GENERAL COMMENTS: Draft Supplemental EIS for Oil and Gas Leasing; Dakota Prairie Grasslands

- **<u>Preferred Alternative #3 conflicts with current Administration policy</u>** – The USFS's preferred Alternative #3 runs directly counter to this Administration's energy policy and Executive Order 13783. It imposes numerous regulatory burdens, including taking significant LMNG acreage out of production, encumbering energy production, constraining economic growth, and preventing much needed job creation in North Dakota.

- **<u>Alternative # 3 would create *more* impacts than Alternative #1</u>** – Restrictive NSO and timing stipulations remove collaboration among multiple stakeholders and push development onto adjacent surface estates. Splintered development = more surface impacts, less gathering, and more flaring.

- **<u>Adopting Alternative #3 would create conflicting precedent with other USFS/BLM regions</u>** – The recent Bull Mountain (BLM) and White River (USFS) EIS's took a flexible, site-specific approach to impact mitigation. The rigid lease stipulations in Alternative #3 conflict with those EISs, particularly on air quality, and would create bad precedent.

- **<u>Alternative #1 is the only workable, supportable approach</u>** – The new and revised lease stipulations in Alternative #3 are overly restrictive, ignore technological and operational advances in oil and gas drilling, are not grounded in sound or rationale science, and would not be justified or legally supportable on this record. The record is replete with acknowledgements that Alternative #1 fully mitigates anticipated impacts.

- **<u>Alternative #3 jeopardizes future drilling plans and economic benefits to mineral owners, the state of North Dakota and local businesses; affected and potentially obstructed by Option 3 restrictions:</u>**
  - Hundreds of millions of dollars in capital expenditures over the next 10 years;
  - Tens of millions of barrels of domestic oil and gas production;
  - Hundreds of millions of dollars in royalty payments to private, state, and federal mineral owners;
  - Hundreds of millions of dollars in production tax payments to the state of North Dakota;
  - Sales taxes levied on capital expenditures;
  - Local employment and expenditures for operating cost over three decades or more of well operations.

- **<u>The SEIS entirely ignores advances in drilling and operational improvements</u>** – There is no "purpose or need" supporting new and revised lease stipulations. The SEIS ignores the operational and technological drilling advancements that have dramatically reduced impacts:
  - Since 2008, multi-well pad development has reduced impact per well to 1.0 – 1.25 acres from 5 acres; 5-year impact in the SEIS will be 310-390 acres **<u>not</u>** 1,550 acres;
  - Existing pads can be utilized for on- and off-lease minerals; existing pads can also connect currently "stranded" wells to gathering thereby reducing flaring;
  - New facility designs, regulations, and operating standards have substantially reduced fugitive and other emissions.

SPECIFIC COMMENTS

- **<u>Recreation</u>**
  - The two revised lease stipulations (NSO and timing) and one new lease stipulation (roadless areas) would deal a significant blow to operators by significantly decreasing or halting future production;
  - These NSO and timing lease stipulations would increase NSO-designated areas by 20%, placing almost 60% of federal mineral ownership into NSO designation;
  - The entire recreation section is speculative and unsupported – a court would strike down the Alternative #3 NSO and timing lease stipulations based on unknown and hypothetical forecast recreation impacts;
  - The roadless area NSO would shut down development over a huge area (see map);
  - It is not true that the new and revised NSO and timing lease stipulations will apply only to new leases – multiple leases are pooled together for horizontal well development and BLM will impose the most current least stipulations on existing leases;
  - The new and revised NSO and timing stipulations will impede the reasonable development of private and state property where federal minerals are involved.

- **<u>Air Quality</u>**
  - Overall air quality conditions in the LMNG are excellent (actual monitoring = nowhere close to one-hour NOx or ozone NAAQS exceedances);
  - SEIS acknowledges O&G emissions declining under existing and new state and federal regulations;
  - The <u>only</u> potential adverse air quality impacts stem from modeled NOx impacts; the NOx model has substantial and significant flaws and is unreliable;

- Recommended buffer distances and a May 1 – December 1 prohibition on fracking near certain recreation sites conflict with other USFS/BLM EIS impact mitigation approaches;
- Recommended buffer distances are inappropriate, not scientifically based, and unwarranted in the SEIS – there is no scientific consensus on what (if any) buffer distance is necessary for modeled one-hour NOx (or other AQ) impacts;
- Current APD-level NEPA review is more than adequate to address site-specific air quality concerns.

<u>Wildlife</u>

- The USFS and BLM are revising the sage grouse land management plan and it would be premature and risk conflict to impose the NSO and timing stips proposed;
- Existing NEPA review requires ESA consultation, but there are no active leks on LMNG Forest Service lands;
- There is no scientific consensus on an adequate lek-buffer distance.

This map illustrates one of many areas where existing roads and well locations (blue diamonds) are active in the inventoried Roadless Areas. The new NSO lease stipulation would shut down future development of these existing leaseholds, severely impacting operators and non-federal mineral owners.