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Title: President

Comments: Western Energy Alliance opposes the proposed withdrawal of 224,793.73 acres in the Thompson Divide area from oil and natural gas leasing for a 20-year term. We urge the Interior Secretary, through the BLM process, to instead recognize that a withdrawal is not necessary for reasons of history; the extremely protective manner in which BLM regulates oil and natural gas operations; the current status of the White River National Forest plan; and lack of authority for large-tract withdrawals.

Furthermore the White River Forest Plan finalized in 2016 does not provide the necessary consent to allow for drilling in the Thompson Divide Area. In other words, the USDA Forest Service (USFS), the federal surface owner, has withheld consent for oil and natural gas development for the life of this plan. Since BLM may not offer any federal minerals under USFS surface without the consent of USFS, what is the urgency or need for the withdrawal?

Western Energy Alliance represents 200 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in Colorado and across the West. The Alliance represents independents, the majority of which are small businesses with an average of fourteen employees.

The withdrawal goes far beyond what is necessary, [ldquo]to protect agricultural, ranching, wildlife, air quality, recreational, ecological and scenic values resources[rldquo], since BLM-managed development is heavily regulated to ensure the protection of these very same resource values. We remind BLM that the requirements of the Energy Policy Act of 2005 as well as the Energy Policy Conservation Act Amendments of 2000 require federal land management agencies to ensure that lease stipulations are applied consistently using the least restrictive stipulations necessary to protect other resource values. A withdrawal is certainly not the least restrictive means to protect other resource values.

In addition, BLM manages multiple-use public lands specifically so that multiple uses like agriculture and recreation coexist with oil and natural gas development. As you know, using data from BLM[rldquo]s oil and gas statistics page, oil and natural gas activities occupy a very small portion of public lands. Of the 700 million acres of mineral estate that BLM manages, only 24.9 million acres are leased. Using historic metrics of five acres per well, an overestimation given that modern development clusters multiple wells per well pad, that means the 88,887 producible wells that BLM currently manages create less than 444,500 acres of surface disturbance, equating to about 0.06% of the federal land and mineral estate. That is an excellent balance that enables minimal disturbance to other multiple uses like agriculture and recreation. Were USFS to again give its consent for oil and natural gas leasing and development in the area, the federal government would have the opportunity with the subsequent land use planning process to implement more stipulations on leases, but a withdrawal is an extreme option.

The coexistence of these multiple uses is reflected in the very history of the area. There has been oil and natural gas activity in the area since the late 1940s, including leasing, drilling, and production. There is an operating gas storage field, the Black Hills Wolf Creek Storage Field, that serves citizens of the Roaring Fork Valley with life-sustaining natural gas to heat their homes and cook their food. There are wells into which natural gas is injected in the summer and then withdrawn in the winter. There are roads that are used by natural gas delivery trucks during the summer recreation and growing seasons. The area is one in which industrial and agricultural activities coexist. The fact that scenic values have been preserved since the 1940s and the land is still considered pristine undermines the arguments of those who strive against balance and wish for absolutely no oil and natural gas activity.

Best Available Information

The Mineral Leasing Act, Federal Land Policy Management Act (FLPMA), and the Energy Policy Act of 2005 contain language that affirm that federal mineral resources are to be managed for sustained yield and the greatest benefit for the American taxpayer, as well as for the benefit of national energy independence and energy security. As BLM moves forward with the National Environmental Policy Act (NEPA) process related to this proposed withdrawal, it must accurately describe the federal mineral resources that would be affected by the proposed action, especially given the preponderance of evidence that suggests that the resources along with the associated production and royalty revenues are very significant. The White River National Forest plan on oil and natural gas leases completed in 2016 lacked consideration of the best available scientific information on the oil and natural gas potential in the Thompson Divide Area. We urge the BLM not to repeat that mistake as it embarks on the withdrawal NEPA process.

Use of the best available information on oil and natural gas potential is necessary in order to assess the full impact on the West Slope economy. On June 8, 2016, the US Geological Survey (USGS) issued the [Idquo]Assessment of Continuous (Unconventional) Oil and Gas Resources in the Late Cretaceous Mancos Shale of the Piceance Basin, Uinta-Piceance Province, Colorado and Utah, 2016.[rdquo](1). USGS determined that the Mancos Shale holds an estimated 66 trillion cubic feet of technically recoverable shale gas, making it the second largest continuous shale gas resource, behind the Marcellus and ahead of the Barnett (2). In addition, USGS estimates the Mancos contains 45 million barrels of natural gas liquids and 74 million barrels of recoverable oil.

The Secretary Lacks Authority for Large-Tract Withdrawals

The Secretary, claiming authority under Section 204 of the Federal Land Management Policy Act (FLPMA) proposes to withdraw an area of 244, 793.73 acres, yet the Secretary[rsquo]s FLPMA authority to withdraw federal land in amounts over 5,000 acres is limited by Congress. 43 USC 1714(c)(1). We call your attention to pages 12-14 of the letter by Welborn Sullivan Mech and Tooley, PC (WSMT) regarding [Idquo]Enduring Resources IV, LLC comment son Bureau of Land Management, [Isquo]Proposed Chaco Area Withdrawal, Environmental Assessment, DOI-BLM-NMFO10-2022-0011,[rsquo] (November 2022),[rdquo] submitted as part of the referenced docket and attached here as Appendix A.

The WSMT letter outlines the legal issues surrounding withdrawals that exceed ,000 acres and concludes that the Secretary lacks the authority to propose or make a large-tract withdrawal the size of the proposed Chaco Area. Although written for the concurrent proposed withdrawal of Chaco, the case law and legal arguments are exactly the same with respect to the proposed withdrawal in the Thompson Divide Area. We incorporate by reference WSMT[rsquo]s analysis regarding how a withdrawal the size of the Thompson Divide Area exceeds the Secretary[rsquo]s authority.

We urge BLM to provide a more nuanced, balanced approach to the proposed withdrawal as it conducts the NEPA analysis. We urge the Interior Secretary to desist with the withdrawal.

Attachment: Appendix A. Welborn, Sullivan Meck and Tooley PC letter