



Chesapeake Mid-Atlantic Regional Center  
706 Giddings Avenue, Suite 2-B Annapolis, MD 21401 443.759.3400 www.nwf.org

March 10, 2010

Mr. Juan Palma  
U.S. Department of the Interior  
Bureau of Land Management  
Eastern States Office  
7450 Boston Boulevard  
Springfield, VA 22153

Via FAX 703-440-1701

RE: Protest for March 18, 2010, West Virginia BLM Competitive Oil & Gas Lease Sale

Dear Mr. Palma,

Please accept the following protest on behalf of The National Wildlife Federation Chesapeake Mid-Atlantic Regional Center (referred to in the remaining document as "NWF") pursuant to the Bureau of Land Management's (referred to in the remaining document as "BLM") oil and gas lease sale offerings within the Monongahela National Forest in West Virginia, scheduled to be offered at the March 18, 2010 BLM Competitive Oil and Gas Lease Sale.

Inspiring  
Americans  
to protect  
wildlife for  
our children's  
future.

- Currently, no state or federal regulations exist for horizontal drilling and hydro-fracturing. In addition, the Monongahela National Forest Management plan has not been updated to address these potentially damaging practices. Without specific regulations and provisions in place for drilling and hydro-fracturing, NWF feels that opening areas within the Forest to drilling would unreasonably risk long-term damage to the forest, headwater streams, and wildlife as well as to freshwater drinking supplies in favor of immediate resource development.
- The NEPA process for the 2006 Monongahela National Forest Management Plan was conducted at a broad landscape scale. Approval of site-specific actions would be at project level, and decision-making must comply with NEPA procedures and be consistent with the Forest Plan. Thus, the intention is that more specific NEPA processes would be conducted as land management activities were proposed. It does not appear that a more specific NEPA process has been initiated for this sale of these parcels.



- The BLM and the U.S. Forest Service consider areas within and surrounding these lease parcels to be of high value to the outdoor recreation industry, which includes hunting, fishing, tourism, local communities, and the state of West Virginia. The BLM should not offer these lease parcels for sale until a full economic and environmental impact analysis is completed that addresses the range of potential impacts.

### **Interests of Protesting Party**

The National Wildlife Federation (NWF) is a 501(c)(3) nonprofit conservation education and advocacy organization. NWF's mission is to inspire Americans to protect wildlife for our children's future. Founded in 1936, it has emerged as the nation's premier grassroots conservation organization, with one million members and 49 state-level affiliate organizations throughout the U.S. and its territories. NWF focuses on confronting global warming, protecting and restoring wildlife and habitat, and reconnecting people with nature.

NWF works to improve federal and state policies that will affect wildlife conservation on hundreds of millions of acres of public, tribal and private lands, including thousands of miles of streams, rivers, lakes and coastlines across America. All of these are vital to securing clean water for people, fish and wildlife as water supplies deteriorate in a warming world. NWF continues to be the voice of conservation for diverse constituencies that include hunters, anglers, gardeners, bird watchers, scientists, outdoor enthusiasts, and families raising the next generation of habitat stewards. To that end, NWF believes that protecting public lands for these constituencies is crucial. In West Virginia, we have 21,510 supporters that enjoy using and value public lands such as Monongahela National Forest for recreation, wildlife viewing, hunting and fishing, and research. If development of these oil and gas leases moves forward without appropriate federal and state regulations, valuable wildlife species and habitats within the Forest could be destroyed.

### **Statement of Reasons**

The proposed lease areas contain areas of high ecological value, wetlands, and habitat for threatened and endangered animal and plant species, including the Cheat Mountain salamander, bald eagle, Virginia big eared bat, Indiana bat, and the West Virginia northern flying squirrel. Conducting activities such as drilling and hydro-fracturing near these important species and habitats without sound regulations or an adequate NEPA process to protect these natural resources could result in wide-ranging destruction of West Virginia's natural heritage. Associated land management activities could also result in significant habitat fragmentation, increased sediment runoff, and increased water temperatures.

The parcels also contain sensitive coldwater trout habitat. Recent West Virginia anti-degradation legislation has designated all streams bounded on both sides by federal or state land as tier 3 streams, qualifying these coldwater streams for the highest level of protection. Tier 3 streams are to be protected and maintained; however, leasing these lands for drilling could degrade the streams within the parcels by earth moving activities and water contamination from hydro-fracturing. Water withdrawals for drilling activities could also impact these and other species.

Within the parcels are the headwaters of the Potomac River and the Chesapeake Bay, as well as the headwaters of the Cheat River, which flows into the Monongahela River and eventually to the Ohio River. The actions taken in these headwater areas will affect the millions of people who rely on these mountains as the source of their fresh water. Finally, the lease areas also contain

hunting grounds and scenic and recreational areas. Although gas development may not be allowed in the exact location that outdoor enthusiasts, such as our members, are enjoying the Forest, many activities could be disrupted by nearby hydro-fracturing and drilling activities.

### **Conclusion**

The Monongahela National Forest is treasured by the citizens of West Virginia and by all of its visitors. There are no enforceable regulations protecting natural resources as a part of Marcellus Shale development, and the NEPA documents related to the Forest Management Plan are not specific enough for site specific application. Thus, leasing these lands for natural gas development would jeopardize our public land trust, causing significant harm to fish and wildlife populations, water quality resources, and recreational and scenic areas of the forest. Until strong regulations are developed and the NEPA process is revised, NWF will oppose the lease of rights for drilling.

Please continue to manage our public lands with the best interest of the forest, water, and people in mind and do not lease the rights for drilling until the knowledge of its effects on rivers, streams, and groundwater catch up with the drilling technology.

Sincerely,



Tony Caligiuri, Regional Executive Director  
National Wildlife Federation, Chesapeake Mid-Atlantic Regional Center