



United States Department of the Interior
FISH AND WILDLIFE SERVICE
UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

May 1, 2008

In Reply Refer To
FWS/R6
ES/UT
7-FA-0163
7-TA-0246

Memorandum

To: Price Field Office, Bureau of Land Management, Price, Utah 84078

From: Utah Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, West Valley City, Utah

Subject: West Tavaputs Plateau DEIS

The U.S. Fish and Wildlife Service (Service) has reviewed the subject Draft Environmental Impact Statement (DEIS), received January 4, 2005. The DEIS identifies five alternatives:

- Alternative A (the operator-preferred alternative) – The Proposed Action;
- Alternative B – No Action;
- Alternative C – The Transportation Impact Reduction Alternative;
- Alternative D – The Conservation Alternative; and
- Alternative E – The Agency Preferred Alternative.

General Comments

We recommend that the term "floodplains" be changed to incorporate "100-year floodplains" in the conservation measures outlined throughout the document.

Specific Comments

Below are page specific comments and recommendations developed by the Service.

Page #	Comment
2-17	We recommend using bird exclusion netting on all reserve pits and evaporation ponds. Evaporation ponds containing concentrated brine solutions can cause bird mortality when birds enter the pits, ingest the brine, and die from sodium toxicity. Inefficient management of evaporation ponds can result in oil or visible sheens on the surface of the

ponds which can cause mortality of migratory birds and other wildlife. Exposed oil or other hazardous materials (even as the result of an oversight or equipment malfunction) places the company at risk of violating the MBTA should migratory bird mortalities occur. To prevent violations of the MBTA, the operator should be required to take proactive steps to ensure that migratory birds do not come in contact with oil, sheens, or hazardous materials.

- 2-19 Please clarify how long the reserve pits will be allowed to remain open after drilling activities are complete. The Service recommends draining and filling reserve pits within 90 days of completion of drilling.
- 2-25 We recommend using bird exclusion netting on produced water ponds to lessen potential impacts to migratory birds.
- 2-34 We recommend using a closed loop drilling system in all streams, washes, and their associated floodplains if development in these areas cannot be avoided by other means (i.e. directional drilling).
- 2-39 If it is assumed that most workers will drive to the project area, please explain why the expansion of existing runways is still being considered in this and other alternatives. We recommend limiting the expansion of existing runways unless air travel in the project area begins to exceed the existing facilities intended use.
- 2-119 We commend the BLM on its conservation measures for floodplains, springs, and riparian areas found in table 2.6-8. This measure should be included in the alternative that is selected.
- 2-121 While the use of flagging on reserve pits and is a good idea, studies have shown that flagging alone is not an effective deterrent to birds. Bird exclusion netting shall be installed to prevent reserve pit use by birds.
- 2-122 We recommend that all potentially suitable MSO habitat that has not been evaluated within the West Tavaputs Project Area be evaluated using the 1997 and 2000 habitat models.
- 2-139 We commend the BLM on their conservation measure of no surface occupancy within canyon bottoms to protect potential MSO habitat in Alternatives C, D, and E. This measure should be included in the alternative that is selected.
- 3-105 The sentence that begins "Unless permitted by regulation..." is misleading. The Migratory Bird Treaty Act does not have a mechanism to allow incidental take of migratory birds. Please reword or remove that statement.

- 4-64 The Service's Best Management Practices for Work in Utah Streams should be implemented where pipelines or roads cross a stream. In addition, we recommend you require implementation of the steps detailed in the BLM Technical Note *Hydraulic Considerations for Pipeline Crossings of Stream Channels*, available online at <ftp://ftp.blm.gov/pub/nstc/TechNotes/TechNote423.pdf>.
- 4-67 "Permitted" water sources have not necessarily been consulted on and may require formal consultation with the Service if they result in water depletion to the Upper Colorado River system.
- 4-70 We recommend moving all surface disturbing activities out of 100-year floodplains that may occur in the project area.
- 4-71 Spills of produced water can occur in places other than the well pad. The Service recommends removing or rewording language on this page that states spills are not likely to migrate off the well pad.
- 4-71 While the connection between members of the Green River formation is poor, there is still a connection. Please remove the statement that groundwater withdrawal would have "no impact" on springs in the project area and change it to "may impact".
- 4-126 Impacts to migratory birds as described in the proposed action could be viewed as take, which is a violation of the Migratory Bird Treaty Act. Project activities should be designed to limit the amount of disturbance to migratory birds (i.e. limiting surface disturbance during nesting season).
- 4-158 We recommend reducing noise emissions (e.g., use hospital-grade mufflers) to 45 dBA at 0.5 mile from suitable MSO habitat, including canyon rims. Placement of permanent noise-generating facilities should be determined by a noise analysis to ensure noise does not encroach upon a 0.5 mile buffer for suitable habitat, including canyon rims. This comment applies to all alternatives.
- 4-162 We believe that the proposed action is likely to adversely affect critical habitat for the Colorado River fish. All water depletions out of the Upper Colorado River basin are considered an adverse affect on the fish and their critical habitat.
- 4-164 The applicant committed conservation measures listed in table 2.2-6 do not appear to address anything specific to the hookless cactus. In order to remain at the "not likely to adversely affect" decision on the hookless cactus, adherence to conservation measures outlined in a memo between the BLM and the USFWS dated August 8, 2007 should be followed. If adherence to these will not be possible, a "likely to adversely affect" determination should be made.

4-169 We recommend the conservation measures outlined in table 2-125 of the DEIS for Graham's beardtongue be implemented in the alternative that is selected.

4-172 In order to remain at the "not likely to adversely affect" decision on the hookless cactus, adherence to conservation measures outlined in a memo between the BLM and the USFWS dated August 8, 2007 should be followed. If adherence to these will not be possible, a "likely to adversely affect" decision should be made.

4-177 We believe that Alternative C is likely to adversely affect critical habitat for the Colorado River fish. All water depletions out of the Upper Colorado River basin are considered an adverse affect on the fish and their critical habitat.

4-178 In order to remain at the "not likely to adversely affect" decision on the hookless cactus, adherence to conservation measures outlined in a memo between the BLM and the USFWS dated August 8, 2007 should be followed. If adherence to these will not be possible, a "likely to adversely affect" decision should be made.

4-184 We believe that Alternative D is likely to adversely affect critical habitat for the Colorado River fish. All water depletions out of the Upper Colorado River basin are considered an adverse affect on the fish and their critical habitat.

4-190 We believe that Alternative E is likely to adversely affect critical habitat for the Colorado River fish. All water depletions out of the Upper Colorado River basin are considered an adverse affect on the fish and their critical habitat.

We appreciate the opportunity to provide these comments. If you need further assistance, please contact Drew Crane, Fish and Wildlife Biologist, at the letterhead address or (435) 781-4467.

A handwritten signature in black ink, appearing to read "L. Crane". The signature is written in a cursive style with a long horizontal stroke at the end.