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San Juan Citizens Alliance - Catamount Spring Creek Scoping Comments

Dear James,

Thank you for the opportunity to comment on the proposed Catamount Spring Creek Pipeline and Associated Fruitland Coal Gas Drilling Project. According to the scoping document, the project would permit construction of an 8.4 mile pipeline system for gas and produced water along Spring Creek in the HD Mountains, the expansion of one existing gas wellpad (Pargin Mt UT 2) to facilitate re-completion of one existing gas well, and horizontal drilling of seven new gas wells from the same pad.¹ The pipeline would include an eastward spur connected to the Fed 26-1 wellpad, which contains one existing well drilled in 1999 that is not in production. Catamount has filed an APD for new horizontal wells to be drilled from that pad. The project is tiered to the 2013 San Juan National Forest Land and Resource Management Plan (LRMP)² and the Northern San Juan Basin Coal Bed Methane Project EIS (NSJB EIS).³ These overarching plans govern, and detail best management practices (BMPs) for oil and gas projects in the Northern San Juan Basin. At the state level, CPW provides recommended oil and gas stipulations for certain species and habitats.⁴ These stipulations should be attached to development to avoid and mitigate wildlife impacts.

The San Juan Citizens Alliance has several concerns with the project, including potential impacts to Spring Creek, its riparian area, and the associated Watershed Inclusion Zone (WIZ), fragmentation of state designated elk and mule deer severe winter range and winter concentration areas, erosion from roads and development on steep slopes, and impacts to quiet recreation and hunting. Having toured the site and mapped spatial data in the project area, we believe the project as proposed would be difficult if not impossible to reconcile with federal and state law and policy.

¹ Catamount Spring Creek Scoping Letter (October 18, 2022) <https://usfs-public.app.box.com/v/PinyonPublic/file/1043369685377>

²San Juan National Forest Land and Resource Management Plan (2013) <https://www.fs.usda.gov/detail/sanjuan/landmanagement/planning/?cid=stelprdb5432707>

³ Northern San Juan Basin Coal Bed Methane Project EIS (2006) <https://www.fs.usda.gov/detailfull/sanjuan/landmanagement/planning/?cid=stelprdb5162587&width=full>

⁴ CPW Recommended Oil and Gas Stipulations https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf

I. Spring Creek

Spring Creek is an intermittent stream in the Lower Los Pinos watershed. The proposed pipeline would parallel the creek along its path through the Spring Creek Archaeological Area, northeast through a steep drainage into the HD Mountains Roadless Area to the Pargin Mt Ut 2 wellpad at the top of the drainage. The pipeline would fall within a 40 foot ROW of Forest Road 537. However, the steep, narrow terrain in the drainage is such that building within the ROW would violate stream protections established in the controlling planning documents.

Spring Creek is the source for various water rights structures near the proposed pipeline. Downstream of the project area, Spring Creek confluences with the Los Pinos River, which provides domestic and household water for the town of Ignacio and households throughout Southern Ute Tribal Lands. The NJSB EIS states “For all domestic water supplies using a groundwater well or spring, no surface occupancy would be allowed within a minimum distance of 1,000 horizontal feet.” Spatial analysis of permitted wells nearby the proposed pipeline suggest two domestic wells are located within a 1,000 horizontal foot buffer to the pipeline, as well as one permitted well for household use.

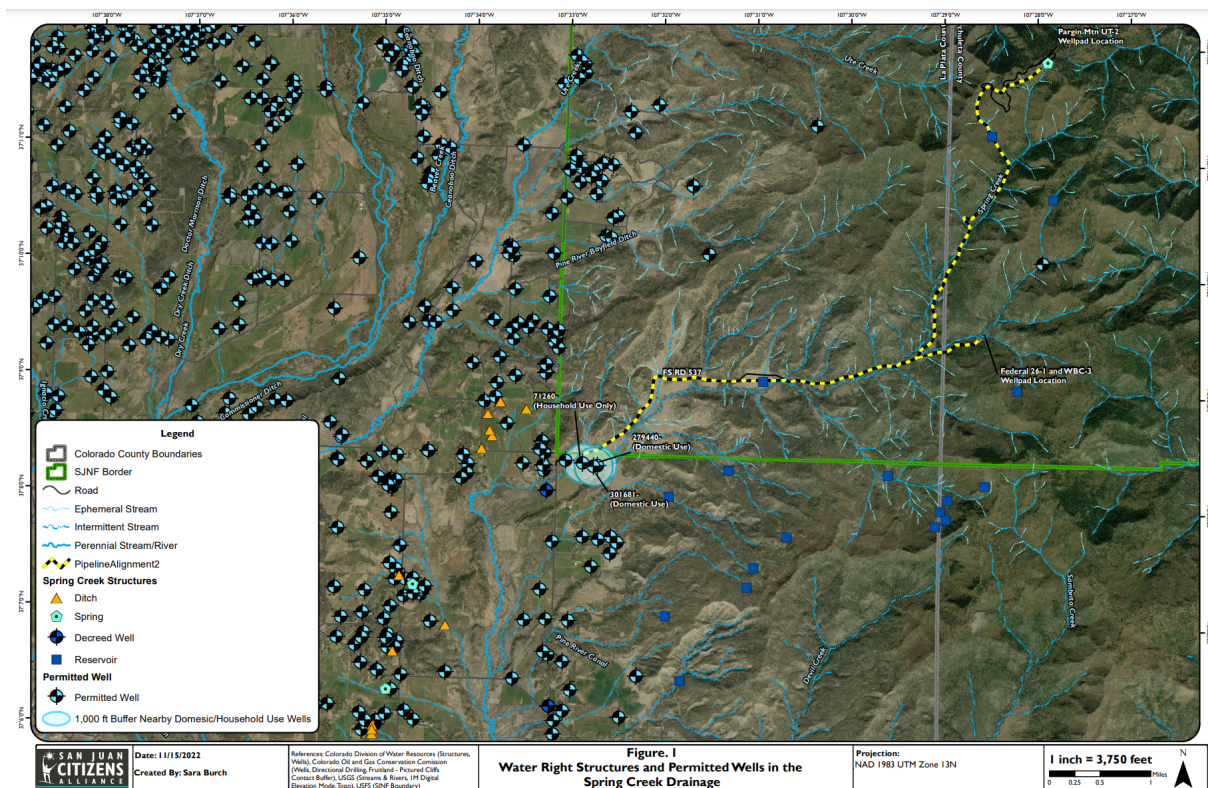


Fig 1. Domestic and household use wells within the 1,000 horizontal foot buffer to the pipeline

The NSJB EIS identifies the area around Spring Creek as a Watershed Inclusion Zone (WIZ). The WIZ includes the geomorphic floodplain, riparian ecosystem, and inner gorge. Its minimum horizontal width from top of each bank is the greater of 100 feet or the mean height of mature dominant late-seral vegetation. It includes adjacent unstable and highly erodible soils. The WIZ protects interacting aquatic, riparian, and upland functions by maintaining natural processes and resilience of soil and water.

The NSJB EIS highlights the risk of pipeline construction within the WIZ:

Potential short-term surface water quality impacts could occur as a result of accidental spills of fuel, lubricants, and fluids during facility construction in water influence zones (WIZ). Long-term impacts over the life of the project could occur from leaks or breaks in the pipelines that run from the wells to the disposal facilities. To mitigate these impacts, facilities would be located outside of the WIZ, where possible, and operations would adhere to spill prevention control and countermeasures (SPCC) plans that incorporate best management practices (BMPs).⁵

The Forest Service further determined that “Well pads and roads would be relocated or realigned to avoid disturbance in the WIZ where possible” and “Roads would be located to avoid unstable slopes.”⁶ Additionally, the LRMP establishes a riparian buffer of no surface occupancy (NSO) within 50 horizontal feet of stream banks for all intermittent or ephemeral streams. If riparian vegetation extends beyond the top of the stream bank, the buffer would be measured from the extent of the riparian vegetation.

The existing access road to Pargin Mt UT 2 and the pipeline paralleling it are well within both the WIZ and the riparian buffer as illustrated in the figure below. According to the Scoping Document, a 40 foot right of way (ROW) would be implemented along the pipeline alignment. There are concerns with the alignment of the ROW, as a topographic left-alignment would situate the pipeline and the ROW within slopes exceeding 35% grade, and within landslide deposits. A topographic right alignment or central alignment would situate the pipeline and its ROW within the 100 foot WIZ buffer and 50 foot riparian buffer along Spring Creek.

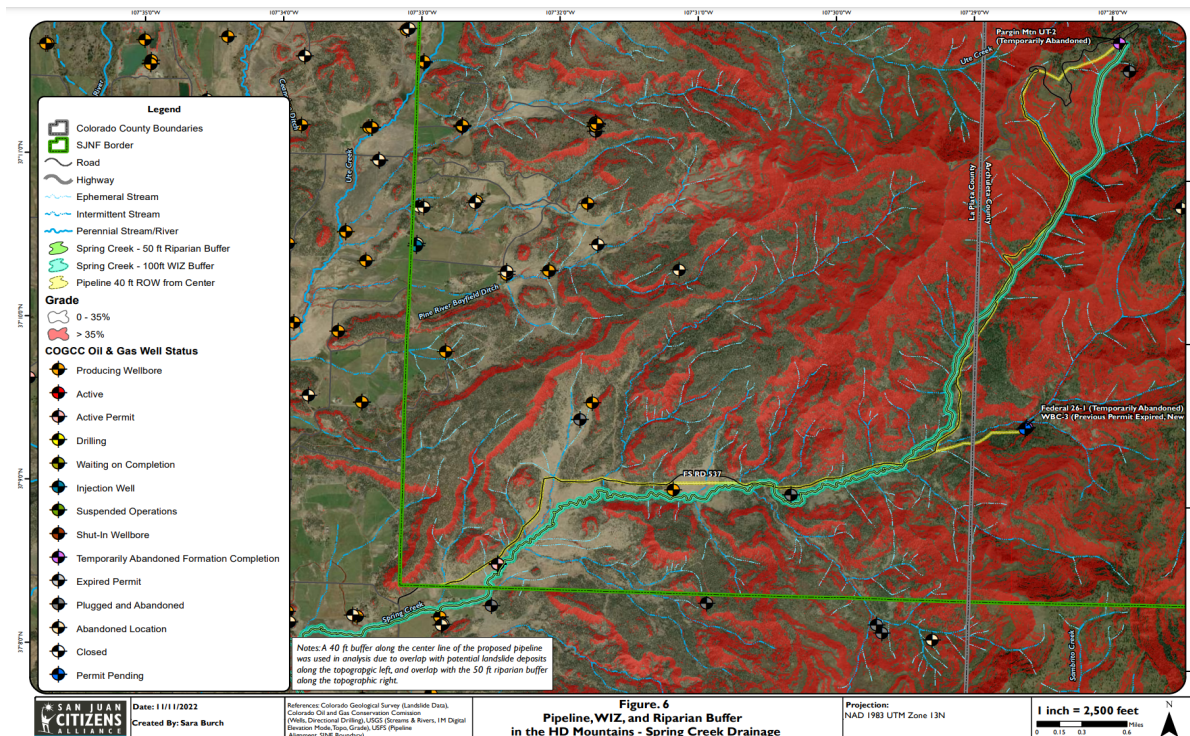


Fig 2. Pipeline ROW intersects WIZ and Riparian buffer, and/or slopes > 35%

⁵ NSJB EIS at xxiii

⁶ Id. at 2-35

Finally, the NSJB EIS requires the Forest Service to develop a Spill Prevention Control and Countermeasures Plan (SPCCP), including BMPs, when conducting oil and gas activities in a WIZ. Please include a copy of the SPCCP for this project including best management practices to avoid or mitigate potential impacts.

II. Wildlife Protections

The project area is located within important winter elk habitat for both elk and mule deer. CPW has mapped winter habitat for these big game species, including severe winter range and winter concentration areas, the most important habitat for overwintering ungulates.

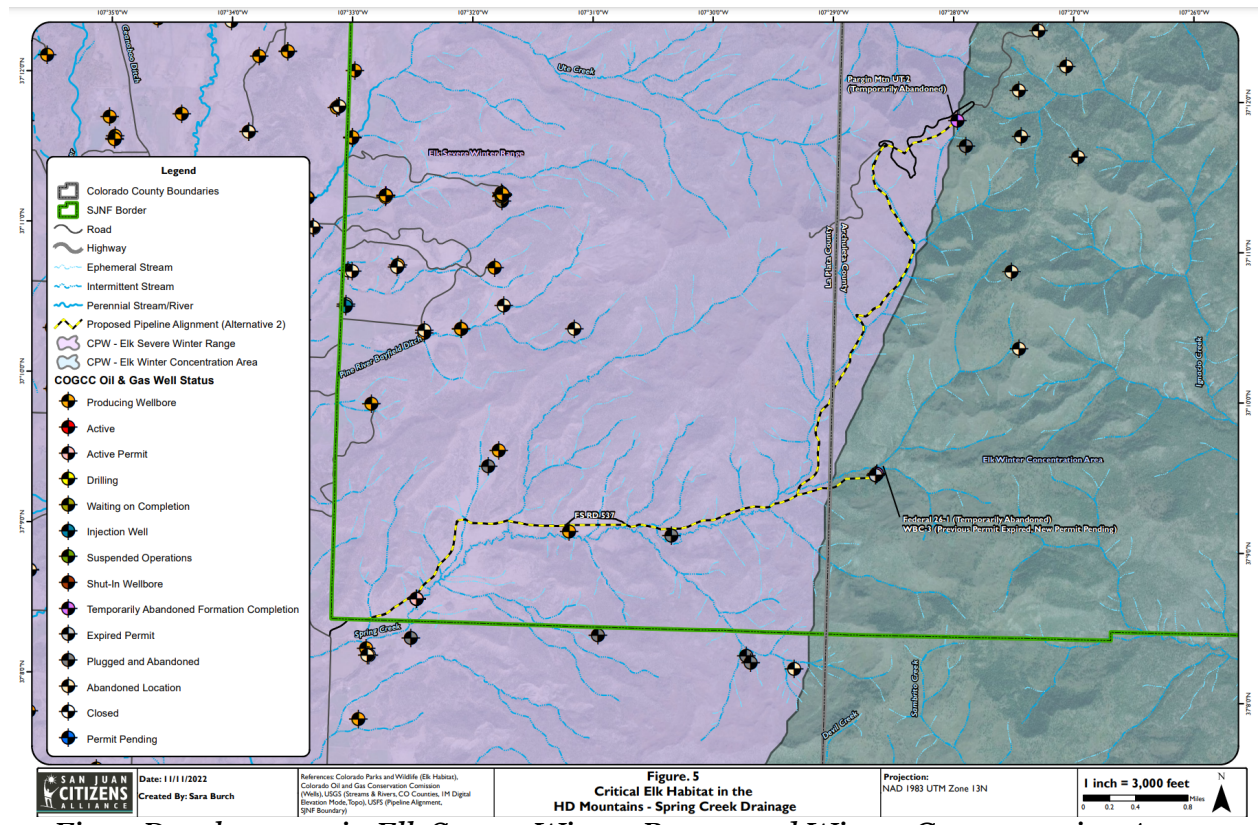


Fig 3. Development in Elk Severe Winter Range and Winter Concentration Areas

In these areas, CPW recommends that Timing Limitation Stipulations (TLS) be attached to oil and gas development prohibiting human activities between December 1 and April 30, and recommends stipulations limiting surface disturbance to one wellpad per square mile.⁷ We share CPW’s concerns with potential impacts to our already over-pressured ungulate populations and their habitat.

The NSJB EIS acknowledges the project area’s importance for recreation, particularly big game hunting.

Spring Creek: This area, southeast of Bayfield, is some 6,000 acres. Local residents use Spring Creek for both motorized and nonmotorized recreation. ATV use is extensive

⁷ CPW Recommended Stipulations (*supra*).

next to the residential areas. The area is also heavily used in the fall for hunting, and is open to motorized use between June 1 and November 30...Seasonal big-game hunting is the major attraction [in the adjacent HD Mountains Roadless Area].⁸

The Bureau of Land Management is in the process of developing a statewide RMP amendment to safeguard big game habitat on BLM lands in Colorado consistent with federal law and policy, including former Secretary Zinke's Secretarial Order 3362.⁹ We ask that the forest service work closely with CPW to avoid and minimize impacts to ungulate habitat, particularly the most sensitive sub habitats that support these migratory species in their most vulnerable months.

We also highlight the NSJB EIS's assurances that, regarding impacts to migratory birds from development in riparian areas

Alternative 7, the agency's preferred alternative, would result in the loss of about 4 acres (0.4 percent) of riparian/wetland habitat on Federal lands in the Project Area. This is an area roughly equal to the average home range size of most neotropical migratory bird species of concern in the riparian/wetland analysis group.

In general, riparian and wetland habitats would be avoided wherever possible during project development. In addition to committed conservation measures protecting Threatened and Endangered species habitat (Appendix H), the mitigation measures protecting riparian and wetland habitats (Section 3.8.5 and Appendix J) are developed to protect habitat for all species of concern associated with riparian and wetland habitats.¹⁰

As the Catamount pipeline project intersects riparian habitat over the course of several miles, we ask that the Forest Service thoroughly review the impacted riparian acreage to ensure that, cumulatively, development in the Northern San Juan Basin results in fewer than 4 lost acres of habitat as contemplated in the controlling land use plan.

Finally, the project area provides suitable habitat for several bat species of CPW concern and potentially habitat for the ESA listed Mexican Spotted Owl. We recommend thorough surveys for these species be conducted before any development to ensure no incidental take of these species occurs and all appropriate CPW recommended stipulations are applied.

III. Steep Slopes

Much of the project is located in steep terrain, in an area with loose soils and naturally triggered landslides. The NSJB EIS acknowledges that "well pad locations on the Spring Creek side are in landslide areas with very steep, unstable, and erosive ridgelines and hillsides"¹¹ and that "roads, pipelines, and well pads located on the ridgeline divide between Spring Creek, Salt Creek, and Ignacio Creek on landslide terrain and steep, erosive, and

⁸ NSJB EIS at 3-368.

⁹ Big Game Corridor Amendment <https://eplanning.blm.gov/eplanning-ui/project/2018400/510>

¹⁰ Id. at 3-326.

¹¹ Id. at 3-148

dissected ridgelines are also predicted to have a high risk of substantive negative impacts.”¹² These impacts seem likely given the steep terrain in the drainage, much of which exceeds a 35% grade.

The LRMP establishes NSO stipulations on lands prone to mass movement, and a 100 foot NSO buffer around those lands.¹³ “Lands with slopes greater than 35%” are explicitly included in the plan’s definition of “land prone to mass movement” along with lands that display evidence of past movement, including landslides. Topographic analysis identified several portions of steep slopes adjacent to Forest Road 537 with evidence of landslide activity, particularly along the road segment that deviates from Spring Creek and continues along an ephemeral drainage before traversing east to Federal 26-1. We are concerned with the alignment of the proposed pipeline that would cross several landslide deposits throughout this portion of the project area (See Figure 4).

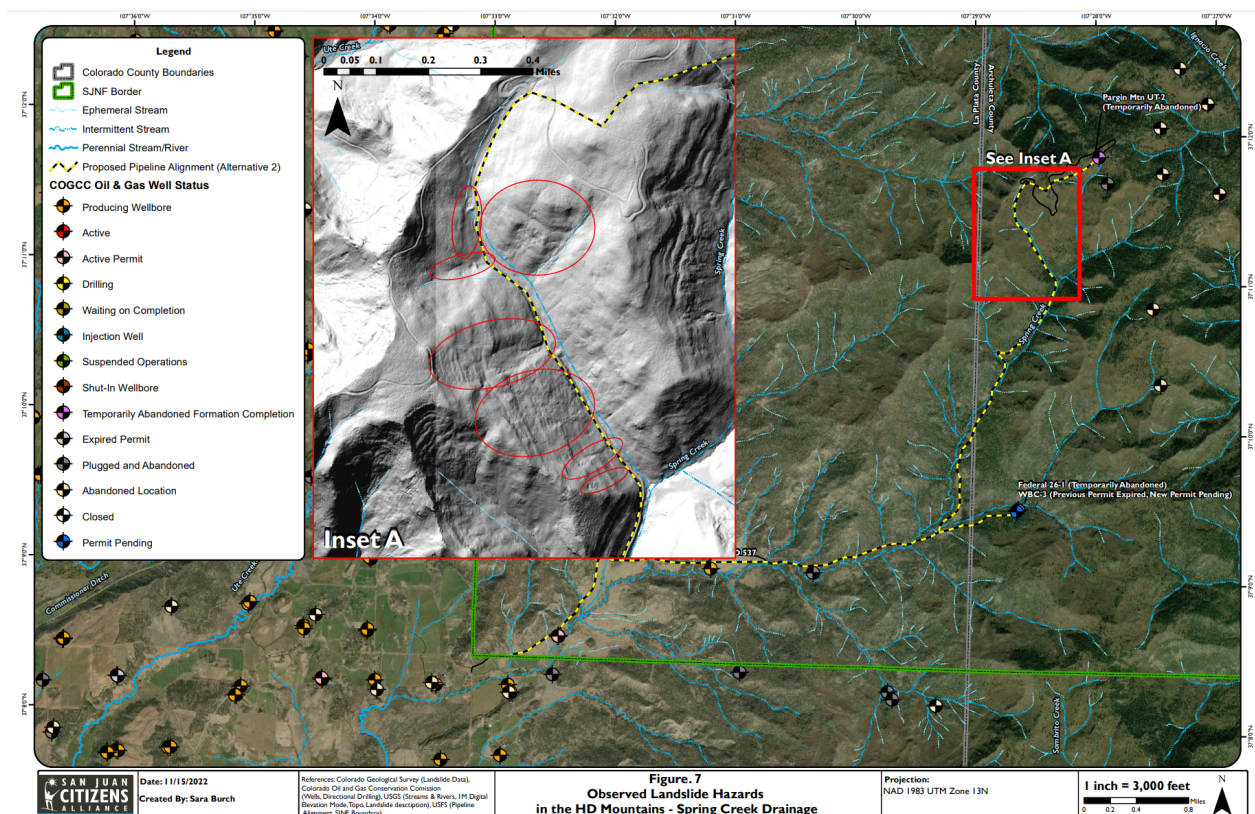


Fig 4. Pipeline alignment in steep slopes and through landslide deposits

Additionally, the access road itself often exceeds 12%, at times exceeding 35%, in violation of BMPs outlined in the NSJB EIS (See Figure 5). That document requires that “Maximum road grades are 8 percent, except for short pitches up to 12 percent for 300 feet or less.”¹⁴ The EIS directs the Forest Service to “Consider steeper grades in those situations where they result in lesser environmental impact.” We find that position difficult to defend given the loose soils and demonstrable landslide risk in the project area.

¹² Id. at 3-180

¹³ LRMP Appendix H at 15.

¹⁴ NSJB EIS at 3-167.

Our mapping indicates that:

- 14.4 % (approx 1.3 miles) of road is >35% slope
- 17.5% (approx. 1.5 miles) of road is between 25.1%-35% slope
- 38.2% (approx 3.4 miles) of road is between 12.1%-25% slope
- 11.8% (approx 1 mile) of road is between 8.1%-12% slope
- 18.1% (approx 1.6 miles) of road is between 0%-8% slope

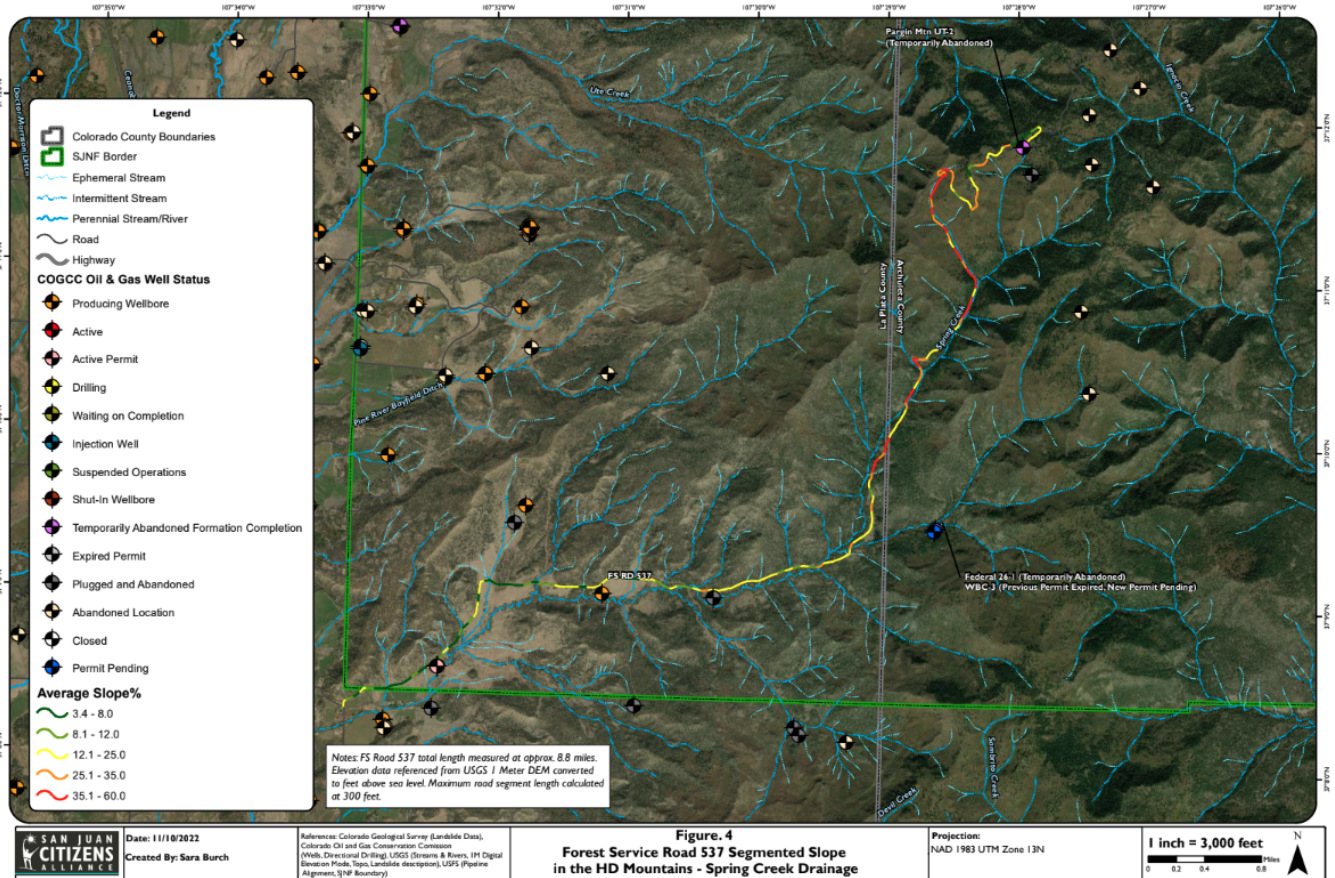


Fig 5. Road grade often exceeds permissible slope angle

IV. Connected and cumulative impacts

CEQ regulations implementing NEPA require a thorough review of direct, indirect, and cumulative impacts. The scoping document considers reasonably foreseeable impacts of the proposed pipeline, well pad expansion, and additional wells, but does not consider the cumulative impacts of this development in the context of other oil and gas operations in the HD mountains and nearby.

Catamount filed an APD in July of 2022 to develop new wells on an existing wellpad in the project area (Fed 26-1), which would connect to the gas and produced water pipelines proposed in the instant project. New development on Fed 26-1 constitutes a “connected action” that must be analyzed in the same NEPA document. Per the CEQ regulations, connected actions are those proposed Federal actions that are “closely related” and “should be discussed” in the same NEPA document.¹⁵ Proposed actions are connected if they automatically trigger other actions that may require an environmental impact statement;

¹⁵ 40 CFR 1508.25 (a)(1)

cannot or will not proceed unless other actions are taken previously or simultaneously; or if the actions are interdependent parts of a larger action and depend upon the larger action for their justification.¹⁶ New wells on Fed 26-1 would not proceed without the proposed pipeline, are an interdependent part of the currently reviewed action, and may cause significant impacts to the human environment meriting an EIS. Thus, they meet the CEQ definition of connected actions and should be reviewed concurrently.

These actions must also be reviewed in the context of their cumulative impacts. Please review the scale of existing and reasonably foreseeable cumulative impacts from nearby oil and gas projects including existing horizontal wells in Salt Creek, existing wells in Goose Creek, proposed wells in Bull Creek, and the cumulative potential impacts of subsidence and seismic activity from oil and gas development in the HDs. Please also consider noise impacts in this cumulative review, as our members have complained about noise mitigation issues with Catamount wells in Goose Creek.

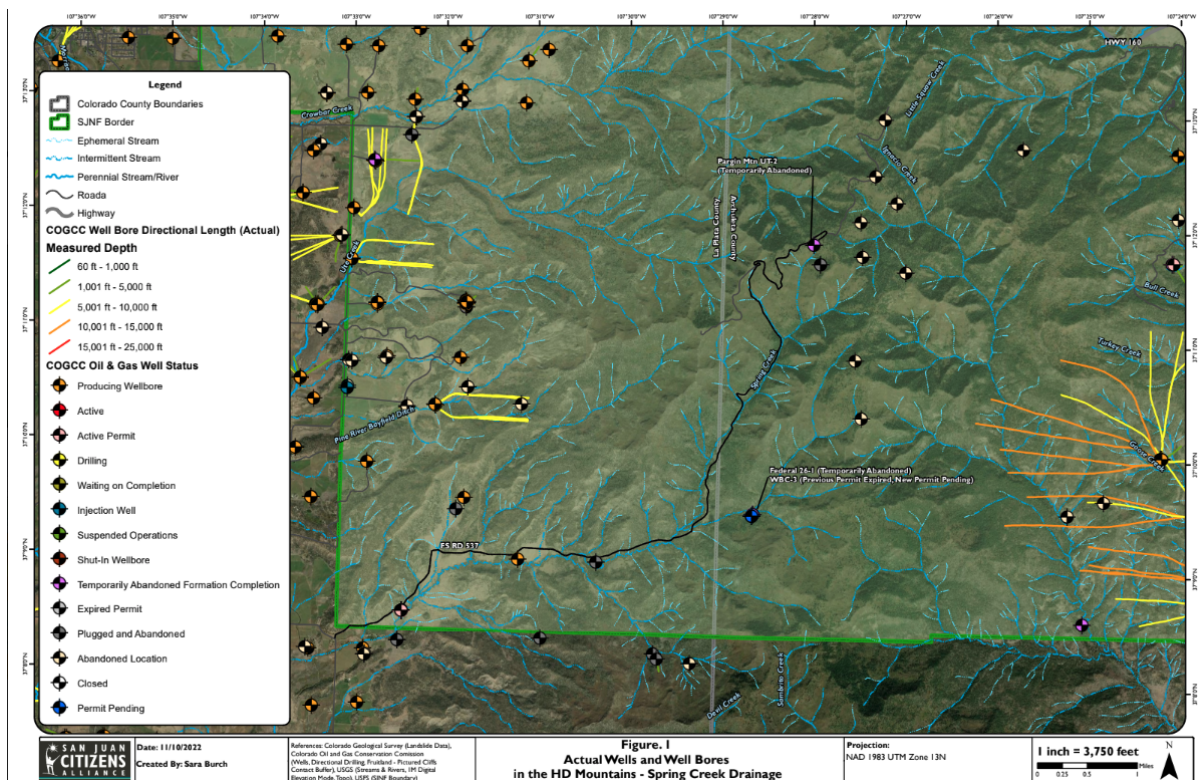


Figure 1
Actual Wells and Well Bores
in the HD Mountains - Spring Creek Drainage

Fig 6. Existing wells and bores

16 Id.

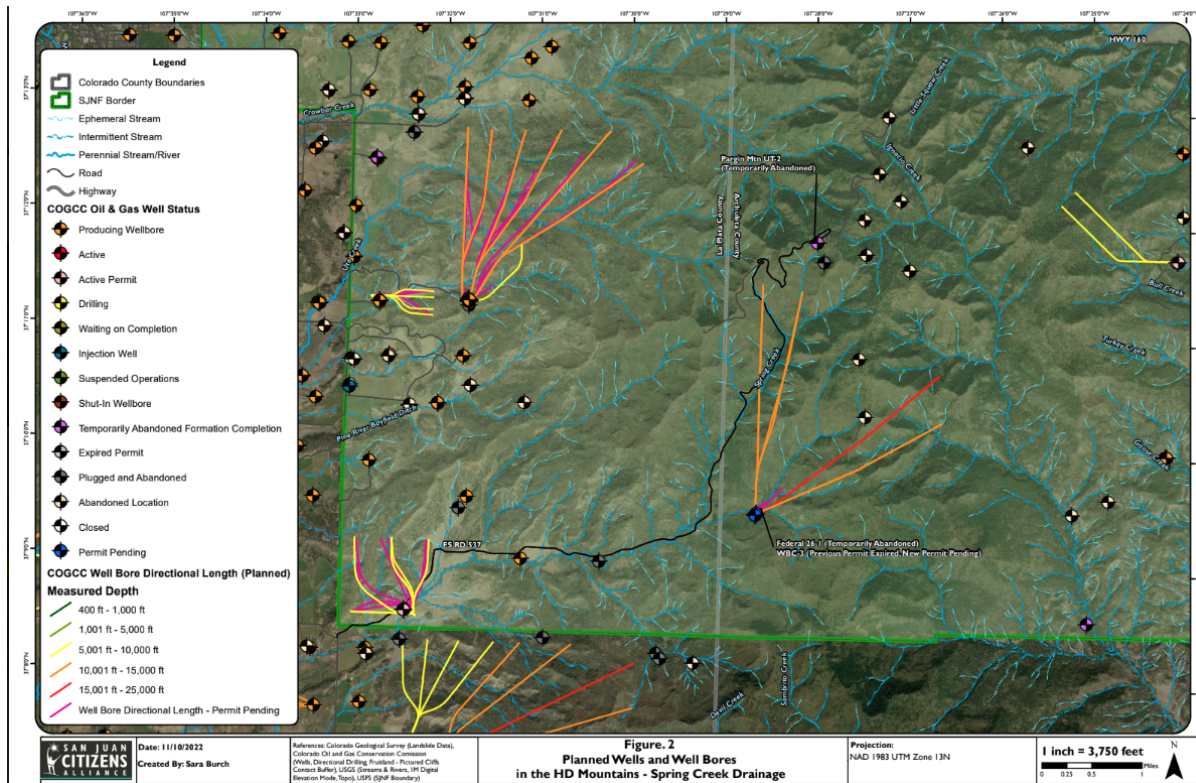


Figure 2
Planned Wells and Well Bores
in the HD Mountains - Spring Creek Drainage

V. Boundary modification to incorporate additional lands into the HD Mountains Roadless Area

Finally, SJCA supports an expansion of the 25,044-acre HD Mountains Colorado Roadless Area (CRA 295) to encompass the national forest lands northwest of Spring Creek, based on the Forest Service policy recently implemented in the approved Valle Seco land exchange. On February 23, 2022, the Chief of the Forest Service signed the final decision for the Colorado Roadless Area boundary modification associated with the Valle Seco 2019 Land Exchange.¹⁷ The Chief’s decision expanded the Winter Hills/Serviceberry Mountain CRA by 4,623 acres to incorporate land west of Highway 84 as an extension of the existing CRA located east of Highway 84.

The USFS’s redefinition of Roadless Areas in Colorado now specifies that such areas not be required to consist of a contiguous block of land but instead may be a collection of non-contiguous areas with similar characteristics. We ask that the Forest Service apply the new regional policy consistently across all projects, and thus in this project evaluate boundary modification of the existing HD Mountains CRA to include lands with roadless characteristics north and west of the Spring Creek Road.

Additionally, there are roadless national forest lands south of the Spring Creek Road adjacent to the Southern Ute boundary that are in fact contiguous with the existing HD Mountains CRA and should be added into the CRA via a boundary modification.

¹⁷ Decision Notice & Finding of No Significant Impact, Valle Seco 2019 Land Exchange, San Juan National Forest, June 2022, at 6.

Thank you for your consideration of these scoping comments and your commitment to ensure development consistent with applicable laws, regulations, policies, lease stipulations, land use plans, and appropriate best management practices.

Sincerely,



John Rader
Public Lands Manager
SJCA



Sara Burch
Animas Riverkeeper
SJCA