

late-term rule changes

Bush's push to be felt across West

By Mark Jaffe
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OIL SHALE
Since September, environmental and commercial-development hurdles have been cleared.



ENDANGERED
By removing Fish and Wildlife review on key species, public comment was cut from 60 to 30 days.



DRILLING
A huge sale of oil and gas leases was announced Nov. 4. Some parcels, such as land near Utah's Arches National Park, left, were removed from the sale after an outcry.

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A flurry of end-of-term Bush administration changes in rules, permits and plans could alter canyons, mesas, grasslands and forests across the West.

From the November rules for oil- shale development to a revision of the Endangered Species

Act last Thursday to an oil-and-gas lease sale this Friday, there are a spate of changes that touch Western lands. And while the changes may benefit some commercial interests and create jobs, environmentalists are raising alarms.

"The Bush administration is pushing to open as much public land as possible for short-term gain," said Roger Singer, the Sierra Club's Colorado regional representative.

Officials at federal agencies say many of the actions have been years in the making or are responses to statutory requirements.

The agencies include the Bureau of Land Management, the U.S. Forest Service, the Fish and Wildlife Service and the the Office of Surface Mining.

"The bureaucracy really doesn't move quickly," said Ceclia Boddington, a Department of the Interior spokeswoman.

Western officials and environmentalists don't see it that way.

"Last-minute maneuvering" is how Colorado Gov. Bill Ritter described the BLM's September move to open 2.4 million acres in Colorado, Utah and Wyoming to oil-shale and tar-sands development.

Among the last-minute initiatives critics say the Bush administration is speeding through or launching:

- A Sept. 4 environmental- impact statement clearing the way for oil-shale development, followed by Nov. 17 commercial-development rules and a Nov. 28 overhaul of six regional management plans to accommodate oil-shale projects.
- A permit for the Black Mesa Coal Mine on Navajo

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and Hopi tribal land in Arizona. The tribes were given a 45-day review period by mining officials, and a request for more time was denied. Permit approval is expected this week.

- A BLM sale this Friday of 163,000 acres of oil and gas leases in Utah near national parks, such as Arches and Canyonlands and Dinosaur National Monument. The plan that was needed to offer the leases was completed Oct. 3, and the sale was announced Election Day.

- Cutting the public-comment period from 60 to 30 days on rule changes to the Endangered Species Act by removing a Fish and Wildlife Service review that is intended to assure that key species are not jeopardized.

- Having no public-comment period on a plan to open 3,700 miles of new pipeline and power-line corridors across the West's public lands by having the plan approved at the Interior Department secretarial level. Western governors have until Dec. 30 to comment.

- Issuing an "aspirational" management plan for the Comanche and Cimarron Grasslands in eastern Colorado and Kansas on Oct. 17 with a 30-day comment period.

"There is this sense of a headlong rush by the Bush administration," said Steve Smith, assistant regional director of the Wilderness Society.

Officials for the federal agencies say the timing of these actions is complex and varied.

The Black Mesa mining proposal, for example, was part of a 2006 environmental-impact statement, even though the permit application was made only in May.

"The company has fulfilled the requirements for its application," said Al Klein, regional director of the Office of Surface Mining, "and we are obliged to make a decision."

The energy-corridor plan was mandated by the 2005 Energy Policy Act and involved the Department of Energy,

Far-reaching effects

A spate of last-minute rules, plans and permits could have widespread impacts in the West. Here are some places that could be affected by the changes.

- 1 The Comanche and Cimarron Grasslands are the first and only U.S. Forest Service lands to get a draft management plan under Bush administration rules that call for "aspirational" goals but lack the details and protection of previous management plans.
- 2 The BLM is prepared to sell oil and gas leases across western Utah, including some parcels close to national parks and monuments.
- 3 The Department of the Interior issued commercial development rules and changed local management plans in November to open 4.2 million acres in Colorado, Wyoming and Utah to oil and gas development.
- 4 At South Shain Ridge, near De Beque, consultation between the BLM and the Fish and Wildlife Service helped assure the threatened Colorado hoodlum cactus was protected. The Bush administration ended the requirement for consultation with the Fish and Wildlife Service, leaving it to each agency to determine if a project they oversee poses a risk to key species.
- 5 The Rio Grande National Forest is also an area where Forest Service and Fish and Wildlife Service consultation helped protect the reintroduction of lynx.
- 6 Black Mesa, Ariz., is the site for a coal-mining permit that is being opposed by Hopi and Navajo tribal groups, which contend the Office of Surface Mining is rushing the permit.

Energy Corridors. The Bush administration is set to approve a plan to ease pipeline and utility-corridor construction across 3,700 acres of public lands. There is no public comment period on the final plan. Western governors have until Dec. 30 to comment.

Sources: BLM, U.S. Forest Service; Department of Interior; Center for Native Ecosystems; Sierra Club; The Denver Post

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the BLM and the Forest Service.

"The scale of the plan made it something for the assistant secretary for lands and minerals to sign. It is standard procedure," said Jill Moran, a BLM spokeswoman.

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When a plan is signed at the agency level, the public has the right to file protests with the head of the agency — such as the BLM director. There is no protest mechanism at the secretarial level.

"The governors of all the affected states do have the right to review it," Moran said.

Streamlined process

A bureaucratic determination also cut the comment period on an Endangered Species Act rule change that was adopted Thursday.

The change frees federal agencies overseeing projects — such as dams and pipelines — from having to consult with the Fish and Wildlife Service to assure that key species are not adversely affected.

Agencies will assess species themselves. The aim is to streamline and simplify the process, Interior officials said.

It was ruled a minor change because it would not have a \$100 million impact on the economy, and that decision cut the comment period.

"It's not that it isn't important; it just doesn't meet the criteria," said Chris Paolino, an Interior Department spokesman.

"There are at least a couple of examples right here in Colorado where species were overlooked in agency evaluations that Fish and Wildlife raise," Erin Robertson, senior biologist for the Center for Native Ecosystems.

For example, in an oil-and- gas lease on South Shale Ridge, outside De Beque, the BLM failed to note the presence of the threatened Colorado hookless cactus.

And the Forest Service failed to take into account the reintroduction of Canada lynx in the Rio Grande National Forest when evaluating the proposal for the proposed Village at Wolf Creek development.

In both cases, after consulting with the FWS, protections were added, Robertson said.

The 1.4 million-acre Commanche and Cimarron Grasslands in Colorado and Kansas in October received the first management plan under new Forest Service planning rules.

"The aim here was to balance between specifics and getting a plan out," said John Rope, a Forest Service planner. "I'm not sure we've figured it out yet."

On Nov. 4 in Utah, the BLM set a sale of about 360,000 acres of oil and gas leases for this Friday. Twenty days later, it amended the plan after the National Park Service objected to sales near national parks.

Last Friday, it amended it again, saying not all of the environmental assessments could be completed in time. The sale is now down to 163,000 acres.

"That decision shows this was a rush job," said Steve Bloch, attorney for the Southern Utah Wilderness Alliance.

The BLM is required to have a quarterly lease sale, and the industry's requested parcels have built up to more than a million acres, said Terry Catlin, energy team leader in the BLM's Salt Lake office.

There was a logjam until the management plans were adopted enabling the industry to designate acres, she said.

"The process was a little different," Catlin said. "It does look like we were a little rushed."

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