



December 18, 2018

Amy Waring, Fluid Minerals
Montana State Office
5001 Southgate Drive
Billings, MT 59101

Re: Public Land Solutions Comments to Montana-Dakotas March 2019 Oil and Gas Lease Sale (DOI-BLM-MT-0000-2018-0007-EA)

Dear Ms. Waring,

Thank you for the opportunity to comment on the BLM (Bureau of Land Management) Montana-Dakotas March 2019 Competitive Oil and Gas Lease Sale. Through this sale, the BLM is offering 322 parcels comprising 180,366 acres in the Dillon, Billings, Havre, Glasgow, Miles City, North Dakota, and South Dakota Field Office planning areas for oil and gas leasing in a competitive lease sale scheduled for March 27, 2019. The 322 parcels include 76 parcels moved from the December 2018 sale and 233 parcels moved from the June 2018 sale due to litigation.

As recreation advocates, Public Land Solutions is concerned that the BLM does not adequately analyze potential impacts from this proposed lease sale to specific recreation assets and other important values. We believe that the BLM should take a harder look at the potential impacts of this proposed lease sale on specific recreation assets. Because the direct, indirect, and cumulative effects that would result from implementation of this lease sale could be detrimental to recreation and the local communities that have invested in recreation assets, the BLM should fully evaluate the cumulative impacts of this competitive lease sale on the region's recreation economy and how it would impact future growth opportunities in the local business community and socioeconomics regionally. We urge the BLM to conduct a hard look environmental analysis and propose leasing stipulations or other measures to minimize/mitigate oil and gas development impacts on recreation assets and associated socioeconomics.

Public Land Solutions

Public Land Solutions (PLS) is a non-profit organization dedicated to providing comprehensive recreation planning and stakeholder coordination to support effective and sustainable public land solutions. While we have been involved at the local, regional and national level during BLM planning and permitting proposals related to oil, gas, coal, and potash developments, our primary focus is the protection and enhancement of recreation assets and opportunities to develop durable and robust recreation economies. Our advocacy efforts to protect and enhance recreation assets on public lands include organizing stakeholder workshops, providing detailed comments and proposed maps during BLM comment periods, providing presentations to local and state governments, and communicating with a wide range of interested stakeholders. Public lands are diverse economic drivers, and the economics of the 21st century require thoughtful consideration regarding how land use decisions affect local economies over the long-term with regard to how

properly managed recreation assets support tourism economies, business recruitment and employee retention.

Montana and North/South Dakota Recreation and Socioeconomics

The state of Montana contains world-class recreation resources—many located on BLM lands—which support 71,000 direct jobs, generate \$2.2 billion in wages and salaries, contribute \$286 million in state and local tax revenue, and drive the state’s \$7.1 billion outdoor recreation economy. Similarly, the states of North and South Dakota also contain outstanding public recreation lands that support 78,000 direct jobs, generate over \$2 billion in wages and salaries, contribute \$434 million in state and local tax revenue, and drive the Dakotas’ \$7.8 billion outdoor recreation economy.

Popular recreational activities within the planning areas covered by these environmental compliance documents include camping, hunting, hiking, horseback riding, scenic driving, off road driving, fishing, boating, backpacking, dirt biking, mountain biking, and rock climbing. The national \$887 billion outdoor industry brings jobs to communities across the country in many ways. Recreation visitors bring needed dollars to cities and towns that have recreation assets like rivers, trails, and other outdoor spaces where many of the above-listed outdoor activities take place. Outdoor recreation companies, both large and small, are choosing to locate in these communities because their employees want to live in places with access to the great outdoors.

Responsible oil and gas development also creates jobs in Montana/Dakota communities and provides important revenue to supplement the income generated by tourism and recreation. However, many communities in Montana and across the country that have previously depended primarily upon resource extraction have begun to diversify their economies into the recreation sector. This statewide lease sale presents potential harm to recreation resources and the outdoor recreation brand of local communities affected by this lease sale. Given the importance of recreation on Montana’s public lands, it is critical that the BLM implement appropriate protections, including measures designed to protect Montana/Dakotas’ recreation resources and scenic public lands.

Leasing Proposals Fail to Take Hard Look at Impacts to Recreation and Socioeconomics

Through this lease sale Environmental Analysis (EA) the BLM has failed to take the required “hard look” at potential environmental impacts on recreation from oil and gas leasing. The EA states, without analysis, that

No direct impacts to recreational opportunities would occur as a result of offering leases for sale. The leasing action would be considered in compliance with all relevant recreation regulations, protocols and policies. Impacts on recreation from potential future exploration and development would be analyzed at the APD stage and included design features, and mitigation would be integrated to avoid or minimize potential impacts to recreation consistent with the RMP for the respective planning area.

Under NEPA, the BLM must consider the “reasonably foreseeable” impacts of oil and gas leasing on recreation before committing to these lease sales. In order to take the “hard look” required by NEPA, BLM is required to consider the incremental impact of these lease sales “when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 C.F.R. § 1508.7. This EA acknowledges foreseeable negative impacts on local communities related industrialization, but neglects to consider how these lease sales might cumulatively impact recreation assets and related socioeconomics, nor do they propose any mitigating measures to address such negative impacts.

Regarding a socioeconomic review of how these lease sales might affect other economic sectors, this EA fails to bring meaningful consideration because it does not take a hard look at how these proposals might affect socioeconomics related to recreation. The EA offers a brief assessment of how development might “inconvenience” residents, disrupting community cohesion driven by rapid social change. But mostly the socioeconomic analysis in the EA considers how local and regional economics might benefit from these leases, not how these leases might affect other economic sectors such as Montana/Dakotas’ recreation economy.

The BLM’s multiple-use mandate prohibits the management of public lands primarily for energy development or in a manner that unduly or unnecessarily degrades other “co-equal” uses such as “outdoor recreation, fish and wildlife, grazing, and rights-of-way must receive the same consideration as energy development.” 43 U.S.C. § 1732(a), 43 U.S.C. § 1702(l). While this EA directs limited and undefined no surface occupancy (NSO) and controlled surface use (CSU) stipulations for oil and gas exploration and development “within developed and undeveloped recreation areas receiving concentrated public use.” These protections for recreation assets is limited in that it only generally directs developments that are “conducted in a manner that minimizes encounters and conflicts with recreation users” and that do “not alter or depreciate important recreational values.” To accomplish the goals of these stipulations the BLM should provide much more specificity in its leasing stipulations.¹ Therefore, we urge the BLM to develop an EA for this statewide lease sale that specifically implements the following standards for protecting recreation assets:

- NSO stipulation for a 1-mile radius from developed recreation site boundaries.
- NSO stipulation within 0.5 miles of the centerline of high use routes (motorized) and trails (non-motorized).
- NSO stipulation for a 0.5-mile radius around other high use recreation areas.
- NSO stipulation to all VRM Class II areas in Special Recreation Management Areas and a Baseline CSU stipulation throughout the remainder of SRMAs.
- Apply an NSO stipulation to Recreation Focus Areas.

It is our belief that BLM planners should develop an EA for these leases with a broader view of recreation experiences and how to protect and enhance these use patterns. The breadth of

¹ For more information about how to avoid conflicts with recreation assets while leasing for oil and gas projects, see [Best Practices for Balancing Recreation and Energy Development on Our Public Lands](https://publiclandsolutions.org/wp-content/uploads/2017/04/PLS_Balancing-Rec-and-Energy-Report-web.pdf) found at https://publiclandsolutions.org/wp-content/uploads/2017/04/PLS_Balancing-Rec-and-Energy-Report-web.pdf.

recreation opportunities is not necessarily best managed only through SRMAs and Focus Area polygons and associated development stipulations, rather the BLM should bring a hard look comprehensive analysis of recreation use patterns—in particular dispersed recreation that makes of most of recreation activity on BLM lands—and how these leases might affect those experiences and related socioeconomics.

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Recreation is an important economic driver to the states of Montana, North Dakota and South Dakota with long-term growth potential. We urge you to analyze potential impacts of the parcels listed under this sale to recreational experiences and the local tourism economy to the communities and residents of Montana/Dakotas. Thank you for the opportunity to comment on this lease sale and please feel free to contact me directly with any questions or comments at Jason@publiclandsolutions.org.

Sincerely,

A handwritten signature in black ink that reads "Jason Keith". The signature is written in a cursive, flowing style.

Jason Keith
Managing Director
Public Land Solutions