plan. i see that the oil companies are not operating to the benefit of the people of the united states. they pay their execs huge hundreds of millions of dollars in salaries and cheat the american citizens with high prices for their product. these profiteers have american by the throat - they are pirates.

b. sachau
15 elm st
florham park nj 07932

>
> [Federal Register: December 29, 2006 (Volume 71, Number 250)]
> [Notices] [Page 78395-78397] From the Federal Register Online via GPO
> Access [wais.access.gpo.gov] [DOCID:fr29de06-23]
>
>

>
> DEPARTMENT OF AGRICULTURE
>
> Forest Service
>
>
> Oil and Gas Leasing EIS on Lands Administered by the Dixie National
> Forest
>
> AGENCY: Forest Service, USDA and Bureau of Land Management, USDI.
>
> ACTION: Notice of intent to prepare an environmental impact statement.
>
>

>
> SUMMARY: The Forest Supervisor of the Dixie National
> Forest gives
> notice of the intent to prepare an environmental
> impact statement (EIS)
> to document the analysis and disclose the
> environmental and human
> effects of oil and gas leasing on lands administered
> by the Dixie
> National Forest. The Federal Onshore Oil and Gas
> Leasing Reform Act of
> 1987 requires the Forest Service to evaluate
> National
> Forest System
> lands for potential oil and gas leasing.
> The EIS would analyze all lands with a
> federally-owned mineral
> estate within the Dixie National Forest.
> As the agency responsible for lease issuance and
> administration,
> the Bureau of Land Management (BLM) will participate
> as a cooperating
> agency.
>
> DATES: Comments concerning the scope of the analysis
> should be received
> within 30 days from date of publication of this
> notice
> in the Federal
> Register to be most useful. The draft environmental
> impact statement is
> expected winter 2007/2008, and the final
> environmental
> impact statement
> is expected summer 2008.
>
> ADDRESSES: Susan Baughman, Oil and Gas Leasing
> Project
> Manager, Dixie
> National Forest, 1789 N. Wedgewood Lane, Cedar City,
> Utah 84720; phone:
> (435) 865-3703; fax: (435) 865-3791; e-mail:
> dixie_oil_gas_eis_comments@fs.fed.us. E-mailed

> comments must be submitted in MS Word
>
> (*.doc) or rich text format (*.rtf) and should
> include
> the project name
> in the subject line. Written comments may also be
> submitted at the
> above address during regular business hours of 8
> a.m.
> to 5 p.m.,
> Monday-Friday.
>
> FOR FURTHER INFORMATION CONTACT: Susan Baughman, Oil
> and Gas Leasing
> Project Manager, Dixie National Forest, 1789 N.
> Wedgewood Lane, Cedar
> City, Utah 84720; phone: (435) 865-3703.
>
> SUPPLEMENTARY INFORMATION: The EIS analysis area
> includes the entire
> Dixie National Forest (approximately 1,710,677
> acres),
> with the
> exception of designated wilderness areas
> (approximately 82,840 acres)
> for a total study area of approximately 1,627,837
> acres.
> The Department of Interior, BLM, acts as the
> onshore leasing agent
> for the Federal government. The Federal Onshore Oil
> and Gas Leasing
> Reform Act of 1987 states that the BLM cannot lease
> over the objection
> of the Forest Service and authorizes the Forest
> Service to regulate all
> surface disturbing activities conducted pursuant to
> a
> lease. Therefore,
> the Forest Service has established an incremental
> decision-making
> framework for the consideration of oil and gas
> leasing
> activities on
> National Forest System lands. In general, the
> various
> steps that are
> undertaken are: (1) Forest Service leasing analysis;
> (2) Forest Service
> notification to BLM of lands administratively
> available for leasing;
> (3) Forest Service review and verification of BLM
> leasing proposals;
> (4) BLM assessment of Forest Service conditions of
> surface occupancy;
> (5) BLM offers lease; (6) BLM issues lease;
>
> [[Page 78396]]
>
> (7) Forest Service review and approval of lessee's
> surface use plan of
> operations; (8) BLM review and approval of lessee's
> application for
> permit to drill; and (9) ensure final reclamation.
> Based upon the Forest Service leasing analysis
> (step 1 from above),
> the Forest Service decides whether or not lands will

> be available for
> leasing and decides under what conditions
> (stipulations) the leases
> will be issued. This EIS will fulfill this step.
>
> Purpose and Need for Action
>
> The purpose of the proposed action is to
> complete
> a forest-wide
> leasing analysis, to comply with the Federal Onshore
> Oil and Gas
> Leasing Reform Act of 1987. This requires the Forest
> Service to analyze
> lands under its jurisdiction that are legally
> available for leasing to
> meet the federal regulatory requirements of 36 CFR
> 228.102 and in
> accordance with the National Environmental Policy
> Act
> of 1969. The need
> is to be responsive to requests for oil and gas
> leasing on the Dixie
> National Forest.
> Since the Federal Onshore Oil and Gas Leasing
> Reform Act of 1987
> was signed into law, no new oil and gas leases have
> been authorized on
> the Dixie National Forest. However the oil and gas
> industry continued
> to express interest in leasing and interest has
> recently escalated due
> to the increased demand for oil and gas, high
> prices,
> and discoveries
> of oil and gas reserves in other areas with similar
> geologic
> conditions. The BLM Utah State Office has received
> numerous written
> expressions of interest for leasing portions of the
> Dixie National
> Forest over the past several years.
>
> Proposed Action
>
> The Forest Supervisor of the Dixie National
> Forest
> and Utah State
> Director, Bureau of Land Management propose to
> conduct
> the analysis and
> decide which lands to make available for oil and gas
> leasing. The
> analysis area includes lands administered by the
> Dixie
> National Forest.
> As part of the analysis, the Forest Service will
> identify areas that
> would be available for leasing subject to the terms
> and conditions of
> the standard oil and gas lease form, or subject to
> constraints that
> would require the use of lease stipulations such as
> those prohibiting
> surface occupancy. The analysis will also: (1)
> Identify alternatives to

> the proposed action, including that of not allowing
> leasing (no
> action), (2) project the type/amount of post-leasing
> activity that is
> reasonably foreseeable, (3) analyze the reasonably
> foreseeable impacts
> of projected post-leasing activity [36 CFR
> 228.102(c)], and (4) be used
> to develop an amendment to the Forest Plan if
> necessary.

>
> Possible Alternatives

>
> All alternatives studied in detail must fall
> within the scope of
> the purpose and need for action and will generally
> tier to and comply
> with the Dixie Forest Plan. Law requires evaluation
> of
> a ``no-action
> alternative.'' Under the No Action/No Lease
> alternative, no oil and gas
> leasing would occur. Alternatives to be evaluated
> would range from the
> No Action/No Lease alternative (most restrictive) to
> the Standard Lease
> Terms alternative (least restrictive) where all
> lands
> legally open to
> leasing would be made administratively available for
> leasing with only
> the standard BLM terms and conditions contained on
> BLM
> Lease Form 3100-
> 11. Other alternatives which fall somewhere between
> the No Action/No
> Leasing alternative and Lease with Standard Terms
> alternative would
> also be developed and evaluated, which would involve
> making some lands
> unavailable for leasing and other lands available
> for
> leasing with
> lease stipulations for the protection of other
> resources and interests.

> The Forest is expecting that the public input
> will
> generate either
> thematic concerns or area-specific issues that may
> be
> addressed by
> modifying the proposed action to create a new
> alternative or
> alternatives.

>
> Lead and Cooperating Agencies

>
> The Forest Service is the lead agency. The
> Bureau
> of Land
> Management and State of Utah will participate as
> cooperating agencies.

>
> Responsible Officials

>
> Kevin Schulkoski, Acting Forest Supervisor,

> Dixie
> National Forest,
> 1789 N. Wedgewood Lane, Cedar City, Utah, 84720.
>
> Nature of Decision To Be Made
>
> The Forest Supervisor, Dixie National Forest,
> will
> decide which
> lands with federal mineral ownership administered by
> the Dixie National
> Forest will be administratively available for oil
> and
> gas leasing,
> along with associated conditions or constraints for
> the protection of
> non-mineral interests [36 CFR 228.102(d)]. The
> Forest
> Supervisor will
> also authorize the BLM to offer specific lands for
> lease, subject to
> the Forest Service ensuring that the required
> stipulations are attached
> to the leases [36 CFR 228.102(e)]. The Forest
> Service
> proposes to amend
> the Forest Plan to incorporate the leasing decision
> and other site-
> specific changes as indicated in the analysis.
> The BLM is responsible for issuing and
> administration of oil and
> gas leases under the Mineral Leasing Act of 1920, as
> amended, and
> Federal Regulations in 43 CFR 3101.7. The BLM Utah
> State Director must
> decide whether or not to offer for lease specific
> lands authorized for
> leasing by the Dixie National Forest and with what
> stipulations.
>
> Scoping Process
>
> The first formal opportunity to comment on the
> Dixie National
> Forest Oil and Gas Leasing Analysis Project is
> during
> the scoping
> process (40 CFR 1501.7), which begins with the
> issuance of this Notice
> of Intent.
> Mail comments to: Susan Baughman, Oil and Gas
> Leasing Project
> Manager, Dixie National Forest, 1789 N. Wedgewood
> Lane, Cedar City,
> Utah 84720. The Forest Service requests comments on
> the nature and
> scope of the environmental, social, and economic
> issues, and possible
> alternatives related to oil and gas leasing on lands
> administered by
> the Dixie National Forest.
> A series of public opportunities are scheduled
> to
> describe the
> proposal and to provide an opportunity for public
> input. Three scoping

> meetings are planned:

- > January 16: 5 p.m. to 7 p.m., Best Western Abbey Inn, 1129 South Bluff, St. George, Utah.
- > January 17: 11 a.m. to 2 p.m., 5 p.m. to 7 p.m., Cannonville Visitor Center, 10 Center Street, Cannonville, Utah.
- > January 18: 5 p.m. to 7 p.m., Heritage Center, 105 North 100 East, Cedar City, Utah. Written comments will be accepted at these meetings.

> The Forest Service will work with tribal governments to address issues that would significantly or uniquely affect them.

> Preliminary Issues

- > Issues that may be analyzed in all alternatives include: the socioeconomic effects of oil and gas leasing and subsequent activities; effects on terrestrial and aquatic flora and fauna, including threatened and endangered species, sensitive species, and management indicator species; effects on both developed and dispersed recreation; effects on air resources; effects on water resources, including wetlands, floodplains, riparian areas, culinary and municipal water systems, and groundwater; effects on visual resources; effects of leasing stipulations and mitigation measures on oil and gas exploration and development activity; effects on soils and geologic hazards;

> [[Page 78397]]

- > effects on cultural and traditional heritage resources; effects on transportation; effects on upland vegetation; effects on riparian vegetation; effects on inventoried roadless areas; effects on other mineral resource extraction activities; and effects on noxious weeds and invasive species. Specific issues will be developed through review of public comments and internal review.

> Comment Requested

- > This Notice of Intent initiates the scoping process which guides the development of the environmental impact statement.
- > The Forest has

> also received substantial input at public meetings
> held for the Forest
> Plan revision, including issues relative to mineral
> exploration and
> development. Through these efforts the Forest has an
> understanding of
> the broad range of perspectives on the resource
> issues
> and social
> values attributed to resource activities on the
> Dixie
> National Forest.
> Consequently site-specific comments or concerns are
> the most important
> types of information needed for this EIS. Because
> the
> Oil and Gas
> Leasing EIS is a stand-alone document, only public
> comment letters
> which address relevant issues and concerns will be
> considered and
> formally addressed in an appendix in the final
> environmental impact
> statement.
>
> Early Notice of Importance of Public Participation
> in
> Subsequent
> Environmental Review
>
> A draft environmental impact statement will be
> prepared for
> comment. The comment period on the draft
> environmental
> impact statement
> is expected to be 45 days from the date the
> Environmental Protection
> Agency publishes the notice of availability in the
> Federal Register.
> The Forest Service believes, at this early stage, it
> is important to
> give reviewers notice of several court rulings
> related
> to public
> participation in the environmental review process.
> First, reviewers of
> draft environmental impact statements must structure
> their
> participation in the environmental review of the
> proposal so that it is
> meaningful and alerts an agency to the reviewer's
> position and
> contentions. Vermont Yankee Nuclear Power Corp. v.
> NRDC, 435 U.S. 519,
> 553 (1978). Also, environmental objections that
> could
> be raised at the
> draft environmental impact statement stage but that
> are not raised
> until after completion of the final environmental
> impact statement may
> be waived or dismissed by the courts. City of Angoon
> v. Hodel, 803 F.2d
> 1016, 1022 (9th Cir. 1986) and Wisconsin Heritages,
> Inc. v. Harris, 490
> F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of

> these
> court rulings,
> it is very important that those interested in this
> proposed action
> participate by the providing comments during the
> scoping comment period
> and during the comment period following the draft
> EIS
> so that
> substantive comments and objections are made
> available
> to the Forest
> Service at a time when it can meaningfully consider
> them and respond to
> them in the final environmental impact statement.
> To assist the Forest Service in identifying and
> considering issues
> and concerns on the proposed action, comments should
> be as specific as
> possible. Reviewers may wish to refer to the Council
> on Environmental
> Quality Regulations for implementing the procedural
> provisions of the
> National Environmental Policy Act at 40 CFR 1503.3
> in
> addressing their
> points.
> Comments received, including the names and
> addresses of those who
> comment, will be considered part of the public
> record
> on this proposal
> and will be available for public inspection.
>
> (Authority: 40 CFR 1501.7 and 1508.22; Forest
> Service
> Handbook
> 1909.15, Section 21).
>
> Dated: December 19, 2006.
> Kevin R. Schulkoski,
> Acting Forest Supervisor.
> [FR Doc. E6-22038 Filed 12-28-06; 8:45 am]
>
> BILLING CODE 3410-11-P
>
>
>
>

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>

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<http://mail.yahoo.com>

9

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name DeMar Janson County Former resident of Iron County

Title _____ Organization _____

Mailing Address 4718 Oakshire Ct.

City Carmichael State CA Zip 95608

Date Jan. 2, 2007 Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

Do not lease areas adjacent to national parks or wilderness areas, or areas that may be designated as wilderness in the future.

**Return comments during the open house or via mail.
To Return Via Mail:**

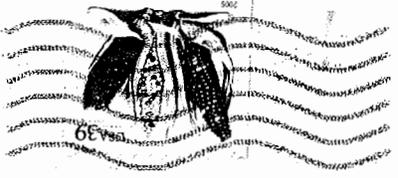
Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.
To be most useful comments should be received by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

RECEIVED
JAN 08 2007
DIXIE N.F.

Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS

FROM: DeMar Janson
4718 Oakshire Ct.
Carmichael, CA 95608



SACRAMENTO, CA 957
02 JAN 2007 PM 5 T

Thank you for your comment!

To return via mail:
Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.
Prefer comments by: *January 29, 2007*

Comment continued:

8

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name Sheri Wysong County Millard

Title _____ Organization _____

Mailing Address 1236 S 2000 W

City Delta State UT Zip 84624

Date 1/7/06 Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

Lease categories should honestly reflect environmental
constraints. For instance- known critical habitat
for T+E species should be leased as no-surface-occupancy
rather than attaching a lease notice then requiring
extensive surveys prior to development. If the lessee
wishes to develop an area designated no-surface
occupancy- the lessee can voluntarily conduct surveys
and request an exception

Return comments during the open house or via mail.

To Return Via Mail:

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.
To be most useful comments should be received by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Attn: Oil/Gas Leasing EIS
Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720

RECEIVED
DIXIE N.F.
JAN 10 2007

Sheri Wysocki
1236 S 2000 W
Delta, UT 84624

From:

PROVO UT 846
08 JAN 2007 PM 1 T

Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.

Prefer comments by: *January 29, 2007*

Comment continued:

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name Ben Donegan County NA

Title _____ Organization _____

Mailing Address 3224 CANDELARIA NE

City Albuquerque State NH Zip 87107

Date 12-29-08 Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

Return comments during the open house or via mail.

To Return Via Mail:

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail. To be most useful comments should be received by: **January 29, 2007.**

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Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS

RECEIVED
DIXIE NF
JAN 18 2007

Albuquerque, NM 87107

3324 Condehna NE

From: Ben Davoren

02 JAN 2007 PM 3 L

ALBUQUERQUE NM 871



Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.

Prefer comments by: *January 29, 2007*

Comment continued:

Public Comment

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

6

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name MICHAEL T. CARNAHAN County _____
634 WILLAMINA AVE.
Title FOREST GROVE, OR 97116 Organization _____

Mailing Address _____

City _____ State _____ Zip _____

Date _____ Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

either
OR

COMMENT (use back side if you need additional space or attach additional sheets)

Our forests should be utilized on a multi-resource agenda. Obviously each use needs to be closely regulated to contain, minimize and/or eliminate its impact on that which is natural. If the USFS will respond to the public input honestly and within the scope of their profession, this can be accomplished.

Return comments during the open house or via mail.

To Return Via Mail:

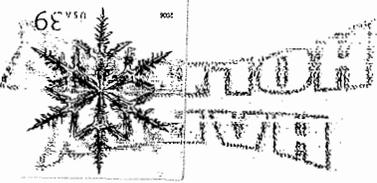
Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail. To be most useful comments should be received by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS

RECEIVED
DIXIE N.F.
JAN 08 2007

MICHAEL T. CARNAHAN
634 WILLAMINA AVE.
FOREST GROVE, OR 97116



From:

Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.

Prefer comments by: *January 29, 2007*

Comment continued:

5

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name Alan Gardner County Washington
 Title Commissioner Organization Washington County
 Mailing Address 197 E Tabernacle
 City St George State Ut Zip 84770
 Date _____ Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

I am in favor of leasing forest land for oil & gas production. We as a country are in great need of additional oil & gas production in our country. Every effort should be made to find these new production areas & develop them.

Return comments during the open house or via mail.

To Return Via Mail:

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.
 To be most useful comments should be received by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS

MAILED FROM ZIP CODE 84770
JAN 03 2007
\$ 00.37
FITNEY BOWES



PRESORTED
FIRST CLASS

RECEIVED
DIXIE N.F.
JAN 05 2007

From:

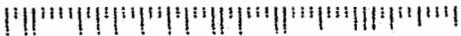
Place
Stamp
Here

Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.

Prefer comments by: *January 29, 2007*



Comment continued:

4

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

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Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name Todd R. Minchey County Iron
Title Private property owner adjacent to the DNF Organization _____

Mailing Address 342 South 2050 West

City Cedar City State UT Zip 84720-2843

Date _____ Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

**Return comments during the open house or via mail.
To Return Via Mail:**

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.
To be most useful comments should be received by: **January 29, 2007.**

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Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS

RECEIVED
DIXIE N.F.
JAN 04 2007

Mr Todd R Minchey
342 S 2050 W
Cedar City UT 84720-2843



From:



Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.

Prefer comments by: *January 29, 2007*

Comment continued:

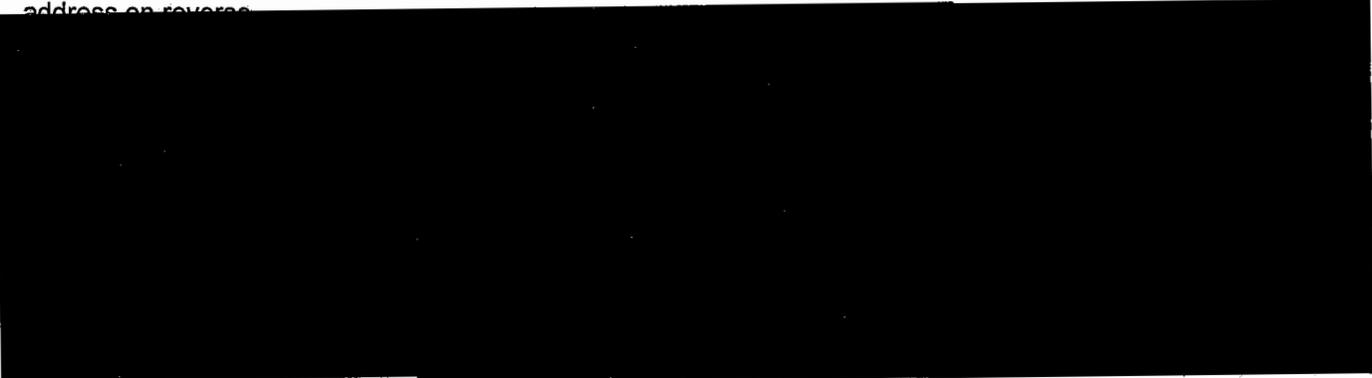
3

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.



- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

Return comments during the open house or via mail.

To Return Via Mail:

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To be most useful comments should be received by: **January 29, 2007.**

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Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

2

SCOPING COMMENT SHEET

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Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name Max Merlich County Clackamas

Title VP Organization Columbia Helicopters Inc

Mailing Address PO Box 3500

City Portland State OR Zip 97208

Date 12/29/06 Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

We support aggressive domestic exploration for oil and gas. The more we have here the less we have to buy foreign oil. Low impact exploration can be done with helicopters.

Return comments during the open house or via mail.

To Return Via Mail:

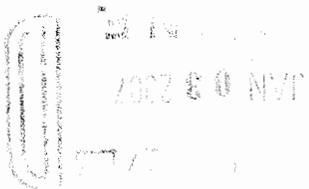
Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.

To be most useful comments should be received by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

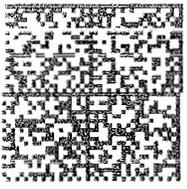
9472947764 0009

Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS



049185034192
Place Stamp Here
\$0.00
12/29
Mailed From 97002
US POSTAGE

repost



Max W Merlich
40573 SE Kubitz Rd
Sandy OR 97055-8518



Thank you for your comment!

To return via mail:
Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.
Prefer comments by: *January 29, 2007*

Comment continued:

Oil and Gas Leasing EIS on Lands Administered by the Dixie National Forest

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name Willard Mayer County Washington
 Title Citizen Organization _____
 Mailing Address 144 W 300 S
 City St George State UT Zip 84770
 Date 12/30/06 Meeting Location (if applicable) _____

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

Why is it necessary to look for more oil reserves?
We are discarding daily vast quantities of plastic,
metals, glass and paper that should be recycled.
One day we may not be able to see over our garbage
dumps. Recycling must become mandatory!
Until a 30% energy cut is made I cannot support
new exploration.

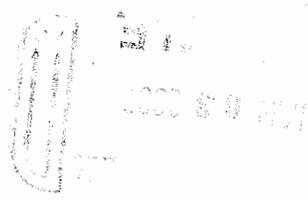
Companies that manufacture must also be held responsible for
Return comments during the open house or via mail.

To Return Via Mail:

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.
 To be most useful comments should be received by: **January 29, 2007.**

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Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720
Attn: Oil/Gas Leasing EIS





SALT LAKE CITY UT 84111
30 DEC 2006 PM 2 T

From: _____

Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.
Prefer comments by: **January 29, 2007**

Comment continued:

The recycling/disposal of those products.

**Oil and Gas Leasing EIS on Lands
Administered by the Dixie National Forest**

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name KATIE AUSTIN County GARFIELD

Title _____ Organization _____

Mailing Address PO BOX 1375

City BOULDER State UTAH Zip 84716

Date 02-11-07 Meeting Location (if applicable) ESCALANTE

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

**Return comments during the open house or via mail.
To Return Via Mail:**

Fold in thirds so Dixie NF address (on reverse) is showing; add postage, tape bottom of fold, and mail.
To be most useful comments should be postmarked by: **January 29, 2007.**

Comments, including names and street addresses of respondents will be available for public review at the DNF Supervisor Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They will be published as part of the EIS and other related documents. Individual respondents may request confidentiality. *If you wish to withhold your name or street address from public review and disclosure under FOIA, you must indicate this by checking the appropriate box.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Attn: Oil/Gas Leasing EIS
Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720

From:

Place
Stamp
Here

Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.

Prefer postmark by: *January 29, 2007*

Comment continued:

**Oil and Gas Leasing EIS on Lands
Administered by the Dixie National Forest**

SCOPING COMMENT SHEET

Informed decisions are better decisions: The Dixie National Forest (DNF) believes that extensive public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

Where to provide comments: You can hand this form in at a public scoping meeting or mail it in using the address on reverse.

Name KATIE AUSTIN County GARFIELD

Title _____ Organization _____

Mailing Address PO BOX 1375 BOULDER UT 84716

City BOULDER State UTAH Zip 84716

Date 02-12-2007 Meeting Location (if applicable) ESCALANTE

- Please check box if you do not want your name released when comments are made public.
- Please check box if you want to receive a hard copy of the Draft Environmental Impact Statement by mail.
- Please check box if you want to receive an electronic copy of the Draft Environmental Impact Statement by mail (Note: an electronic copy of the Draft EIS will be available on the Dixie National Forest website).

COMMENT (use back side if you need additional space or attach additional sheets)

- THE LEASES ARE NOT COMPATIBLE WITH HERITAGE HWY 89 AND SCENIC HWY 12 (INCREASED TRAFFIC & POLLUTION)
- YOU NEED TO CONSIDER THE ROADLESS REVISION
- NOT COMPATIBLE WITH BRYCE N.P., CAPITOL REEF N.P., GSENM, STATE PARKS & REC AREAS
- NOT COMPATIBLE WITH GARFIELD COUNTY TOURIST ATTRACTIONS: BICYCLING, ATVs, HIKING, FISHERY, HORSEBACKRIDING, HUNTING
- POLLUTION: AIR QUALITY, PROTECTION OF WATERSHED

Return comments during the open house or via mail.

To Return Via Mail:

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Attn: Oil/Gas Leasing EIS
Susan Baughman
Dixie National Forest
1789 N. Wedgewood Lane
Cedar City, Utah 84720

RECEIVED
FEB 16 2007



PROVO UT 846
14 FEB 2007 PM 4 L

From: L. MUSTIN
PO BOX 1375
POUDER UT 84716

Thank you for your comment!

To return via mail:

Fold in thirds so Dixie NF address (above) is showing,
add postage, tape bottom of fold, and mail.

Prefer postmark by: *January 29, 2007*

Comment continued:

- DISTURBANCE OF WILDLIFE
- GRAZING ALLOTMENTS
- OUTDATED RESOURCES : WE NEED TO FOCUS ON RENEWABLE RESOURCES, WORK TOWARDS THE FUTURE AND NOT HANG ON TO OUTDATED RESOURCES ONLY BECAUSE THEY WORKED IN THE PAST