7 September 2018

Bakersfield Field Office, Bureau of Land Management, Attn:
Jerome E. Perez,
BLM California State Director.
Bakersfield RMP Hydraulic Fracturing Analysis, 3801 Pegasus Drive,
Bakersfield, CA 93308
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RE: Additional Comments Re: Notice of Intent for Potential Amendment to the Resource Management Plan for the Bakersfield Field Office, California, and To Prepare an Associated Supplemental Environmental Impact Statement

Dear Secretary Zinke and Director Perez,

Sequoia ForestKeeper would like to submit more specific comment, in addition to those we already submitted on 5 September, 2018. We hereby also incorporate by reference the comments submitted by the Center for Biological Diversity and the Sierra Club.

Sequoia ForestKeeper is concerned about potential new oil and gas leasing and/or fracking in sensitive wildland areas in and around the Sequoia National Forest, Giant Sequoia National Monument, Sequoia and Kings Canyon National Parks, designated Wilderness Areas, Wilderness Study Areas, and other primitive wildlands areas in and adjacent to the areas proposed for new leases and/or fracking. These areas represent America’s wildland heritage and should be fully protected and not leased or fracked for oil and gas development. Moreover, we are also concerned with the potential adverse effects from new oil and gas leasing and/or fracking on important public resources, including surface and groundwater, wildlife and wildlife habitat, and recreational resources.
Our position is that these and other concerns should counsel against any new leases and/or fracking.

BLM has broad discretion not to open public lands for minerals development in order to safeguard public resources and values. See Burglin v. Morton, 527 F.2d 486, 488 (9th Cir. 1975); Udall v. Tallman, 380 U.S. 1, 4 (1965).

The Federal Land Policy Management Act (FLPMA) requires that where oil and gas development would threaten the quality of critical resources, conservation of these resources should be the preeminent goal. See 43 U.S.C. § 1701(a)(8) (directing that “the public lands be managed in a manner that will protect the quality of values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.”).

A. Areas In or Near Wildlands Should Not Be Proposed for Leasing or Fracking.

BLM’s proposal essentially relegates all the lands in the Bakersfield RMP area outside Wilderness or Wilderness Study Areas as potentially open to new oil and gas leasing and/or fracking, regardless of their accessibility or suitability. This gross, over-encompassing inclusion of lands in the BLM’s proposal is not environmentally responsible and must be pared down significantly to exclude many, if not all, areas based on terrain, remoteness, and adjacency to wildlands and sensitive resources.

The wildlands issue was not listed in the Federal Register notice, listing only that “[p]reliminary issues for the supplemental EIS have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders,” and therefore needs to be explored.

New oil leases and/or fracking will adversely affect unprotected wildlands and protected wildlands adjacent thereto, by introducing new adverse visual and noise sources (sights and sounds), new sources of air pollution (in a non-attainment area for air pollutants), and new sources of surface and groundwater pollution (to streams that are hydrologically-connected in adjacent wildlands). These adverse impacts must be disclosed and analyzed in the SEIS.

1. BLM Must Protect National Parks and Wilderness Areas from New Air Pollution

The Clean Air Act requires that Federal land managers prevent the significant deterioration of air quality in places of special natural, recreational, scenic, or historic value, including national park units.¹

¹ See https://www.epa.gov/nsr/prevention-significant-deterioration-basic-information
More specifically, the 1977 Clean Air Act amendments provide additional protection for air quality, sensitive ecosystems, and clean, clear views (known as air quality related values or AQRVs). These protections apply to national parks larger than 6,000 acres and national wilderness areas larger than 5,000 acres that were in existence when the 1977 amendments were enacted, also known as Class 1 areas.²

![Figure 1 – California Class 1 Areas. Source: EPA³](https://www3.epa.gov/region9/air/maps/ca_clss1.html (graphic))

These Class 1 areas within reach of pollutants from oil and gas leasing and/or fracking in the Bakersfield BLM area include the adjacent Sequoia and Kings Canyon National Park (and maybe even Yosemite National Park and the adjacent Hoover and Emigrant Wilderness Areas), as well as several large Wilderness areas established before 1977. 42 U.S.C. § 7472(a).

² See [https://www3.epa.gov/region9/air/maps/ca_clss1.html](https://www3.epa.gov/region9/air/maps/ca_clss1.html)
³ [https://www3.epa.gov/region9/air/maps/ca_clss1.html](https://www3.epa.gov/region9/air/maps/ca_clss1.html) (graphic)
Specifically, these large Wilderness Areas, in addition to the Sequoia and King Canyon National Parks, within 100 km of the BLM proposal, include:

- Ansel Adams Wilderness – 231,279 acres, established in 1964
- Domeland Wilderness - 133,160 acres, established in 1964
- John Muir Wilderness - 652,790 acres, established in 1964
- Kaiser Wilderness – 21,986 acres, established in 1976
- San Rafael Wilderness - 191,104 acres, established in 1968

See [https://www.fs.fed.us/air/technical/class_1/alpha.php](https://www.fs.fed.us/air/technical/class_1/alpha.php).

2. **BLM Must Prevent Deterioration of the Air Quality of Other Wilderness Areas, Wildlands, National Monuments, considered Attainment Areas.**

The Clean Air Act also requires BLM to “prevent significant deterioration of air quality in each region (or portion thereof) designated pursuant to section 7407 of this title as attainment or unclassifiable.” 42 U.S.C. § 7471.

Many areas proposed for oil and gas leasing and/or fracking are located directly adjacent to a number of Wilderness Area established after 1977, which are likely to be attainment or unclassified areas, including:

- Bright Star Wilderness (BLM)
- Scodie Mountains (BLM & FS)
- Owens Peak Wilderness (BLM)
- Chimney Peak Wilderness (BLM)
- Sacatar Trail Wilderness (BLM)
- Santa Lucia Wilderness (FS)

as well as BLM Wilderness Study Areas (WSA):

- Sheep Ridge WSA
- Milk Ridge/Case Mountain WSA
- Moses WSA
- Owens Peak WSA
- Piute Cypress WSA (and the adjacent Piute Inventoried Roadless Area)

This likely also includes other large wildlands and wilderness areas, such as:

- Giant Sequoia National Monument
- Golden Trout Wilderness
- South Sierra Wilderness
- John Krebs Wilderness
Jennie Lakes Wilderness
Dinkey Lakes Wilderness
Chumash Wilderness
Dick Smith Wilderness
Matilija Wilderness
Sepse Wilderness
Magic Mountain Wilderness
Machesna Mountain Wilderness
Garcia Wilderness

Moreover, this should also include segments of rivers eligible for Wild and Scenic designation, including

Lower Kern River
Chimney Creek
North Fork of the Kaweah River
San Joaquin River Segment 1

Finally, protection should also extend to most Inventoried Roadless Areas (IRAs) in the Sequoia, Sierra, and Los Padres National Forests. Attainment or unclassified areas also likely include most other areas in these national forests outside these wildlands resources.

Degradation of air quality by any of the criteria air pollutants is prohibited in these areas. And since it is likely that new oil and gas leasing and/or fracking will significantly deteriorate air quality in these wildlands, new leases near these areas is likely unreasonable or prohibited, and must not be allowed.

3. **Areas Near Wildlands Are Likely Unsuitable for Oil and Gas Leasing or Fracking.**

Due to the steep terrain, inaccessibility, and remoteness of many of the areas proposed for leasing adjacent to wildland areas, especially in the Sierra Nevada and Coastal Mountains near Sequoia, Sierra, and Los Padres National Forests, the BLM should consider and analyze the physical and economic suitability of these areas and prohibit oil and gas leasing and/or fracking in these areas.

B. **Areas With Other Important Public Resources Should Not Be Leased or Fracked.**

California condor will likely be adversely affected by proposed fracking in most of the proposed BLM oil and gas leasing and/or fracking area.

Specifically, Data Basin has created a map showing the overlap of condor occurrences, critical habitat, leases, and open areas on a web map, which can be accessed from the following link:
More specifically, the California condor has recently reoccupied its historic habitat in the Southern Sierra Nevada in and near the Sequoia National Forest. See Figures 2. and 3. below (and attached as Exhibits B & C).
Figure 3 – Detailed view of California Condor occurrences from Figure 2.
In the summer of 2017, the US Fish and Wildlife Service reported 114,000+ incidents of condors flying over or roosting in the southern Sierra.⁴ In the spring of 2018, one pair of condors nested in the southern Sierra Nevada in Kern County.⁵

The Department of Interior proposes almost 5,000 new oil and gas leases and/or fracking on 446,000-acres within the range of the California condor.⁶ This will impact the condor in numerous ways, from disturbance, habitat loss, powerlines in their flyways, roads bringing hunters using lead ammunition, fire, trash, vehicle contaminants, air pollution, and water pollution.

It is likely that there will be significant adverse effects from the proposed oil and/or fracking on the endangered condor. BLM should prohibit these activities in the condor’s critical habitat and within a 50 km radius of known occurrences.

Sincerely and respectfully submitted,

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⁴ Data downloaded 12/31/2017
https://www.sciencebase.gov/catalog/item/599008d7e4b09fa1cb178919
⁵ J. Brandt – USFWS, 6/19/2018 (pers comm)
⁶ Bakersfield Oil and Gas Supplemental EIS ePlanning website: https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPagId=149611