



June 2, 2018

Forest Planning Team
GMUG National Forest
2250 Highway 50
Delta, CO 81416

RE: GMUG Forest Revision Scoping Comments

Dear GMUG Planning team,

Please accept the following scoping comments on behalf of Citizens for a Healthy Community (CHC) on development of a revised forest plan and associated environmental impact statement for the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forest. *See* 83 Fed. Reg. 14243 (Apr. 3, 2018) (Notice of Intent, including Purpose and Need (Needs for Change) and Proposed Action). CHC is a 500 plus member grassroots nonprofit organization located in Paonia, which is dedicated to protecting the air, water and foodsheds of the North Fork Valley and the Delta County region from the impacts of oil and gas development. We are pleased to be participating in this plan revision process and the opportunity to offer our experience and skills toward the plan revision.

We agree with the comments in the conservation organizations' comment letter submitted by Wilderness Workshop, High Country Conservation Advocates, et al dated June 2, 2018, that addresses the treatment of oil and gas activities in the revised plan and hereby incorporate them by reference. We are submitting this comment letter to raise one specific and related issue of considerable concern to our members: the treatment in the revised forest plan and accompanying environmental impact statement (EIS) of rural gas gathering pipelines associated with oil and gas development. As defined in federal regulations, a gas gathering line is a pipeline that carries gas from the point of production to a transmission line or main.¹ In a practical sense, gas gathering pipelines are the connection between natural gas wells and the processing and transmission network. They are widespread, untracked, and exempt from regulatory oversight² and hence more

¹ 49 CFR 192.3

² Gas gathering pipelines are the exclusive jurisdiction of PHMSA, and rural gas-gathering pipelines (Class 1 pipelines) are exempt from federal pipeline safety regulations. 49 CFR § 192.8(b).

prone than other non-exempt pipelines and facilities (that are subject to a permitting process or safety and integrity inspections, reporting and oversight) to leak, fail, or explode.

As we have tragically and recently learned in Colorado, even small flowlines can be a grave hazard to human health and safety. Gathering pipelines are generally 8-12 inches in diameter, but are now being built to larger diameters and increased operating pressure, which function more like transmission lines. Gas gathering pipelines are not subject to a permitting process at any level of government—county, state, or federal—and the only reporting requirement operators are held to in Colorado is to disclose a pipeline failure only if it merits an evacuation or road closure.³

While we are of course concerned with the regulatory gap that exists around these pipelines, we are not looking to the Forest Service to fill it. We understand that the Forest Service does not have the authority to approve permits for or to regulate pipelines for safety. We are, however, looking to the Forest Service to ensure that its actions take into account the risks posed by these exempt pipelines that are necessary infrastructure for natural gas development projects and the Agency's analyses fully consider and disclose the risks to the public.

Need for change

The current need for change statement has a bullet that says, "Address areas with conflict between public recreation/access and private lands." We recommend that this be slightly tweaked to say: "Address areas with high conflict between public recreation/access and private lands and other uses to ensure safe, rewarding, and sustainable recreational experiences." This slight change addresses potential conflicts between the visiting public and more industrial activities.

Environmental Analysis

NEPA requires the Forest Service to take a hard look at the effects of its proposed actions. In analyzing the effects of possible oil and gas infrastructure and activity permissible under the proposed revised forest plan, the Forest Service must analyze and fully disclose the effects – cumulative, indirect, and direct – to the human environment. This includes of course the direct effects of surface disturbance, emissions into air and water, and displacement of other uses and values. It also includes cumulative effects which in the case of the GMUG is particularly important given its proximity to other public and private lands with considerable oil and gas activity (current and anticipated). We also request that it include a hard look at the possible impacts of widespread gathering pipelines (new and current) on the GMUG and cumulatively.

We all know that non-exempt pipelines that are tracked, permitted, and regularly monitored fail at times, occasionally catastrophically and tragically. We know that the oil and gas industry in Colorado alone reports an average of almost 1.5 incidents per day involving pipelines, flowlines, and well sites that are regulated by the Colorado Oil and Gas Commission, Colorado Public Utilities Commission or PHMSA.⁴ For instance, between December 8, 2016 and December 8, 2017, there were 207 spill or release incidents involving water gathering systems, pipelines, flowlines, or non-exempt gas gathering systems reported to COGCC (about one incident every other day).⁵ In 2016, 17,357 BBLs of produced water and 2,608 BBLs of oil were spilled in 529 total incidents reported to

³ 4 CCR § 723-4-4952(d).

⁴ *Colorado Oil and Gas Conservation Commission, Spill Analysis by Year 1999 – 3rd Qtr 2017*, COGCC (available at: <http://cogcc.state.co.us/documents/data/downloads/environmental/SpillAnalysisByYear.pdf>)

⁵ COGIS data

the COGCC.⁶ In 2016, 12% of spills resulted in water contamination.⁷ On April 17, 2017 in Firestone Colorado, a house exploded killing 2 people for failure of a regulated flowline, and at least a dozen other explosions and fires have occurred along Colorado's pipelines.⁸ In 2016, 8.8% of spills occurred on federal lands in Colorado.⁹ It is clear that spills, accidents, explosions are not only reasonably foreseeable, but likely.

It turns out that the risks associated with oil and gas pipelines are growing. The following factors are increasing risks of failure:

- More extreme weather events
 - The nation's pipeline system faces a greater risk from failure due to extreme weather events such as hurricanes, floods, mudslides, tornadoes, and earthquakes. A 2011 crude spill into the Yellowstone River near Laurel, MT, was caused by channel migration and river bottom scour, leaving a large span of the pipeline exposed to prolonged current forces and debris washing downstream in the river. Those external forces damaged the exposed pipeline. In October, 1994, flooding along the San Jacinto River led to the failure of eight hazardous liquid pipelines and also undermined a number of other pipelines. The escaping products were ignited, leading to smoke inhalation and burn injuries of 547 people. From 2003 to 2013, there were 85 reportable incidents in which storms or other severe natural force conditions damaged pipelines and resulted in their failure. Operators reported total damages of over \$104M from these incidents. PHMSA has issued several Advisory Bulletins to operators warning about extreme weather events and the consequences of flooding events, including river scour and river channel migration.¹⁰
- More recreationists in proximity to pipelines.
 - On August 19, 2000, a 30-inch-diameter gas transmission pipeline ruptured adjacent to the Pecos River near Carlsbad, NM. The released gas ignited and burned for 55 minutes. Twelve persons who were camping under a concrete-decked steel bridge that supported the pipeline across the river were killed, and their vehicles were destroyed. Two nearby steel suspension bridges for gas pipelines crossing the river were damaged extensively.¹¹
 - Recreationists drink backcountry water.
- Increased forest fire risks from pipeline explosions.
 - On December 11, 2012, a 20-inch-diameter gas transmission line ruptured in a sparsely populated area about 106 feet west of Interstate 77 (I-77) in Sissonville,

⁶ *Colorado Oil and Gas Conservation Commission, Spill Analysis by Year 1999 – 3rd Qtr 2017*, COGCC (available at: <http://cogcc.state.co.us/documents/data/downloads/environmental/SpillAnalysisByYear.pdf>)

⁷ *2016 Colorado Oil and Gas Toxic Release Tracker*, Center for Western Priorities, January 2017. (Available at: <http://westernpriorities.org/2016-colorado-oil-and-gas-toxic-release-tracker/>)

⁸ *A Dozen Fires and Explosions at Colorado's Oil and Gas Facilities in 8 Months since Fatal Blast in Firestone*, Bruce Finley, Denver Post, December 6, 2017.

⁹ *2016 Colorado Oil and Gas Toxic Release Tracker*

¹⁰ Notice of Proposed Rulemaking on Gas Transmission and Gathering Lines, 68 Fed. Reg. 20722, 20728 (April 8, 2016) (to be codified at 49 C.F.R. Parts 191 and 192)

¹¹ 68 Fed. Reg. 20722, 20730.

WV. An area of fire damage about 820 feet wide extended nearly 1,100 feet along the pipeline right-of-way. Three houses were destroyed by the fire, and several other houses were damaged. Reported losses, repairs, and upgrades from this incident totaled over \$8.5 million, and major transportation delays occurred. I-77 was closed in both directions because of the fire and resulting damage to the road surface. The northbound lanes were closed for about 14 hours, and the southbound lanes were closed for about 19 hours while the road was resurfaced, causing delays to both travelers and commercial shipping.¹²

While incidents involving regulated pipelines and infrastructure are reported, incidents related to rural gas gathering pipelines are rarely reported.¹³ We can however, reasonably presume that the risk of incident is equal or greater than that posed by non-exempt infrastructure.

The EIS must fully consider and disclose the risk to human health and safety and the environment from the regulated and unregulated infrastructure including rural gas gathering pipelines associated with oil and gas development.

Plan Components

The 2012 planning rule requires the Forest Service to maintain and restore ecological integrity of terrestrial and aquatic habitats and protect water quality and water bodies. It also requires the integration of multiple uses in such a way that achieves the goals of ecological sustainability and contributes to social and economic sustainability. In revising the plan, the Forest Service will zone the forest identifying where oil and gas activity can occur and within those zones where surface disturbance may and may not occur, as well as where oil and gas activities is unsuitable. Unsuitability can be based on the desired conditions, legal constraints, or physical or social constraints.

Given the risks associated with oil and gas activity – and in particular with the webbed network of gathering lines described above – we urge the Forest Service to carefully consider the places (e.g., management/geographic areas, ROS settings, other places) that are suitable for oil and gas activities (or at least surface disturbance related to those activities) and those that are unsuitable. The Forest Service should identify as unsuitable places where risks from failure from gas gathering pipelines would diminish other uses or values. These include, but are not limited to places valued for outdoor recreation (both within extended backcountry areas that offer solitude and challenge and frontcountry areas used regularly by nearby residents and visitors); places with steep and erodible soils; places that contain important water bodies that would be adversely affected by spills and failures; fragile headwaters areas where any spills could adversely impact drinking and irrigation water; places where forest fires ignited by pipelines would endanger human health and property; places where any pipeline incidents would have negative impacts on the viability of grazing allotments that ranchers rely on.

¹² 68 Fed. Reg. 20722, 20730.

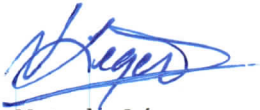
¹³ 4 CCR 723-4-4911(b). Operators of Class 1 rural gathering lines are only required to report incidents if they require evacuation of people or the closure of a road.

In addition to determining suitability, the revised plan should include a standard or guideline that says that the Forest Service can consent to oil and gas leasing or subsequent related activities only after the human health and safety risks associated with oil and gas infrastructure and activities have been fully considered and disclosed, and the Forest Service finds that the risks are acceptable, and only when risks identified can be managed, eliminated or mitigated by the current regulatory framework, in particular with respect to Class 1 gas gathering pipelines.

The unmitigated risks presented by the regulatory gap around gas gathering pipelines provide additional justification for consideration of a no-leasing alternative discussed in conservation organizations' comment letter referenced above.

We thank the agency for considering these comments related to oil and gas pipelines and how they are addressed in the revised plan. Please do not hesitate to contact me if you have questions.

Sincerely,



Natasha Léger

Executive Director (Interim)