



April 18, 2018

Susan Elliott
Project Lead
Humboldt Toiyabe National Forest
660 South 12th Street Suite 108
Elko, NV 89801

RE: SCOPING COMMENTS – Ruby Oil and Gas

Dear Ms. Elliott,

We appreciate this opportunity to submit scoping comments on the Humboldt Toiyabe National Forest “Ruby Oil and Gas” potential lease offering. Your consideration and incorporation of our comments and recommendations into your decision making process on this potential sale.

The Theodore Roosevelt Conservation Partnership (TRCP) is a national non-profit conservation organization working to guarantee all Americans quality places to hunt and fish. The TRCP works with our 50 formal partners and represents over 50,000 individual members nationally and more than 2,100 individuals throughout the state of Nevada. Given the resulting impacts of energy development on public land throughout the West, the future management of federal public lands administered by the Humboldt Toiyabe National Forest within the Ruby Mountains is of great interest to us, our partners, and Nevada sportsmen - as the Elko area is renowned for world class hunting.

There are potential conflicts with numerous important resources values in the Ruby Mountains

Balanced oil and gas development is paramount to maintaining the special recreational lands within this region. Conflicts between industrial development and hunting, fishing and other recreation include:

- Degradation of wildlife habitat, wildlife populations and dispersed recreation (hunting, fishing and other recreation) from industrial development including habitat fragmentation and disturbance due to increased activity.
- Degradation of the overall (sporting and other) recreational experience due to development of and intensified use of travel routes. Increased industrial development including increases in traffic creates risks to the public safety and wildlife and decreases opportunities for hunting, fishing and wildlife viewing that require ‘up-front’ consideration and planning.

- The Ruby Mountains is home to the largest mule deer herd in Nevada. Both summer and crucial winter range for mule deer would be adversely impacted by oil and gas exploration. To remain healthy, mule deer populations require unfragmented, functional habitats and unfettered migration routes.
- Much of the proposed area overlaps with greater sage grouse Primary Habitat (PHMA). A healthy, vibrant, sagebrush ecosystem is critical for the survival and long term viability of sage grouse populations. Lek disturbance, winter and summer habitat fragmentation and lowered water quality could all jeopardize sage grouse populations. These actions could contribute to a potential federal listing under the Endangered Species Act.
- Several streams within the proposed lease areas contain Lahontan Cutthroat Trout, a federally listed Threatened species. Water quality and quantity could decline under both oil and gas exploration and production.

Need for upfront comprehensive planning prior to leasing

The existing Forest Plan for the Ruby Mountains is more than three decades old and fails to provide assurances for the conservation of functional habitat for mule deer, sage grouse, Threatened Lahontan Cutthroat Trout and other wildlife. With the Forest Plan dating back to 1986, no comprehensive planning process has been done to evaluate oil and gas leasing in this iconic landscape and the potential effects on wildlife resources. Once a lease is sold, a contractual obligation to develop the energy resources is created and the ability to plan energy developments and protect other public resources is largely forfeited. Upfront planning prior to leasing is a necessary component of responsible energy development and helps the agency fulfill its multiple-use/sustained-yield mandate.

The TRCP believes that leasing within the Ruby Mountains should be deferred until a full Forest Plan Revision can be completed to ensure that the above mentioned issues can be fully considered and addressed. Below are some elements of upfront planning that we believe should be considered seriously before oil and gas leases are offered for sale in areas with important wildlife habitats.

Geographically-Phased Development

While timing stipulations are important, they do not fully address impacts on wildlife or how an area will be developed in a way to minimize those impacts. The Forest Plan should consider geographically-phased energy exploration and development prior to the leasing stage to responsibly balance the needs of fish and wildlife with energy extraction. Large geographic areas to be offered for oil and gas leasing first should be subdivided into smaller parcels to be leased – each identifying crucial habitats and migration corridors that maintain fish and wildlife populations and ecological function of the area. Proper planning should identify appropriate scales and ensure that development does not exceed levels that would cumulatively disturb and exacerbate impacts across the landscape unless earlier parcels are restored and impacts mitigated. The Plan should include an assessment of overall habitat conditions in a larger, surrounding area, including what is needed to sustain the populations at management objectives set by the Nevada Dept. of Wildlife throughout the development period. Species of interest to hunters that would benefit from properly scaled development include mule deer, elk, pronghorn, sage grouse and wild trout.

The Forest Plan must recognize the need for consideration of these values by including seasonal stipulations for:

- Mule Deer Crucial Winter Range

- Sage Grouse Leks
- Sage Grouse Brood Rearing Areas
- Sage Grouse Crucial Winter Habitat
- Lahontan Cutthroat Trout

The plan must also address the potential impacts to other important habitats due to the displacement by development activities during seasonal stipulation periods. Any game migration corridors must also be identified and migration disturbance addressed, per Secretarial Order 3362.

Further, the Forest Plan should fully integrate management and conservation measures required under the sage grouse Approved Resource Management Plan Amendment (ARMPA). Fulfillment of all sage grouse management requirements, including NSO stipulations in priority habitat needs to be addressed in the plan.

Upfront Commitment of Funds for Management, Monitoring and Restoration

The Forest Plan needs to provide a commitment to adequately fund wildlife management, monitoring, and restoration for oil and gas development projects. Providing long-term funding to monitor, evaluate and protect fish and wildlife populations influenced by energy development through post-development habitat and population restoration is essential. Funding appropriated for fish and wildlife management should be used to manage habitats and populations, not just mitigate damage, process energy permits or plan for energy projects. Funding increases for energy development must be matched by increases for fish and wildlife management. Funding assurances should be given for the duration of the development and subsequent restoration.

Included with increases in funding should be provisions for ongoing, intensive monitoring of fish and wildlife species and their habitats to facilitate alterations in development if unintended adverse impacts occur.

Monitoring and Mitigation

Given the nature of leasing and the need for upfront comprehensive planning, a Forest Plan revision should clearly articulate how provisions will be established for mitigation, including detailed wildlife monitoring and the use of adaptive management strategies to avoid, minimize or mitigate impacts of oil and/or gas exploration and development for future parcels offered for leasing. The plan should reference and clearly state how mitigation will effectively minimize and mitigate impacts so as to result in, at minimum, no-net-loss of habitat value and recreational opportunity. The Plan must ensure that areas that are developed are mitigated and eventually restored. Funds for mitigation must be commensurate with impacts spatially and temporally to ensure effectiveness and achieve at least a no-net-loss standard. This includes accounting for behavioral modifications from disturbance that likely exceed acres of habitat actually disturbed and lost. If the Forest Service moves forward with leasing prior to conducting adequate planning, the agency will be sacrificing their ability to adequately avoid, minimize, and mitigate impacts on the public's fish and wildlife habitat, and likely trigger undue and unnecessary degradation of habitats.

Conclusion

We greatly appreciate the opportunity to comment on this important potential project. Again, we strongly encourage the Humboldt Toiyabe National Forest to defer leasing of any important wildlife

habitats, including big game seasonal range and migration corridors, until a full forest plan revision can be completed. If you have any questions regarding our comments, please do not hesitate to contact us.

Respectfully,

A handwritten signature in blue ink, appearing to read "Carl Erquiaga". The signature is fluid and cursive, with the first name "Carl" being more prominent than the last name "Erquiaga".

Carl Erquiaga
Nevada Field Representative
Theodore Roosevelt Conservation Partnership
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Fallon, NV 89406