

December 30, 2019

Bureau of Land Management
North Central Montana District
Division of Oil and Gas
Attn: Tessa Wallace
1220 38th Street N Great Falls, MT 59405

Re: Comments on the Tendoy Project EA (DOI-BLM-MT-L002-2020-0001-EA Tendoy 13-1/White Pine 18-1)

Dear Ms. Wallace,

Our sportsmen and conservation organizations represent hunters, anglers and outdoor enthusiasts from across the state of Montana and the nation. Many of our members fish the streams and hunt the hills located on or that flow from public lands administered by the BLM's office and the Beaverhead-Deerlodge National Forest. We are writing in regard to the Tendoy Project Environmental Assessment.

Both the Tendoy and White Pine project sites are located in areas of high recreational use and if developed, could have negative impacts to recreation, local public land users, and fish and wildlife habitat. In addition to a request we filed for a comment deadline extension of 60 to 90 days, we'd like to provide the following comments on the Tendoy Project Environmental Assessment (EA). Each respective organization may also submit additional comments.

Aquatic Resource

Little Sheep Creek is a valuable native trout stream populated by a conservation population of upper Missouri River Basin westslope cutthroat trout. Westslope cutthroat trout are a Species of Concern for the state of Montana and a Forest Service and BLM Sensitive Species. Populations of westslope cutthroat trout in the upper Missouri River Basin are especially rare, with genetically unaltered fish occupying less than 2 percent of their historical range. This makes the Little Sheep Creek population extremely valuable and vulnerable. Both the BLM and Forest Service are partners in the Memorandum of Understanding and Conservation Agreement for Westslope Cutthroat Trout and Yellowstone Cutthroat Trout in Montana (2007)¹, which list among other objectives, the goal of protecting and securing existing conservation populations. We are concerned that this MOU is not mentioned in the EA.

Any development within the watershed of a fish bearing stream introduces the risk of a spill and the resultant impacts to aquatic habitat and fisheries. According to Appendix B Aquatics table, there is little to no risk the cutthroat populations in this area could be affected by this project. We find that hard to believe

¹<http://fwp.mt.gov/fishAndWildlife/management/westslopeCT/>

and would ask for additional information to back up that statement. The EA mentions the need for a Spill Prevention Control and Countermeasure (SPCC) plan but gives no details into what the plan should or needs to include. We believe that plan needs to be a part of this process and vetted by the public.

Along with spills, the other risk factor for coldwater fisheries is stream sedimentation. This issue is particularly important given the high coldwater fishery values in both Little Sheep Creek and Big Sheep Creek. We appreciate the Road Sediment Assessment Report that was released with the EA. On page B7 and B8 of that report, it has two tables with recommendations of how to limit sediment loads into Little Sheep and Big Sheep Creeks. One recommendation not listed, that we believe should be, is road closure or prohibited use by the company during hunting season, except for routine maintenance activities. As noted in scoping comments, Little Sheep Creek Road is a popular route for accessing the forest during hunting season. More traffic will increase the risk of increased sediment and/or an accident that could result in a spill in Little Sheep Creek.

Monitoring

The EA mentions existing ground and surface water conditions but does not seem to mention anything about long term monitoring. Periodic testing should be required in order to detect changes. An effective monitoring program needs to be adaptive with trigger points for actions that will abate undesirable effects. Merely documenting conditions is not sufficient; a successful monitoring program should identify, up front, steps that will be taken if objectives are not being met.

Water use

According to the EA “*Approximately 5,000 barrels (0.65 acre feet) of water would be needed to drill and complete the proposed well and control fugitive dust.*” We would request more information of where this water is coming from.

Secondly, on page 33 the EA states “*There would be no impact to water resources from water withdrawal or wastewater disposal in the project area.*” However, with no groundwater modeling or hydrological study accompanying the EA, we are unsure how the BLM and Forest Service could come to this conclusion. Additionally, on page 76 under “Environmental consequences common to both alternatives” it states “*Up to six 400-700 barrel tanks would be placed on the well pad for storing oil/condensate and produced water.*” According to the American Geoscience Institute², produced water is just natural ground water that is extracted with oil and gas. If natural ground water is being extracted with oil and gas, in the amount it needs to be stored and disposed of daily, we believe this would effect the water resource. We would request more information and data on this issue, along with where and how the company proposes to dispose of the produced water.

²<https://www.americangeosciences.org/geoscience-currents/using-produced-water>

Wildlife Resource

Impacts to big game species

Both the Tendoy and White Pine project locations provide important habitat for a variety of terrestrial wildlife species including highly valued big game, as well as threatened species. Any development of new or existing roads and well pads in either of the proposed sites would result in negative impacts on wildlife and their habitat including removal and fragmentation, displacement of animals, and edge effects.

The White Pine Ridge area provides highly-productive mule deer and elk winter range. Hunting District 300, in the Tendoy Mountains, is one of the best trophy mule deer units in the state of Montana, and over 700 individual sportsmen apply for 30 coveted mule deer permits each year. With eight-foot-tall mountain mahoganies and southeast facing slopes, the White Pine Ridge area provides irreplaceable winter range to this deer herd. The area also provides important winter range to the Hunting District 302 bighorn sheep herd, which is currently the focus of restoration efforts by Montana FWP.

The BLM and USFS should develop a baseline understanding of the mule deer herd and wildlife use patterns in the area. Impacts from development should be documented, and an effective monitoring program needs to be adaptive with trigger points for actions that will abate undesirable effects.

Timing limitations

Notable stipulation differences exist between the BLM and the Forest Service related to bighorn sheep and big game calving/birthing areas. For BLM lands, there is a timing limitation for calving/birthing areas from April 1-June 30, as well as a timing limitation from November 1 - June 30 in bighorn rutting, winter and lambing habitat; the Forest Service does not appear to have stipulations for these resources. However, the Forest Service could apply these same restrictions, as applicable, as conditions of approval. We ask that the BLM analyze impacts to big game calving/birth areas and bighorn sheep ranges. Additionally, we ask that, as applicable, BLM timing limitations for big game calving/birth areas and bighorn sheep ranges be applied to Forest Service lands as conditions of approval.

Impacts on the Greater Sage Grouse

The access roads to both the Tendoy and White Pine project sites occur within GHMA and PHMA, including the 4.7 miles of new road that would be constructed in the Tendoy Alternative. The Big Sheep watershed contains 6 active sage-grouse leks. If an alternative is accepted the White Pine alternative will have fewer impacts on sage-grouse habitat due to location and the use of pre-constructed roads.

Development in and around PHMA and GHMA has negative impacts on the greater sage-grouse. The sage-grouse is a sensitive bird that is quickly impacted by changes in habitat. Development in this area will cause edge effects along PHMA and GHMA altering the habitat in and around the disturbance area.

This also creates a medium for the invasion of noxious weeds and non-native species. The sagebrush steppe ecosystem, which is essential for the sage-grouse, is extremely susceptible to the invasion of cheatgrass which can be devastating for the sagebrush ecosystem. This disturbance could also lead to the loss of potentially suitable habitats for nesting and foraging.

The EA did not mention any stipulations in Appendix A that would protect sage-grouse from the negative impacts of development. Stipulations should be added to prevent construction and road upgrades during active lek season.

We believe that in working closely with the Montana Sage-grouse Oversight Team, BLM is taking important steps towards ensuring conservation of the sage-grouse. However, BLM must still meet its obligations under the Federal Policy Lands Management Act (FLPMA) to prioritize leasing outside sage-grouse habitat. Until BLM can show how it is implementing such prioritization, it should not accept either the Tendoy or White Pine alternative.

Existing Recreation Values

Development of either the Tendoy or White Pine project locations would negatively impact existing recreation opportunities such as hunting, angling, and hiking. According to MTFWP, the hunting districts for elk, deer, and pronghorn antelope that encompass the project areas are amongst the highest producing areas for big game hunting expenditures in the state, with elk hunters in Hunting District 300 spending over \$1.8 million in 2018. We believe that these existing recreation values in the area far outweigh energy production and speculative exploratory drilling.

Conclusion: Alternative Drill Site

The Tendoy and White Pine Ridge project locations both have shortcomings relative to fishery, wildlife, and existing recreation resources in the Big Sheep Creek and Little Sheep Creek drainages. We believe that an Environmental Assessment is simply not sufficient in determining the extent of impacts from exploratory drilling in the Tendoy Mountains, and thus, we suggest a full Environmental Impact Statement (EIS) be utilized. A Finding of No Significant Impact (FONSI) would not be warranted, given the aforementioned shortfalls and impacts to wildlife, habitat and recreation. For these reasons, we ask that you consider alternative locations that, while perhaps less desirable to the applicant, are environmentally preferable.

In conclusion, thank you for the consideration of our suggestions and input on the Lima Energy Company's application to drill for the Tendoy Federal #13-1 and White Pine Federal #18-1 wells. If you have any questions, please do not hesitate to contact our organizations. If there is additional information required from our organizations, we would be happy to have an in person meeting to discuss our comments further.

Sincerely,



Alec Underwood
Federal Conservation Campaigns Director
Montana Wildlife Federation
406-303-0494
alec@mtwf.org



Colin Cooney
Montana Field Coordinator
Trout Unlimited
406-465-1023
Colin.Cooney@tu.org



Scott Laird
Montana Field Representative
Theodore Roosevelt Conservation Partnership
slaird@trcp.org



Adam Shaw
President
Hellgate Hunters and Anglers
406-274-2545
a.michaelshaw@gmail.com



Chris Edgington
Jefferson Watershed Project Manager
Montana Trout Unlimited
406-451-3035
chris@montanatu.org



Mary Greene
Public Lands Attorney and Senior
Advisor
National Wildlife Federation
303-441-5159
GreeneM@nwf.org



John B. Sullivan
Board Chair
Montana Chapter of Backcountry
Hunters and Anglers
406-360-4086
johnbsullivaniii@gmail.com