



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7210
www.co.blm.gov



In Reply Refer To:
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JUN 11 2014

CERTIFIED MAIL – Return Receipt Requested

DECISION

Rocky Mountain Wild
1536 Wynkoop, Suite 303
Denver, CO 80202

Trout Unlimited
1536 Wynkoop, Suite 100
Denver, CO 80202

WildEarth Guardians
319 South 6th Street
Laramie, WY 82070

June 12, 2014 Competitive Oil & Gas Lease Sale
Eleven Parcels Deferred; Protests to those Parcels Dismissed as Moot
Protest of COC76471, COC76474 and COC76476 Denied;
Parcels Will be Offered for Sale

On April 15, 2014, the Bureau of Land Management (BLM), Colorado State Office (CSO), timely received two protests to specific oil and gas lease sale parcels identified for offer in the June 12, 2014, competitive oil and gas lease sale (June 2014 Sale). The protests were filed by (1) Rocky Mountain Wild and Wild Earth Guardians and (2) Trout Unlimited, in response to the Notice of Competitive Oil and Gas Lease Sale for the June 2014 Sale which was posted by BLM CSO on March 14, 2014.

The BLM received nominations for the June 2014 Sale until June 19, 2013. The June 2014 Sale includes federal fluid mineral estate located in the BLM Colorado's Northwest District in the Kremmling (KFO) and White River (WRFO) field offices. After preliminary adjudication of the nominated parcels by the CSO, the parcels were reviewed by the field offices and district office, including interdisciplinary review, field visits to nominated parcels, review of conformance with the Resource Management Plan (RMP) decisions for each planning area, and preparation of Environmental Assessments (EA) documenting National Environmental Policy Act (NEPA) compliance.

The BLM prepared DOI-BLM-CO-N0200-2013-0033-EA (KFO) and DOI-BLM-CO-110-2013-0099-EA (WRFO) to consider 79 nominated parcels for the June 2014 Sale. During the BLM's

review of the parcels and conformance with the RMPs, the BLM coordinated with Colorado Parks and Wildlife (CPW), confirmed compliance with national and state BLM policies, and considered on-going efforts by the BLM in Colorado to review or amend RMPs for planning areas subject to this sale, including the BLM's planning efforts related to the management of greater sage-grouse habitat on public lands. The EAs were tiered to the Environmental Impact Statements (EISs) for the existing field office/resource area RMPs, in accordance with 40 CFR 1502.20.

The June 2014 Sale EAs, along with draft, unsigned Findings of No Significant Impact (FONSI)s, were released on November 27, 2013, for a 30-day public comment period, ending December 30, 2013. BLM considered and incorporated all substantive comments in the two EAs. The two EAs each considered three alternatives in detail, the "No Action", the "Proposed" and the "Preferred". The EAs also considered one alternative offering all the parcels available for leasing with a "No Surface Occupancy" stipulation, but eliminated it from detailed analysis.

The BLM has reviewed the protestors' arguments in their entirety. Many of the protested parcels (including all of those protested by Trout Unlimited) have been deferred; Rocky Mountain Wild and WildEarth Guardians arguments as to the remaining three parcels are summarized below in bold, with BLM's responses following.

ISSUES

Parcels with sage grouse Preliminary General Habitat and wintering range should be deferred pending completion of the RMP amendment/revision process, or have more protective stipulations. There is substantial new information in recent studies, leasing of the parcels in question will result in significant impacts to greater sage grouse, and an EIS is warranted.

Specific to the June 2014 Sale, the WRFO has deferred all priority habitat (16,590 acres) as well as another 4,277 acres of general habitat where the BLM's wildlife biologist determined that it was important habitat for greater sage grouse. All mapped priority and important general habitat (including added refinements) have been deferred pending decisions in the Northwest Colorado Sage-Grouse RMP Amendment. Site-specific reasoning for these recommendations is provided in the draft DOI-BLM-CO-110-2013-0099-EA (WRFO) at pages 52 and 53.

COC76476

Available portions of parcel COC76476 are represented by a northern and southern parcel. The southern segment is functionally disjunct from mapped General Habitat (i.e., 1.25 miles distant and separated by an intervening 700' high ridge). Development activity cannot be expected to elicit an adverse response under circumstances where auditory or visual cues, from a practical standpoint, cannot be detected by the birds.

The northern segment is composed of xeric salt-desert shrubland with sparse herbaceous understories. Low elevation Wyoming big sagebrush fragments encompassed by the 40 acre lease parcel total 2.4 acres in 5 widely separated patches in an expansive matrix of xeric salt-

desert rangeland. Regardless of mapping, these shrublands are considered unsuited for consistent support of greater sage-grouse and there are no historic or active leks known to be associated with these Preliminary General Habitats. Recent survey work by WRFO in the Shavetail Wash area revealed no recent evidence of occupation by greater sage-grouse. The most recent indications of occupation are a WRFO record in 1992 about 2 miles south and 250' higher in elevation than this parcel. Lease stipulations restricting future oil and gas development of this parcel adequately protect all resources.

COC76471

The BLM recognizes that development activity may influence the utility of adjacent general sage-grouse habitat. Timing limitation stipulation WR-TL-06, which protects greater sage-grouse nesting habitat, has been added to parcel COC76471 to limit disruptive development activity during the nest and early brood-rearing period on small inclusions of unmapped rangeland that are adjacent to mapped general habitat. The lands identified for application of this timing limitation stipulation are considered a mapping refinement of general habitat that is associated with an active lek. These lands are not identified by CPW as winter range. These lands, comprising 25 acres in 3 areas with an average width of 300 feet, are separated from mapped irrigated haylands by an all-weather road providing ranch headquarters access and abut sparsely wooded slopes exceeding 50% grade; they are therefore likely strongly avoided by greater sage-grouse. The BLM posted an addendum to the Notice of Competitive Oil and Gas Lease Sale on May 8, 2014, to add the timing limitation stipulation to the portions of the parcel that have the potential to serve as functional greater sage-grouse habitat.

The remaining portions of COC76471 are not mapped by CPW as greater sage-grouse habitat. Disruptive development activities that may occur in offered portions of this lease would be relegated to a narrow sagebrush draw (8 acres, 100 meter maximum width) whose mouth is wholly occupied by a private ranch headquarters or lands from 250 to 800 feet elevationally higher than mapped habitat and laterally separated from suitable basin bottomlands by unsuitable habitat conditions (i.e., extreme slopes or woodland habitat). Lease stipulations restricting future oil and gas development of this parcel are adequate to protect greater sage-grouse habitat and all other resources.

COC76474

Parcel COC76474 does not overlap, nor is adjacent to, any mapped greater sage-grouse habitat. Land capable of being developed on this lease (i.e., intervening slopes exceeding 50% grade) is 0.75 mile distant and 2,200 feet in elevation higher than the nearest mapped greater sage-grouse habitat. Lease stipulations restricting future oil and gas development of this parcel adequately protect all resources.

We have considered both the current Candidate species status of greater sage-grouse as well as the latest scientific research regarding the potential impacts of oil and gas development on sage-grouse in determining which parcels to recommend for sale or deferral (e.g., see EA Section 3.4.2.4). Leasing and potential future development of the parcels that the BLM has recommended for sale would not result in a significant impact to local or regional sage-grouse populations and thus do not warrant analysis under an EIS.

Site specific habitat mapping used for leasing analysis was recently developed by CPW and in this application, is superior to the region-wide mapping generated by the Wyoming Basins Ecoregional Assessment's predictive modelling exercise. With the exception of the northern 40 acre salt-desert segment of parcel COC76474, all of the protested parcels available for leasing lie outside the Wyoming Basin Ecoregional Assessment Study Area.


DECISION

At the discretion of the BLM Colorado State Director, eleven parcels were deferred from the June 2014 Sale until a future oil and gas lease sale (COC 76457, 76458, 76459, 76460, 76461, 76462, 76464, 76465, 76466, 76468, and 76469). BLM CSO posted an addendum to the Notice of Competitive Oil and Gas Lease Sale on May 8, 2014 notifying the public of the parcel deferrals. The protests to the sale of these parcels are dismissed as moot.

After careful review, it was determined that Parcel COC76471 will be offered at the June 2014 Sale with the addition of stipulation WR-TL-06 to protect sage grouse nesting habitat. Parcels COC76474 and COC76476 will be offered as described in the Notice of Competitive Oil and Gas Lease Sale for the June 2014 Sale. The protest to these three parcels is denied for the reasons described above.

Within 30 days of receipt of this decision, you have the right to appeal to the Board of Land Appeals, in accordance with the regulations at 43 CFR Part 4. If an appeal is taken, the procedures outlined in the enclosed Form CSO 1842-1, Information on Taking Appeals to the Board of Land Appeals, must be strictly followed. The form also includes instructions for filing a petition for stay of the decision, if desired. The appellant has the burden of showing that the Decision appealed from is in error.

If you have any questions regarding this response, contact Barbara Sterling, Natural Resource Specialist at (303)239-3642.

ACTING Sincerely,


Lonny R. Bagley
Deputy State Director
Division of Energy, Lands and Minerals

Enclosure

cc: Field Manager, Kremmling Field Office
Field Manager, White River Field Office
District Manager, Northwest District Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- 1. NOTICE OF APPEAL.....** A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
- 2. WHERE TO FILE**
- NOTICE OF APPEAL..... Bureau of Land Management, Colorado State Office
Division of Energy, Lands, and Minerals (CO-920)
2850 Youngfield Street, Lakewood, Colorado 80215
- WITH COPY TO SOLICITOR.. U.S. Department of the Interior, Regional Solicitor, Rocky Mountain Region
755 Parfet Street, Suite 151, Lakewood, Colorado 80215
- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR..... U.S. Department of the Interior, Regional Solicitor, Rocky Mountain Region
755 Parfet Street, Suite 151, Lakewood, Colorado 80215
- 4. ADVERSE PARTIES.....** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
- 5. PROOF OF SERVICE.....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
- 6. REQUEST FOR STAY.....** Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)