

June 19, 2015

Dear Acting State Director

We are writing to express our opposition to the Bureau of Land Management (“BLM”) proposal to suspend several oil and gas lease parcels in the Farmington Field Office that are set to expire in the coming months.¹ Pursuant to 43 C.F.R. § 3103.4-4, the agency is only authorized to suspend operations where a lessee is prevented from operating on the lease by reason of *force majeure*. That is not the case with respect to the leases in question, where the lessees have apparently never even submitted Applications for Permit to Drill and the lessees, on their own volition, did not diligently seek to develop the leases. Accordingly, suspension of the leases is not warranted at this time. BLM should let all of the leases in question expire.

Suspending a lease is, here, a major federal action that poses potentially significant impacts to the environment and requires review under the National Environmental Policy Act (“NEPA”). The aforementioned leases were issued in 2005, a time when the BLM did not prepare site-specific analyses to support its oil and gas leasing decisions. Furthermore, since 2005, significant new information has arisen regarding the foreseeable scale and impacts of oil and gas leasing and development, indicating that a suspension of the leases would effectively condone drilling that would cause impacts that have not been appropriately considered and without a proper consideration of alternatives, including lease stipulations that, given this new information, are reasonable.

To start, the BLM has not addressed the cumulative impacts of development of the Mancos shale for oil and gas, let alone reasonable alternatives, including the no action alternative, to address these cumulative impacts. BLM’s Reasonably Foreseeable Development Scenario (“RFDS”) prepared for the Farmington Resource Management Plan Amendment projects 1,600 new oil well completions in a “high potential” region, 330 new oil well completions in the “moderate potential” region, and 30 new oil well completions in the “low potential” region. The RFDS also projects, conservatively, an additional 2000 horizontal natural gas well completions. This reasonably foreseeable development underscores BLM’s responsibility to address impacts in light of new air quality standards that the U.S. Environmental Protection Agency adopted since 2005 (e.g., ozone standards in 2008), new species have been listed under the Endangered Species Act (e.g., yellow-billed cuckoo in 2014), impacts to state endangered species Brack’s fishhook cactus, and new information regarding climate pollution and dramatic methane waste in the San Juan Basin has come to light, including a report from NASA regarding a massive plume of methane in the Four Corners region and EPA Greenhouse Gas Inventory Data demonstrating disproportionately high methane emissions from oil and gas development—emissions that account for 16.8% of total reported U.S. methane emission losses from oil and gas systems.

The only reason the BLM would suspend leases is to foster their ultimate development for oil and gas. Thus, it is reasonably foreseeable that suspending the aforementioned leases will lead to

¹ We understand that the BLM is considering suspending the following lease parcels: NMNM 114379, NMNM 114381, NMNM 114382, NMNM 114383, NMNM 114384, NMNM 114385, NMNM 114386.

oil and gas development, as underscored by BLM's RFDS, posing potentially unevaluated significant impacts to the region's communities, air quality, to fish, flora and wildlife, and to the climate. Therefore, use of a categorical exclusion or reliance on outdated NEPA analysis is wholly inappropriate, in particular because suspension of the leases could operate to prejudice the outcome of the Resource Management Plan Amendment currently underway or to limit the agency's choice of reasonable alternatives. 40 C.F.R. § 1506.1.

In conclusion, we urge you to deny the proposed lease suspensions. Pursuant to 40 C.F.R. § 1506.6(b)(1), we also request that BLM mail us notice of the availability of any environmental document prepared in conjunction with any suspension of the aforementioned lease parcels.

Sincerely,

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