



Protecting people and their environment from irresponsible oil and gas development in the Delta County region of Colorado

Mike Pool
BLM Acting Director
Sent via Electronic Mail to:
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Helen Hankins
BLM Colorado State Director
Sent via Electronic Mail to:
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Neil Kornze
BLM Acting Deputy Director for Policy and Programs
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Barb Sharrow
Uncompahgre Field Office Manager
Sent via Electronic Mail to:
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Re: February 2013 Colorado BLM Oil & Gas Lease Sale

January 25, 2013

Dear Acting Director Pool:

Thank you again for meeting with a coalition of residents from Colorado's North Fork Valley during their recent trip to Washington, D.C. It means a great deal that our myriad concerns regarding BLM Uncompahgre Field Office's (UFO) intent to lease 20,555 acres and 20 parcels in the North Fork Valley are being considered by top BLM officials. As you are well aware, the sale of North Fork Valley parcels at the February 14, 2013 lease sale remains highly controversial and has prompted continuous public outcry and growing coverage in the media. Local residents remain almost unanimously opposed to leasing these lands before completion of the revised Uncompahgre Basin Resource Management Plan (RMP). Because the RMP underlies all fluid minerals leasing decisions, it seems self-evident that these parcels should be deferred until the revision process is concluded – rather than the UFO's current strategy of relying on guidance from an outdated Reagan-era RMP. It is our hope that residents can continue to work with the BLM during the revision process to ensure appropriate management of oil and gas resources, as well as the permanent protection of certain critical resources and areas, in furtherance of BLM's multiple use mandate. To the extent that your office can help facilitate a collaborative, non-litigious process, we urge you take immediate action before agency decisionmaking is made concrete through the execution of the lease sale.

As you may be aware, State Director Helen Hankins and other BLM officials visited the North Fork Valley this week and met with the three Town Councils in the North Fork – in Hotchkiss on Monday, January 21, and in Crawford and Paonia on Tuesday, January 22. While members of the public were allowed to attend these meetings, residents were not allowed to participate and were required to sit in silence and listen to the exchange between Town Council members and

the BLM staff. Many of Citizens for a Healthy Community's members attended these meetings and were frustrated at the refusal of the BLM staff to answer questions directly – with some going so far as to call responses from the BLM staff “condescending.”¹

Moreover, we were greatly disappointed that State Director Hankins and UFO Manager Sharrow ignored our request for them to meet with community residents. We have consistently called upon the BLM to hold a public hearing in order to communicate directly with the concerned residents of the North Fork Valley, and the UFO and BLM's Colorado Office have consistently refused. To-date, the BLM UFO has not hosted a single public hearing or a public meeting in which concerned citizens could ask questions directly of the BLM, although they have attended a public hearing hosted by Citizens for a Healthy Community and a public meeting hosted by Delta County.

While these meetings were frustrating for the foregoing reasons, perhaps of greatest concern was the expressed intent of BLM to recklessly push forward with this sale despite strong public opposition. In fact, at the Paonia Town Council meeting, when a Town Councilor asked what else the public could do to stop the lease sale, State Director Hankins responded that we could pursue legislation or prepare for a lawsuit. In the alternative, BLM maintains considerable discretion under the Mineral Leasing Act – and as also provided in BLM's Land Use Handbook – to defer this sale until completion of the pending RMP revision. Of course, deferral remains our hope and would prevent a costly and time-consuming lawsuit. However, if litigation is the only option that we are afforded, our attorneys at the Western Environmental Law Center are prepared to file.

Should the BLM decide to proceed on its present course and not withdrawal all 20 parcels and 20,555 acres, we ask that BLM give the public an opportunity to challenge the agency's decisionmaking process before BLM commits these lands to development through consummation of the lease sale. As stated by Karen Zurek, Chief of Adjudications Minerals in the Colorado Field Office of BLM, it is BLM policy that the posting of the Sale Notice includes the Final Environmental Assessment (EA) and signed Finding of No Significant Impact (FONSI), which initiates the 30-Day Protest Period.² Unfortunately, BLM UFO has not followed this policy here. Accordingly, we request that the agency promptly issue its Final EA and signed FONSI.

We would also be remiss if we failed to mention BLM UFO's apparent attempt to mislead and divide the North Fork community through dissemination of incorrect information. In an article that was published this week on the front page of the *Montrose Daily Press*, BLM UFO staff stated that removing all oil and gas leases from the February 2013 lease sale would harm the current coal mining economy in the North Fork Valley.³ The article states:

¹ See local radio news coverage from KVNF, at: <http://www.kvnf.org/post/crowd-gathers-question-blm-paonia>.

² See *Citizens for a Healthy Community v. U.S. Dep't of Interior et. al.*, 1:12-cv-01661-RPM (D. Colo.) (Declaration of Karen Zurek, Docket No. 20-3 at ¶ j).

³ Will Hearst. *State BLM head says gas lease decision sound: Withdrawing North Fork parcels could affect coal development*, MONTROSE DAILY PRESS (Jan. 23, 2013), available at: http://www.montrosepress.com/news/state-blm-head-says-gas-lease-decision-sound/article_e42040de-6524-11e2-a0d7-0019bb2963f4.html.

“What many people don’t realize is that if the federal government were to cut the parcels to zero, it would also affect all minerals (rights) in the North Fork Valley,” said Shannon Borders, public affairs specialist for the BLM’s Uncompahgre Field Office.

This includes coal development, which has existed in the area since the early 1900s and is a major economic driver for the Western Slope.⁴

This statement implies that removing the oil and gas leases from the February lease sale will somehow harm current and future coal mining in the North Fork Valley. These are two entirely separate issues. This apparent attempt to divide the community is unbecoming of a federal employee and should be immediately and publicly redacted.

In addition, BLM erroneously attempted to tie oil and gas leasing to coal in the January 23, 2013 edition of the *Delta County Independent*. BLM Colorado Office Communications Director Steven Hall “also pointed out that projects like the coal methane recovery project at Oxbow would not be possible without oil and gas leasing on federal lands.”⁵ However, Mr. Hall’s statement is contrary to a 2008 Interior Board of Land Appeals (IBLA) decision which found:

Methane released into the environment, which the U.S. Environmental Protection Agency encourages coal mining companies to capture, from vents drilled by a coal mine operator at the direction of the U.S. Mine Safety and Health Administration for the protection of coal miners, *is not an oil and gas deposit subject to leasing* under section 17 of the Mineral Leasing Act, 30 U.S.C. § 226 (2000).⁶

Furthermore, a review of the Final EA, DOI-BLM-CO-S050-2012-0009-EA, reveals no negative impacts to coal resources associated with selecting the “No Action” alternative (i.e. not leasing will produce no impacts to the various resources analyzed by BLM UFO).⁷ If negative impacts to coal resources were implicated in this sale, then the potential harm described by BLM staff in the *Montrose Daily Press* should have been analyzed by the agency’s environmental assessment. However, no such analysis exists, which further undermines the validity of these statements and begs the question of why BLM Colorado Office and UFO staff are trying to tie the February BLM Oil and Gas lease sale to coal.

⁴ *Id.*

⁵ Pat Sunderland. *BLM officials talk energy development*, DELTA COUNTY INDEPENDENT (Jan. 23, 2013), available at: <http://www.deltacountyindependent.com/index.php/delta-area-2/4134-blm-officials-talk-energy-development>.

⁶ See IBLA 2007-213, VESSELS COAL GAS, INC. Decided June 26, 2008, available at: <http://www.oha.doi.gov/IBLA/Ibladecisions/175IBLA/175IBLA008%20VESSELS%20COAL%20GAS,%20INC.%20%206-26-2008.pdf> (emphasis added).

⁷ See EA at 18-19. See also EA at 34, 40, 44, 46, 48, 50, 60, 63, 65, 73, 76, 79, 81, 85, 86, 93, 109, 110, 111, 112, 114, 116, 117, 118, 120, 121, 126, 127 (stating “There would be no impacts to (resource concern)”); EA at 128 (stating “There would be no impacts to the geology and mineral resources from the No Action Alternative.”); EA at 132 (stating “In this alternative, all nominated leases would be removed from the lease sale. Revenue at the time of the sale would be lost. Any future social or economic impacts from possible development would not be realized. However, the lease areas could be leased on future sales.”).

We reiterate the fundamental reality that the 1989 RMP is not suitable for proceeding with this lease sale. In addition, the apparent attempt by the local field office to divide the community with false information is deeply troubling.

It is our sincere hope that litigation can be avoided and that BLM will work with North Fork Valley residents to prepare a RMP that reflects the present reality of this community and the irreplaceable resources that could be lost through irresponsible and shortsighted decisionmaking. We again urge BLM to defer all 20 parcels so that this collaborative approach can be given an opportunity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Ramey", with a long horizontal flourish extending to the right.

Jim Ramey, Director
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