

# STATE OF COLORADO

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## OFFICE OF THE EXECUTIVE DIRECTOR

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June 9, 2011

Ms. Helen Hankins  
State Director, Colorado State Office  
Bureau of Land Management  
2850 Youngfield Street  
Lakewood, CO 80215

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Dear State Director Hankins,

As you know, the Department of Natural Resources (Department) is a cooperating agency with the BLM's Royal Gorge Field Office (RGFO) in its preparation of an Environmental Impact Statement (EIS) for the *Over the River* project. Because the release of the Final EIS for this project is imminent, I wanted to express my thanks to you for the opportunity to participate in its preparation. We have greatly appreciated working with the BLM, other state agencies, and local entities in identifying and addressing potential impacts from the *Over the River* project.

I also wanted to be sure you had the benefit of the history of our consideration of potential impacts to bighorn sheep from the project. From the inception of the EIS effort, staff from the Colorado Division of Wildlife (CDOW), along with staff from my office, has worked with your staff at the RGFO along with Christo and his representatives to evaluate potential impacts to bighorn sheep and to identify ways any such impacts might be addressed through avoidance, minimization, or mitigation measures.

This effort culminated in our submittal, on December 16, 2010, of a document prepared by the CDOW entitled "*Prospectus: Over the River Bighorn Sheep Mitigation & Assessment*" (*Prospectus*). The *Prospectus* contained the CDOW's recommendations concerning mitigation and monitoring programs for bighorn sheep with respect to the *Over the River* project. In short, CDOW recommended that BLM include timing stipulations on project construction and deconstruction to avoid and minimize impacts to sheep at critical (lambing and winter) periods, and that Christo provide funding to perform delineated initial habitat treatments and to provide water developments, which would be completed prior to construction in the most affected portion of the river canyon. In addition to this pre-emptive work, the CDOW recommended that Christo provide funding for continuous monitoring to quantify changes in sheep use and occupancy, if any, of habitats in the Arkansas River canyon in three monitoring sites, as well as an adaptive management approach for the possibility of additional mitigation if monitoring demonstrated that attempts to avoid and minimize impacts to sheep during the project were not successful. The CDOW updated the *Prospectus* in April 2011. Both of these documents are attached for your review.

We have estimated that the costs of initial habitat treatments, water developments, and monitoring reflected in the *Prospectus* would total approximately \$350,000. We have suggested that BLM require

Christo to provide funding in this amount, and that this payment be non-refundable and inclusive of all costs of carrying out the chosen monitoring and mitigation measures. In addition, we have suggested that Christo be required to set aside \$150,000 to cover the cost of further mitigation should impacts to sheep be documented during or after the project. This amount, or any remaining balance, would be refunded to Christo if it is not needed to address documented impacts.

The CDOW's process for developing the recommendations contained in the *Prospectus* was comprehensive and inclusive of many interests. The approach embodied in the *Prospectus* was based on the CDOW's review of relevant literature, its knowledge of the bighorn herds in and around the Arkansas River canyon, and its expertise in managing bighorn sheep. In addition, the CDOW discussed the approach with various stakeholders, including representatives from the Rocky Mountain Bighorn Society, Colorado Wild, and other groups, and input from these groups was incorporated into the *Prospectus*.

We hope that the fundamental elements of the CDOW's *Prospectus* -- pre-emptive habitat treatment, monitoring, and adaptive management -- will be incorporated in the Final EIS for *Over the River*. Should these measures be included in the Final EIS and ultimately carried out in a timely manner, we are confident that they will ensure that bighorn sheep of the Arkansas River canyon do not experience unacceptable impacts as a result of the project.

I hope this information is helpful. Again, I want to thank you and your staff for your outstanding and professional work on the *Over the River* project. Please do not hesitate to call if I can assist you in any way.

Sincerely,

A handwritten signature in black ink, appearing to read 'M.K.', with a small flourish at the end.

Mike King  
Executive Director