January 16, 2024

Columbine District Staff
Columbine District
367 Pearl Street
Bayfield, CO 81122

RE: Catamount Spring Creek Draft EA (Project 63036)

Columbine District Staff,

Detailed below are my comments on the proposed area development project proposed by Catamount Energy to access fluid minerals from the existing Pargin Mtn UT-2 wellsite located near the end of the "cherry-stemmed" road approximately 2 miles within the HD Mountains Colorado Roadless Area.

HD MOUNTAIN GEOLOGY AND CATAMOUNT PROJECT LOCATION DESIGN

The following paragraphs (A and B) are from the 2013 SJNF LRMP.

A. *The HD Mountains contain rugged terrain that is generally characterized by steep slopes, canyons, cliffs, and rock outcrops. Elevations within the project area range from 6,700 to 8,800 feet above mean sea level.*

B. *Geology and Geomorphology: The HD Mountains area is noteworthy for its geology, topography, and landslides. It also contains many areas of steep, unstable, erosive soils and slopes, as well as the Fruitland Formation, which is one of the most productive formations for natural gas in the San Juan Basin. The Fruitland Formation is exposed at the surface in the HD Mountains area, in a feature known locally as the Outcrop. The Outcrop is an important hydrogeology. SJNF LRMP (2013)*

Having spent extensive time in the HD Mountains hiking, skiing, bike riding and camping including as recently as one week ago I have observed much of what is noted in the LRMP – the HD's are steep with unstable slopes that commonly experience landslips and slumping events. When I read the above noted paragraphs A B from the LRMP they "square" with what I have seen in the HD's – in every sense the HD's are geologically unstable. Further, paragraphs C, D and E below, from the Draft EA acknowledge the very significant geologic hazards and challenges for development associated with those hazards – **obviously the hazards are real and they are quite unpredictable.**

Despite these obvious geologic hazards Catamount has proposed with a great degree of hubris and the SJNF is on the brink of approving the Catamount proposal to build this extensive dual pipeline system up approximately 2,000' feet on the southern aspect of the HD's. While the Draft EA acknowledges a litany of naturally occurring circumstances that could cause significant damage to the dual pipeline system and the parallel road there certainly is not precautionary principle in play here, rather an engineering hubris that the "design will solve all" (my quotes). The likelihood of failure in either the pipeline system or road is high, though this is not acknowledged in the EA. If I was a Catamount Energy investor that really looked at this issue I would "run the other way." The reality of a slide or slump or similar activity within this proposed pipeline/road development is not a question of "will it or will it not", rather is a matter of "when," as in when will there be a familiar event.

These slopes are very steep, I don't see the road gradient noted anywhere in the EA (maybe I am missing it), but a hike or bike ride up the road will provide you some feedback. With this inherent gradient and geological reality a pipeline failure is likely, probably more likely for the produced water pipeline, but a significant event could certainly rupture the gas pipeline as well. And what comes with it – Spring Creek contamination, plant and wildlife desecration, a wildfire ignition?

Unfortunately what is "at hand here" is whether the SJNF approves this project as is – the agency stands in a perilous place to approve a pipeline and road that over their lifetime, and maybe within a decade or two, or doomed to mechanical failure.

C. *Portions of the project area are located in areas with a high potential for landslides and mass wasting, as mapped in the NSJB FEIS. Landslides are slow or rapid downslope movements of rock and surficial deposits that are common throughout Colorado. Landslides result from a combination of factors, including mountainous terrain, rock type and composition, weakening of the rock from weathering, orientation of the geologic structure relative to ground slope, and groundwater conditions. Additionally, unplanned actions such as wildfires, prolonged wet periods, or large storms could destroy vegetation or introduce excessive precipitation that would trigger slope movement. Geology and areas of high landslide hazard in the project area are shown in Figure 4.*

D. *Approximately 1.75 acres of the Proposed Action is located in areas containing high landslide hazard soils, with slopes of greater than 40%. Ground disturbance in these areas could increase the risk of landslides. Portions of FS Road 537 and FS Road 537.C that are located within landslide hazard areas show no evidence of "slumping," or traveling downslope. Catamount Spring Creek Pipeline and Associated Fruitland Coal Gas Drilling Project DRAFT EA 36 would mitigate potential impacts from high landslide hazard areas by locating the Proposed Action on existing disturbance corridors associated with FS Road 537 and FS Road 537.C and practicing minimal clearing and surface disturbance. Mitigation measures, as identified in the Section 3.4.5 of the 2006 NSJB FEIS, would also be utilized to minimize the risk of landslides. These include avoiding areas of unstable slopes and landslides where possible and/or utilizing*

stabilization designs and practices such as subsurface drainage, retaining walls, etc. (USDI 2006). Catamount would install slope breaks, erosion control logs, erosion control blankets, and other stormwater management BMPs on slopes, and initiate reclamation as soon as feasible to minimize loss of soil caused by erosion. A road engineering design identifying stabilization measures, as well as a SWMP, would be drafted and reviewed by SJNF prior to implementation of the Proposed Action (Draft EA, Page 26)

E. The majority of the project would be constructed in areas that avoid soils with high water erosion potential as well as high hazard soils where the risk of landslides is increased. In areas where landslide hazards are unavoidable, road engineering design would occur as necessary to ensure integrity of the existing roads following pipeline construction. (Draft EA, Page 20)

POSSIBLE ALTERNATIVES and COMPETENCY/RELIABILITY OF THE DRAFT ENVIRONMENTAL ASSESSMENT AND INTERNAL SJNF REVIEW

The list of possible alternatives fails to include any alternatives that truly reduce the area of disturbance of extensive disturbance (destruction?) set forth in the Proposed Action. It's not clear what is the source of these possible alternatives, especially because some our preposterous in nature such as the Ritter Canyon route and crossing HD Roadless Area lands (an approach that was already determined by the "turn down" of the Petrox Northern Extension Pipeline to be a non-viable approach and possible alternative.

A more reasonable alternative, though one that not necessarily supports a full scale assault to reach natural gas in the HD's to the benefit of Catamount's financial well-being, is offered below. The lack of reasonable alternatives makes me wonder as to the author of the Draft EA (not finding that information being offered to the public anywhere in the Draft EA – perhaps missing it?) as this lack of in-depth analysis of realistic alternatives is unacceptable. Though the author(s) of the EA are not evidently (and unfortunately) shared with the public, it can be inferred by various materials in the Draft EA (such as maps) that Cottonwood Consulting (CC) has write/prepared the Draft EA. This is unfortunate from the public's point-of-view as CC is a contractor of fossil fuel production interests/companies and with that comes a likely skewed/distorted of information related to the Draft EA's creation. I am surmising that CC is probably not a completely "trusty" and unbiased source for information or for the writing of the Draft EA from at least two observations of mine: 1) I have observed CC trucks/staff visiting and I would guess inspecting or monitoring well sites in the HD's which leads me to the conculsion that they were hired specifically by CC for this purpose. This represents a conflict-of-interest as obviously CC has an abiding and self-interest in retaining a positive relationship with Catamount to maintain their contract. And 2) CC wrote the NEPA documents for the proposed Petrox Northern Extension Pipeline a few years ago. The Draft EA was definitely the worst such document I have seen in my professional and personal work reading NEPA documents, and particularly so as related to fossil fuel extraction/development documents. The SJNF evidently agreed with this assessment and the Draft EA was withdrawn due to its deficiency. While I'm

not observing as many insufficiencies in this Draft EA, there are many (some noted within these comments) and their past performance "casts a dark shadow of doubt" over reliability of this Draft EA. I'm deeply concerned (and this is by no means a personal slight/attack) that with the recent turnover in key SJNF staff positions related to the pre-release of this Draft EA that deficiencies in the Draft EA might very well exist (some of which I have noted). The recent turnover of the Columbine's oil and gas/geology lead, the district ranger and the NEPA are a "set-up" for a less than thorough and in-depth of this Draft EA prior to public release for comment. As well, there has been turn-ever as the SJNF Staff Officer level as related to the oversight of mineral resources. Once again, there is NO inference by myself that any/all of these staff are not performing their positions responsibly, rather because they are either new to the agency, to the resource speciality or to the Columbine District they may not yet have the depth and breadth of experience to review this Draft EA. There are deficiencies in the document and in the process (such as not posting the Biological Asssessment/Biological Evaluation with the Draft EA on the SJNF website) that bring my attention to the extent of internal review before the public release of the document.

And to summarize this section of my comments I note this sentence: The construction activities may result in temporary and periodic increased traffic and road closures along FS Road 537, FS Road 537.C, and FS Road 746. (Draft EA, Page 13) The suggested that construction work "may result in temporary and periodic increased traffic and road closures" is laughable, if it wasn't so ridiculously illogical and inaccurate. **Of course, the construction activities will require many temporary and periodic increased traffic and road closures** – the reality that no one within CC or within the SJNF read this sentence, noticed it's absurdity and removed/rewrote it provides ample evidence that the Draft EA is neither an accurate document nor was it adequately reviewed by the authors, the project proponent of SJNF staff.

<u>As to other possible alternatives:</u> Catamount operates a well pad (Federal 26-1) road that lies within a geographic locale that is much more suitable for further natural gas exploration and development than the proposed expansion of the existing (and non-operational) pad at the head of the Spring Creek drainage. While the extensive pipeline system proposed for both gas and produced water would still need to be constructed across the general level and rolling terrain from the edge of the SJNF boundary 26-1, the siting of additional wells at this location would prevent the extensive resource damage and long-term problematic maintenance of the proposed double pipeline construction up the very steep hillside and stream-adjacent route to the proposed Pargin Mtn UT-2 site.

Using a linear measurement the distance between Federal 26-1 is Pargin Mtn UT-2 is less than 3 miles which certainly would diminish some of the "reach" into/underneath the HD Roadless Area to obtain natural gas, however, in balance the destructive proposed development of and expanded pad and a 8 fold increase in wells, the proposed double pipeline and needed long-term need to access and maintain the UT-2 site would be eliminated if the 26-1 site were expanded (or another well pad nearby). An example of this approach is the recently completed (formerly) BP well pad site in the Saul's Creek area where a similar number of wells were

bunched together in one locale that minimized an array of resource damage in the short and long term.

PROPOSED POST-PROJECT PIPELINE ABANDONMENT

The section below (italicized) relates to the long term (permanent) disposition of the pipeline or pipelines – it is not clear whether the proposed abandonment includes "only" the metal gas pipeline and/or the poly produced water pipeline.

When economics no longer justify continued production of gas into the pipeline, the pipeline would be abandoned in place using industry standards. The pipeline would be purged and filled with inert gas to eliminate the presence of flammable gas within the system. The ends of the pipeline would be capped to prevent the introduction or discharge of gas or other fluids to and from the pipeline. All surface equipment associated with the pipeline would be removed. (Draft EA, Page 14).

Note the Collins Dictionary definition of "abandonment": The abandonment of a place, thing, or person is the act of leaving it permanently or for a long time, especially when you should not do so. The definition of abandonment clearly matches the current proposed "final outcome" for the Catamount pipeline, that is, there is absolutely no plan to remove, reuse, recycle or otherwise address the pipelines proposed to be buried – rather they will be left in the ground to decay, pollute and otherwise negatively impact our national forest resources and landscape.

This proposed "final standing" for the pipeline/pipelines is simply unacceptable as it essentially dumping materials that are non-biodegradable on public lands. If we review what other uses are allowed on the SJNF forest such as grazing, timber harvest and recreation I am not aware of any allowance to leave any materials after a use is "completed" as would be the case for the Catamount pipelines. If the agency does not require Catamount to remove the pipelines at the close of the production cycle (with a bond if place to insure the funds area available to do so) then who will? The likely "who" are U.S. taxpayers – that is, public funds supported by taxpayers would pay for the removal and disposal of the pipelines while the operator Catamount "leaves the scene" with the profits of the operation, and a degradation of our national forest. The USFS does not find this acceptable for logging operations or grazing permittees or recreational outfitters or citizen campers, so why is the SJNF recommending within this EA that Catamount would be allowed to fully abandoned all these sub-surface pipelines. In a larger sense the "lifecycle cost" of the gas removed that is utilized and consumed is certainly not reflected in this proposed "drain it and leave" scenario that the SJNF has proposed to allow.

There is a need to "level the field" and bring the same measure of responsibility to the national forest resources owned by all the citizens of this country by requiring Catamount Energy (secured by a bond for pipeline removal) to remove these dual pipelines at project completion. The HD Mountains landscape should be returned to its "natural state" just as temporary roads are decommissioned and restored after logging operations on the SJNF, this usually being within a 5 year "window" for completion of the restoration – this being a stipulation written in the contract between USDA/USFS and the operator prior to project initiation. This existing template is a viable approach for the SJNF to require for this proposed Catamount Energy project – anything less is

"shorting" both our national forest resources and the U.S. taxpayers who "sooner or later" will need to clean-up the post-operational waste.

BIOLOGICAL CONCERNS/WILDLIFE ISSUES

Late in my personal process of reading the Draft EA and writing comments I "reread" the Draft EA document and discovered further issues of biological concern, one of those being the documents commentary on the proposed project's effect on wild ungulates. The suppositions and the dismissal of concerns regarding the possibility of negative impacts on mule deer and eld is nothing less than pathetic – it's hard to fathom that a wildlife biologist (other than one perhaps paid as an industry consultant would agree with this assessment offered in the Draft EA:

Direct impacts to mule deer and elk would be negligible during operation and maintenance activities, when minimal human activity associated with the project would occur in the project area. Given the amount of existing disturbance in the project area and vicinity due to the existing highway and FS roads, recreation use, and oil and gas development, mule deer and elk in the area are likely acclimated to human presence; thus, long-term disturbances from the Proposed Action are not expected to affect the behavior of elk or mule deer. (Draft EA, Page 67)

This paragraph suggests that "since mule deer and elk are already negatively affected by the various uses noted that some more of the same will "not be a problem" (my quotes). Firstly, the actual site of Pargin Mtn UT-2 will be the focus of the long-term disturbance though associated disturbance such as snow removal/plowing, well maintenance vehicles, etc. will be an ongoing and dangerous reality for mule deer and elk in the miles between the forest boundary and the wellpad. The long-term disturbance (beyond air, light and water pollution) as the well pad will most likely be noise and the noise from several wellsites operating in the same locale is very significant. While the (former) COGCC standards for wellsites are based on a rather ludicrous assumption that noise is not problematic except in urban/suburban areas, the reality is noise is a stressor to most animals and there is research the details this issue, particularly per birds attempting to communicate near well pads.

Perhaps I have missed it, but I have found nothing in the design criteria or elsewhere that discusses the issue of noise effect/pollution emanating from the proposed expanded UT-2 wellpad. I have visited at the invitation of SJNF staff the Goose Creek wellsites and heard for myself them extremely loud noise that emanates from I believe to be the natural gas powered electric generator motors. I was not able to "freely travel" beyond the wellsite, but I have no doubt that the noise could be heard most certainly a ½ mile from the wellsite and quite likely more. The site construction had no sound baffling in any direction that was evident. This ongoing (24/7/52 I would assume) noise does affect animals and yet there was apparently either no awareness or interest (or both) in mitigating the noise issue in behalf of animals who habitat consists of our national forest lands.

This type of dismissive approach I observed in the construction and the operation of the Goose Creek wells is evident in the italicized paragraph noted above (from the Draft EA, page 67). It

appears that neither Cottonwood Consulting or SJNF staff have considered any of the numerous USFS sponsored research by Dr. Michael Wisdom regarding the problematic impacts on mule deer and elk related to a number of their habitat integrity and survivability issues (especially as related to fawns and calves).

As I attempted to delve deeper into the biological contexts of the Draft EA I decided it would be best to thoroughly read the critical background document, the Biological Assessment/Biological Evaluation (BA/BE). A couple days prior to the comment deadline I discovered that I could not locate this document within the project folder (or elsewhere online) shared with the public. Unsure if I was in error I reached out to Columbine District on the morning of January 16 , 2024 and learned later that day that the BA/BE had not been made available to the public in the online project folder. This is not an insignificant issue as the BA/BE is the most important foundational document related to all biological issues related to the project. The BA/BE was made available to me the morning of January 16 which is the same date as the comment deadline for the project. This is a problem and of course I don't know if there were other commenters looking for further biological information per the project who were not aware that a BA/BE even existed, as it was not provided to the public during the comment period for the Draft EA, at all.

I have attached below (in italics) a paragraph from the Draft EA (page 69/69) pulled from the Cumulative Effects section.

Elk and mule deer occupy large areas, and are therefore susceptible to incremental disturbances over large geographic areas that span across multiple jurisdictions. Elk and mule deer are especially susceptible to disturbances in critical winter range, severe winter range, and winter Columbine Ranger District, San Juan National Forest 69 concentration areas. Snow removal activities and subsequent winter traffic on FS Road 537 would impact elk and mule deer species, especially when combined with other activities that may impact winter habitat within CPW DAU D-30 and E-31.

The above paragraph, to my reading, is fully contradictory to the paragraph noted above (page 67) with a more realistic and accurate description and accounting as to why the proposed project will cause multiple deleterious effects to elk and mule deer. I am baffled as to why the paragraph from page 67 does note this concerns while they are discussed here on pages 68 and 69 – are not the cumulative effects the sum of the numerous negative impacts of the construction activities and long term production operation of the proposed UT-2 wells. Certainly the other Catamount wellsites in the Goose Creek and Spring Creek areas provide the "baseline" of problematic cumulative effects to these wild ungulates (and many other species), but we see here the recognition that there will be many problematic effects to elk and mule deer. Is the takeaway that the agency does not care? Has the SJNF checked in with CPW to see if they perhaps might care as related to their wildlife management responsibilities dictated by the State of Colorado. To me the takeaway seems quite obvious, the SJNF doesn't really care about the disturbance and ill effects (including survival rates) to elk and deer. This does not match with much of what I read from the 2013 SJNF LRMP under Terrestrial Wildlife's Desired

Conditions. Is anyone connecting the dots? Does anyone care? From what I have read about this issue in the Draft EA seems to be “no” – there appears not be be even any discussion regarding possible noise abatement to benefit deer, elk and other animals with habitats in the HD Mountains.

In sum, the Catamount Energy Spring Creek project as outlined in this Draft EA is a project that should simply not be approved. The numerous problematic and unresolved issues such as the geological hazard, biological concerns, pipeline and road design, wellsite location (only the proposed action suggested) and others give plenty of reason to deny this project approval. The SJNF has the authority and the responsibility to deny the approval of this project and to suggest other locations, approaches and designs to access fossil fuel resources that are legally available to Catamount – the question is, will the SJNF measure up it’s responsibility? I hope so, as to many unvoiced resources across the HD Moutains.

On the watch,

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