

October 1, 2020

Objection Revision Officer  
USDA Forest Service  
Northern Region  
26 Fort Missoula Road  
Missoula, MT 59804

Subject: Northern Great Plains Management Revision for Oil and Gas Leasing Project

Reasonable Official: Jeff Tomac, Acting Grassland Supervisor, Little Missouri National Grasslands

Dear Objection Revision Officer:

The North Dakota Wildlife Federation (NDWF), founded in 1935, is the largest hunter and anglers' conservation organization in the state. Our membership includes approximately 1,500 sportspersons and outdoor recreationists, as well as affiliated wildlife clubs, conservation organizations and associated groups located across the state. We have followed and commented on energy issues and U.S. Forest Service programs for many years.

Dakota Resource Council (DRC) was founded in 1978 by farmers and ranchers to protect North Dakota's rural way of life. DRC's mission is to promote sustainable use of North Dakota's natural resources and family-owned and operated agriculture by building member-led local groups that empower people to influence the decision-making processes that affect their lives and communities. DRC has over 700 members throughout North Dakota. DRC's members live near, graze cattle in, and also recreate in the Little Missouri Grasslands.

The purpose of this letter is to document NDWF and DRC's objections to the selection of Alternative 3B identified in the Final Supplemental Environmental Impact Statement (FSEIS) and Draft Record of Decision (DROD) for Oil and Gas Leasing in the Dakota Prairie Grasslands (DPG).

The Draft Environmental Impact Statement (DSEIS) released in October 2018 indicated that the DPG had existing regulations, standards and guidelines, and lease stipulations to give the USFS adequate authority to mitigate the effects of reasonable and foreseeable oil and gas development on the DPG. The DSEIS also stated that the DPG Supervisor would decide whether or not changes needed to be made in the 2003 Leasing Decision and whether or not the current 2002 Land and Resource Management Plan (LRMP) needed amendment.

The 2018 DSEIS proposed modification of stipulations and lease notices to include providing more acres of No Surface Occupancy (NSO) stipulations and codifying this protection within inventoried roadless areas to provide additional natural resource protection. This was consistent and in compliance with the 2001 Roadless Area Conservation Rule.

The 2002 LRMP designated some 280,000 acres to be managed as roadless areas, though there were some exceptions for outstanding rights and other circumstances. These areas include approximately 40,000 acres designated as Suitable for Wilderness and 69,000 acres designated as “backcountry recreation non-motorized”. This was an important compromise decision based on the input and comments from people dependent of the grasslands (DPG) for their livelihood and those supportive of maintaining the grasslands for their natural resource and aesthetic purposes.

The 2020 FSEI and DROD change direction on the management and protection of these roadless areas significantly from what was proposed in the 2018 DSEIS. The FSEIS/DROD provides for allowing a buffer of controlled surface use (CSU) for a distance of one-quarter mile on each side of existing roads within certain roadless areas and lands identified as “suitable for wilderness”. This significant change in management and stipulations was neither presented nor even hinted at in the DSEIS, precluding any opportunity for comment.

Due to the significance of this change, we are asking for an additional public comment period, and for this proposed alternative to be viewed as a further draft SEIS, rather than a FSEIS/DROD.

The rationale for the objection to Alternative 3B are several.

First, obviously it was not included in the 2018 DSEIS and there was no opportunity for public comment. We recognize that an alternative selected in a FSEIS can be different from the alternatives presented in the DSEIS. However, this change is so significant and out of the realm of consideration from what was presented in the DSEIS, that the public must be given further opportunity for input and comment as a draft proposal, rather than an objection to a final Preferred Alternative and Record of Decision.

Second, Alternative 3B is not consistent with the over-arching 2002 LRMP. While the NOI indicated the Grassland Supervisor would make decisions about changes or the need for amendment to the 2002 LRMP, those changes should be made through a review process of the LRMP, not an FSEIS on oil and gas leasing, a portion of the entire LRMP.

Third, Alternative 3B is not consistent with the USFS Transportation Rule and Policy requiring the USFS to identify a minimum road system, and to develop a Travel Management Plan required by the 2005 Travel Management Plan Rule. It is impractical and confusing to propose allowing oil and gas development within a quarter mile of centerline on roads that have not been identified or defined in a required, but yet non-existent, Travel Management Plan.

Fourth, allowing oil and gas development along a half-mile buffer (one quarter-mile on each side) of unknown or un-determined roads within or next to some 40,000 acres of areas designated as “Suitable for Wilderness” would make those areas unsuitable and ineligible for designation as Wilderness. Further, this is in conflict with language in the 2002 LRMP which states;

”1.2A – SUITABLE FOR WILDERNESS The Forest Service has identified these areas as being suitable for wilderness recommendations to Congress for inclusion in the National Wilderness

Preservation System. The Forest Service is not recommending these areas for wilderness at this time because of a lack of current Congressional and Gubernatorial support for wilderness. This delay is intended to allow for time for consensus on this issue to develop. Although these areas will not be recommended to Congress for wilderness designation at this time, their wilderness character will be protected. In the event these areas are threatened by future development that would degrade the wilderness character, the Forest Service would then officially recommend them to Congress for wilderness designation. Livestock grazing will be continued, however, management activities, which do not protect wilderness characteristics, will be prohibited or restricted. If consensus is not reached within the life of this plan, a wilderness recommendation will be reconsidered in the next plan revision.”

Alternative 3B not only reduces the protection and management of these “Suitable” areas as wilderness, it proposes the very threat to the wilderness character that should move the Forest Service to recommend them to Congress for wilderness designation.

In addition to objections to Alternative 3B with regard to the degradation of “roadless” areas and areas “suitable for wilderness”, times and world circumstances have changed dramatically since the 2018 DSEIS.

Notably the Covid-19 pandemic and the glut of oil on the world market has certainly depressed the need for further leasing of oil and gas on the Little Missouri National Grasslands (LMNG). These developments certainly were not envisioned during the DSEIS/FSEIS process, but they certainly change the foreseeable future. Currently about 84 percent of the LMNG/DPG is currently leased for oil and gas. However, much or even most of those leased lands are minimally developed, only to the extent to provide production to hold the lease. Given the severe decline in oil exploration in North Dakota, only eleven drilling rigs in the State, compared to 55 or so a year ago, selection of Alternative 2, the No Action alternative, seems at this time to be a much more prudent alternative. Current oil prices are depressed; lease prices, and if developed, royalties would be minimum.

There are many current projections that an oil based economy is shifting to other energy sources and dependence or need for petroleum products will continue to decline. While the current Covid-19 pandemic will not last forever, and the world oil market and demand will change, these circumstances certainly offer the opportunity and a “time-out” to select the No Action alternative, and develop a rational plan for the with input from all stakeholders and the public into the future oil and gas development on the Little Missouri National Grasslands.

Thank you for the opportunity to file these objections to the FSEIS/DROD.

Sincerely,

John Bradley, Executive Director  
North Dakota Wildlife Federation

Scott Skokos, Executive Director  
Dakota Resource Council