

# ECCOS

Environmentally Conscious  
Consumers for Oil Shale

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RE: ECCOS comments of Protest on BLM's Final 2012 Oil Shale and Tar Sands PEIS

To whom it may concern:

ECCOS is a grassroots, nonprofit group based in Grand Junction, Colorado. We have members in Colorado and Utah with plans to expand to Wyoming in the coming year. Our mission is to help educate people about oil shale and energy issues and we would like to see research into oil shale development continue.

ECCOS provided comments on both the 2008 and 2012 OSTTS PEIS and therefore have standing to file this protest to the Bureau of Land Management (BLM's) *Proposed Resource Management Plan (RMP)*

*Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management (BLM) in CO, UT and Wyoming and Final Programmatic Environmental Impact Statement (PEIS)* as it was published by the BLM in November 2012.

The following are concerns and comments by ECCOS on/in the *Proposed Resource Management Plan (RMP) Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management (BLM) in CO, UT and Wyoming and Final Programmatic Environmental Impact Statement (PEIS)* as it was published by the BLM in November 2012.

- The U.S. Congress recognized the critical need for development of domestic energy resources as a part of the Energy Policy Act of 2005 (EPA 2005) when it enacted the Oil Shale, Tar Sands and Other Strategic Unconventional Fuels Act of 2005. In fact, Congress declared that “...it is the policy of the United States that...oil shale, tar sands, and other unconventional fuels are strategically important domestic resources that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports.” (EPA 2005 Section 369(b); Public Law 109-58)
  - The Energy Policy Act of 2005 directed the Department of Interior to establish a royalty rate that “encourage[s] development of oil shale and tar sand resources,” “make available” public lands to “conduct research and development activities with respect to technologies for the recovery of liquid fuels from oil shale,” and to pass regulations establishing “a commercial leasing program for oil shale.”
  - The Energy Policy Act of 2005, the Task Force on Strategic Unconventional Fuels, and the 2008 Oil Shale Rule followed an extensive open and public process. Due to the complex nature of the rulemaking, BLM issued an advance notice of proposed rulemaking to “request comments and suggestions to assist in the writing of a proposed rule to establish a commercial leasing program for oil shale.” BLM received tens of thousands of comments from individuals, federal and state governments and agencies, interest groups, and industry representatives.
  - This public process resulted in a final Oil Shale Rule which carefully balanced the economic realities of oil shale development with appropriate environment and socioeconomic safeguards
  - In addition, the BLM issued an “Approved Resources Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in CO, UT and WY” and a Final PEIS on November 17, 2008, amending BLM’s decisions specific to oil shale and tar sands resources addressed in twelve land use plans.
  - These two BLM decisions – the 2008 Oil Shale Rule and accompanying 2008 RMP Amendments – established the legal parameters for oil shale leasing in northwestern CO, southwestern WY, and northeastern UT. While no party obtained all it wanted from the 2008 Oil Shale Rule and 2008 RMP Amendments, the administrative process was comprehensive, open, and rigorous. Most importantly, it achieved the resource

development goals of the Energy Policy Act of 2005 and protected the environment and recreational uses of public lands.

ECCOS finds that the *2012 Proposed Resource Management Plan (RMP) Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management (BLM) in CO, UT and Wyoming and Final Programmatic Environmental Impact Statement (PEIS)* is in violation of the intent of the *Energy Policy Act of 2005* for the following reasons:

- BLM is removing 1.6 million acres of land or roughly 66% of the acreage made available in CO, UT and WY in 2008 (and over 90% in CO alone). This decision to not allow “site specific” issues and concerns to be mitigated at the time of the lease sale or development sages is premature and inappropriate.
- Further removal of the over 90% of potential acres in CO is in opposition of the EP Act of 2005 emphasis on “...most geologically prospective lands...” CO has the richest deposits and is the most commercially attractive as is proof when considering that 5 of the 6 1<sup>st</sup> Round RD&D leases and ALL 3 of the 2<sup>nd</sup> Round RD&D leases are in CO.
- Though data from the 2008 OSTs PEIS was considered the Final 2012 PEIS is lacking due to the fact that it is void of new technologies, or the consideration of their analyses and information in the process of decision.
- It is also a concern that the BLM’s Final 2012 PEIS is in contradiction to 100% of the 14 cooperating agencies that participated in the process.
- ECCOS finds that statements in the PEIS in relation to socioeconomic impacts are speculative and while focusing on perceived potential negative impacts the potential benefits are not represented effectively. In addition, the facts stated concerning available housing, rental availability and hotels is outdated and unrepresentative of the current environment.

Based on these issues ECCOS finds that there was little, if any, new information in the 2012 PEIS to be considered in comparison to the findings of the 2008 PEIS that should justify a reversal of a 180 degree decision of the 2008 Record of Decision (ROD).

Furthermore, ECCOS respectfully requests that the BLM consider revising the Final PEIS taking into consideration new information available related to water usage, environmental and socioeconomic impacts and technology for the *2012 Proposed Resource Management Plan (RMP) Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management (BLM) in CO, UT and Wyoming and Final Programmatic Environmental Impact Statement (PEIS)*

Thank you for your time and consideration.

Respectfully,

Brad McCloud  
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Environmentally Conscious Consumers for Oil Shale (ECCOS)