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San Juan Citizens Alliance Comments on Catamount Spring Creek Draft EA

Dear James,

Thank you for the opportunity to comment on the Draft Environmental Assessment for the Catamount Spring Creek Gas Wells and Pipeline. The San Juan Citizens Alliance is a member based environmental non-profit that advocates for public lands, wildlife, clean air, and pure water in the San Juan Basin. Many of our members live and work in the HD mountains and have been engaged in oil and gas issues in the region for decades. We regularly represent our membership in Northern San Juan Basin (NSJB) stakeholder meetings, and appreciate the public engagement the Forest Service has facilitated through those meetings.

In November of 2022, we submitted scoping comments on the Catamount Spring Creek scoping package. Those comments flagged several issues including potential impacts to Spring Creek, its riparian area, and the associated Watershed Inclusion Zone (WIZ), impacts to 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. We toured the site prior to submitting scoping comments and mapped spatial data in the project area. Based on our mapping we concluded the project as proposed would be difficult if not impossible to reconcile with federal and state law and policy.

The Catamount Draft EA acknowledged our comments along with seven other submissions, and categorized the concerns raised into either "issues" or "non-issues." Among the issues identified, stemming from our comments and others, were Air Quality and Greenhouse Gas Emissions, Cultural Resources, Geology and Mineral Resources, Public Health and Safety, Soils and Vegetation, Water Resources, and Wildlife. Issues are defined as concerns or suggestions that may result in the generation of an alternative, part of an alternative, Design Criteria, or a mitigation measure to disclose the issue, analyze, and/or address it. By contrast, "non-issues" fall outside the scope of the EA. We are thankful that the Forest Service has acknowledged the majority of our concerns raised in scoping and

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taken steps to remedy a number of these issues. These comments focus on the remaining issues identified by the Forest Service that could be improved in the Final EA.

#### I. Geology and Mineral Resources

Please map and disclose the approximate area of the Fruitland reservoir that would be accessed by the seven CBM wells that would be approved by this project. Please also assure the public that the remaining wells contemplated in the NSJB FEIS that overlie those minerals are no longer subject to approval in future projects. The seven CBM wells approved here are sufficient to access those mineral resources, and any future wells in the project area would be unnecessary, duplicative, and contribute to undue degradation of the

surface.

The reasonably foreseeable development scenario in the NSJB FEIS provided for an 80-acre Infill Scenario to access Fruitland CBM as described in the Draft EA for this project . That Scenario estimated 2.3 acres of long-term access roads and well pad disturbance, and eight vertical wells per square mile throughout the HDs along with additional compressor stations. The current Proposed Action significantly reduces surface disturbance by approving seven multi-lateral horizontal wells from existing wellpads and two pigging stations, with no additional compressor stations. One existing wellpad would be expanded to provide multi-lateral wells to produce Fruitland CBM from 6.25 square miles of gas reservoir. In sum, this development would reduce new surface disturbance of 3.55 acres, to achieve the same reservoir depletion that would have required 115 acres of long term disturbance under the FEIS.

With the advancement of drilling technology, the eight vertical wells per square mile contemplated in the NSJB are no longer necessary to produce Fruitland CBM. In the Final EA for this project , please provide a map disclosing the 6.25 square miles of gas reservoir that would be produced by the seven proposed multi-lateral horizontal wells, and affirm that no future wells would be approved to produce minerals from the reservoir accessed via this project . Thank you for your commitment to reducing surface disturbance.

## II. Soils and Vegetation

The Proposed Action would approve expansion of the Pargin Mtn UT #2 wellpad accessed via FS Road 537 and FS Road 756. Expansion of the wellpad would require the use of a bulldozer, excavator, road grader, and gravel trucks. It would require additional clearing of vegetation in the vicinity of the pad and would result in 3.32 acres of surface disturbance, including the existing surface disturbance of the current pad. Following wellpad construction, the cut and fill slopes would be revegetated. During the production phase,

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vehicle traffic to the wellpad would include a "pumper" visiting daily, occasional visits by maintenance vehicles, and snow removal as needed. The Draft EA states that snow removal would be consistent with the terms outlined in the NSJB EIS.

As discussed in our scoping comments, the FS roads providing access to Pargin Mtn UT #2 are located in steep terrain, in an area with loose soils and naturally triggered landslides. Trafficking heavy equipment through the steep Spring Creek drainage will contribute to erosion and exacerbate landslide risk. This erosion imperils the watershed function and riparian habitat of Spring Creek itself. The NSJB FEIS acknowledges that "well pad locations on the Spring Creek side are in landslide areas with very steep, unstable, and

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erosive ridgelines and hillsides" 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 dissected ridgelines are also predicted to have a high risk of

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substantive negative impacts." These impacts seem likely given the steep terrain in the drainage, much of which exceeds a 35% grade.

We appreciate that the Draft EA has mapped the 1.75 acres of Landslide Hazard Areas within the project area and taken additional steps to manage erosion since the scoping package was released. Per the EA, Catamount would apply BMPs including erosion control blankets to limit impacts of landslides. A road engineering design would be drafted and reviewed by SJNF specialists to identify stabilization measures, and where landslide hazards are unavoidable, road engineering design would occur as necessary to ensure integrity of the existing roads following pipeline construction. Digging of open trenches would occur no more than one week prior to laying pipelines within 100 feet of intermittent stream crossings. Trenches would be backfilled and stabilized within a week of

pipeline placement with 100 feet of stream crossings. And construction would be limited in riparian areas, and armoring or site reclamation would occur adjacent to streams to limit bank erosion. These provisions will significantly limit erosion and potential impacts from landslides. Thank you for your attention to this issue.

Our members have also expressed concern about invasive vegetation along roads and wellpads. Per the Draft EA, invasive species in the project would be treated on an annual basis. Given the persistent issues landowners in the HDs have experienced with invasive vegetation, we ask that the operator monitor invasives during routine operations, provide contact information for public reporting of invasive species, and promptly respond to any reports to mitigate their spread.

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Northern San Juan Basin FEIS at 3-148

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Id. at 3-180

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### III. Water Resources

Our scoping comments identified a number of risks to water resources. We noted that 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 ." We appreciate the Forest Service's efforts to identify the 18 groundwater wells within one mile of the Proposed Action, and ensure that no water wells are located within one mile of the proposed gas wells. We reiterate, however, that the standard in the NSJB EIS is NSO within 1,000 horizontal feet of groundwater wells and springs, and that our independent mapping identified two domestic water wells within the required NSO buffer (see map below). We ask that the Forest Service consider these residential wells in its Final EA, and any opportunities to site the western terminus of the proposed pipeline to minimize risks to these resources.

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

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Our scoping comments also identified that the project area overlaps a Watershed Inclusion Zone (WIZ). The Draft EA clarifies that a Storm Water Management Plan (SWMP) would be applied to reduce or eliminate the discharge of pollutants into water resources, and that additional measures may be applied to minimize impacts to the surrounding WIZ. The EA also confirms that standard mitigation measures described in the NSJB FEIS would be applied to minimize impacts to surface water. Additionally, a closed loop drilling system would be used to minimize potential spills. Thank you for adding these Design Features, which will significantly reduce risks to water resources in the project area.

### IV. Wildlife

Thank you for acknowledging and addressing concerns raised by commenters regarding potential adverse impacts to wildlife species, particularly elk and mule deer. As noted in the Draft EA, the entire project falls within summer and winter range for mule deer, and portions of the site overlap a mule deer winter concentration area and mule deer severe winter range. A mule deer migration corridor passes within 3.4 miles of the northern edge of the Proposed Action. Similarly, the entire project falls within a designated elk winter concentration area, and the majority overlaps severe winter range for elk. Design features in the Proposed Action will reduce direct and indirect impacts to

both ungulate species. Prohibiting construction activities between December 1 and April 30 will minimize disturbance when big game are most vulnerable, and the reductions in surface disturbance from those proposed in the reasonably foreseeable development scenario will benefit both species. We agree that because the project does not propose new linear features (e.g. routes and pipeline corridors), it will not contribute to habitat fragmentation. We contest, however, the assertion that "mule deer and elk in the area are likely acclimated to human presence; thus, long-term disturbances from the Proposed

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Action are not expected to affect the behavior of elk or mule deer." The best available science suggests that ungulates do not habituate to oil and gas development. For example, In 2017, Sawyer et al. published a study that analyzed 17 years of telemetry data from 187 mule deer in habitat that overlaps a natural gas field in Wyoming's

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Pinedale Anticline. This study period far exceeds the average (10 year) lifespan of a mule deer. Over time, researchers studied generations of deer born into a disturbed environment. Over the course of the study, 3.5 percent of the study area was converted to energy infrastructure. Deer did not habituate to energy infrastructure during this time.

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Draft EA at 67.

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Sawyer et al., "Mule deer and energy development - Long term trends of habituation and abundance,"

23(11) Global Change Biology 4521 (2017).

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Instead, they were displaced to habitats almost a kilometer further from well pad sites. Avoidance of well pads did not decrease over time. Even in the last three years of development, when most well pads were in the process of reclamation, researchers found no evidence of habituation. Over the course of the study, the deer population declined by 36 percent, despite on-site efforts to mitigate development impacts (including pipeline systems to reduce truck traffic and human activity and drilling of multiple wells per pad) and lowered pressure from hunters.

We understand that oil and gas resources in the HDs are subject to valid existing rights and will be developed. We also acknowledge that where development causes unavoidable impacts the mitigation hierarchy requires minimization and mitigation. We appreciate that timing limitation stipulations and reduced surface disturbance contribute to minimization. We also ask that, because development will still have adverse impacts on ungulates and their habitat, compensatory mitigation be applied to offset remaining impacts.

Going forward, we suggest working with both industry and conservation advocates through the NSJB stakeholders meetings to identify best practices for compensatory mitigation, and codifying these in an MOU between the USFS and CPW. Industry is concerned with the lack of regulatory certainty around compensatory mitigation - from how the amount of payments are calculated to how the funds are allocated. The conservation community would also like more clarity on how funds are spent, ensuring they protect or enhance similar habitat in the same GMU, or at least the same DAU, so they can effectively offset impacts to the affected herds. BMPs from other compensatory mitigation regimes e.g. wetlands and endangered species mitigation could be informative. We have had productive conversations with industry representatives on this topic and are eager to work with the Forest Service towards a mutually beneficial approach.

Thank you for your consideration of these comments, and for the robust analysis and additional protections in the Draft EA. We look forward to continued engagement with

the NSJB stakeholders to reduce adverse impacts to the HDs and their resources.

Sincerely,

John Rader

Public Lands Manager

San Juan Citizens Alliance

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