



COLORADO

Parks and Wildlife

Department of Natural Resources

Southwest Regional Office
415 Turner Drive
Durango, CO 81301
P 970.375.6701

November 18, 2022

Acting District Ranger – Elizabeth Francisco
Columbine Ranger District, USFS
367 South Pearl St.
Bayfield, CP 81122

RE: Catamount Spring Creek Pipeline and Associated Fruitland Coal Gas Drilling Project-
Scoping

Dear Elizabeth:

Colorado Parks and Wildlife (CPW) has reviewed the scoping materials provided by the San Juan National Forest (SJNF) - Columbine Ranger District for the above mentioned project. In addition, we visited the location for the proposed Catamount Spring Creek Pipeline and Associated Fruitland Coal Gas Drilling Project on November 2, 2022. The project is located in the western HD Mountains of La Plata and Archuleta Counties, Colorado. The proposed pipeline is approximately 8.4 miles in length and will be constructed within a 40-foot Right-of-Way (ROW) resulting in 42.7 acres of short-term surface disturbance. The proposed pipeline follows Spring Creek and Salt Canyon, which are identified as intermittent drainages. In addition, an existing well pad and access road will be expanded resulting in an additional 0.7 acres of long-term disturbance with an additional 0.1 acres of long-term disturbance for pigging stations. The well pad and upper sections of the proposed pipeline are within mixed conifer forest, transitioning to pinyon/juniper and sagebrush dominated landscapes in the lower elevations.

Habitat Quality and Habitat Use

The proposed pipeline and well pad fall within an area mapped as elk and mule deer Winter Concentration Areas, mule deer Migration Corridor, and Severe Winter Range for elk - High Priority Habitats (HPHs). Deer and elk also migrate through this area from high elevation summer range in the San Juan Mountains to the project area and further south into New Mexico. This area has some of the highest concentrations of wintering mule deer anywhere in the San Juan Basin. The pinyon-juniper and ponderosa forest located on hillsides and ridge tops provide security and thermal cover to wintering big game animals adjacent to the proposed alignment. The sagebrush flats are heavily browsed along the project route. There is suitable nesting habitat for a variety of raptor species, particularly on the ridge tops. CPW recommends pre-construction raptor nest surveys be conducted prior to construction activities.



Permitting Coordination

The Colorado Oil and Gas Conservation Commission (COGCC) recently overhauled the oil and gas rules and regulations in Colorado¹. CPW recommends that permitting activity be coordinated between the State and Federal permitting process pursuant to Memorandum of Understanding (2009).²³ In addition, the COGCC regulations provide triggers for CPW consultation with the surface owners and operator. CPW desires to make consistent science based recommendations to both the COGCC and the USFS within their respective permitting processes.

Northern San Juan Basin Coal Bed Methane Project EIS

We understand that these locations were analyzed in the Northern San Juan Basin Coal Bed Methane Project EIS (NSJB FEIS 2006) and included in the FEIS of the Final San Juan National Forest and Proposed Tres Rios Field Office Land and Resource Management Plans (LRMP September 2013). Presumably, this project level NEPA will tier to these two documents and the previous commitments and decisions by the Authorized Officers.

The NSJB EIS and the LRMP outline general wildlife protection measures including seasonal timing restrictions, buffer distances, and other best management practices to avoid and minimize impacts to wildlife resources (NSJB EIS 3-272 and LRMP Section 2.3). CPW recommends following the commitments to avoid, minimize and mitigate impacts to wildlife resources outlined in these documents. However, some of these measures are dated and no longer represent the best available science. We recommend comparing the NSJB EIS and LRMP measures with the recently published CPW High Priority Habitat (HPH) recommendations⁴. If there is an inconsistency with the HPH recommendations, we recommend conducting appropriate NEPA analysis to incorporate and implement the species specific 2021 HPH recommendations for this project.

The NSJB EIS states that removal of sagebrush should be avoided, and the well pads are located in sagebrush parks that are heavily utilized in the winter by deer and elk. The shrub browse availability is critical for wintering big game animals. CPW recommends that the USFS and the COGCC evaluate the need to include native shrubs and forbs in the seed mix for interim and final reclamation.

Mitigation under the NSJB EIS

The NSJB EIS section 3.9.6.4.2 details habitat enhancement requirements for operators in deer and elk winter range equal or greater to the acreage disturbed by development. The proposed action includes approximately 43 acres of surface disturbance, much of that disturbance is slated to occur in previously disturbed pipeline corridor. The pipeline corridor in many places contains grasses, forbs and shrubs that provide forage for wildlife including elk and deer. Please include a discussion of loss of habitat and forage for wildlife.

¹ <https://cogcc.state.co.us/reg.html#/rules>

² Memorandum of Understanding among Bureau of Land Management State Office Colorado, United States Forest Service, Rocky Mountain Region, and the Colorado Oil and Gas Conservation Commission Concerning Oil and Gas Permitting on BLM and NFS Lands in Colorado. 2009.

³ Extension of the Expiration date for the MOU. 2019.

⁴ Colorado Parks and Wildlife's (CPW) Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado. 2021. https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf

There is some uncertainty in the EIS regarding the frequency and duration of the compensatory mitigation habitat improvement/enhancement offsets. In our experience habitat enhancement projects typically result in improved forage condition for 7-10 years post treatment for big game. CPW supports compensatory mitigation efforts that persist for the duration of the impact. In this case, since the oil and gas facility and ancillary facilities are expected to have a 30-year life, the habitat enhancements should have a lifespan commensurate with the duration of the impact. Please provide clarification on the mitigation requirements described in the EIS.

Additionally, we recommended that the USFS quantify the indirect impacts using the current best available science and mitigate the indirect impacts to support the LRMP Desired Condition 2.3.22. LMP Guidelines 2.3.62 and 2.3.63 support this Desired Condition to conduct anthropogenic activities in these important habitats in a manner that does not reduce habitat effectiveness and maintains habitat connectivity.

Finally, the COGCC has incorporated a compensatory mitigation framework within the 1200 series rules within deer and elk winter concentration areas and migration corridors. The BLM recently instated their Mitigation Policy⁵. CPW desires to work cooperatively with the operator, USFS, BLM and COGCC to ensure that mitigation offsets the residual unavoidable impacts to wintering elk and deer.

We appreciate this opportunity to provide scoping comment on this project. If you have questions, or would like to schedule a site visit to discuss possible alternative recommendations to those that we have provided, please contact me at 970-375-6707. We look forward to working together with you to benefit wildlife.

Sincerely,



Brian Magee
Energy Liaison
Southwest Region

cc: Matt Thorpe, Deputy Regional Manager; Adrian Archuleta, Area Wildlife Manager-Durango; Stephanie Taylor, District Wildlife Manager; Brad Weinmeister, Terrestrial Biologist, Pete Foote, Land Use Coordinator, SW Region

⁵ United States Department of the Interior Bureau of Land Management. Instructional Memorandum 2021-046. Reinstating the BLM Manual Section (MS-1794) and Handbook (H-1794-1) on Mitigation

