



## COLORADO

### Parks and Wildlife

Department of Natural Resources

SE Region Office  
4255 Sinton Rd.  
Colorado Springs, CO 80907  
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April 6, 2018

Mr. Keith Berger, Field Manager  
BLM Royal Gorge Field Office  
3028 E. Main St.  
Canon City, CO 81212

**Re: BLM Environmental Assessment for the September 2018 Competitive Oil & Gas Lease Sale, DOI-BLM-CO-F020-2018-0003-EA**

Dear Mr. Berger:

Thank you for the opportunity to comment on the BLM's Environmental Assessment (EA) for the September 2018 quarterly lease sale. As described in our January 4, 2018 scoping comments (Attachment 1), Colorado Parks and Wildlife (CPW) identified overlap of the proposed parcels with habitat for lesser prairie-chicken, plains sharp tailed grouse, proximity to golden eagle nests, as well as other raptor concerns, intersection with Aquatic Habitat Recovery and Conservation Waters, big game winter range, and elk production areas. CPW appreciates the opportunity to coordinate with BLM Field Office staff early in the review process and to provide BLM with the best available information regarding protection of wildlife resources during oil and gas development.

CPW supports the preferred alternative detailed in the EA, DOI-BLM-CO-F020-2018-0003-EA. The preferred alternative of the EA addresses issues identified in CPW's scoping comments, including the recommendation for deferral of parcels located in Baca County that overlap with lesser prairie-chicken habitat. CPW appreciates BLM's consideration of this issue. CPW also is pleased to see that the preferred alternative includes lease stipulations for wildlife species on all of the lease parcels in this sale and includes stipulations specifically addressing CPW's scoping comments. Many tracts are located in COGCC Rule defined Sensitive Wildlife Habitat and/or Restricted Surface Occupancy Area, which requires the lessee to comply with Colorado Oil and Gas Conservation Commission rules to minimize adverse impacts to wildlife resources. Compliance also includes consultation with CPW in those areas prior to development. In Huerfano County, the 10 nominated parcels in this sale cover 18,403 acres that include big game production area and severe and critical winter habitat. CPW commented during scoping that a comprehensive planning process would help manage increased traffic, noise, and road and well pad density issues that could impact wildlife in these areas. The EA details potential impacts to terrestrial wildlife during the site specific



APD stage of development and CPW continues to recommend that a Master Development Plan or similar planning process be completed for these parcels prior to initiating new disturbance.

CPW does note that in some cases the BLM stipulations attached to these leases differ from CPW's recommended best management practices for oil and gas development as described in our January 2018 scoping comments and in the 2010 CDOW letter to the state BLM office. CPW also acknowledges that the differences in recommendations and stipulations between CPW and BLM are being examined as part of the ongoing BLM Eastern Colorado Resource Management Plan review process. For the parcels in this sale with raptor nest stipulations, CPW notes there are slight variances in timing stipulations and in some cases BLM recommended buffer distances for raptor nests are less than CPW standard recommendations. CPW has also identified the following disparities:

**Weld County: Parcel #8066: Plains Sharp-tailed Grouse Lek and Production Area**  
This State Endangered species is most sensitive at its leks (or breeding grounds). Parcel# 8066 is on the edge of a known lek (Restricted Surface Occupancy), and most of the remaining parcel is located within the Sensitive Wildlife Habitat for this lek and production area. CPW requested deferral of this parcel but, if leased, CPW recommended no human encroachment within 1.25 miles of the lek sites from March 1 to June 30. The proposed BLM lease stipulation (see Exhibit CO-02) contains a much smaller 0.25-mile year-long NSO buffer around lek sites and does not specify seasonal buffer distance around lek sites to protect production areas.

In addition CPW recommended: a) a surface density limitation of one pad per section; b) restriction of post-completion well site visitations to portions of the day between 9:00 a.m. and 4:00 p.m. during the breeding season (March 1 to June 30); c) locating compressors 1.25 miles or more from the lek; d) limiting noise so as not to exceed 49 db measured 30 ft. from source; and e) design tanks and other facilities with structures such that they do not provide perches or nest substrates for raptors, crows, and ravens.

**Weld County: Parcel # 8069: Aquatic Habitat Recovery and Conservation Waters**  
This lease parcel in Weld County does not include a stipulation addressing aquatic habitat and conservation waters (see Exhibit CO-28). To protect aquatic resources CPW currently recommends a minimum buffer of 300 feet extending from the outermost limit of the riparian vegetation zone and asks that BLM update the stipulations for this lease.

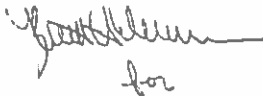
**Huerfano County: Parcel# 8080, 8081, 8082, 8083, 8086: Elk Production Area**  
CPW recommended two stipulations for these parcels located in Huerfano County: a) restrict surface use May 15 - June 30, and b) a surface density limit of one well pad per section or consider off-site mitigation. CPW appreciates that the BLM stipulations attached to these leases do include a timing restriction on surface use from April 15 - June 30 but note that the stipulations do not address limits on surface density.

Huerfano County: Parcel# 8090: Rocky Mountain Bighorn Sheep Winter Range  
CPW recommended deferral of this parcel located in Huerfano County but, if leased, requested two stipulations for this parcel: a) restrict surface use November 1 - April 15, and b) a surface density limit of one well pad per section or consider off-site mitigation. CPW appreciates that the BLM stipulations attached to these leases do include a timing restriction on surface use but note that the BLM stipulation has a time range that starts later than CPW recommends and does not address limits on surface density.

Weld County: Parcel# 8062, 8063, 8064, 8069: Mule Deer Critical Winter Range  
CPW recommended two stipulations for these parcels located in Weld County: a) restrict construction, drilling, and completions surface use from December 1 to April 15, and b) a surface density limit of one well pad per section or consider off-site mitigation. CPW appreciates that the BLM stipulations attached to these leases do include a timing restriction on surface use from December 1-April 30 but note that the stipulations do not address limits on surface density.

CPW thanks BLM for the opportunity to comment on the EA and appreciates the consideration of the previously submitted comments on parcels in the BLM's September 2018 quarterly lease sale. If you have any questions regarding this letter, please contact CPW's Southeast Region Energy Liaison Karen Voltura at 719-227-5232 or karen.voltura@state.co.us.

Sincerely,



Dan Prenzlou  
SE Regional Manager



Mark Leslie  
NE Regional Manager

cc: Bob Broscheid, Director  
Brett Ackerman, SE Deputy Regional Manager  
Tom Kroening, NE Deputy Regional Manager  
Karen Voltura, SE Region Energy Liaison  
Brandon Marette, NE Region Energy Liaison  
Aaron Richter, BLM (arichter@blm.gov)

## Attachment 1

Colorado Parks and Wildlife Scoping Comments  
dated January 4, 2018



# COLORADO

## Parks and Wildlife

Department of Natural Resources

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4255 Sinton Rd.  
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January 4, 2018

Mr. Keith Berger, Field Manager  
BLM Royal Gorge Field Office  
3028 E. Main St.  
Canon City, CO 81212

Re: CPW Review of September 2018 Oil and Gas Lease Sale Parcels

Dear Mr. Berger:

Thank you for the opportunity to provide scoping comments on the BLM September 2018 quarterly lease sale. Colorado Parks and Wildlife (CPW) appreciates the opportunity to coordinate with BLM Field Office staff early in the review process and to provide BLM with the best available information regarding protection of wildlife resources during oil and gas development.

CPW is pleased to see that BLM proposes lease stipulations for wildlife species on the lease parcels in this sale. Many tracts are located in COGCC Rule defined Sensitive Wildlife Habitat and/or Restricted Surface Occupancy Area, which requires the lessee to comply with Colorado Oil and Gas Conservation Commission rules to minimize adverse impacts to wildlife resources. Compliance also includes consultation with CPW in those areas prior to development. In addition, CPW offers the following recommendations for the lease parcels associated with the September 2018 quarterly lease sale. The tracts are referenced by their Parcel ID number.

### Aquatic Habitat Recovery and Conservation Waters

Aquatic habitat recovery and conservation waters are defined as reaches containing species under management for population conservation and recovery. These species may include fish such as the Arkansas darter, brassy minnow, common shiner, flathead chub, plains minnow, northern and southern redbelly dace, Iowa darter, plains orangethroat darter, suckermouth minnow, and plains topminnow as well as amphibian species such as the northern leopard frog and plains leopard frog; all of which are state-listed as species of special concern, threatened, or endangered. Furthermore, CPW discourages drilling both within the river channel and associated sandbars, as impacts to riparian and wetland vegetation could occur as the developer accesses this site, as does the increased potential for water contamination. Parcels 8076 and 8078 in Baca County are of significant concern as portions are directly on and cross the Cimmaron River. CPW recommends a minimum buffer of 300 ft extending from the outermost limit of the riparian vegetation zone within the affected parcels:

Weld County: Parcel # 8069

Baca County: Parcel # 8076, 8078



### Big Game Production and Winter Range

In assessing potential impacts to wildlife, CPW considers potential negative impacts on big game species through direct habitat loss and fragmentation but also considers the impacts from the displacement of big game during parturition and during winter and the functional habitat loss associated with increased human activity in these habitats. Portions of the proposed lease area are within elk calving areas. In addition, Mule deer, elk, bighorn sheep, and pronghorn use portions of proposed lease areas extensively in the fall and winter. Disturbance to big game in the winter can lead to poor body condition, shift distribution to suboptimal habitat types, can affect over winter survival of adults and/or result in a decrease in neo-natal survival rates (Ciuti et al., 2012). To balance the needs of development, recreational users, and wildlife, CPW supports land use planning that includes protecting areas of heavy winter use with minimal development, low intensity use, and seasonal closures where appropriate. CPW also recommends limiting the density of surface facilities to one well pad (or less) per section to maintain existing big game populations. This recommendation is consistent with the recommendations made by other state fish and game agencies in the Rocky Mountain Region (Hebblewhite 2008, Lutz et al. 2011, Sawyer et al. 2013). In Huerfano County, the 10 nominated parcels in this sale cover 18,403 acres that include big game production area and severe and critical winter habitat. A comprehensive planning process would help manage increased traffic, noise, and road and well pad density issues that could impact wildlife in these areas. CPW recommends a Master Development Plan be completed for these parcels prior to initiating new disturbance.

### Elk Production Areas

That part of the overall range of elk occupied by females from May 15 to June 15 for Calving. CPW recommends a timing limitation stipulation that restricts surface use from May 15-June 30, and a surface density limitation of one pad per section or consider off site mitigation. The following parcels are applicable:

Huerfano County: Parcel # 8080, 8081, 8082, 8083, 8086

### Elk Winter Concentration Areas

Elk winter concentration areas are those parts of their winter range where elk densities are at least 200% greater than the surrounding winter range density during the average five winters out of ten from the first heavy snowfall to spring green-up. CPW recommends a stipulation that restricts surface use from December 1 through April 15 and a surface density limit of one well pad per section or consider off-site mitigation in these affected parcels:

Huerfano County: Parcel # 8080, 8081, 8082, 8083, 8084, 8086, 8088, 8089, 8098

### Mule Deer Critical Winter Range

Mule deer critical winter ranges are considered of highest priority for protection from disturbance from development. Protection of these parts of mule deer winter range is considered critical to sustain mule deer populations across Colorado. CPW recommends two stipulations: a) restrict construction, drilling, and completions

surface use December 1 to April 15, and b) a surface density limit of one well pad per section or consider off-site mitigation. The following parcels are applicable:

Weld County: Parcel# 8062, 8063, 8064, 8069

#### Pronghorn Winter Concentration Area

Pronghorn winter concentration areas are defined where densities are at least 200% greater than the surrounding winter range density. To protect pronghorn in these areas west of I-25, CPW recommends a stipulation that restricts construction, drilling, and completions surface use from January 1 through March 31 in these applicable parcels:

Weld County: Parcel # 8063, 8064, 8068, 8069

Huerfano County: Parcel # 8081, 8085

#### Rocky Mountain Bighorn Sheep Winter Range

Rocky Mountain bighorn sheep winter range is that part of the overall range where 90% of the individuals are located during the average five winters out of ten from the first heavy snowfall to spring green-up. CPW recommends deferral of this parcel from leasing. If deferral of the nominated parcels is not granted, CPW recommends a no surface occupancy stipulation for all mapped Rocky Mountain bighorn sheep winter range. Where oil and gas activities must occur in bighorn sheep winter range, CPW recommends avoiding conducting these activities from November 1 through April 15. The following parcels apply:

Huerfano County: Parcel# 8090

#### Lesser Prairie-Chicken Focal Area, Corridor Area, Expected Occupied Range, and Expansion Area

On May 12, 2014, the U.S. Fish and Wildlife Service (the Service) listed the lesser prairie-chicken as a threatened species under the Endangered Species Act (the Act), severely restricting development in associated habitat. In September 2015, however, the U.S. District Court for the Western District of Texas vacated the listing decision for the lesser prairie-chicken. As a result of the court's order, the Service issued a direct final rule to formally remove the lesser prairie-chicken from the List of Endangered and Threatened Wildlife in July 2016. Although the lesser prairie-chicken is currently a non-listed species, on Nov 30, 2016, U.S. Fish and Wildlife Service announced a positive 90-day finding on a new petition to list the lesser prairie-chicken as endangered and initiated a 12-month status review to determine whether protection for the species under the ESA is warranted. The State of Colorado lists lesser prairie-chicken as a species of special concern under state law.

Given the unresolved federal status of the species and its state status as a species of special concern, CPW recommends deferral of parcels 8078 and 8079 located in Baca County from leasing as they contain high priority habitat, including lesser prairie-chicken focal areas, corridor areas, expected occupied range, and expansion areas. Parcel 8078 in Section 19 is within approximately 1.1 miles of an active lesser prairie-chicken lek. Parcel 8076 in Section 13, T34S, R42W and parcel 8078 in Section 18, T34S, R41W are within 2 miles of the same active lek. For parcel 8076 in Expected Occupied Range and Expansion Areas, if the BLM

chooses to lease these parcels, CPW recommends BLM and/or its lessees engage in voluntary conservation efforts that benefit the lesser prairie-chicken within its expected range. CPW recommends the lessee consult with the US Fish and Wildlife Service, or contact the Western Association of Fish and Wildlife Agencies (WAFWA) and enroll the parcels in the Lesser Prairie-Chicken Range-Wide Plan.

If any parcels in lesser prairie-chicken habitat must be leased, CPW recommends a stipulation with the following measures: a) no surface occupancy within 0.6 mile of any active or inactive (within past 5 years) lesser prairie-chicken leks; b) avoid oil and gas operations within 2.2 miles of active leks and within lesser prairie-chicken nesting and early brood-rearing habitat outside the 2.2 mile buffer; c) where oil and gas activities must occur within 2.2 miles of active leks, conduct these activities outside the period between March 15 and June 15; d) restrict well site visitations to portions of the day between 9:00 a.m. and 4:00 p.m. during the lekking season (March 15 to June 15); e) avoid surface facility density in excess of 10 well pads per 10-square mile area (one well pad per section) in lesser prairie-chicken nesting and early brood-rearing habitat (within 2.2 miles of active leks); f) locate compressor stations at least 2.2 miles away from lesser prairie-chicken active and historic (within last 5 years) lek sites, when compressor stations must be sited within 2.2 miles of lesser prairie-chicken active and historic (within last 10 years) lek sites, locate compressor stations farther than 0.6 mile (3200 feet) from lesser prairie-chicken lek sites; g) muffle or otherwise control exhaust noise from pump jacks and compressors so that operational noise will not exceed 49 dB measured at 30 feet from the source. The following parcels apply:

Focal Area: Baca County: Parcel # 8078

Corridor Area: Baca County: Parcel # 8079

Expected Occupied Range: Baca County: Parcel # 8076, 8078, 8079

Expansion Area: Baca County: Parcel # 8076, 8078

#### Plains Sharp-tailed Grouse Lek and Production Area

This State Endangered species is most sensitive at its leks (or breeding grounds). Leks and the surrounding production areas are important for this species to complete its breeding, nesting, and brood-rearing cycles. Parcel # 8066 is on the edge of a known lek (Restricted Surface Occupancy), and most of the remaining parcel is located within the Sensitive Wildlife Habitat for this lek and production area. CPW strongly recommends removing this parcel from leasing.

If this parcel must be leased, CPW recommends a stipulation with the following measures: a) a timing stipulation of no human encroachment within 1.25 miles of lek sites March 1 June 30; b) restriction of post-completion well site visitations to portions of the day between 9:00 a.m. and 4:00 p.m. during the breeding season (March 1 to June 30); c) a surface density limitation of one pad per section; d) locating compressors 1.25 miles or more from the lek; e) limiting noise so as not to exceed 49 db measured 30 ft. from source; and designating tanks and other facilities with structures such that they do not provide perches or nest substrates for raptors, crows, and ravens. The following parcel is applicable:

Weld County: Parcel # 8066 (Lek and Production Area)



### Gunnison's Prairie Dog Overall Range

The overall range is defined as an area that encompasses all known seasonal activity areas within the range of a population of prairie dogs. CPW recommends pre-construction surveys for active colonies and a timing stipulation to avoid direct disturbance to active colonies from March 1 through June 15. In addition, burrowing owl (a state threatened species) nest sites are closely associated with prairie dog colonies. If the development must occur within prairie dog colonies between February 1 and October 31, CPW recommends: a) presence/absence burrowing owl surveys be conducted prior to surface disturbance activities, b) if nesting burrowing owls are present, no human encroachment or surface disturbance should occur within 100 meters of nesting burrows from March 1 to August 15. Applicable to the following parcels:

Huerfano County: Parcels# 8080-8090

### Black-tailed Prairie Dog Colony

An area where a colony has become established and has been documented to be active within the past 10 years. If development in prairie dog towns occurs during the spring or summer months (Feb 1 to Oct 31), the presence/absence of burrowing owls (a state threatened bird) and whether they are actively nesting should first be determined. If nesting burrowing owls are present, no human encroachment or surface disturbance should occur within 100m of nesting burrows from March 1 to August 15. If burrowing owls merely occupy the site, it is recommended that earthmoving and other disturbance activities be delayed until late fall after they have migrated. The following parcels are applicable.

Weld County: Parcel# 8064, 8066, 8068, 8069

### Raptors

#### Ferruginous Hawk Active Nest Site

Ferruginous hawk is a species of state special concern and is sensitive to oil and gas development. CPW recommends a) pre-construction nest surveys, b) no surface occupancy within 0.5 miles of an active nest site, and c) no human encroachment within 0.5 miles of an active nest site from February 1-July 15. The following parcel is applicable:

Weld County: Parcel# 8062

#### Golden Eagle Active Nest Site

An active nest is defined as a specific location in which a pair of golden eagles have at least attempted to nest within the last five years. Any nest location that can be directly tied to courtship, breeding or brooding behavior is considered active. The Golden eagle is a state species of special concern and federally protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act. Golden eagles are sensitive to oil and gas development. CPW recommends a) pre-construction nest surveys, b) no surface occupancy within 0.25 miles of an active nest site year round, and c) no human encroachment within 0.5 miles of an active nest site from December 15-July 15. Applicable to the following parcels:

Weld County: Parcel# 8063

General Raptor Roost and Nest Site

In addition to the golden eagle and ferruginous hawk nests discussed above, numerous other raptor species are known to nest and roost on or within one mile of BLM parcels in the lease sale. Some of the known species that roost on or near this parcel include American kestrels, Cooper's hawks, golden eagles, great-horned owls, northern harriers, long-eared owls, osprey, screech owls, sharp-shinned hawks, and Swainson's hawks. Therefore, CPW recommends pre-construction nest surveys prior to initial site disturbance. For any active raptor nests observed, CPW recommends that the appropriate timing and buffer stipulations are followed, and that the Operator notify CPW of the exact active nest locations. Finally, CPW recommends no human encroachment of the roosting habitat (riparian area along both banks of the South Platte River) from November 15 to April 1. The following parcels are applicable:

Weld County: Parcel# 8062, 8063, 8068, 8069

CPW appreciates your consideration of these comments on the BLM's September 2018 quarterly lease sale. Thank you for the opportunity to comment on these parcels in the preliminary review process and prior to preparation of an Environmental Assessment and formal offering for lease. If you have any questions regarding this letter, please contact CPW's Southeast Region Energy Liaison Karen Voltura at 719-227-5232 or karen.voltura@state.co.us.

Sincerely,



Dan Prenzl  
SE Regional Manager



Mark Leslie  
NE Region Manager

cc: Bob Broscheid, Director  
Brett Ackerman, SE Deputy Regional Manager  
Tom Kroening, NE Deputy Regional Manager  
Karen Voltura, SE Region Energy Liaison  
Brandon Marette, NE Region Energy Liaison  
Aaron Richter, BLM (arichter@blm.gov)

## LITERATURE CITED

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