

December 12, 2016

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RE: Formal Protest of February 2017 Oil and Gas Lease Sale

Dear Director Welch:

Please accept this protest of BLM February 2017 oil and gas lease sale. This protest challenges BLM's Determination of NEPA Adequacy (DNA), DOI-BLM-CO-S010-2016-0039-DNA, including parcels:

COC78162, COC78163, COC78164, COC78167, COC78168, COC78169, COC78170, COC78171, COC78172, and COC78173.¹

Protesters filed both Scoping Comments and Comments to the Draft DNA and incorporate the issues and attachments to those comments by reference. If BLM would like Protesters to re-submit these comments or attachments; such request will be promptly fulfilled. Attached to this Protest are the results of our GIS screening analysis (Attachment 1) of the protested parcels and maps highlighting the severe impacts of this leasing decision (Attachments 2-4).²

PROTESTING PARTIES

Rocky Mountain Wild ("RMW") is a non-profit environmental organization based in Denver, Colorado, that works to conserve and recover the native species and ecosystems of the Greater Southern Rockies using the best available science. RMW has a well-established history of participation in Bureau of Land Management ("BLM") planning and management activities. RMW works to save endangered species and preserve landscapes and critical ecosystems. It achieves these goals by working with biologists and landowners, utilizing GIS technology to promote understanding of complex landuse issues, and monitoring government agencies whose actions affect endangered and threatened species. Its members and supporters include approximately 1200 outdoor enthusiasts, wildlife conservationists, scientists, and concerned citizens across the country.

RMW's staff and members visit, recreate on, and use lands on or near the parcels proposed for leasing. Our staff and members enjoy various activities on or near land proposed for leasing, including viewing and studying rare and imperiled wildlife and native ecosystems, hiking, camping, taking photographs, and experiencing solitude. Our staff and members plan to return to the subject lands in the future to engage in these activities, and to observe and monitor rare

¹ References to parcels in this Protest will exclude the prefix "COC".

² Please note that some protest issues are based on values not contained in our set of GIS shapefiles and may not appear on the GIS screening spreadsheet. Some values show a 1 acre (0%) overlap; which may be the result of boundary discrepancies and actually indicate that these values are adjacent to the lease parcel.

and imperiled species and native ecosystems. We are collectively committed to ensuring that federal agencies properly manage rare and imperiled species and native ecosystems. Members and professional staff of RMW are conducting research and advocacy to protect the populations and habitat of rare and imperiled species discussed herein. Our members and staff value the important role that areas of high conservation value should play in safeguarding rare and imperiled species and natural communities, and other unique resources on public land.

Our members' interests in rare and imperiled species and ecosystems on BLM lands will be adversely affected if the sale of these parcels proceeds as proposed. Oil and gas leasing and subsequent mineral development on the protested parcels, if approved without response to public comments made under the National Environmental Policy Act ("NEPA"), consultation required by the Endangered Species Act ("ESA"), and appropriate safeguards to minimize negative impacts, is likely to result in a greatly increased risk of significant harm to rare and imperiled species and native ecosystems. As a result, BLM's decision to lease the protested parcels is not based on the best available science and will result in significant harm to rare and imperiled species and native ecosystems. The proposed leasing of the protested parcels will harm our members' interests in the continued use of these public lands, and the rare and imperiled species they support. Therefore protestors have legally recognizable interests that will be affected by the proposed action.

The Wilderness Society ("TWS") has a long-standing interest in the management of Bureau of Land Management lands in Colorado and engages frequently in the decision-making processes for land use planning and project proposals that could potentially affect wilderness-quality lands and other important natural resources managed by the BLM in Colorado. TWS members and staff enjoy a myriad of recreation opportunities on BLM-managed public lands, including hiking, biking, nature-viewing, photography, and the quiet contemplation in the solitude offered by wild places. Founded in 1935, our mission is to protect wilderness and inspire Americans to care for our wild places.

Conservation Colorado is a grassroots organization working to protect our air, land, water, and people. We have a long and successful history in Colorado of collaborating on the key environmental issues of the day, and establishing strategic partnerships to find conservation success at the state and federal levels. Our organization has a long history of working on public lands issues across Colorado, but specifically on BLM lands on Colorado's western slope. Among our thousands of members are those that live, work, recreate and enjoy the BLM lands of the Tres Rios Field Office for a wide variety of activities and have a vested interest in the management of those lands.

San Juan Citizens Alliance ("SJCA") has been working in Southwest Colorado since 1986, and has an established record of success in building and implementing effective campaigns and collaborate stakeholder processes that address important public lands, water quality and quantity, ecological health and restoration, economic sustainability, and energy development concerns. Our dedication to community-based advocacy and organizing has earned the organization respect in local communities. SJCA has worked in numerous partnerships with federal agencies, local governmental entities and other

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non-profits in the protection and restoration efforts looking to the long-term health of our natural and human communities.

Sheep Mountain Alliance (“SMA”) is a 27-year-old grassroots citizen organization dedicated to preserving the natural environment in the Telluride region and southwest Colorado. We strive to protect and educate people about the regional ecosystems, wildlife habitats and watersheds. SMA serves as the public lands watchdog for the Telluride region and southwest Colorado. Our goal is to maintain strong working relationships with public land managers to both encourage conservation efforts of our sensitive lands and provide education for regional residents and visitors. SMA works to keep oil and gas leasing and development out of inappropriate areas, such as lands deserving special designations or important habitat for wildlife.

Matt Sandler, Staff Attorney for RMW, is authorized to submit this protest on behalf of all protesting parties.

INTRODUCTION

Parcels being offered for lease in the February 2017 oil and gas lease sale have been inadequately analyzed, will have undisclosed detrimental impacts to Gunnison sage-grouse and its critical habitat, and the leasing of these parcels is in violation of the Endangered Species Act. Further, BLM is proposing to lease parcels impacting Areas of Critical Environmental Concern (ACEC) in violation of both NEPA and FLPMA. The use of a DNA to approve this leasing is arbitrary and capricious and withdrawal of these parcels pending adequate and lawful analysis and consultation is warranted.

STATEMENT OF REASONS

I. BLM IS VIOLATING NEPA

The BLM failed to take a hard look before offering to sell these oil and gas leases. The National Environmental Policy Act (NEPA) is our “basic national charter for the protection of the environment.” 40 C.F.R. § 1500.1 NEPA achieves its purpose through “action forcing procedures. . . requir[ing] that agencies take a hard look at environmental consequences.” *Id.*; *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989) (citations omitted). This includes the consideration of best available information and data, as well as disclosure of any inconsistencies with federal policies and plans.

Federal agencies must comply with NEPA before there are “any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.” 42 U.S.C. § 4332(C)(v); *see also* 40 C.F.R. §§ 1501.2, 1502.5(a).

The Tenth Circuit has held that site-specific analysis is required where there is surface that is not protected by no-surface occupancy stipulations (NSOs) and where there is reasonable foreseeability of environmental impacts. *See e.g., New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 718 (10th Cir. 2009); *Pennaco Energy, Inc. v. United States DOI*, 377 F.3d 1147, 1160 (10th Cir. 2004). This is because oil and gas leases confer “the right to use so much of the leased lands as is necessary to explore for, drill

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for, mine, extract, remove and dispose of all the leased resource in a leasehold” and therefore would constitute an “irreversible and irretrievable commitment of resources.” *New Mexico ex rel. Richardson*, 565 F.3d at 718; 40 C.F.R. § 3101.1-2; *see also Sierra Club v. Hodel*, 848 F.2d 1068, 1093 (10th Cir. 1988) (agencies are to perform hard look NEPA analysis “before committing themselves irretrievably to a given course of action so that the action can be shaped to account for environmental values”).

Here, the BLM has failed to perform site-specific analysis at the lease stage, and, once lease rights are conferred, BLM’s authority will be limited to imposing mitigation measures consistent with the terms of the lease. Consequently, if BLM discovers significant impacts at the APD stage, it may no longer be able to prevent them. Because BLM is irretrievably committing resources at the lease sale stage, it must consider the impacts of its decision to lease parcels before it can confer public resources to a private developer in a lease.

NEPA further requires federal agencies to consider “any adverse environmental effects which cannot be avoided.” 42 U.S.C. § 4332(C)(ii). In so doing, agencies must “identify and develop methods and procedures . . . which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations.” *Id.* § 4332(B).

To accomplish these purposes, NEPA requires that all federal agencies prepare a “detailed statement” regarding all “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(C). This statement, known as an Environmental Impact Statement (“EIS”), must, among other things, rigorously explore and objectively evaluate all reasonable alternatives, analyze all direct, indirect, and cumulative environmental impacts, and include a discussion of the means to mitigate adverse environmental impacts. 40 C.F.R. §§ 1502.14 and 1502.16. Any analysis must include consideration of connected, cumulative and similar actions. *Id.*, at § 1508.25.

“Connected actions” are those which “[a]utomatically trigger other actions which may require environmental impact statements,” or which “[c]annot or will not proceed unless other actions are taken previously or simultaneously, or that “[a]re interdependent parts of a larger action and depend on the larger action for their justification.” *Id.* “Cumulative actions” are those “which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.” *Id.* “Similar actions” are defined as those which, when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. *Id.*

Direct effects include those that “are caused by the action and occur at the same time and place.” 40 C.F.R. § 1508.8(a). Indirect effects include effects that “are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8(b). Cumulative effects are “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” 40 C.F.R. § 1508.7. “Effects” are synonymous with “impacts.” 40 C.F.R. § 1508.8.

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Effects that must be considered include “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative” effects. 40 C.F.R. § 1508.8.

BLM’s analysis must do more than merely identify impacts; it must also “evaluate the severity” of effects. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989); 40 C.F.R. § 1502.16(a)-(b) (recognizing that agency must explain the “significance” of effects).

An agency may also prepare an EA to determine whether an EIS is necessary. 40 C.F.R. §§ 1501.3, 1508.9. An EA must include a discussion of alternatives and the environmental impacts of the action. 40 C.F.R. § 1508.9.

If an agency decides not to prepare an EIS, an EA must “provide sufficient evidence” to support a Finding of No Significant Impact (“FONSI”). 40 C.F.R. § 1508.9(a)(1). Such evidence must demonstrate that the action “will not have a significant effect on the human environment.” 40 C.F.R. § 1508.13. An assessment of whether or not an impact is “significant” is based on a consideration of the “context and intensity” of the impact. 40 C.F.R. § 1508.27. “Context” refers to the scope of the proposed action, including the interests affected. 40 C.F.R. § 1508.27(a). “Intensity” refers to the severity of the impact and must be evaluated with a host of factors in mind, including but not limited to [u]nique characteristics of the geographic area[,]” “[t]he degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks[,]” and “[w]hether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.” 40 C.F.R. § 1508.27(b).

NEPA allows an agency to “tier” a site-specific environmental analysis for a project to a broader EIS for a program or plan under which the subsequent project is carried out. 40 C.F.R. § 1508.28. When an agency tiers a site-specific analysis to a broader EIS, “the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action.” 40 C.F.R. § 1502.20.

The Department of the Interior’s NEPA regulations for using tiered documents specify that site-specific EAs “can be tiered to a programmatic or other broader-scope [EIS].” 43 C.F.R. § 46.140(c). As a general rule, an EA that tiers to another NEPA document “must include a finding that the conditions and environmental effects described in the broader NEPA document are still valid or address any exceptions.” 43 C.F.R. § 46.140. If the programmatic EIS analyzes the impacts of the site-specific action, the agency is not required to perform additional analysis of impacts. 43 C.F.R. § 46.140(a). However, if the impacts analysis in the programmatic EIS “is not sufficiently comprehensive or adequate to support further decisions,” the agency’s EA must explain this and provide additional analysis. 43 C.F.R. § 46.140(b).

- a. **BLM’s DNAs are inadequate to analyze potential impacts and fail to provide meaningful opportunities for public participation.**

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In September 2016, undersigned groups submitted comments to BLM regarding the proposal to lease these parcels in the February 2017 lease sale. The comments were supported by GIS screening of the parcels that identified important wildlife, wildland, and environmental values that could be impacted by issuance of the proposed parcels. In addition the comments highlighted a number of issues that were not adequately addressed in applicable RMPs, including impacts related Gunnison sage-grouse, ACECs, an ongoing RMP amendment process, State Wildlife Areas, and other sensitive species and landscapes. Our prior comments were submitted with the goal of helping inform BLM's site-specific analysis of the proposed lease sale.

There is no indication in the record that BLM rectified the issues raised in Protesters' comments. Instead, BLM released a DNA with no analysis at all. The final DNA acknowledges comments received during a 30-day public review period, but included no new analysis and still failed to acknowledge or respond to all issues raised. The document simply asserts that NEPA was done at the RMP level and leaves it at that.

Importantly, the RMP-level analyses already undertaken were broad—encompassing millions of acres—and intended to inform land management goals Field Office-wide. Because of the scale of an RMP analysis, it is coarse. BLM's proposed sale of new leases, however, is a discrete action that requires additional and more granular analysis. Some of the parcels the agency is proposing to sell are as small as 160-acres. Site-specific analysis is reasonable and appropriate before issuance of new leases. Now is the opportunity to ensure that specific resources within the proposed leases are adequately considered and protected. *See New Mexico ex rel. Richardson*, 565 F.3d at 717 (“assessment of all ‘reasonably foreseeable’ impacts must occur at the earliest practicable point, and must take place before an ‘irretrievable commitment of resources’ is made”; where environmental impacts are reasonable foreseeable at the leasing stage, issuance of an oil and gas lease without an NSO stipulation constitutes an irretrievable commitment of resources).

Our review of proposed parcels and stipulations in the DNA shows that the proposed leases fail to adequately protect values identified in public comments. This is inadequate when BLM is contemplating issuance of new leases in defined areas—on the cusp of making an irretrievable commitment of publicly owned resources. 42 U.S.C. § 4332(2)(C)(v); *New Mexico ex rel. Richardson*, 565 F.3d at 717-18.

Here, while BLM has included stipulations on some parcels to protect some resources, those stipulations are not uniform. It is not clear that those stipulations would actually protect the values identified in public comments, or that proposed stipulations will prevent impacts that were not adequately addressed in the RMPs. Because BLM's DNA fails to explicitly address our concerns and lacks specificity, BLM may not be adequately considering and protecting important resources. Furthermore, the agency has foreclosed meaningful opportunities for effective public participation in the process.

Before selling the proposed parcels, BLM must undertake site-specific NEPA that discloses and analyzes potential impacts to resources within the proposed lease parcels. Adequate analysis must also be accompanied by adequate opportunities for public comment.

b. The use of DNAs to approve the sale of the proposed leases is inappropriate.

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BLM reformed its onshore oil and gas leasing program in 2010 to ensure leasing of federal mineral resources is conducted in a more environmentally responsible and transparent manner. BLM's new process for oil and gas leasing is set forth in Instruction Memorandum (IM) 2010-117 (May 17, 2010).³ The process has three primary goals: (1) “create more certainty and predictability” in the leasing process; (2) “protect multiple-use values”; and (3) “provide for consideration of natural and cultural resources as well as meaningful public involvement.” To achieve those goals, the reforms instituted a new lease parcel review and issuance process that provides for increased public participation and more thorough site-specific analysis. A critical component of the new leasing process is that BLM typically prepares Environmental Assessments (EAs) to analyze potential parcels for lease.

Most parcels that the field office determines should be available for lease will require site-specific NEPA analysis. This analysis will typically take the form of an EA, which would be tiered, as appropriate, to the RMP/EIS or a MLP/EA or EIS, if one has been completed for any of the parcels. IM 2010-117 at III(E); *see also* 42 U.S.C. § 4332(2)(C)(v); *New Mexico ex rel. Richardson*, 565 F.3d at 717-18.

BLM’s new guidance also requires the agency to provide a 30-day public review and comment period for the EA and unsigned Finding of No Significant Impact (FONSI) before forwarding the leasing recommendation to the State Director. IM 2010-117 at III(E). BLM notes that the “process outlined in this IM—which includes site-specific parcel analysis and increased public participation—will help identify, address, and resolve most issues before the lease sale.” *Id.* at III(H) (emphasis added).

For the February 2017 lease sale, BLM Colorado is relying on a DNA to approve the sale of new oil and gas leases. As discussed above, the DNA includes no analysis at all. This practice reflects an inappropriate interpretation of IM 2010-117, and does not comply with the intent or spirit of the agency's leasing reforms. The practice also contravenes applicable caselaw.

RMPs do not provide the site-specific analysis envisioned by the leasing reforms, even if they have been recently revised. RMPs make broad decisions about resource allocations based on a broad analysis. The intention of the reforms is to take a closer look at specific parcels and resources prior to leasing them. As BLM Colorado's FAQ on oil and gas leasing states: “An EA augments the decisions made in an RMP with current on-the-ground information.”⁴ Site-specific information and analysis is critically important to reviewing lease parcels regardless of the age of the governing RMP. We note that BLM Wyoming is still preparing EAs for all of its lease sales, even in areas with recently-completed RMPs.⁵

This argument is reinforced by the agency's own comparison of oil and gas decisions made in RMPs to those made in Master Leasing Plans (MLPs). According to BLM, MLPs are a “stepped-down leasing analysis” that evaluates “in greater detail than the RMP the impacts of leasing and likely development” and identifies “key issues such as protection of air quality, watersheds, wilderness, wildlife, and nearby land uses” and “leasing and higher-level development mitigation measures to protect the

³ Available at:

http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2010/IM_2010-117.html.

⁴ See http://www.blm.gov/co/st/en/BLM_Programs/oilandgas/Frequently_Asked_Questions_Leasing.html.

⁵ https://www.blm.gov/wy/st/en/programs/energy/Oil_and_Gas/Leasing.html

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environment.”⁶ These types of analyses are not incorporated into RMPs and must be considered at the leasing stage, which necessitates additional analysis.

BLM’s guidance is clear that while existence of a Master Leasing Plan may allow for the agency to complete a DNA rather than an EA, no such exception exists for “new” RMPs. IM 2010-117 states that a DNA may be prepared for a proposed leasing action if the action is “adequately analyzed in an existing NEPA document, such as that prepared during the MLP process, and is in conformance with the approved RMP.” Id., at III(E) (emphasis added). This provision clearly states BLM’s intention that a DNA could be used where an MLP has been completed, but not simply where the action is in conformance with the approved RMP. Therefore, only where BLM has a robust MLP in place that was developed and is being implemented in compliance with IM 2010-117 and Chapter V of BLM’s Handbook on Planning for Fluid Mineral Resources, a DNA may be appropriate for evaluating parcels for oil and gas lease sales rather than an EA.

The proposed leasing will have significant negative impacts on threatened (Gunnison sage-grouse) and sensitive (rare plants) species, and areas with “unique” characteristics, including designated and proposed Areas of Critical Environmental Concern and State Wildlife Areas. In addition, leasing of the parcels is highly controversial (State and Federal agency opposition) and may impact the outcome of two ongoing RMP Amendment processes that are subject to a significant level of public interest and controversy.

Leasing the parcels at issue here may constitute a major Federal action significantly affecting the quality of the human environment, and an EIS may be required.

BLM must complete an EA or an EIS for this oil and gas lease sales, in compliance with IM 2010-117 which directs that most parcels that the field office determines should be available for lease will require site-specific NEPA analysis—typically an EA. BLM Colorado should set as a threshold for preparing a DNA rather than an EA that a robust MLP is in place that was developed and is being implemented in compliance with IM 2010-117 and Chapter V of BLM’s Handbook on Planning for Fluid Mineral Resources.

II. BLM FAILED TO ADEQUATELY ANALYZE IMPACTS TO NATURAL VALUES:

A. Parcels in and adjacent to occupied Gunnison sage-grouse habitat

Oil and gas leasing and subsequent development on parcels 78167, 78168, 78169, 78170, 78162, 78163 and 78164 will have significant unanalyzed negative impacts on the San Miguel Basin population of Gunnison sage-grouse and these parcels should be deferred from the lease sale. Parcels 78167, 78168 and 78169 are directly adjacent to occupied Gunnison sage-grouse critical habitat. All seven of the parcels listed above are in a location where some potential access roads bisect 0.6 mile buffers around

⁶ See http://www.blm.gov/style/medialib/blm/wo/MINERALS_REALTY_AND_RESOURCE_PROTECTION_/energy/leasing_reform.Par.54947.File.dat/Leasing_Reform_05-11-2011.pdf (emphases in original).

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leks, and where all potential access roads bisect occupied critical habitat and areas within 1.9 miles of leks.⁷ There are legitimate questions as to the reasonably foreseeable impacts of leasing these parcels on Gunnison sage-grouse, which is listed as a threatened species under the Endangered Species Act. The Determination of NEPA Adequacy (DNA) for these parcels is inadequate, and further NEPA analysis and ESA consultation is needed before a decision is made to lease these parcels. These parcels should be deferred to allow for additional review of appropriate protections for Gunnison sage-grouse from oil and gas development, and should not be leased without an Environmental Impact Statement.

i. Stipulations have not been attached to these lease parcels in conformance with the BLM Tres Rios Field Office, San Juan National Forest Land and Resource Management Plan Final Environmental Impact Statement.

The BLM's DNA for the lease parcels in the February 2017 sale states that, "All lands considered in this action are open to leasing under the RMP/FEIS, and stipulations have been attached in conformance with the RMP/FEIS." However, stipulations have not been attached to these parcels in conformance with the BLM Tres Rios Field Office, San Juan National Forest Land and Resource Management Plan Final Environmental Impact Statement (Tres Rios RMP/FEIS) (September 2013).⁸ Appendix H of the Tres Rios RMP/FEIS (pages H20-H-22)⁹ describes several stipulations that apply to leases that may impact Gunnison sage-grouse, and that should be applied to the parcels at issue here to protect Gunnison sage-grouse. Contrary to BLM's assertion in the DNA, stipulations have not been attached to these parcels in conformance with the Tres Rios RMP/EIS, and the DNA and leasing decision are therefore inadequate.

Parcels 78167, 78168, 78169, 78170, 78162, 78163, 78164 are in a location where some potential access roads bisect 0.6 mile buffers around leks, and where all potential access roads bisect occupied habitat and areas within 1.9 miles of leks. All of these parcels should be subject to the Controlled Surface Use stipulation that limits noise levels at the perimeter of a lek between 6 p.m. to 9 a.m. during active lek season, and limits vehicular traffic from 6 p.m. to 9 a.m. within 1.9 miles of a lek from March 15th-May 15th annually, for the purpose of protecting priority habitat for Gunnison sage-grouse in order to prevent abandonment of display grounds and to maintain reproductive success, recruitment, and survival (Tres Rios RMP/FEIS, Appendix H, pg. H-21-H-22, 3.4.4).¹⁰

Leasing these parcels without the above stipulations does not conform to the Tres Rios RMP/FEIS. Further, leasing the parcels without the above stipulations would result in significant negative impacts not analyzed in the Tres Rios RMP/FEIS. Finally, the BLM is developing improved oil and gas lease stipulations to protect Gunnison sage-grouse, and the applicable lease stipulations in the Tres Rios RMP/FEIS, are insufficient and will not mitigate impacts on Gunnison sage-grouse to insignificance even

⁷ See Attachment 2

⁸ http://www.blm.gov/co/st/en/fo/sjplc/land_use_planning.html

⁹ http://www.blm.gov/style/medialib/blm/co/field_offices/san_juan_public_land/land_use_planning/approved_lm.Par.5798.File.dat/App_H%20Oil%20and%20Gas%20Leasing%20Stipulations.pdf

¹⁰ Id at 20

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if BLM applied them to the lease parcels in conformance with the Tres Rios RMP/FEIS. Therefore, the DNA for these parcels is inadequate, and an EIS is required.

ii. **The analysis in the Tres Rios RMP/FEIS is not adequate in light of new information and circumstances.**

The analysis in the Tres Rios RMP/FEIS is not adequate in light of new information and circumstances that would substantially change the analysis of the impacts. In November of 2014, The U.S. Fish and Wildlife Service listed the Gunnison sage-grouse as a threatened species under the Endangered Species Act, and designated critical habitat. Subsequently, the Bureau of Land Management initiated a process to amend all of the Resource Management Plans within the range of the Gunnison sage-grouse, including the Tres Rios RMP/FEIS, through a Gunnison Sage-Grouse Rangewide Plan Amendment. The BLM recently issued the draft Gunnison Sage-Grouse Rangewide Plan Amendment and Environmental Impact Statement (draft GRPA).¹¹ In the draft GRPA, BLM states: “The BLM manages approximately 40 percent of GUSG habitat across twelve counties in southwestern Colorado and southeastern Utah. The inadequacy of regulatory mechanisms in land use plans was identified as a major threat in the FWS listing decision. In response to the listing decision, the United States (U.S.) Department of the Interior, Bureau of Land Management (BLM) has prepared this Draft Resource Management Plan (RMP) Amendment to analyze the addition of GUSG conservation measures to their existing RMPs.” (draft GRPA p. i)¹²

In describing the need for the GRPA, the BLM states, “ESA Section 7(a)(1) requires the BLM to use its authorities to further the purposes of the ESA by implementing programs for the conservation of federally listed species and the ecosystems upon which they depend. The BLM conducted plan evaluations in accordance with its planning regulations, which require that RMPs “shall be revised as necessary based on ..., new data, new or revised policy ...” (43 CFR 1610.5-6). These evaluations concluded that a plan amendment is necessary to address the **changed circumstances and new information** resulting from the 2014 FWS listing of the GUSG as “threatened” under the Endangered Species Act.” (draft GRPA pp. 1-3).¹³

Among a variety of other conservation measures for Gunnison sage-grouse, the draft GRPA is considering additional lease stipulations and other conservation measures to protect Gunnison sage-grouse from oil and gas development that may apply to the parcels at issue here, and that were not considered in the Tres Rios RMP/FEIS (see further discussion under Section III,B below).

Further, the GRPA is considering not only the changed circumstances and new information resulting from the 2014 listing of the GUSG as “threatened” under the Endangered Species Act, it is also considering significant new information relevant to: 1) determining conservation measures

¹¹ <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=39681&dctmId=0b0003e88073b43a>

¹² Id. at 26

¹³ Id. at 26

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necessary to conserve Gunnison sage-grouse, and 2) analyzing reasonably foreseeable impacts of oil and gas leasing on Gunnison sage-grouse. The draft GRPA considers more than 75 scientific papers relevant to determining conservation measures necessary to conserve Gunnison sage-grouse, including at least 15 scientific papers relevant to determining the reasonably foreseeable impacts of oil and gas development, and to developing lease stipulations necessary to avoid, minimize and mitigate such impacts (GRPA Chapter 8 pp. 8-1 through 8-29)¹⁴, which were not considered in the Tres Rios RMP/FEIS (Tres Rios RMP/FEIS, Chapter 5, pp. 2-191 through 2-197).^{15,16} Finally, there has been new research relevant to determining impacts of oil and gas development on Gunnison sage-grouse, published after the draft GRPA was issued.¹⁷

In light of the significant new information and circumstances outlined above, the analysis in the Tres Rios RMP/FEIS is not adequate, and the BLM's DNA is inadequate to analyze the impacts of leasing on Gunnison sage-grouse. An EIS is required to analyze the impacts of leasing on Gunnison sage-grouse.

iii. Leasing of these parcels will have significant negative impacts on Gunnison sage-grouse that have not been analyzed in the Tres Rios RMP/FEIS and an EIS is necessary.

Leasing of these parcels will have significant negative impacts on Gunnison sage-grouse that have not been analyzed in the Tres Rios RMP/FEIS and must be deferred pending adequate NEPA analysis. Leasing and development on the parcels is likely to have significant negative impacts that must be disclosed in an EIS. Failure to consider this acknowledged new information and how this leasing decision will impact the Gunnison sage-grouse is arbitrary, capricious, and unlawful.

a. The San Miguel Basin population is critically important to recovery of the species and at risk of extirpation.

The Gunnison sage-grouse occupies less than 10% of its historic range, with a total estimated population of fewer than 5,000 birds scattered across southwestern Colorado and Utah in seven populations.¹⁸ In order to achieve recovery of the Gunnison sage-grouse, the U.S. Fish and Wildlife Service finds that it is essential to maintain AND increase the number of birds and the area of occupied habitat outside of the Gunnison Basin.¹⁹

¹⁴ Id at 26

¹⁵ Id. at 19

¹⁶ Many of these scientific papers were available during the time period when the Tres Rios RMP/FEIS were being prepared, but were not considered adequately in the Tres Rios RMP/FEIS. Some of these scientific papers were published after the Tres Rios RMP/FEIS was finalized.

¹⁷ http://www.eenews.net/assets/2016/10/18/document_pm_04.pdf

¹⁸ https://www.fws.gov/mountain-prairie/species/birds/gunnisonsagegrouse/GUSGFinalListingRule_11202014.pdf

¹⁹ Id. at 32

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Only the largest of the seven populations, in the Gunnison Basin, is relatively stable and of sufficient size to persist in the absence of threats.²⁰ The Gunnison Basin population contains more than 80% of all remaining individuals of the species.²¹ All six of the remaining populations, including the San Miguel Basin population, which are referred to as ‘the satellite populations’, are so small and isolated that they are at extreme risk of extirpation even in the absence of further threats.²² These small, isolated populations are at risk of extirpation due to demographic and environmental stochasticity (random demographic and environmental events).²³ In addition, the San Miguel Basin population has an effective population size (number of individuals that contribute genes to the next generation) that is below the level at which inbreeding depression has been observed to occur, and given that all of the other satellite populations are smaller than San Miguel Basin, they may also be subject to inbreeding depression.²⁴ Inbreeding depression further increases the risk of extirpation. In addition to being at risk due to small size and isolation, these populations also face a variety of threats that further exacerbate the risk of extirpation. For example, during four years from 2007-2010, Colorado Parks and Wildlife (CPW) research suggested that there was little to no recruitment of young into the San Miguel Basin population as a consequence of low chick survival due to predation. Recruitment improved slightly in subsequent years, but appeared to be low again in 2014. BLM must analyze how increased oil and gas development can result in increased predation that will negatively impact these populations.²⁵ This illustrates the fact that this population is at risk of extirpation even in the absence of additional loss of habitat and other negative impacts that will result from additional energy development in and adjacent to occupied critical habitat.

Given that all of the satellite populations are at high risk of extirpation even in the absence of additional threats, it is essential to comprehensively address threats to all of the satellite populations in order to maximize the odds of success in the effort to achieve recovery through increasing the number of birds and area of occupied habitat outside of the Gunnison Basin.

Therefore, it is essential that BLM avoid authorizing any activities, including oil and gas leasing, which may have significant negative impacts on this extremely vulnerable and critically important San Miguel Basin Gunnison sage-grouse population, particularly without adequate analysis of reasonably foreseeable impacts. Leasing parcels 78167, 78168, 78169, 78170, 78162, 78163, 78164, will result in significant negative impacts on the San Miguel Basin Gunnison sage-grouse population. BLM must defer these parcels pending completion of an EIS.

²⁰ Id. at 32

²¹ Id. at 32

²² Id. at 32

²³ Id. at 32

²⁴ Stiver et al. 2008 in Id. at 32

²⁵ Additionally, exotic predators (Hagen 2011), including the striped skunk, red fox (*Vulpes vulpes*), and common raccoon, inhabit the study area in association with anthropogenic habitat alteration (Hagen 2011). Found at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4563883/> citing: Hagen CA. Predation on greater sage-grouse: facts, process, and effects. In: Knick ST, Connelly JW, editors. Greater sage-grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology. Vol. 38. Berkeley, USA: University of California Press; 2011. pp. 95–100.

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b. Oil and gas leasing of the proposed parcels is likely to have significant negative indirect and cumulative impacts on Gunnison sage-grouse

There is a substantial body of research on the impacts of oil and gas development on greater sage-grouse, which is relevant to determining the reasonably foreseeable impacts of oil and gas development on Gunnison sage-grouse. Greater sage-grouse are a closely related species, and impacts of oil and gas development on Gunnison sage-grouse are likely to be similar to impacts on greater sage-grouse, though negative impacts may be more pronounced for Gunnison sage-grouse due to their small population size and isolation, other factors limiting reproduction and survival, and the limited amount of remaining Gunnison sage-grouse habitat. We hereby incorporate by reference the BLM Report on National Greater Sage-Grouse Conservation Measures (NTT Report)²⁶, and all of the references cited in the NTT Report. In addition, we hereby incorporate by reference all of the references cited in the draft Gunnison Sage-Grouse RMP Amendment.²⁷ We also incorporate by reference the Colorado Parks and Wildlife Gunnison Sage-Grouse Rangewide Conservation Plan and all of the references cited in the plan.²⁸ The scientific research on the impacts of oil and gas development on sage-grouse cited in the above reports and plans indicates that oil and gas development can have significant negative impacts on sage-grouse populations. The primary risks to sage-grouse from energy development are: 1) direct disturbance, displacement or mortality of grouse, 2) direct loss of habitat or loss of effective habitat through fragmentation and reduced patch size and quality, and 3) cumulative landscape level impacts.²⁹

Oil and gas leasing and subsequent development on parcels 78167, 78168, 78169, 78170, 78162, 78163, and 78164 are in a location where some potential access roads bisect 0.6 mile buffers around leks, and where all potential access roads bisect occupied critical habitat and areas within 1.9 miles of leks. Oil and gas traffic on these access roads may cause direct disturbance, displacement and mortality of grouse. Noise from oil and gas drilling and traffic on roads near leks has been shown to result in declines in lek attendance and disruption of lekking behavior.³⁰ Increasing traffic on roads within either 0.6 or 1.9 miles of leks is likely to have significant negative impacts on Gunnison sage-grouse. One of the potential access routes is road U-29, which has been identified as a road that is currently having significant negative impacts on Gunnison sage-grouse due to oil and gas and other traffic that use a portion of the road in close proximity to leks. Colorado Parks and Wildlife and the San Miguel Basin working group have recommended seasonal closure or re-routing of this road, and San Miguel County and BLM are currently discussing the possibility of seasonal closures or re-routing of this road. Leasing these parcels may create additional need for this road and impede these discussions.

Oil and gas leasing and subsequent development on parcels 78167, 78168, 78169, 78170, 78162, 78163, and 78164 will result in increased infrastructure in an area between occupied critical habitat for the Dry

²⁶ <http://www.blm.gov/style/medialib/blm/co/programs/wildlife.Par.73607.File.dat/GrSG%20Tech%20Team%20Report.pdf>

²⁷ Id. at 26

²⁸ <http://cpw.state.co.us/learn/Pages/GunnisonSagegrouseConservationPlan.aspx>

²⁹ Id. at 39

³⁰ Id. at 39, 40, 41

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Creek Basin and Miramonte subpopulations of the Gunnison sage-grouse population. Roads, wells, pipelines, compressor stations and other infrastructure can reduce connectivity between populations.³¹ Placing oil and gas infrastructure in this location will likely reduce connectivity between these two subpopulations. Grouse may also suffer increased mortality when moving between populations due to collisions with oil and gas infrastructure and vehicles. This will exacerbate the existing problems with small population size and isolation that are already putting these populations at risk of extinction.

Oil and gas on lease parcels 78167, 78168 and 78169, which are directly adjacent to occupied critical Gunnison sage-grouse habitat, may result in significant negative impacts on Gunnison sage-grouse in occupied critical habitat, even if all development occurs outside of occupied critical habitat. In addition to the impacts due to traffic on roads used to access the parcels described above and reduction in connectivity between patches of occupied habitat, oil and gas development can result in functional loss of occupied habitat due to behavioral avoidance of tall structures such as oil and gas rigs and avoidance of noise associated with oil and gas activity, increased predation due to creation of perches for predators adjacent to occupied habitat, and other negative impacts.³²

The Tres Rios RMP/FEIS does not discuss any of these potentially significant negative impacts of leasing these parcels on Gunnison sage-grouse, and the parcels do not include lease stipulations to address these potential negative impacts. Therefore, the BLM's DNA is inadequate, this leasing decision is arbitrary and capricious, and an EIS is required prior to leasing these parcels for oil and gas development.

B. Parcels in potential Areas of Critical Environmental Concern

Parcels 78172, 78173, 78167 and 78168 should be deferred from the lease sale.³³ These parcels fall within or adjacent to potential Areas of Critical Environmental Concern (ACECs) being considered for designation through the ongoing Tres Rios ACEC RMP Amendment and associated Environmental Assessment (DOI-BLM-CO-S010-2016-0018-EA).³⁴ Leasing these parcels will have significant negative impacts on relevant and important values within these potential ACECs and may preclude alternatives being considered in the Tres Rios ACEC RMP Amendment, including ACEC designation and special management needed to protect relevant and important values within ACECs. Further, The BLM's Determination of NEPA Adequacy is inadequate to analyze the impacts of leasing on or around potential Areas of Critical Environmental Concern.

- i. Stipulations have not been attached to these lease parcels in conformance with the BLM Tres Rios Field Office, San Juan National Forest Land and Resource Management Plan Final Environmental Impact Statement.**

³¹ Id. at 39, 40, 41

³² Id. at 39, 40, 41

³³ See Attachment 3

³⁴ http://www.blm.gov/co/st/en/BLM_Information/nepa/TRFO_NEPA/acecs.print.html

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The BLM's DNA for the lease parcels in the February 2017 sale states that, "All lands considered in this action are open to leasing under the RMP/FEIS, and stipulations have been attached in conformance with the RMP/FEIS." (DNA pgs. 4-5). However, stipulations have not been attached to the lease parcels described below in conformance with the BLM Tres Rios Field Office, San Juan National Forest Land and Resource Management Plan Final Environmental Impact Statement (Tres Rios RMP/FEIS) (September 2013).

Parcel 78172 will impact 2 potential Areas of Critical Environmental Concern, Spring Creek and Disappointment Valley, which are currently being considered for designation through the Tres Rios ACEC RMP Amendment (see further discussion below).³⁵ Disappointment Valley meets the relevance and importance criteria because it contains two globally imperiled and BLM sensitive rare plant species (Appendix U, p. U9).³⁶ Spring Creek meets the relevance and importance criteria because it contains one globally imperiled rare and BLM sensitive plant species and two additional rare plant species (Appendix U, p. U25).³⁷ BLM lists two Controlled Surface Use (CSU) stipulations to protect sensitive plants (including Gypsum Valley cat-eye) and Gypsum soils, that it states will be applied to protect the relevant and important values in these two ACECs (Tres Rios RMP/FEIS, Appendix U pp. U9-U10, and p. U25).³⁸ However, no stipulations have been applied to parcel 78172, despite the presence of potential occurrences of the globally imperiled Gypsum Valley cateye within the parcel boundaries.³⁹ BLM should at a minimum conduct a survey to determine locations and occurrences of rare plant species. Contrary to BLM's assertion in the DNA, stipulations have not been attached to these parcels in conformance with the Tres Rios RMP/EIS, and the DNA is therefore inadequate.

C. Parcels in the designated Gypsum Valley Area of Critical Environmental Concern and habitat for the globally imperiled Gypsum Valley cateye

Parcel 78171 should be deferred from the lease sale. This parcel is in the designated Gypsum Valley Area of Critical Environmental Concern and contains known occurrences of the globally imperiled Gypsum Valley cateye.⁴⁰ Leasing this parcel will have significant negative impacts on this designated ACEC and on the globally critically imperiled Gypsum Valley cateye. The BLM's Determination of NEPA Adequacy is inadequate to analyze the impacts of leasing on the Designated Gypsum Valley Area of Critical Environmental Concern and occurrences of the globally imperiled Gypsum Valley cateye. The designated Gypsum Valley Area of Critical Environmental Concern is a unique and sensitive place. Leasing this parcel will have significant negative impacts on this designated ACEC and on the globally critically imperiled Gypsum Valley cateye.

³⁵ Id. at 3
³⁶ Id. at 19
³⁷ Id. at 19
³⁸ Id. at 19
³⁹ Id. at 4

⁴⁰ Colorado Natural Heritage Program, Colorado State University. 2014 (November 25th). Colorado Natural Heritage Program Element Occurrence Polygons for rare and imperiled species, subspecies, and unique natural communities in Colorado (SENSITIVE DATA!). The Colorado Natural Heritage Program, Colorado State University, Ft. Collins, CO, USA.

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The BLM's DNA for the lease parcels in the February 2017 sale states that, "All lands considered in this action are open to leasing under the RMP/FEIS, and stipulations have been attached in conformance with the RMP/FEIS." (DNA pgs. 4-5). However, stipulations have not been attached to lease parcel 78171 in conformance with the BLM Tres Rios Field Office, San Juan National Forest Land and Resource Management Plan Final Environmental Impact Statement (Tres Rios RMP/FEIS) (September 2013) to protect known occurrences of the Gypsum Valley cateye.

An EA or EIS is required prior to authorizing oil and gas leasing in the designated Gypsum Valley Area of Critical Environmental Concern.

D. Parcels in the Dry Creek Basin and Jim Olterman/Lone Cone State Wildlife Areas

The BLM should defer parcels within State Wildlife Areas. Parcels 78167, 78168, 78162, 78163, 78164 overlap with the Dry Creek Basin State Wildlife Area. Leasing these parcels will result in significant negative impacts on these State Wildlife Areas and the wildlife and other resources these areas were designated to protect. The BLM's Determination of NEPA Adequacy is inadequate to analyze the impacts of leasing on the Jim Olterman/Lone Cone State Wildlife Area and the Dry Creek Basin State Wildlife Area.

An adequate analysis of impacts of leasing these parcels within State Wildlife areas requires full consideration of all of the information on resource values and potential impacts of oil and gas leasing within these State Wildlife Areas, provided to BLM by Colorado Parks and Wildlife. In order to adequately mitigate impacts to insignificance, BLM must apply all lease stipulations and other protective measures recommended by Colorado Parks and Wildlife to the leases that overlap with these two State Wildlife Areas. These leases should be deferred pending full consideration of all information provided to BLM by Colorado Parks and Wildlife relevant to determining impacts of leasing on State Wildlife Areas and the resources within State Wildlife Areas, and until BLM has applied the lease stipulations and other protective measures recommended by Colorado Parks and Wildlife to the lease parcels, or completed an Environmental Impact Statement that disclosed the significant negative impacts that will result from leasing these parcels without the lease stipulations and other protective measures recommended by Colorado Parks and Wildlife. Please consider all of the information in Colorado Parks and Wildlife's Scoping Comments on the BLM February 2017 Lease Sale, and in any subsequent comments submitted to BLM by Colorado Parks and Wildlife on the proposed lease sale.

III. BLM must defer parcels in areas being considered for closure to oil and gas leasing and/or new lease stipulations, through ongoing Resource Management Plan Amendment Processes, until the RMP Amendments are finalized

- A. NEPA requires that BLM avoid taking actions that will limit the choice of alternatives and prejudice the ultimate decision in ongoing RMP revision processes**

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The National Environmental Policy Act, which provides that: (a) Until an agency issues a record of decision as provided in Sec. 1505.2 (except as provided in paragraph (c) of this section), no action concerning the proposal shall be taken which would:

1. Have an adverse environmental impact; or
2. Limit the choice of reasonable alternatives.

(c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

1. Is justified independently of the program;
2. Is itself accompanied by an adequate environmental impact statement; and
3. Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.

40 C.F.R. § 1506.1 (emphases added). While the agency has discretion in determining where this standard applies, approving lease of the parcels at issue here will limit the choice of alternatives and prejudice the ultimate decisions in two ongoing RMP revision processes, the Gunnison Sage-Grouse Rangewide Resource Management Plan Amendment Process, and the Tres Rios ACEC Resource Management Plan Amendment Process.

B. BLM must defer parcels within the decision area for the ongoing Gunnison sage-grouse Resource Management Plan Amendment

The Bureau of Land Management initiated a process to amend all of the Resource Management Plans within the range of the Gunnison sage-grouse, including the Tres Rios RMP, through a Gunnison Sage-Grouse Rangewide Plan Amendment (GRPA). The BLM recently issued the draft Gunnison Sage-Grouse Rangewide Plan Amendment and Environmental Impact Statement (draft GRPA).⁴¹ The Amendment was initiated in response to the USFWS 2014 decision to list the Gunnison sage-grouse as a threatened species under the Endangered Species Act. The USFWS listing decision identified the lack of adequate regulatory mechanisms in BLM Resource Management Plans as a major threat that contributed to the need for the Gunnison sage-grouse to be protected as threatened under the ESA. The purpose of the GRPA is to analyze the addition of conservation measures to existing BLM RMPs, including the Tres Rios RMP, in order to put adequate regulatory mechanisms to conserve Gunnison sage-grouse on public lands.

⁴¹ <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=39681&dctmId=0b0003e88073b43a>

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Leasing and subsequent development of all of parcels 78167, 78168, 78169, 78170, 78162, 78163, and 78164 will occur on or impact lands within the decision area for the GRPA, which includes non-habitat within 4 miles of a lek. Parcel 78167 includes roughly 86 acres of land within 4 miles of a lek. All seven of the parcels listed are in a location where some potential access roads bisect 0.6 mile buffers around leks, and where all potential access roads bisect occupied critical habitat and areas within 1.9 miles of leks. Thus, all seven parcels will impact lands within the decision area for the GRPA.

Further, the alternatives in the Draft Gunnison Sage-Grouse Rangewide Plan Amendment (draft GRPA) include a variety of protections for Gunnison sage-grouse from oil and gas development that would apply to the lands proposed for lease. For example, the plan considers: 1) closing occupied habitat to fluid mineral leasing (Alternative B, pp. 2-166 - 2-167), or applying a No Surface Occupancy stipulation to occupied habitat (Alternative C and Sub-Alternative D2, pp. 2-166-2-167), 2) implementing seasonal closures for motorized routes in occupied habitat (Alternative B, pp. 2-143 - 2-144) or in occupied habitat where a conflict has been identified (Alternative C and Sub-Alternative D2, pp. 2-143 - 2-144), 3) requiring a Master Development Plan in lieu of Application for Permit to Drill (APD) by APD processing for all but wildcat wells (Alternative B – in nonhabitat areas where activities have the potential to be disruptive to Gunnison sage-grouse, Alternative C and Sub-Alternative D2 – in occupied habitat; pp. 2-168 – 2-169), 4) prohibiting the siting of pipeline compressors (Alternative B – in nonhabitat areas where activities have the potential to be disruptive to Gunnison sage-grouse, Alternative C and Sub-Alternative D2 – in occupied habitat; pp. 2-169 - 2-170), 5) prohibiting surface disturbance within four miles of a lek (Alternative B, p. 2-183), and 6) designating all BLM administered surface lands within Gunnison sage-grouse habitat as an Area of Critical Environmental Concern (Alternative B, p. 2-190). Leasing these parcels would foreclose these management alternatives necessary to achieve the purpose and need of the GRPA, protect the San Miguel Basin population of Gunnison sage-grouse from significant negative impacts, and to conserve and recover Gunnison sage-grouse.

Leasing these parcels will undermine the ongoing RMP revision by foreclosing management alternatives currently under consideration that may be critical to the persistence of the San Miguel Basin population of Gunnison sage-grouse, and ultimately to achieving the goal of reaching a point where Gunnison sage-grouse is recovered and Endangered Species Act listing is no longer needed. Leasing these parcels is a major federal action which will have a significant adverse impact on Gunnison sage-grouse, and will determine subsequent development of occupied critical Gunnison sage-grouse habitat. Thus, leasing these parcels will limit the choice of alternatives and prejudice the ultimate decision in the ongoing Gunnison Sage-Grouse RMP Amendment, and the parcels should be deferred from the February 2017 oil and gas lease sale, in order to allow for additional review of appropriate protections for Gunnison sage-grouse habitat from oil and gas development through the GRPA process.

Protesters observed how the BLM managed lands while amending RMPs to increase protections for the greater sage-grouse. This precedent of widespread lease deferrals for Greater sage grouse should be followed for actions that will impact the Gunnison sage-grouse. Moving forward with leasing in Gunnison sage-grouse habitat while multiple planning processes are underway that will determine the future management of Gunnison sage-grouse habitat is one thing, but to decide that one special status

species warrants deferrals and one doesn't---especially when those two species clearly require similar habitat needs--- is clearly arbitrary and capricious.

C. The BLM must defer parcels being considered for designation as Areas of Critical Environmental Concern through the ongoing Tres Rios ACEC RMP Amendment

Parcels 78172, 78173, 78167 and 78168 are within or around potential Areas of Critical Environmental Concern being considered for designation through the ongoing Tres Rios ACEC RMP Amendment and associated Environmental Assessment (DOI-BLM-CO-S010-2016-0018-EA).⁴² Leasing of these parcels undermines efforts made to try to avoid the need to protest and to respect the BLM's own planning efforts and those Protestors have made to thoughtfully submit ACEC proposals. Even if a lease sale parcel does not directly overlap with a proposed ACEC boundary, leasing these parcels could preclude final boundary determinations and result in cumulative impacts within the proposed boundary. These parcels should be deferred from the February 2017 oil and gas lease sale.

We are dedicated to conserving public lands resources and values in southwest Colorado, including specifically those resources and values that meet the relevance and importance criteria for ACEC designation. We engaged throughout the Tres Rios RMP revision, nominated ACECs and advocated for their designation. In addition to being prioritized in the Federal Land Policy and Management Act, ACECs are a critical administrative designation to promote and provide for sound stewardship of valuable and vulnerable public lands resources. We are glad to see BLM moving forward with addressing ACEC designation in the Tres Rios Field Office, which is a necessary step to rectify failures in the Tres Rios RMP, and also presents an important opportunity to assess areas with relevant and important values across the field office and put necessary administrative management in place to protect those values.

The 2015 Tres Rios RMP failed to comply with FLPMA and agency policy by failing to consider designating ACECs that were found to meet the relevance and importance criteria. As noted in the Tres Rios Proposed RMP, all areas which meet the relevance and importance criteria "must be identified as potential ACECs and fully considered for designation and management in resource management planning." BLM Manual 1613 at .21. If an area is not to be designated, the analysis supporting the conclusion "must be incorporated into the plan and associated environmental document." *Ibid.*

The Draft San Juan Land Management Plan evaluated 22 areas as potential ACECs and found 11 areas met the relevance and importance criteria. Of those 11 areas, only four were evaluated for designation in the range of alternatives for the draft plan (Draft LRMP, Appendix U, p. 2). This clearly did not comply with FLPMA's requirement to prioritize designation of ACECs or Manual 1613's requirement to fully consider for designation all areas that meet the relevance and importance criteria. The Proposed RMP included updated relevance and importance findings for the 22 potential ACECs, finding that 19 of them meet the relevance and importance criteria. (Tres Rios Proposed RMP at Appendix U, Table U.1.) However, the Proposed RMP noted that the 15 areas which meet the relevance and importance criteria but were not evaluated for designation in the Draft LRMP and could not be evaluated or designated in

⁴² http://www.blm.gov/co/st/en/BLM_Information/nepa/TRFO_NEPA/acecs.print.html

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the Proposed RMP without supplemental NEPA analysis. Therefore, the PRMP states: "To correct this oversight, the BLM will consider these potential ACECs in a future plan amendment." Tres Rios Proposed RMP at Appendix U, p. 4. This is the purpose and need for the current amendment to the Tres Rios RMP.⁴³

The parcels at issue here overlap with nominated ACECs that BLM is currently evaluating and considering for designation through the Tres Rios RMP Amendment. We are engaging in the Tres Rios RMP Amendment Process and have a long-standing interest in the designation of the potential ACECs being evaluated through the Tres Rios RMP Amendment. These parcels should be deferred pending completion of the Tres Rios ACEC Amendment, and full consideration of all of the information included in our scoping comments on the Tres Rios ACEC Amendment.

Lease Parcel 78172 has significant overlap with 2 of the 15 nominated ACECs that BLM found met the relevance and importance criteria but that were not evaluated for designation in the draft or proposed RMP, and that are therefore now being considered for designation through the Tres Rios ACEC RMP Amendment, Spring Creek and Disappointment Valley (Tres Rios RMP/FEIS, Appendix U).⁴⁴ This parcel is proposed for lease without any stipulations that are aimed at protecting the relevant and important values identified in the potential Spring Creek and Disappointment Valley ACECs from negative impacts of oil and gas drilling.⁴⁵ Disappointment Valley meets the relevance and importance criteria because it contains two globally imperiled and BLM sensitive rare plant species (Appendix U, p. U9).⁴⁶ Spring Creek meets the relevance and importance criteria because it contains one globally imperiled rare and BLM sensitive plant species and two additional rare plant species (Appendix U, p. U25).⁴⁷ BLM lists two CSU stipulations to protect sensitive plants (including Gypsum Valley cat-eye) and Gypsum soils, that it states will be applied to protect the relevant and important values in these two ACECs (Tres Rios RMP/FEIS, Appendix U pp. U9-U10, and p. U25).⁴⁸ However, neither of these lease stipulations have been applied to parcel 78172⁴⁹, despite the presence of a known occurrence of the globally imperiled Gypsum Valley cateye within the parcel boundaries.⁵⁰ Issuing oil and gas leases in these two potential ACECs may preclude ACEC designation and/or management prescriptions to protect the relevant and important values within these potential ACECs, particularly given that the parcels are proposed for lease without lease stipulations necessary to protect the relevant and important values within these two potential ACECs.

Lease parcels 78167 and 78168 have small areas of overlap with the potential Dry Creek Basin Area of Critical Environmental Concern, one of the 15 nominated ACECs that BLM found met the relevance and

⁴³http://www.blm.gov/style/medialib/blm/co/field_offices/san_juan_public_lands/land_use_planning/acec_docs.Par.71682.File.dat/App_U_ACEC_FINAL.pdf

⁴⁴ Id. at 55

⁴⁵http://www.blm.gov/style/medialib/blm/co/programs/oil_and_gas/Lease_Sale/2017/february.Par.58526.File.dat/TRFO-DNA-Comment-Period.pdf

⁴⁶ Id. at 55

⁴⁷ Id. at 55

⁴⁸ Id. at 55

⁴⁹ Id. at 57

⁵⁰ Id. at 4

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importance criteria but that were not evaluated for designation in the draft or proposed Tres Rios RMP, and that are therefore now being considered for designation through the Tres Rios ACEC RMP Amendment (Tres Rios RMP/FEIS, Appendix U).⁵¹ While the areas of overlap are small, the primary purpose of this nominated ACEC is to protect the San Miguel Basin population of Gunnison sage-grouse. Oil and gas leasing and subsequent development on parcels 78167, 78168, 78169, 78170, 78162, 78163, and 78164 will have significant negative impacts on the San Miguel Basin population of Gunnison sage-grouse (discussed in detail in section IV, A above), and thus on the relevant and important values within this potential ACEC. It is important to note that potential access routes for the parcel bisect the potential Dry Creek Basin ACEC and that traffic on these routes will have significant negative impacts on Gunnison sage-grouse (see further discussion in section IV, A above). In addition, a landscape level assessment of ACEC criteria for the Dry Creek Basin potential ACEC found that the potential Dry Creek Basin ACEC has a relatively high level of ecological connectivity compared with public lands across the West. Leasing of the proposed parcels will result in development of oil and gas wells and associated infrastructure directly adjacent to the potential ACEC, and between patches of occupied critical Gunnison sage-grouse habitat, which will likely to significantly reduce the landscape-scale ecological connectivity of the lands within the potential ACEC. Landscape scale ecological connectivity is a relevant and important value within this ACEC, because it is a resource for the threatened Gunnison sage-grouse, and an important natural process. Leasing these parcels may preclude ACEC designation and/or management prescriptions necessary to protect the relevant and important values within the potential ACEC, including but not limited to the San Miguel Basin population of Gunnison sage-grouse and the landscape-scale ecological connectivity of the lands within the potential ACEC. These parcels should be deferred from the lease sale until the Tres Rios RMP ACEC Amendment is completed.

Lease parcel 78173 is within an ACEC we proposed in our scoping comments on the Tres Rios ACEC RMP Amendment.⁵² As described in our comments, the proposed “Navajo River” ACEC is comprised of slopes and rims of the Navajo River Canyon, giving it outstanding scenic values. It also neighbors roughly a dozen private ranch conservation easements that were acquired over the span of 15 years by the Great Outdoors Colorado’s Navajo Watershed Project. Because drilling and development might compromise the ACEC qualities of the area, and would interfere with conservation protections already in place, we ask that BLM defer leasing Parcel 78173 until it evaluates our Navajo River ACEC proposal through the RMP Amendment process.

It is completely inappropriate for BLM to issue oil and gas leases in these potential ACECs that are being considered for designation in an ongoing RMP amendment process, particularly without lease stipulations to protect the relevant and important values in the potential ACECs (see further discussion under section IV, B above). The BLM Manual requires BLM to provide temporary management to protect resource values within nominated ACECs until they are considered for designation through a planning process (BLM Manual 1613, Areas of Critical Environmental Concern (part .21 (E)). Tres Rios BLM committed to providing temporary (interim) management to protect these potential ACECs from significant resource value degradation until a plan amendment considering them for

⁵¹ Id at 55

⁵² See Attachment 4

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designation is completed.⁵³ BLM should not lease these parcels without adequate lease stipulations to protect relevant and important values prior to completion of the Tres Rios ACEC RMP Amendment Process.

Leasing these parcels will undermine the ongoing RMP revision by foreclosing management alternatives currently under consideration, including ACEC designation and management prescriptions needed to protect the relevant and important values within these ACECs. Leasing these parcels is a major federal action that will have a significant adverse impact on the relevant and important values within these potential ACECs, and will determine subsequent development of lands within these potential ACECs. Thus, leasing these parcels will limit the choice of alternatives and prejudice the ultimate decision in the ongoing Tres Rios ACEC RMP Amendment, and the parcels should be deferred from the February 2017 oil and gas lease sale, in order to allow for additional review of appropriate protections for relevant and important values within these potential ACECs, and in order to allow BLM to meet its obligations to: 1) prioritize designation of ACECs, and 2) to fully consider designation of nominated ACECs that meet the relevance and importance criteria. Failing to consider and analyze the impacts (both direct and cumulative) of leasing parcels within and around proposed or designated ACEC is arbitrary, capricious, and unlawful.

IV. BLM IS VIOLATING THE ENDANGERED SPECIES ACT

A. The BLM must consult with the U.S. Fish and Wildlife Service prior to authorizing oil and gas drilling that will negatively impact Gunnison sage-grouse, and designated critical habitat.

The Gunnison sage-grouse is protected as a threatened species under the Endangered Species Act. The proposed leasing of parcels 78167, 78168, 78169, 78170, 78162, 78163, and 78164 is a federal action that may adversely affect Gunnison sage-grouse and result in adverse modification of designated critical habitat. The BLM must consult with the U.S. Fish and Wildlife Service prior to leasing these parcels for oil and gas development.

Authorizing leasing of the proposed parcels constitutes and agency “action” and the “action area” is all areas that will be affected directly or indirectly by the action, including all Gunnison sage-grouse habitat that may be impacted directly or indirectly by oil and gas development on the proposed parcels. The definition of agency “action” is broad and includes “all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies,” including programmatic actions.⁵⁴ Likewise, the “action area” includes “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.”⁵⁵

⁵³[http://www.blm.gov/style/medialib/blm/wo/Planning_and_Renewable_Resources/colorado.Par.78826.File.pdf/Tres_Rios_RMP_Protest_Report_\(February_6,_2015\).pdf](http://www.blm.gov/style/medialib/blm/wo/Planning_and_Renewable_Resources/colorado.Par.78826.File.pdf/Tres_Rios_RMP_Protest_Report_(February_6,_2015).pdf)

⁵⁴ 50 C.F.R. § 402.02

⁵⁵ Id.

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The requirements of Section 7 of the ESA are only fulfilled by an agency's satisfaction of the consultation process that are set forth in the implementing regulations, and only after the agency lawfully complies with these requirements may an action that "may affect" a protected species go forward.⁵⁶ The Court in *Sierra Club v. United States DOE*, 255 F.Supp.2d 1177 (D. Colo. 2002) found that Section 7 requires agencies to consider all related impacts. *Id.* at 1188 citing *Conner v. Burford*, 848 F.2d 1441, 1453-54 (9th Cir.1988) (requiring ESA consultation to address not only oil and gas leases, but also future exploration and development).

The action agency must initially prepare a biological assessment (BA) to "evaluate the potential effects of the proposed action" on listed species.⁵⁷ If the action agency concludes that the proposed action is "not likely to adversely affect" a listed species that occurs in the action area, the Service must concur in writing with this determination.⁵⁸ If the Service concurs in this determination, then formal consultation is not required.⁵⁹ If the Service's concurrence in a "not likely to adversely affect" finding is inconsistent with the best available data, however, any such concurrence must be set aside.⁶⁰

If the action agency concludes that an action is "likely to adversely affect" listed species or critical habitat, it must enter into "formal consultation" with the Service.⁶¹ The threshold for triggering the formal consultation requirement is "very low;" indeed, "any possible effect ... triggers formal consultation requirements."⁶²

Formal consultation commences with the action agency's written request for consultation and concludes with the Service's issuance of a "biological opinion."⁶³ The biological opinion states the Service's opinion as to whether the effects of the action are "likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat."⁶⁴ When conducting formal consultation, the Service and the action agency must evaluate the "effects of the action," including all direct and indirect effects of the proposed action, plus the effects of actions that are interrelated or interdependent, added to all existing environmental conditions – that is, the "environmental baseline."⁶⁵ The environmental baseline includes the past and present impacts of all Federal, state, and private actions and other human activities in the action area....⁶⁶ The effects of the action must be considered together with "cumulative effects," which are "those effects of future State

⁵⁶ *Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1055-57 (9th Cir. 1994)

⁵⁷ 50 C.F.R. § 402.12

⁵⁸ *Id.* §§ 402.13(a) and 402.14(b)

⁵⁹ *Id.* § 402.13(a)

⁶⁰ See *id.* § 402.14(g)(8); 5 U.S.C. § 706(2)

⁶¹ 50 C.F.R. §§ 402.12(k), 402.14(a)

⁶² See Interagency Cooperation Under the Endangered Species Act, 51 Fed. Reg. 19,926 (June 3 1996).

⁶³ 50 C.F.R. § 402.02

⁶⁴ *Id.* § 402.14(g)(4). To "jeopardize the continued existence of" means "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species." *Id.* § 402.02.

⁶⁵ *Id.* §§ 402.14 and 402.02

⁶⁶ *Id.*

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or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation.”⁶⁷

If the Service concludes in a Biological Opinion that jeopardy is likely to occur, it must prescribe “reasonable and prudent alternatives” to avoid jeopardy.⁶⁸ If the Service concludes that a project is not likely to jeopardize listed species, it must nevertheless provide an incidental take statement (ITS) with the biological opinion, specifying the amount or extent of take that is incidental to the action (but which would otherwise be prohibited under Section 9 of the ESA), “reasonable and prudent measures” (RPMs) necessary or appropriate to minimize such take, and the “terms and conditions” that must be complied with by the action agency to implement any reasonable and prudent measures.⁶⁹

The ESA requires federal agencies to use the best scientific and commercial data available when consulting about whether federal actions may jeopardize listed species or adversely modify critical habitat.⁷⁰ Accordingly, an action agency must “provide the Service with the best scientific and commercial data available or which can be obtained during the consultation for an adequate review of the effects that an action may have upon listed species of critical habitat.”⁷¹ Likewise, “[i]n formulating its biological opinion...the Service will use the best scientific and commercial data available.”⁷² However, if the action agency failed “to discuss information that would undercut the opinion’s conclusions,” the biological opinion is legally flawed, and the ITS will not insulate the agency from ESA Section 9 liability.⁷³

BLM is in violation of the ESA by failing to consult on the impacts of both leasing and “future exploration and development.” *Burford*, 848 F.2d at 1453-54. The BLM must consult with the U.S. Fish and Wildlife Service prior to authorizing leasing of parcels 78167, 78168, 78169, 78170, 78162, 78163, and 78164.

V. BLM IS IGNORING THE INPUT OF STATE AND FEDERAL AGENCIES

Both State and Federal wildlife agencies, and local municipalities oppose the leasing of the protested parcels. The United States Fish and Wildlife Service commented that:

Due to the potential for indirect impacts to GUSG in the San Miguel population, we recommend deferral of parcels adjacent to occupied critical habitat (e.g., parcels 7795, 7797, 7798) until the BLM GUSG plan amendment process is finished. It is possible that GUSG protections will be identified in the plan amendment that are not currently contained within the Tres Rios Resource Management Plan (RMP), and, therefore, not currently applied to any parcels currently under consideration for leasing. This could include protections related to indirect, disruptive effects from oil and gas activity conducted outside of GUSG occupied habitat.

⁶⁷ *Id.*

⁶⁸ *Id.* § 402.14(h)(3).

⁶⁹ 16 U.S.C. § 1536(b)(4); 50 C.F.R. § 402.14(i).

⁷⁰ *See* 16 U.S.C. § 1536(a)(2).

⁷¹ 50 C.F.R. § 402.14(d).

⁷² *Id.* § 402.14(g)(8).

⁷³ *See Ctr. for Biological Diversity v. BLM (“CBD”)*, 698 F.3d 1101, 1127-28 (9th Cir. 2012).

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We recommend that BLM consider requiring a Master Leasing Plan for parcels near GUSG occupied habitat to address noise, increased truck traffic, new access roads, and other associated human disturbance. We also recommended that BLM consider limiting surface disturbance to one well pad per section near habitat occupied by GUSG to minimize indirect impacts to the species (as is consistent with the rationale contained in Controlled Surface Use (CSU) stipulation 3.10.2). Colorado Parks and Wildlife's (CPW) June 8, 2016, comment letter to the BLM made similar comments during the scoping period for this lease sale. This is the recommended approach for the lease parcels located between GUSG CH subunits of the San Miguel population unless they are deferred or otherwise protected with a No Surface Occupancy (NSO) stipulation.

Our review of this proposed lease sale has highlighted the need to adequately address the potential indirect effects to GUSG from activities outside of their occupied habitat in the GUSG RMP Amendment.

FWS DNA Comments. Colorado Parks and Wildlife echoed this sentiment, commenting that:

High density development of lands adjacent to Dry Creek Basin SWA could have detrimental impacts to the SWA and what it provides in the way of GUSG habitat, big game migration corridors, and big game wintering areas. CPW recommends that parcels 7795 and 7797 be deferred until completion of the BLM's GUSG Range-wide RMP/EIS (see Attachment 1). In addition, we remain concerned about indirect disturbance to GUSG from drilling operations and the increased noise and disturbance associated with increased truck traffic on existing and potential new roads through GUSG habitat to access parcels 7795, 7797, 7798, 7799, 7801, 7802, and 7805. This issue is not addressed in the existing LRMP or through existing stipulations.

CPW DNA Comments. Further, San Miguel County filed comments critical of BLM's leasing decision as lacking adequate and necessary stipulations and contrary to sound wildlife management practices. BLM's disregard of these agencies concerns highlights the arbitrary and capricious nature of this leasing decision.

VI. BLM HAS FAILED TO COMPLY WITH THE FREEDOM OF INFORMATION ACT

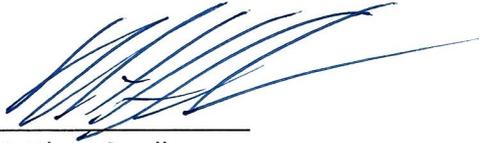
Rocky Mountain Wild submitted a FOIA request to the BLM on October 20, 2016. *FOIA request BLM-2017-00037/CO-17-001.* To date, BLM has not fully complied with this request. The intent of this request was to inform our Protest with the information and documents underlying this decision. The partial initial release contained some incomplete information that caused Protesters concern. For example, there was an automatic response email to an email sent by Ryan Joyner with the subject "Re: Tres Rios Feb 2017 Lease Sale Parcel 7797 GUSG Habitat Discovery." Mr. Joyner's original email was not contained in the FOIA response and information about "Lease Sale Parcel 7797 GUSG Habitat Discovery" is seemingly absent from the analysis. Until this information and other information currently withheld from protesters is disclosed, BLM should withdraw the protested parcels. Transparency is the lynchpin of our public administrative processes and proceeding with such a controversial decision while in violation of FOIA's statutory timelines is a critical error.

CONCLUSION

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For the reasons outlined in this protest, the BLM should withdraw the listed parcels from the February 2017 lease sale. Leasing these parcels with a lack of adequate NEPA analysis and non-compliance with the Endangered Species Act is arbitrary, capricious, and not in accordance with the law. BLM has the opportunity to come into compliance by granting this protest – otherwise further challenges to this agency decision may be warranted.

Sincerely,



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Attachment 1

| Parcel Serial Number | County | Value ID | Value Name | Area Name | Overlap Acres | Percent Overlap | Source |
|----------------------|------------|----------|--|-----------------------|---------------|-----------------|--------|
| COC78162 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4491 | Black Bear Fall Concentration CPW 2014 | | 540 | 59% | CPW |
| COC78162 | SAN MIGUEL | 18 | Ecoregion Portfolio TNC 2001 | DISAPPOINTMENT VALLEY | 223 | 24% | TNC |
| COC78162 | SAN MIGUEL | 4448 | Elk Winter Concentration Area 2013 (COGCC SWH) | | 116 | 13% | COGCC |
| COC78162 | SAN MIGUEL | 4531 | Elk Winter Concentration Area CPW 2014 | | 116 | 13% | CPW |
| COC78162 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4591 | Mule Deer Migration Corridors CPW 2014 | | 553 | 61% | CPW |
| COC78162 | SAN MIGUEL | 26 | Riparian Landcover GAP | | 62 | 7% | GAP |
| COC78162 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 10 | Colorado State Wildlife Areas CDOW 2010 | Dry Creek Basin SWA | 640 | 70% | CDOW |
| COC78162 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4494 | Black Bear Summer Concentration CPW 2014 | | 145 | 16% | CPW |
| COC78162 | SAN MIGUEL | 4498 | Bullsnake Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4511 | Common Sagebrush Lizard Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4596 | Mule Deer Summer Range CPW 2014 | | 874 | 96% | CPW |
| COC78162 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | 911 | 100% | CPW |
| COC78162 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | 151 | 17% | CPW |
| COC78162 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | 911 | 100% | CPW |

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| COC78162 | SAN MIGUEL | 4647 | Striped Whipsnake Overall Range CPW 2014 | | | 134 | 15% | CPW |
| COC78162 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | | 911 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4491 | Black Bear Fall Concentration CPW 2014 | | | 1,408 | 60% | CPW |
| COC78163 | SAN MIGUEL | 18 | Ecoregion Portfolio TNC 2001 | | DISAPPOINTMENT VALLEY | 1,296 | 56% | TNC |
| COC78163 | SAN MIGUEL | 4523 | Elk Migration Corridors CPW 2014 | | | 1,213 | 52% | CPW |
| COC78163 | SAN MIGUEL | 4524 | Elk Migration Patterns CPW 2014 | | | 29 | 1% | CPW |
| COC78163 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4550 | Gunnisons Prairie Dog Overall Range CPW 2014 | | | 612 | 26% | CPW |
| COC78163 | SAN MIGUEL | 4591 | Mule Deer Migration Corridors CPW 2014 | | | 2,223 | 95% | CPW |
| COC78163 | SAN MIGUEL | 4592 | Mule Deer Migration Patterns CPW 2014 | | | 29 | 1% | CPW |
| COC78163 | SAN MIGUEL | 26 | Riparian Landcover GAP | | | 333 | 14% | GAP |
| COC78163 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 10 | Colorado State Wildlife Areas CDOW 2010 | | Dry Creek Basin SWA | 1,387 | 60% | CDOW |
| COC78163 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4494 | Black Bear Summer Concentration CPW 2014 | | | 559 | 24% | CPW |
| COC78163 | SAN MIGUEL | 4498 | Bullsnake Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4511 | Common Sagebrush Lizard Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | | 2,324 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4530 | Elk Summer Range CPW 2014 | | | 204 | 9% | CPW |
| COC78163 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | | 2,117 | 91% | CPW |
| COC78163 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4596 | Mule Deer Summer Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | | 1,822 | 78% | CPW |
| COC78163 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau/Fende Lizard Overall Range CPW 2014 | | | 2,328 | 100% | CPW |

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| COC78163 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | | 834 | 36% | CPW |
| COC78163 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78163 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | | 2,328 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 18 | Ecoregion Portfolio TNC 2001 | | DISAPPOINTMENT VALLEY | 161 | 100% | TNC |
| COC78164 | SAN MIGUEL | 4528 | Elk Severe Winter Range CPW 2014 | | | 154 | 95% | CPW |
| COC78164 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4550 | Gunnisons Prairie Dog Overall Range CPW 2014 | | | 128 | 79% | CPW |
| COC78164 | SAN MIGUEL | 4443 | Mule Deer Critical Winter Range 2013 (COGCC SWH) | | | 7 | 4% | COGCC |
| COC78164 | SAN MIGUEL | 4591 | Mule Deer Migration Corridors CPW 2014 | | | 129 | 80% | CPW |
| COC78164 | SAN MIGUEL | 4595 | Mule Deer Severe Winter Range CPW 2014 | | | 7 | 4% | CPW |
| COC78164 | SAN MIGUEL | 4597 | Mule Deer Winter Concentration CPW 2014 | | | 7 | 4% | CPW |
| COC78164 | SAN MIGUEL | 26 | Riparian Landcover GAP | | | 25 | 15% | GAP |
| COC78164 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 10 | Colorado State Wildlife Areas CDOW 2010 | | Dry Creek Basin SWA | 161 | 100% | CDOW |
| COC78164 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4498 | Bullsnake Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4511 | Common Sagebrush Lizard Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | | 161 | 100% | CPW |

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| COC78164 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4647 | Striped Whipsnake Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78164 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | | 161 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 18 | Ecoregion Portfolio TNC 2001 | | DISAPPOINTMENT VALLEY | 551 | 100% | TNC |
| COC78167 | SAN MIGUEL | 4524 | Elk Migration Patterns CPW 2014 | | | 8 | 1% | CPW |
| COC78167 | SAN MIGUEL | 4528 | Elk Severe Winter Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4550 | Gunnisons Prairie Dog Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4443 | Mule Deer Critical Winter Range 2013 (COGCC SWH) | | | 551 | 100% | COGCC |
| COC78167 | SAN MIGUEL | 4591 | Mule Deer Migration Corridors CPW 2014 | | | 325 | 59% | CPW |
| COC78167 | SAN MIGUEL | 4592 | Mule Deer Migration Patterns CPW 2014 | | | 8 | 1% | CPW |
| COC78167 | SAN MIGUEL | 4595 | Mule Deer Severe Winter Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4597 | Mule Deer Winter Concentration CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 26 | Riparian Landcover GAP | | | 125 | 23% | GAP |
| COC78167 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 10 | Colorado State Wildlife Areas CDOW 2010 | | Dry Creek Basin SWA | 40 | 7% | CDOW |
| COC78167 | SAN MIGUEL | 4461 | Gunnison Sage-grouse Lek Sites 4 Mile Buffer 2013 (COGCC RSO first 0.6 mi only) | | | 55 | 10% | COGCC |
| COC78167 | SAN MIGUEL | 4445 | Gunnison Sage-grouse Production Areas 2013 (COGCC SWH) | | | 43 | 8% | COGCC |
| COC78167 | SAN MIGUEL | 4492 | Black Bear Human Conflict Area CPW 2014 | | | 4 | 1% | CPW |
| COC78167 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4498 | Bullsnake Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4511 | Common Sagebrush Lizard Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | | 551 | 100% | CPW |

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| COC78167 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4647 | Striped Whipsnake Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78167 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | | 551 | 100% | CPW |
| COC78168 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | | 918 | 100% | CPW |
| COC78168 | SAN MIGUEL | 18 | Ecoregion Portfolio TNC 2001 | DISAPPOINTMENT VALLEY | | 918 | 100% | TNC |
| COC78168 | SAN MIGUEL | 4523 | Elk Migration Corridors CPW 2014 | | | 280 | 30% | CPW |
| COC78168 | SAN MIGUEL | 4524 | Elk Migration Patterns CPW 2014 | | | 10 | 1% | CPW |
| COC78168 | SAN MIGUEL | 4528 | Elk Severe Winter Range CPW 2014 | | | 453 | 49% | CPW |
| COC78168 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | | 918 | 100% | CPW |
| COC78168 | SAN MIGUEL | 4550 | Gunnisons Prairie Dog Overall Range CPW 2014 | | | 918 | 100% | CPW |
| COC78168 | SAN MIGUEL | 4443 | Mule Deer Critical Winter Range 2013 (COGCC SWH) | | | 204 | 22% | COGCC |
| COC78168 | SAN MIGUEL | 4591 | Mule Deer Migration Corridors CPW 2014 | | | 918 | 100% | CPW |
| COC78168 | SAN MIGUEL | 4592 | Mule Deer Migration Patterns CPW 2014 | | | 10 | 1% | CPW |
| COC78168 | SAN MIGUEL | 4595 | Mule Deer Severe Winter Range CPW 2014 | | | 204 | 22% | CPW |
| COC78168 | SAN MIGUEL | 4597 | Mule Deer Winter Concentration CPW 2014 | | | 204 | 22% | CPW |
| COC78168 | SAN MIGUEL | 26 | Riparian Landcover GAP | | | 232 | 25% | GAP |
| COC78168 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | | 918 | 100% | CPW |
| COC78168 | SAN MIGUEL | 4676 | Citizens' Proposed BLM Areas of Critical Environmental Concern TRFO BLM 2015 | Dry Creek Basin | | 1 | 0% | BLM/USF |
| COC78168 | SAN MIGUEL | 10 | Colorado State Wildlife Areas CDOW 2010 | Dry Creek Basin SWA | | 334 | 36% | CDOW |
| COC78168 | SAN MIGUEL | 3923 | Gunnison Sage-Grouse Critical Habitat Occupied FWS 2014 | San Miguel Basin | | 1 | 0% | FWS |
| COC78168 | SAN MIGUEL | 4553 | Gunnison Sage-grouse Overall Range CPW 2014 | | | 1 | 0% | CPW |
| COC78168 | SAN MIGUEL | 1672 | Potential Conservation Areas L4 (External) Higher | | | | | |
| COC78168 | SAN MIGUEL | 4493 | Biodiversity Significance CNHP 2010 | San Miguel Basin | | 1 | 0% | CNHP |
| COC78168 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | | 918 | 100% | CPW |

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 U.S. DEPT. OF INTERIOR
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 OFFICE OF THE ASSISTANT DIRECTOR
 RESOURCE MANAGEMENT
 2215 NORTH MOUNTAIN AVENUE
 DENVER, CO 80202

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|----------|------------|------|---|-----------------------|-------|------|------|
| COC78169 | SAN MIGUEL | 10 | Colorado State Wildlife Areas CDOW 2010 | Dry Creek Basin SWA | 1 | 0% | CDOW |
| COC78169 | SAN MIGUEL | 3923 | Gunnison Sage-Grouse Critical Habitat Occupied FWS 2014 | San Miguel Basin | 1 | 0% | FWS |
| COC78169 | SAN MIGUEL | 4553 | Gunnison Sage-grouse Overall Range CPW 2014 | | 1 | 0% | CPW |
| COC78169 | SAN MIGUEL | 1672 | Potential Conservation Areas L4 (External) Higher Biodiversity Significance CNHP 2010 | San Miguel Basin | 1 | 0% | CNHP |
| COC78169 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4498 | Bullsnake Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4511 | Common Sagebrush Lizard Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4596 | Mule Deer Summer Range CPW 2014 | | 1,238 | 98% | CPW |
| COC78169 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | 1,051 | 83% | CPW |
| COC78169 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78169 | SAN MIGUEL | 4647 | Striped Whipsnake Overall Range CPW 2014 | | 1,089 | 86% | CPW |
| COC78169 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | 1,263 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4491 | Black Bear Fall Concentration CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 18 | Ecoregion Portfolio TNC 2001 | DISAPPOINTMENT VALLEY | 336 | 100% | TNC |
| COC78170 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 26 | Riparian Landcover GAP | | 21 | 6% | GAP |
| COC78170 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | 336 | 100% | CPW |

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 COLORADO STATE OFFICE
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 3000 N. GARDEN AVENUE
 DENVER, CO 80202

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COLORADO STATE OFFICE

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| COC78170 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4498 | Bullsnake Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4511 | Common Sagebrush Lizard Overall Range CPW 2014 | 2015 DEC 12 PM 1:45 | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4596 | Mule Deer Summer Range CPW 2014 | | 319 | 95% | CPW |
| COC78170 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | 18 | 5% | CPW |
| COC78170 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4647 | Striped Whipsnake Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78170 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | 336 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 855 | Elk Linkage Modeled SREP/CNE 2009 | | 379 | 18% | CNE |
| COC78171 | SAN MIGUEL | 4528 | Elk Severe Winter Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4550 | Gunnisons Prairie Dog Overall Range CPW 2014 | | 834 | 40% | CPW |
| COC78171 | SAN MIGUEL | 857 | Mule Deer Linkage Modeled SREP/CNE 2009 | | 2,085 | 100% | CNE |
| COC78171 | SAN MIGUEL | 4595 | Mule Deer Severe Winter Range CPW 2014 | | 397 | 19% | CPW |
| COC78171 | SAN MIGUEL | 4677 | Area of Critical Environmental Concern TRFO FEIS BLM 2012 | Gypsum Valley | 851 | 41% | BLM/USF |
| COC78171 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 2956 | Citizens' Proposed BLM Areas of Critical Environmental Concern Dolores Field Office CNE 2007 | Big Gypsum Valley PCA | 1,368 | 66% | CNE |

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| COC78171 | SAN MIGUEL | 1858 | Element Occurrence High Precision Cateye, Gypsum valley CNHP 2011 | Occurrence High Precision Cateye, Gypsum valley | 93 | 4% | CNHP |
| COC78171 | SAN MIGUEL | 1672 | Potential Conservation Areas L4 (External) Higher Biodiversity Significance CNHP 2010 | Big Gypsum Valley | 1,356 | 65% | CNHP |
| COC78171 | SAN MIGUEL | 4493 | Black Bear Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4498 | Bullsnake Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4511 | Common Sagebrush Lizard Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 2291 | Element Occurrence Low Precision Milkvetch, Wetherill's CNHP 2011 | Occurrence Low Precision Milkvetch, Wetherill's | 1,149 | 55% | CNHP |
| COC78171 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4602 | Ornate Tree Lizard Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4624 | Pronghorn Overall Range CPW 2014 | | 937 | 45% | CPW |
| COC78171 | SAN MIGUEL | 4625 | Pronghorn Perennial Water CPW 2014 | | 322 | 15% | CPW |
| COC78171 | SAN MIGUEL | 4626 | Pronghorn Resident Population Area CPW 2014 | | 204 | 10% | CPW |
| COC78171 | SAN MIGUEL | 4629 | Pronghorn Winter Range CPW 2014 | | 204 | 10% | CPW |
| COC78171 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4647 | Striped Whipsnake Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | 2,086 | 100% | CPW |
| COC78171 | SAN MIGUEL | 4653 | Tiger Whiptail Overall Range CPW 2014 | | 2,086 | 100% | CPW |

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| COC78172 | SAN MIGUEL | 4479 | BFT Bat Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 18 | Ecoregion Portfolio TNC 2001 | | DISAPPOINTMENT VALLEY | 299 | 17% | TNC |
| COC78172 | SAN MIGUEL | 4528 | Elk Severe Winter Range CPW 2014 | | | 1,463 | 81% | CPW |
| COC78172 | SAN MIGUEL | 4448 | Elk Winter Concentration Area 2013 (COGCC SWH) | | | 1,164 | 65% | COGCC |
| COC78172 | SAN MIGUEL | 4531 | Elk Winter Concentration Area CPW 2014 | | | 1,164 | 65% | CPW |
| COC78172 | SAN MIGUEL | 4552 | Gunnison Sage-grouse Hist Habitat CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4550 | Gunnisons Prairie Dog Overall Range CPW 2014 | | | 625 | 35% | CPW |
| COC78172 | SAN MIGUEL | 4443 | Mule Deer Critical Winter Range 2013 (COGCC SWH) | | | 1,164 | 65% | COGCC |
| COC78172 | SAN MIGUEL | 857 | Mule Deer Linkage Modeled SREP/CNE 2009 | | | 405 | 22% | CNE |
| COC78172 | SAN MIGUEL | 4595 | Mule Deer Severe Winter Range CPW 2014 | | | 1,762 | 98% | CPW |
| COC78172 | SAN MIGUEL | 4597 | Mule Deer Winter Concentration CPW 2014 | | | 1,164 | 65% | CPW |
| COC78172 | SAN MIGUEL | 26 | Riparian Landcover GAP | | | 200 | 11% | GAP |
| COC78172 | SAN MIGUEL | 4475 | Bald Eagle Winter Concentration CPW 2014 | | | 15 | 1% | CPW |
| COC78172 | SAN MIGUEL | 4476 | Bald Eagle Winter Forage CPW 2014 | | | 846 | 47% | CPW |
| COC78172 | SAN MIGUEL | 4477 | Bald Eagle Winter Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 2956 | Citizens' Proposed BLM Areas of Critical Environmental Concern Dolores Field Office CNE 2007 | | Disappointment Valley Northwest PCA | 1 | 0% | CNE |
| COC78172 | SAN MIGUEL | 4676 | Citizens' Proposed BLM Areas of Critical Environmental Concern TRFO BLM 2015 | | Disappointment Valley | 1 | 0% | BLM/USF |
| COC78172 | SAN MIGUEL | 831 | Gunnison Prairie-dog Colony Active CDOW | | | 623 | 35% | CDOW |
| COC78172 | SAN MIGUEL | 1672 | Potential Conservation Areas L4 (External) Higher | | Disappointment Valley Northwest | 0 | 0% | CNHP |
| COC78172 | SAN MIGUEL | 4493 | Biodiversity Significance CNHP 2010 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4498 | Black Bear Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4511 | Bullsnake Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4519 | Common Sagebrush Lizard Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4519 | Eastern Collared Lizard Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 2291 | Element Occurrence Low Precision Milkvetch, Wetherill's CNHP 2011 | | Occurrence Low Precision Milkvetch, Wetherill's | 504 | 28% | CNHP |
| COC78172 | SAN MIGUEL | 4525 | Elk Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4532 | Elk Winter Range CPW 2014 | | | 1,802 | 100% | CPW |

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| COC78172 | SAN MIGUEL | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4586 | Mountain Lion Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4593 | Mule Deer Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4598 | Mule Deer Winter Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4602 | Ornate Tree Lizard Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4615 | Plateau Striped Whiptail Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4617 | Prairie Rattlesnake And Western Rattlesnake Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4624 | Pronghorn Overall Range CPW 2014 | | | 640 | 36% | CPW |
| COC78172 | SAN MIGUEL | 4625 | Pronghorn Perennial Water CPW 2014 | | | 640 | 36% | CPW |
| COC78172 | SAN MIGUEL | 4626 | Pronghorn Resident Population Area CPW 2014 | | | 633 | 35% | CPW |
| COC78172 | SAN MIGUEL | 4629 | Pronghorn Winter Range CPW 2014 | | | 633 | 35% | CPW |
| COC78172 | SAN MIGUEL | 4644 | Smooth Greensnake Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4647 | Striped Whipsnake Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 4653 | Tiger Whiptail Overall Range CPW 2014 | | | 1,802 | 100% | CPW |
| COC78172 | SAN MIGUEL | 844 | Wildland Network Design High Use SREP | | | 276 | 15% | SREP |
| COC78173 | ARCHULETA | 4479 | BFT Bat Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4491 | Black Bear Fall Concentration CPW 2014 | | | 11 | 3% | CPW |
| COC78173 | ARCHULETA | 1543 | Colorado River Cutthroat Trout Watershed CDOW 2010 | | | 376 | 100% | CDOW |
| COC78173 | ARCHULETA | 18 | Ecoregion Portfolio TNC 2001 | | PAGOSA SPRINGS | 34 | 9% | TNC |
| COC78173 | ARCHULETA | 855 | Elk Linkage Modeled SREP/CNE 2009 | | | 59 | 16% | CNE |
| COC78173 | ARCHULETA | 4550 | Gunnisons Prairie Dog Overall Range CPW 2014 | | | 137 | 36% | CPW |
| COC78173 | ARCHULETA | 8 | Networks of Conservation Areas L3 (External) CNHP 2010 | | Pagosa Springs | 16 | 4% | CNHP |
| COC78173 | ARCHULETA | 4607 | Peregrine Potential Nesting CPW 2014 | | | 133 | 35% | CPW |
| COC78173 | ARCHULETA | 26 | Riparian Landcover GAP | | | 51 | 14% | GAP |
| COC78173 | ARCHULETA | 4636 | River Otter Overall Range CPW 2014 | | | 1 | 0% | CPW |
| COC78173 | ARCHULETA | 4475 | Bald Eagle Winter Concentration CPW 2014 | | | 102 | 27% | CPW |
| COC78173 | ARCHULETA | 4476 | Bald Eagle Winter Forage CPW 2014 | | | 376 | 100% | CPW |

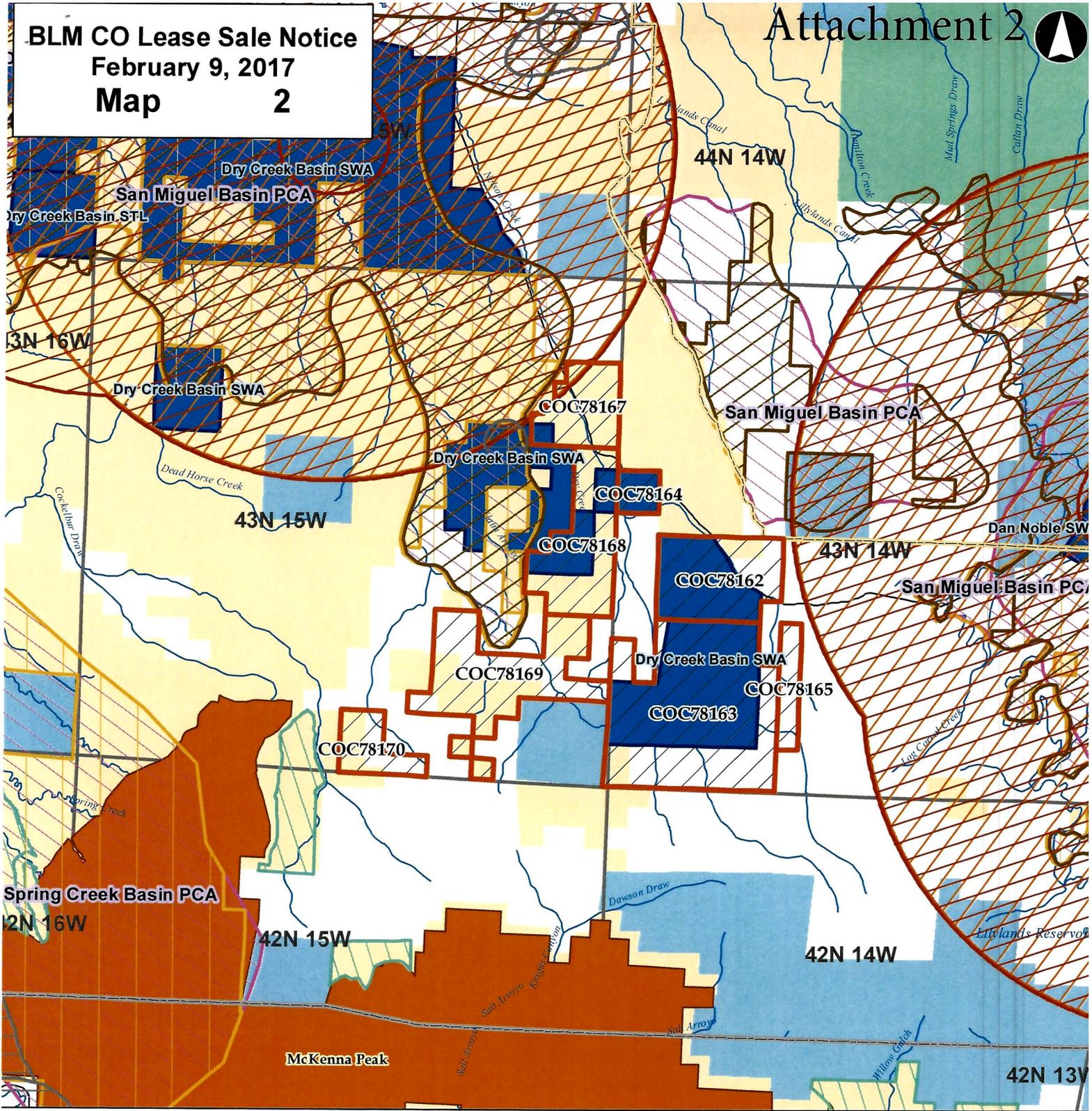
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 STATE OFFICE DENVER
 2016 DECEMBER 14 11:45 AM

| | | | | | | | | |
|----------|-----------|------|--|--|--|-----|------|-----|
| COC78173 | ARCHULETA | 4477 | Bald Eagle Winter Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4470 | Aberts Squirrel Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4493 | Black Bear Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4494 | Black Bear Summer Concentration CPW 2014 | | | 11 | 3% | CPW |
| COC78173 | ARCHULETA | 4498 | Bullsnake Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4525 | Elk Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4530 | Elk Summer Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4532 | Elk Winter Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4504 | Geese Production Area CPW 2014 | | | 48 | 13% | CPW |
| COC78173 | ARCHULETA | 4557 | Hernandezs Short Horned Lizard Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4586 | Mountain Lion Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4593 | Mule Deer Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4596 | Mule Deer Summer Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4598 | Mule Deer Winter Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4616 | Prairie Lizard And Plateau Fence Lizard Overall Range CPW 2014 | | | | | |
| COC78173 | ARCHULETA | 4644 | Smooth Greensnake Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4649 | Terrestrial Gartersnake Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4655 | Turkey Overall Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4659 | Turkey Winter Range CPW 2014 | | | 376 | 100% | CPW |
| COC78173 | ARCHULETA | 4660 | Variable Skink Overall Range CPW 2014 | | | 189 | 50% | CPW |

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BLM CO Lease Sale Notice
February 9, 2017
Map 2



Legend

-  CO Feb 2017 Parcels Sale Notice
-  BLM Field Office
-  Important Bald Eagle Area CPW 2013
-  Gunnison Sage-Grouse Lek Sites 0.6 mi buffer
-  Gunnison Sage-Grouse Lek Sites 4 mi buffer
-  Gunnison Sage-Grouse Critical Habitat FWS
-  Gunnison Sage-Grouse Production Areas
-  Rare Plant Occurrence CNHP
-  Citizens' Proposed ACEC

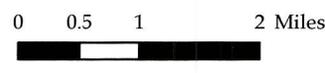
-  Potential BLM LWC
-  Colorado Natural Area
-  Potential Conservation Area CNHP 2013
-  BLM ACEC
-  Playa Lake
-  BLM Wilderness Study Area
-  Colorado State Wildlife Area
-  Colorado Roadless Rule Area
-  Wilderness
-  Township
-  Road

Land Ownership

-  Private
-  Federal (BOR, FWS, NPS)
-  USFS
-  BLM State
-  Local
-  NGO/Land Trust

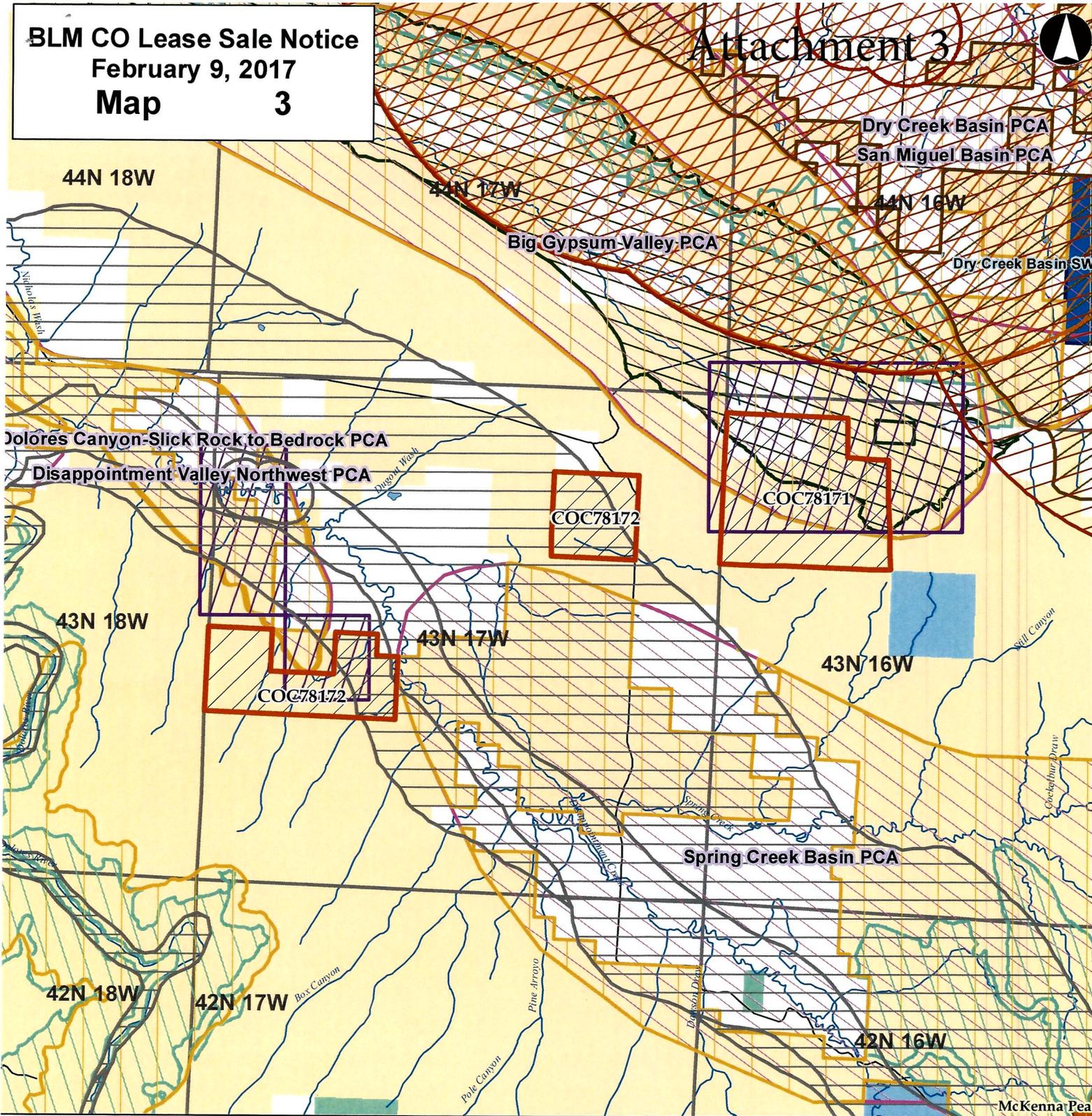


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 COLORADO STATE OFFICE DENVER
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 BUREAU OF LAND MANAGEMENT
 ROCKY MOUNTAIN WILD 11/23/16 16 145 v1



BLM CO Lease Sale Notice
February 9, 2017
Map 3

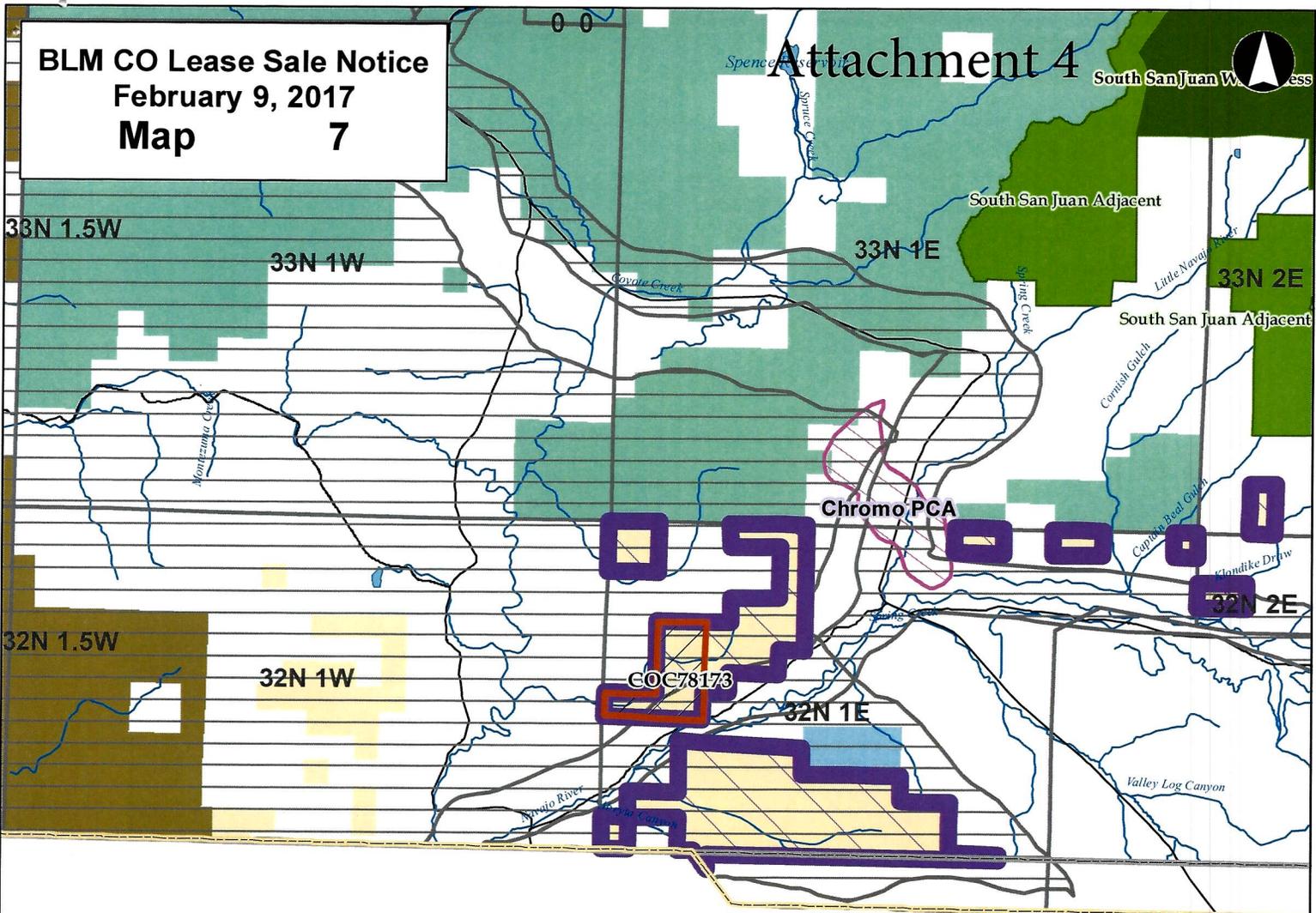
Attachment 3



| | | | |
|--|---------------------------------------|-------------------------|---|
| Legend | | Land Ownership | |
| CO Feb 2017 Parcels Sale Notice | Potential BLM LWC | Private | |
| BLM Field Office | Colorado Natural Area | Federal (BOR, FWS, NPS) | |
| Important Bald Eagle Area CPW 2013 | Potential Conservation Area CNHP 2013 | USFS | |
| Gunnison Sage-Grouse Lek Sites 0.6 mi buffer | BLM ACEC | BLM | |
| Gunnison Sage-Grouse Lek Sites 4 mi buffer | Playa Lake | State | |
| Gunnison Sage-Grouse Critical Habitat FWS 2013 | BLM Wilderness Study Area | Local | |
| Gunnison Sage-Grouse Production Areas | Colorado State Wildlife Area | NGO/Land Trust | Data Sources: BLM, CNHP COGCC, COMaP v9, CPW, Tobins, USFS Map Prepared By: Alison Gallensky Rocky Mountain Wild 11/23/16 16 145 v1 |
| Rare Plant Occurrence CNHP | Colorado Roadless Rule Area | | |
| Citizens' Proposed ACEC | Wilderness | | |
| | Township | | |
| | Road | | |

**BLM CO Lease Sale Notice
February 9, 2017
Map 7**

Attachment 4



U.S. DEPT. OF INTERIOR
 BUREAU OF LAND MGMT.
 COLORADO STATE OFFICE DENVER
 2016 DEC 12 PM 1:46

Legend

- CO Feb 2017 Parcels Sale Notice
- BLM Field Office
- Navajo River Nominated ACEC Boundary
- Important Bald Eagle Area CPW 2013
- Gunnison Sage-Grouse Lek Sites 0.6 mi buffer
- Gunnison Sage-Grouse Lek Sites 4 mi buffer
- Gunnison Sage-Grouse Critical Habitat FWS
- Gunnison Sage-Grouse Production Areas
- Rare Plant Occurrence CNHP
- Citizens' Proposed ACEC
- Potential BLM LWC
- Colorado Natural Area
- Potential Conservation Area CNHP 2013
- BLM ACEC
- Playa Lake
- BLM Wilderness Study Area
- Colorado State Wildlife Area
- Colorado Roadless Rule Area
- Wilderness
- Township
- Road

Land Ownership

- Private
- Federal (BOR, FWS, NPS)
- USFS
- BLM
- State
- Local
- NGO/Land Trust



Data Sources: BLM, CNHP COGCC, COMaP v9, CPW, Tobins, USFS
Map Prepared By: Alison Gallensky
 Rocky Mountain Wild, 12/9/16 16-145 NR ACEC v1

