#### Southwest Resource Advisory Council MEETING MINUTES Wednesday, June 16, 2016 Mancos, Colorado

#### Southwest Resource Advisory Council Members

Dale Irby, Eric Sanford, Tif Rodriguez, Laurie Brandt, Jimbo Buickerood, James Dietrich, John Reams, Phil Chamberland, Bill Gleason, Ernie Williams, Mark Roeber, Mary Monroe Brown, Renzo Delpiccolo

#### Staff

Barb Sharrow, Connie Clementson, Elijah Waters, Shannon Borders, Dana Wilson, Chad Schneckenburger, Ryan Joyner, Justin Abernathy

The meeting was called to order by chairperson John Reams at 9:05 a.m. A quorum for the meeting was determined, and introductions commenced. Dale Irby moved and Mark Roeber seconded a motion to approve minutes. Motion carried.

#### MLP Overview: Ryan Joyner (See attached PPT)

#### Oil & Gas Sub-group Overview by Category

James Dietrich (Category 2): His primary concern is trail use in the area for recreation. After reviewing comments, almost everything was focused on Phil's World with recreational access coming up over and over again. He emphasized that access to public lands must be done by authorized routes and if private property surrounds public lands then users must have permission to cross private land. He also pointed out the Mesa Verde Escarpment can only be accessed by private land and very little BLM if any. Additionally, air, water and agriculture were prominent issues in public comments. When he reviewed the RMP, he said it was created knowing how an MLP could be implemented, and felt the document was sufficient to cover oil and gas leasing decisions. He also said Montezuma County already has designations for recreation protections and struggles to find anything that has been missed in the RMP.

Ernie Williams (Category 3): He represents elected officials, and he primarily heard comments about roads and water. He said a MLP will not affect road use, because the roads are not managed or regulated by the BLM. Transportation is handled by county permit. He also listened to concerns regarding Phil's World, but doesn't think an MLP is needed to protect the area due to the protections within the new RMP. Additionally, the Mesa Verde Escarpment is mostly covered under No Surface Occupancy within the RMP, so protections for that area are covered. The areas in La Plata are very small and most of the protections in a MLP are already in place in the RMP in that area as well. He also said water is available, and companies have the right to purchase it and use it according to county, state and federal regulation. In Montezuma County, all commissioners are against a MLP. He also indicated La Plata County commissioners have not come to a consensus.

Eric Sanford (Category 1): Most of the public comments he reviewed were against oil and gas development. Over the five sub-group meetings, he also discovered most of the public comments didn't

fit into this process. Additionally, the RMP Appendix R is important and states that this area doesn't qualify for a MLP. A MLP is a one-way street before operators submit an Expression of Interest and further restricts a lengthy NEPA process. He feels a MLP is another delay mechanism to prevent development, and it's not economically viable due to lack of interest of development in the area.

#### **Public Comment**

Pete Eschallier: See written comments

MB McAfee: See written comments

Jimbo Buickerood on behalf of Pete McKay: See written comments

Ellen Foster: See written comments

Chris Lopez: See written comments in the oil and gas sub-group submission

Christi Zeller: See written comments in the oil and gas sub-group submission

Dale Davidson: He is a sub-group member and feels the sub-group process has been ignored. The group met four times and listened to public comments. The group never discussed comments, and then they received a letter that said thanks and the sub-group was finished. He is not happy with how the process concluded. Also see written comments.

Chris Eastin: See written comments

Lionel DiGiacomo: See written comments

Jerry Otero: He is the energy program manager for the National Parks Conservation Association, and he advocates for thousands of members in Colorado. He said they support a MLP and the Mesa Verde National Park's position detailed in a comment letter that was submitted to the sub-group. He also believes the public supports a MLP, because he counted well over 100 comment letters in favor and single digits not in favor of a MLP. He indicated there is a broad spectrum of expertise reflected in the comments. Additionally, NPCA doesn't want visitor experience impacted at Mesa Verde.

Amy McAlpin: She said the RMP is not enough, because it was initiated a decade ago. It doesn't offer protections for agriculture, and Montezuma County relies heavily on economic drivers associated with this industry.

#### RESOLUTION

A discussion ensued regarding the Master Leasing Plan area of interest within the Tres Rios Field Office. The RAC members worked on a resolution based on proposals submitted by Jimbo Buickerood and Eric Sanford. The draft in track changes is attached. The members agreed to work on the resolution at the August meeting. Eric Sanford moved to table the discussion and Jimbo Buickerood seconded the motion. Motion carried.

#### Redistricting

Barb Sharrow explained how the districts are going to be realigned per state director decision. See attached handout for details.

#### Upcoming Meetings and Field Trips

- August 18, Alpine Loop
- August 19, Gunnison, CO (Tentative)

#### Suggested Agenda Topics

- Master Leasing Plan
- Areas of Critical Environmental Concern
- Anasazi Heritage Center fee proposal
- Flodine & Yellow Jacket Grazing Environmental Assessment

#### Adjournment

Eric Sanford moved to adjourn the meeting. Dale Irby seconded the motion. Motion passed.

Tres Rios Field Office Resource Management Plan Stipulations

BLM Tres Rios Field Office, US Department of Interior Acting Southwest District Manager- Barb Sharrow Field Office Manager- Connie Clementson Asst. Field Office Manager- Justin Abernathy Natural Resource Specialist- Ryan Joyner

# Stipulations

- Stipulations-RMP (Appendix H)
  - NSO (No Surface Occupancy)
  - CSU (Controlled Surface Use)
  - TL (Timing Limitation)
- Conditions of Approval (COAs)
  - Site Specific NEPA

# Application

Timing Limitation (TL)

## Controlled Surface Use (CSU)

### No Surface Occupancy (NSO)



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#### Tres Rios Field Office Area Of Interest Durango- Zone 1

Federal Minerals

1]]

Withdrawn Areas (Exempt from Leasing) ٢2 Durango-Zone 1 Bureau of Land Management (Surface Estate) State (Surface Estate) Indian Reservation (Surface Estate) National Park Service (Surface Estate) Private (Surface Estate) US Forest Service (Surface Estate) SCALE 1:75.000 0.7 0.35 0 0.7 2.8 WYOMING Casper SAND H North Platte Chevenne UNITED Denver A T Colorado Springs COLORADO N Gard Pueblo



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#### Tres Rios Field Office Area Of Intereist Durango-Zone1



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United States Department of the Interior Bureau of Land Management Tres Rios Field Office Land Status updated as of October 2015

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**Tres Rios Field Office** 

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#### Tres Rios Field Office Area Of Interest Hesperus- Zone 2



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North Platte

Garde



#### **Tres Rios Field Office Area Of Interest** Mancos-Zone 3



Santa Fe Sources: Esri, DeLorme, USGS, aquNPS, Sources: Esri, USGS, NOAA Albu

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#### **Tres Rios Field Office Area Of Interest** Mancos-Zone 3



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#### **Tres Rios Field Office** Area Of Interest Cortez-Zone 4



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Tres Rios Field Office Land Status updated as of October 2015



#### Tres Rios Field Office Area Of Interest Cortez- Zone 4



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### SAN JUAN COUNTY COLORADO 1557 GREENE STREET P.O. BOX 466 SILVERTON, COLORADO 81433 PHONE/FAX 970-387-5766 sanjuancounty@frontier.net

6/6/27

To: Resource Advisory Council (RAC)

RE: BLM Redistricting Proposal

RAC Members,

San Juan County has recently learned that BLM State Director Ruth Welch has developed a redistricting plan that would move San Juan County (SJC) from the Tres Rios Field Office to the Gunnison Field Office. Additionally and importantly, this proposal would **move us from the Montrose District Office to the Canon City District Office.** This plan has been prepared without any transparency. When we eventually heard about it we were told it was an "internal matter" and in fact it was already a "done deal".

In a phone conversation with Director Welch on 6/3/16, SJC Commissioner Pete McKay asked her 3 times to please reconsider her decision until she had a chance meet in person with the SJC Board of Commissioners about our very real concerns. Sadly, while agreeing to meet with us at our Board Meeting (7/27/16 @ 6.30 PM) **Director Welsh stated that it was her decision to make and changing her mind was absolutely out of the question.** It appears that the Alpine Loop area which is in 2 separate BLM districts is one of the major reasons for moving SJC. While this is a concern that are so many other reasons to keep us in our current Southwest District and not transfer us to a District whose headquarters are all the way across the Rocky Mountains. Travel logistics both for the BLM and SJC make direct interaction with Canon City and or Gunnison very difficult even in the best of weather. Other issues that will negatively impact SJC are but not limited to:

\* Losing decades of interaction and institutional knowledge with our local BLM offices and officials.

\* Being moved away from our sister counties La Plata, San Miguel and Ouray with whom we have many similar Public Lands issues.

- \* Improvement permits for private in- holdings that need expedient BLM review.
- \* Outfitter permits.
- \* A contentious Heli-Ski area change request that needs BLM direct knowledge of the terrain involved.
- \*Bicycle and hiking paths expansion requests that need BLM familiarity with specific locations.

\* Local/regional environmental organizations working on land and water issues that need close contact with BLM officials and again familiar with our geography.

\* Super-Fund-the Bonita Peak Mining District is mostly within BLM Public Land in SJC.

\* The above are just some of the current topics. What will happen in the coming years with long distance oversight? Several years ago we had the tremendous effort and interaction between the BLM, counties and local organizations and interested parties in preparing the successful Hermosa Watershed Protection Bill. Let's be honest, it is very doubtful this success could be recreated with a headquarters located on the Front Range.

and interested parties in preparing the successful Hermosa Watershed Protection Bill. Let's be honest, it is very doubtful this success could be recreated with a headquarters located on the Front Range.

RAC members please remember that in 2015 San Juan County played a leading role in a regional 4 county effort (San Juan, La Plata, Ouray and San Miguel) to pass county resolutions opposing any transference or sale of National Public Lands to states or private individuals. We stood shoulder to shoulder with BLM/FS with our support. Now is the time for the BLM to support us.

A unilateral decision made without any discussion with SJC or local input from our local/regional citizen organizations is very bad form. A BLM State Director who refuses to reconsider a not well thought out policy is not positive leadership. Even a brief look at the proposed redistricting map will show "gerrymandering" at its worst.

RAC members we need your support and intervention.

Respectfully,

Pete McKay San Juan County Commissioner Chairman Pro Tem



Lionel Di Giacomo Durango, CO (0/10/16

## **Tres Rios Master Leasing Plan Q&A**

There is a lot of information, both good and bad, swirling around the topic of Master Leasing Plans (MLPs\*) and the local Tres Rios or Southwest Colorado MLP. This handout tries to sort fact from fiction.

#### Q: How much land is at stake in the Tres Rios MLP area?

A: There are over 80,000 acres of federal fluid minerals (oil and gas) in the MLP area. In addition to the numerous recreation, conservation, public health, cultural resource and other concerns that affects both public and private land, and much of this acreage is Split Estate\*. That is over 15,000 acres of private land which stands to benefit from an MLP.

Q: Much of the land is already under No Surface Occupancy (NSO), controlled surface use (CSU), and Timing Limitation (TL) lease stipulations\*. Why is an MLP needed?

A: MLPs can improve these stipulations by making it harder to bypass them. Lease stipulations are the main terms that guide how leases are developed, providing protections ranging from NSO (which prevents damage to the surface) to other conditions on when, where, and how development can occur. The Tres Rios Resource Management Plan (RMP\*) allows exception, modification, and waiver of all of these stipulations under vague circumstances. Areas of high public interest may seem protected, but in reality these stipulations can be changed or even removed altogether at BLM\* discretion without public notification. MLPs can require the public be included and narrow the conditions for exceptions, modifications, and waivers - making NSO, CSU, and TL stipulations far more meaningful.

A: MLPs can also apply stronger and better stipulations. Not all stipulations are created equal. Many of the NSO stipulations that apply within the MLP area don't actually apply to all the land they cover. For instance, NSO protections that apply to raptor nests may apply to entire lease areas, but will only apply for small areas around nests. While this is important, it doesn't actually prevent surface use that will harm other resources that are not protected on those same leases; or, stay in place if the raptors are not using the nests. Stipulations that are designed to protect the resources of concern within the MLP, like recreation or national park resources or agriculture, will be much more effective and are still needed.]

A: MLPs can also set out conditions of approval that apply to existing leases. The lease stipulations in the Tres Rios RMP only apply to new leases. However, MLPs can identify conditions of approval that are applied when an operator gets a permit to drill. These conditions can add important protections for resources that we all care about but aren't highlighted in older leases, such as recreation, or need to be updated based on current science and use, such as wildlife habitat.

\*See glossary on back.

Continued on Back...



Prepared by Great Old Broads for Wilderness For more information please contact lionel@greatoldbroads.org

#### Q: Can the MLP process close areas to future oil and gas leasing?

**A: The BLM can close areas to leasing as part of the MLP process.** If during the MLP process the BLM sees fit to close an area to new leasing, they will amend the Resource Management Plan to do so. This process doesn't need to be lengthy, and is absolutely within the BLM's power.

#### Q: Do Split Estate owners get any benefit from an MLP additional to their current rights?

A: Split Estate owners have much to gain. Currently when the BLM leases mineral rights beneath private land to a private company, that company has the legal right to 'enter', which includes the right to build roads, pipelines, and facilities, and bring in heavy equipment - without private land owner consent. While companies will talk to a Split Estate owner, the terms of their use are not often laid out by the BLM – leaving a private individual in a very difficult situation. The MLP gives landowners a voice in future decisions early on, which can give extra security. The MLP can also specifically address how resources on Split Estate lands and property owners will be protected.

#### Q: I've heard MLPs are relatively new and unusual to do, is that true?

A: MLPs have been successfully completed in Colorado and other states. Since the BLM wrote recommendations for MLPs in 2011, there have been numerous MLPs completed or under preparation. Three have been completed just in Colorado alone, and MLPs have been or are being prepared in Wyoming and Utah, as well. Each process has been well documented, and show that MLPs are one effective way to better include communities in land management and make oil and gas leasing decisions more public and transparent.

#### **Master Leasing Plan Glossary**

BLM - Bureau of Land Management

**RMP** - Resource Management Plan, a plan that guides public resource management for a large region, often lasting 20 years or more.

MLP - Master Leasing Plan, specific guidance for oil and gas leasing in a specific region.

NSO - No Surface Occupancy, a stipulation that says no surface structures or development can be built on a parcel.

CSU - Controlled Surface Use, a stipulation that sets rules for surface structures and development on a parcel.

TL - Timing Limitations, a stipulation that sets the acceptable dates that a lease can be developed and operated.

Split Estate - Private lands where the underlying mineral rights are federally owned.

Stipulation - The terms of the lease, which are set out before a company bids on the leases.

**Conditions of Approval** – Terms that are applied to approval of a permit to drill, which are applied by the BLM at the time that an application for a permit to drill is submitted.

View maps of the MLP area and more information related to the MLP on the BLM website: http://www.blm.gov/co/st/en/BLM\_Information/nepa/TRFO\_NEPA/TRFOMLP.html



Prepared by Great Old Broads for Wilderness For more information please contact lionel@greatoldbroads.org COMMENTS TO SOUTHWEST COLORADO RAC

6/10/16

BY DALE DAVIDSON

1003V ALMA AV. CORTEZ, CO.

I WILL QUICKLY LIKE TO MAKE THREE POINTS TO YOU TODAY

- AS A MEMBER OF THE SUBRAC APPOINTED BY THE MONTEZUMA COUNTY COMMISSHIONERS, I WAS INSTRUCTED AT THE BEGINNING OF THE SUBRAC PROCESS THAT WE WERE TO DETERMINE IF THERE WERE SHORTCOMINGS IN THE CURRENT RMP AS REGUARDS OIL AND GAS LEASING. AFTER OUR PUBLIC MEETINGS IT IS VERY CLEAR THERE ARE SEVERAL MAJOR OVERSIGHTS. FIRST THE RMP SAYS NOTHING ABOUT THE IMPACT OF OIL AND GAS DEVELOPMENT ON OUR AGRACULTURAL ECONOMY. SECOND THERE IS NOTHING IN THE RMP ON THE POTENTIAL FOR INCREASED SEISMIC ACTIVITY CAUSED BY REINJECTION OF PRODUCED FLUIDS FROM DRILLING ACTIVITY. SEISMIC ACTIVITY HAS THE POTENTIAL TO AFFECT OUR WATER DELIVERY INFRASTRUCTURE AND PREHISTORIC ARCHAEOLOGICAL SITES AT MESA VERDE NATIONAL PARK AND IN THE CANYONS OF THE ANCIENTS NATIONAL MONUMENTS.
- BASED ON THESE SHORTCOMINGS IN THE RMP, A MASTER LEASING PLAN HAS TO BE DEVELOPED.
- FINALLY, I MUST COMMENT ON THIS SUBRAC PROCESS. AS A COMMITTEE WE NEVER BROUGHT OUR WORK TO A CLOSE. AFTER THE LAST PUBLIC MEETING IN MARCH WE WERE TOLD THE PROCESS WAS OVER, BUT WE WERE NEVER ASKED IF THERE WERE SHORTCOMINGS IN THE RMP. I REMEMBER ASKING AT OUR VERY FIRST MEETING HOW WE WOULD REPORT OUR FINDINGS, BUT WE NEVER DID! THIS PROCESS SHOULD HAVE BEEN BETTER DEVELOPED FROM THE START.

THANK YOU FOR YOUR ATTENTION

#### TRES RIOS FIELD OFFICE, MASTER LEASING PLAN, SW RAC MEETING, June 10, 2016

#### Public Comments by Ellen Foster, 25314 County Road T, Dolores, Colorado 81323

I have made many comments to the Working Group in support of a Master Leasing Plan. I hope you've had a chance to read them. They're much more detailed than I have time for in 3 minutes. And I hope you will consider the large number of citizens who have overwhelmingly supported stronger, guaranteed protections for air, water, land, human health, quality of life, property values, farming and ranching, the rights of split estate surface owners, and our local economy, which is moving toward recreation and tourism, and the need for monitoring and enforcement.

Our concerns also include:

- 1. The Boundary of the MLP should include McPhee and Narraguinnep Reservoirs.
- The BLM must conduct a Health Impact Study to determine the cumulative health effects of the combination of chemicals in the air that are emitted by Kinder Morgan's CO2 unit, the Helium plant and Argon production in Dove Creek, the San Juan Power Plant, and the Four Corners Methane Hot Spot. Pollution is not confined by State or County boundaries.

There are no stipulations in Appendix H of the RMP concerning human health.

- 3. There are no stipulations in Appendix H regarding agriculture. Organic farmers need protection.
- 4. Opportunities for Exceptions, Waivers and Modifications must be specific, as has been done in other MLPs.
- 5. Preservation of the experience of visitors to Mesa Verde National Park and Canyons of the Ancients National Monument. Visual and Audio Resource Management stipulations have been used in the MLPs for Chaco Canyon, Arches, Canyonlands, and Dinosaur National Monument. They should also be designed to protect the unique qualities of Mesa Verde and the Escarpment. <u>Thousands of acres</u> were CLOSED to Oil & Gas in the Moab MLP to "preserve scenic vistas".

This community is very concerned and organized and will not be dismissed if the BLM decides not to create a Master Leasing Plan. We will continue at every opportunity to voice our concerns.

Comments from M. B. McAfee 22277 CR 20 Lewis CO 81327 mbmafee@fone.net SWRAC Meeting June 10, 2016 Mancos Colorado

#### Good Morning,

I have been urging you to create a Master Leasing Plan process for future oil and gas development in this area. When this notion was first presented it sounded like a good approach, an approach that could overcome some of the shortfalls of the Tres Rios Resource Management Plan. It also was a process that seemed elaborate and convoluted with a layered approach. Frankly, the only consistent element has been citizen voices that only a few of you heard but that the Working Group members did hear. And the consistent message from citizens is that future oil and gas development must be done with stronger protections than are available in the RMP.

I flew over this area in a small plane and the overwhelming truth is that this is one handsome, beautiful landscape, one that cuts across jurisdictional lines like the Park Service, Forest Service, BLM, the Tribal land, and private lands. And, this is a dry, dry landscape. Oil and gas development can mar viewsheds, add new roads and create great swaths of slow-to-recover pipelines, and could impact our precious water supply, a water supply that serves all these jurisdictions.

I want to ask that you keep this big picture in mind. Furthermore, I understand about the political realities of the RAC perhaps not being able to firmly advise BLM regarding a Master Leasing Plan. It is my hope is the RAC will have the will to direct BLM to examine how to make stronger protections of the landscape including waivable stipulations only under very specific circumstances. I see it as your job to advise BLM that planning for future oil and gas development must include elected officials and the public with openness and transparency.

Thank you.

June 10, 2016

Southwest Resource Advisory Council Tres Rios Field Office, Bureau of Land Management blm\_co\_trfo\_oilandgas@blm.gov

## Re: Federal Oil and Gas Leasing and a Potential Master Leasing Plan in Western La Plata and Eastern Montezuma Counties, Colorado

Dear Southwest RAC Members,

On behalf of the local business communities of Colorado's La Plata and Montezuma counties, we write to support the proposed Bureau of Land Management (BLM) Tres Rios Field Office Master Leasing Plan (MLP).

The land within and adjacent to the proposed Tres Rios MLP boundary includes areas highly valued to residents and visitors alike. The Tres Rios MLP planning area abuts the popular Mesa Verde National Park and Canyons of the Ancients National Monument. Other areas contain: some of the finest mountain biking in the region, an extensive network of hiking trails, essential habitat and migration corridors for numerous wildlife species, important cultural sites, lands with wilderness characteristics, and important agricultural lands. These resources are vital to the local and regional economy.

As local businesses, we have a strong interest in protecting and enhancing recreation assets that support our economy. Necessary for the preservation of the area's iconic recreation experiences are site-specific protections for water and air quality, along with carefully planning of access roads and industrial activity and infrastructure to prevent conflicts with recreational users. The broader Tres Rios Resource Management Plan does not adequately address these concerns because it does not include enough specificity and zoning to prevent conflicts. Thus, important management decisions about oil and gas are left to the BLM's discretion on a lease-by-lease basis instead of through a comprehensive landscape-level plan. A Tres Rios MLP would provide these specific protections for the recreation assets that are central to the region's quality of life.

The proposed Tres Rios MLP will also allow future and existing oil and gas leases to be planned in a responsible, effective way. This plan can develop targeted stipulations for new leases and best management practices for drilling permits. Given the numerous resources within this landscape, there is high potential for conflict with leasing and drilling. Through the MLP process the BLM can, with stakeholder input, develop a detailed vision for management of this area, incorporating a thoughtful, balanced approach to managing oil and gas leasing and development.

We ask the Southwest Resource Advisory Council Members to consider these concerns and support the Tres Rios Master Leasing Plan. With an MLP we can create a comprehensive smartfrom-the-start plan that will be more efficient for all stakeholders. As residents and business owners who will be greatly affected by this decision, we lend our full support to the MLP process and urge you to as well.

Sincerely,

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