

Center for Native Ecosystems

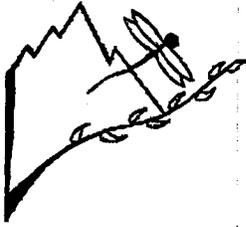
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FAX COVER SHEET

TO: Selma Sierra, Director, Utah BLM
RE: Protest
Fax Number: (801) 539-4237

OF PAGES (INCLUDING COVER SHEET): 50

UTAH STATE OFFICE
RECEIVED
ACCOUNTS UNIT
2009 MAR - 9 PM 3: 13
DEPT. OF INTERIOR
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Selma Sierra
Bureau of Land Management
Utah State Office
PO Box 45155
Salt Lake City, Utah 84145

March 9, 2009

BY FAX

Re: Protest of the Bureau of Land Management's Notice of Competitive Oil and Gas Lease Sale of Parcels with High Conservation Value

Dear Director Sierra:

I. Protested Parcels

In accordance with 43 C.F.R. §§ 4.450-2; 3120.1-3, Center for Native Ecosystems ("CNE") protests the March 24th, 2009 sale of the following parcels:

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II. Affected Resources

Oil and gas exploration and development authorized through the proposed leasing of the protested parcels is likely to have significant negative impacts on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, yellow-billed cuckoo and other special status species. Please see Exhibit 1 for a list of special status species that will be negatively impacted as a result of the proposed leasing of the protested parcels. Exhibit 1 lists the species that are likely to occur within the protested parcels, according to GIS data from BLM, Utah Division of Wildlife Resources, Utah Natural Heritage program and other sources. In many cases the protested parcels contain key habitat for these species, and there are one or more known occurrences of the species within the protested parcel. In some cases, the species no longer occurs within the protested parcel, but the parcel contains habitat which may be important to the recovery of the species. CNE will provide additional information on the records of occurrence of each species within each protested parcel (e.g. the date the species was last observed in the parcel etc.), and on the type and importance of habitat within the protested parcels upon request. The protested parcels contain significant acreage of greater sage-grouse crucial brooding use areas and crucial winter use areas. The protested parcels also contain significant acreage of Gunnison sage-grouse crucial brooding use areas and winter use areas. Utah Division of Wildlife Resources defines crucial value habitat as "...habitat on which the local population of a wildlife species depends for survival because there are no alternative ranges of habitats available. Crucial valued habitat is essential to the life history requirements of a wildlife species. Degradation or unavailability of crucial habitat will lead to significant declines in carrying capacity and/or numbers of wildlife species in question." Oil and gas development authorized by the leasing of the protested parcels in these crucial value habitats will result in significant impacts to greater sage-grouse and Gunnison sage-grouse populations. In addition, oil and gas exploration and development authorized through the proposed leasing of the protested parcels is also likely to have significant impacts on lands of high conservation value and the rare and imperiled species and other unique resources they support. Lands of high conservation value that may be significantly impacted by the proposed leasing include areas that CNE has nominated as white-tailed prairie dog Areas of Critical Environmental Concern. Parcels that are listed in Exhibit 1 as containing white-tailed prairie dog habitat in may be within areas that CNE nominated as white-tailed prairie dog Areas of Critical Environmental Concern as part of the RMP revision process. In addition, the proposed leasing will impact the Middle San Rafael Canyon Area of Critical Environmental Concern.

The issues raised in the statement of reasons apply to these species and areas of high conservation value.

III. Protesting Parties

Center for Native Ecosystems has a well-established history of participation in Bureau of Land Management ("BLM") planning and management activities, including participation in Utah BLM oil and gas leasing decisions and the planning processes for the various Utah BLM Field Offices. CNE's mission is to use the best available science to participate in policy and administrative processes, legal actions, and public outreach and education to protect and restore native plants and animals in the Greater Southern Rockies.

CNE's members visit, recreate on, and use lands on or near the parcels proposed for leasing. The staff and members of CNE 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. CNE's staff and members plan to return to the subject lands in the future to engage in these activities, and to observe and monitor rare 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 CNE are conducting research and advocacy to protect the populations and habitat of rare and imperiled species discussed herein. CNE's members and staff value the important role that areas of high conservation value, should play in safeguarding rare species and 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 adequate environmental analysis and appropriate safeguards to minimize negative impacts, is likely to result in significant, unnecessary and undue 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 those public lands and the rare and imperiled species they support. Therefore protestors have legally recognizable interests that will be affected and impacted by the proposed action.

Megan Mueller, CNE's staff biologist, like all other CNE employees, is authorized to file this protest on behalf of CNE.

IV. Statement of Reasons

For the reasons set forth below, the Bureau of Land Management should withdraw all of the protested parcels pending completion of an adequate National Environmental Policy Act ("NEPA") analysis of the environmental impacts of the proposed leasing. BLM should withdraw from the sale all protested parcels because there is credible evidence of resource conflicts and potentially significant environmental impacts which have not been properly analyzed. Oil and gas development authorized by the leasing of the protested parcels is likely to have significant impacts on several special status species, including American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus,

ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah phylla, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo. CNE and others have protested the Moab, Price, Vernal, and Monticello proposed Resource Management Plans and Final Environmental Impact Statements. These Resource Management Plans do not constitute adequate consideration of a range of alternatives for management of habitat for special status species, nominated Areas of Critical Environmental Concern and other sensitive resources, nor do they contain an adequate analysis of the potential impacts of oil and gas exploration and development over the next 15-20 years, on all of the aforementioned rare and imperiled species. The BLM's conclusions in their resolution of our protests are arbitrary and capricious. We hereby incorporate our protests of these RMPs by reference. In addition, the Richfield Final Resource Management Plan does not constitute adequate consideration of a range of alternatives for management of habitat for special status species, nominated Areas of Critical Environmental Concern and other sensitive resources, nor does this plan contain an adequate analysis of the potential impacts of oil and gas exploration and development over the next 15-20 years, on all of the aforementioned rare and imperiled species. We also incorporate by reference all of the information contained within any previous protests of Utah BLM oil and gas lease sales, or appeals to the Interior Board of Land Appeals, that are relevant to the protested parcels.

The BLM should withdraw the protested parcels pending completion of an adequate NEPA analysis of the impacts of the proposed leasing on special status species, nominated ACECs, and other sensitive resources. In addition, the BLM should suspend the protested leases until it has met its obligations under the Administrative Procedure Act, Endangered Species Act, and the Federal Land and Policy Management Act, and until it has met its obligations outlined in the BLM Manual with respect to special status species.

A. National Environmental Policy Act

1. BLM Has Not Taken the Required 'Hard Look' at the Environmental Effects of the Proposed Leasing

NEPA requires agencies to take a "hard look" at the environmental effects of major federal actions. The National Environmental Policy Act, 42 U.S.C. § 4332(C) (2008); *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n.21 (1976). The Supreme Court stated that "NEPA does not mandate particular results, but simply prescribes the necessary process." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350-51 (1989). "Federal agencies shall use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 C.F.R. §1500.2 (e). Agencies are required to consider alternatives to a proposed action and must not prejudice whether it will take a certain course of action prior to completing the NEPA process. 42 U.S.C. §

4332(C). The courts have made clear that the discussion of alternatives is "the heart" of the NEPA process. See 40 C.F.R. §1502.14.

The BLM has not taken the required "hard look" at the potential impacts of the proposed action on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo. The BLM has not considered an adequate range of alternatives to minimize impacts to these species, including a 'No Surface Occupancy' alternative, or alternatives with lease stipulations and notices that provide varying degrees of protection; in any of the documents to which the proposed leasing is tied.

None of the NEPA documents to which the proposed leasing is tied, take the required "hard look at the potential impacts of the proposed leasing of the protested parcels. The EA does not take a 'hard look' at the potential impacts of the proposed leasing on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

a. Significant New Information

None of the NEPA documents, to which the leasing is tied, adequately address the significant new information now available on the status of the American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo. An "agency must be alert to new information that may alter the results of its original environmental analysis, and continue to take a 'hard look at the environmental effect of [its] planned action, even after a proposal has received initial approval.'" *Friends of the*

Clearwater v. Dombeck, 222 F.3d 552, 557 (9th Cir. 2000), quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 374 (1989).

The BLM must supplement its existing environmental analyses when new circumstances 'raise[] significant new information relevant to environmental concerns[.]'" *Portland Audubon Soc'y v. Babbitt*, 998 F.2d 705, 708-09 (9th Cir. 2000). An agency "shall prepare supplements to either draft or final environmental impact statements if . . . there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 C.F.R. § 1502.9(c)(1)(ii). "If there remains 'major Federal actio[n]' to occur, and if the new information is sufficient to show that the remaining action will 'affec[t] the quality of the human environment' in a significant manner or to a significant extent not already considered, a supplemental Environmental Impact Statement ("EIS") must be prepared. *Marsh v. Oregon Natural Resources Council*, 109 S.Ct. 1851, 1859 (1989); see 42 U.S.C. § 4332(2)(C).

The BLM has been provided with significant new information relevant to the potential impacts of the proposed leasing on a number of the special status species at issue here, including, but not limited to: bald eagle, black-footed ferret, bluehead sucker, burrowing owl, Colorado pikeminnow, Colorado River cutthroat trout, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, pygmy rabbit, razorback sucker, roundtail chub, Utah prairie-dog, and white-tailed prairie-dog. Center for Native Ecosystems has provided BLM with significant new information on a number of these special status species, in each of our previous protests of BLM oil and gas lease sales, and in our comments submitted during the relevant Resource Management Plan revision processes, and in our recent appeals of BLM's decisions to implement several of the relevant revised Resource Management Plans. Though the BLM has completed new Resource Management Plans or Environmental Assessments, the BLM has still failed to adequately consider all of the significant new information that has been provided to them through our previous protests of oil and gas lease sales, our comments on Environmental Assessments and Resource Management Plans etc. For the most part, none of the significant new information provided in previous protests has been considered in any NEPA document that the proposed leasing is tiered to. We hereby incorporate the significant new information section in each of our past protests of UT BLM oil and gas lease sales by reference, as well as significant new information provided to BLM in our comments and protests throughout the RMP revision process, and provided to BLM as comments on oil and gas leasing environmental assessments. The BLM must address the significant new information on all of the aforementioned species, in order to comply with NEPA.

b. Inadequate Direct, Indirect, Cumulative Impacts Analysis

None of the NEPA documents, to which the leasing is tiered, adequately consider the potential direct, indirect, and cumulative effects of oil and gas drilling on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado

River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo, and their habitat. At bottom, "the agency's [Environmental Assessment] must give a realistic evaluation of the total impacts and cannot isolate a proposed project, viewing it in a vacuum." *Grand Canyon Trust v. F.A.A.*, 290 F.3d 339, 342 (D.C. Cir. 2002). "An environmental impact statement must analyze not only the direct impacts of a proposed action, but also the indirect and cumulative impacts." *Utahns for Better Transp. v. U.S. Dept. of Transp.*, 305 F.3d 1152, 1163 (10th Cir. 2002) citing *Custer County Action Ass'n v. Garvey*, 256 F.3d at 1024, 1035 (10th Cir. 2001) (internal quotation omitted); see also 40 C.F.R. § 1508.25(a)(2) (scope of EIS is influenced by cumulative actions and impact).

Cumulative impact is 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. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7.

For example, the NEPA documents to which the proposed leasing is tiered, do not provide adequate analysis of the potential direct and indirect effects of oil and gas exploration and development on the protested parcels on greater sage-grouse. In addition, the BLM has not adequately analyzed the potential cumulative impacts of oil and gas development, grazing, climate change, oil shale and tar sands development, geothermal development, alternative energy development, off-road vehicle use, and other activities on greater sage-grouse over the life of the Resource Management Plans. The BLM National Sage-Grouse Habitat Conservation Strategy (Nov. 2004) has failed, and BLM has contributed to significant declines in sage-grouse populations across the species' range, and has contributed to the need to list the species under the Endangered Species Act. On December 4, 2007, the Federal District Court for the District of Idaho reversed and remanded the U.S. Fish and Wildlife Service's ("FWS") decision not to list the sage grouse as "threatened" or "endangered" under the ESA. *Western Watersheds Project v. U.S. Forest Service*, 535 F. Sup. 2d 1173 (D. Idaho 2007). The court explained the perilous condition of the sage grouse and the impact suffered by its habitats to date. *Id.* at 1173. Further elaborating on the current state of grouse habitat, the court noted: "Nowhere is sage-grouse habitat described as stable. By all accounts, it is deteriorating, and that deterioration is caused by factors that are on the increase." *Id.* at 1186. The court specifically focused on the impact of oil and gas development on grouse habitat as identified by an independent expert team. *Id.* at 1179. The court noted "a singular lack of data on measures taken by the BLM to protect the sage-grouse from energy development, the single largest risk in the eastern region." *Id.* at 1188. The BLM has failed to adequately protect greater sage-grouse from significant declines on BLM lands across its range, in large part because it has systematically failed to adequately analyze the direct, indirect and cumulative impacts of oil and gas development, and a variety of other BLM authorized activities, on the greater sage-grouse. An emerging scientific consensus amongst sage-grouse experts suggests that, in order to avoid significant

continued declines of greater sage-grouse, BLM must: 1) set aside substantial areas of sage-grouse habitat as reserves free from oil and gas development, and 2) avoid development within breeding, summer and winter habitats, which are essential to the survival of populations, and 3) apply adequate mitigation measures as lease stipulations, to ensure against significant declines in response to energy development in areas outside of core reserves. In this instance the BLM is authorizing leasing of a significant amount of crucial and substantial greater sage-grouse brood areas, and a significant amount of crucial and substantial greater sage-grouse winter habitat. Experts recommend avoiding development within breeding and winter habitats, particularly crucial breeding and winter habitats that have been identified as key to the survival of populations. BLM is authorizing oil and gas development within these key habitats, with lease stipulations that are unlikely to prevent significant declines in greater sage-grouse populations in these areas. The best available science on the greater sage-grouse suggests that BLM's lease stipulations (including those attached to the leases at issue here, are inadequate to prevent significant declines of greater sage-grouse in response to large-scale oil and gas development. We have provided BLM with the scientific studies that substantiate the above claims several times, including in our protest of BLM's December 2008 oil and gas lease sale. We hereby incorporate any relevant information on greater sage-grouse that we have provided BLM on previous occasions. We also incorporate the United States Fish and Wildlife Service's comments on the December 2008 oil and gas lease sale by reference. BLM failed to conduct an adequate NEPA analysis of the proposed leasing. BLM's conclusion that sale of the leases at issue here, will not significantly impact the greater sage-grouse, is arbitrary and capricious.

Similarly, the BLM has not adequately consider the direct, indirect and cumulative impacts of oil and gas leasing and subsequent development on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluchead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo. The BLM must address the effects of direct, indirect, and cumulative impacts of oil and gas leasing on the all of these special status species, in a NEPA document in order to comply with NEPA.

2. Site-Specific NEPA Required at the Leasing Stage

"The appropriate time for considering the potential impacts of oil and gas exploration and development is when BLM proposes to lease public land for oil and gas purposes . . ." *Center for Native Ecosystems*, 170 IBLA 332, 345 (2006) (emphasis added); see *Southern Utah Wilderness Alliance (SUWA)*, 166 IBLA 270, 276-77 (2005). As the Tenth Circuit clarified, *Park County Resource Council v. United States Dept. of Agriculture* does not excuse BLM from its obligation to analyze consequences of a major

federal action prior to leasing. *Pennaco Energy Inc. v. United States Dept. of Interior*, 377 F.3d 1147, 1162 (10th Cir. 2004). *Park County* may allow the agency to forego preparation of an EIS if and when it has prepared an extensive environmental assessment covering the leases in question. This, however, is not the case. The BLM has not prepared adequate site-specific NEPA analysis for the leasing of any of the protested parcels.

The BLM has not conducted a detailed site specific NEPA analysis of the impacts of oil and gas development in and adjacent to each protested parcel, on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

a. Irreversible and Irretrievable Commitment of Resources

The appropriate time for preparing an EIS is prior to a decision "when the decision-maker retains a maximum range of options" prior to an action, which constitutes an "irreversible and irretrievable commitment of resources." *Mobile Oil Corp. v. F.T.C.*, 562 F.2d 170, 173 (2d Cir. 1977). Leasing without a No Surface Occupancy stipulation ("NSO") has on-the-ground consequences and is an "irreversible and irretrievable commitment of resources," which requires a NEPA document. *SUWA*, 166 IBLA 270, 276-77 (2005). The court in *Conner v. Burford* addressed oil and gas leasing in the Flathead and Gallatin National Forests. 848 F.2d 1441 (9th Cir. 1988). It held that leases with NSO stipulations did not require an EIS, whereas, leases without NSO stipulations did require an EIS. *Id.* at 1447-51. The Tenth Circuit stated that the critical stage for environmental analysis is the leasing stage, not the APD stage. *Pennaco Energy v. U.S. Dep't of the Interior*, 377 F.3d 1147, 1160 (10th Cir. 2004) ("In the fluid minerals program, this commitment occurs at the point of lease issuance.") Thus, the BLM must complete its NEPA analysis, in which it considers all stages of oil and gas production, at the leasing stage.

The BLM cannot adequately analyze the indirect and cumulative impacts of oil and gas development on the protested parcels on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog,

Western toad, white-tailed prairie-dog, and yellow-billed cuckoo, without conducting a site-specific Environmental Impact Statement at the leasing stage.

b. Resource Management Plans Do Not Constitute Consideration of the Adequate Range of Alternatives

None of the NEPA documents that the proposed leasing is tied to, consider an adequate range of alternatives to leasing the protested parcels. The NEPA documents that the proposed leasing is tied to, do not contain an adequate range of alternatives to explore the best ways to minimize impacts of the proposed leasing to special status species, including American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo. The purpose of NEPA's alternatives requirement is to ensure that agencies do not undertake projects "without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means." *Env't l Defense Fund, Inc. v. U.S. Army Corps of Eng'rs*, 492 F.2d 1123, 1135 (5th Cir. 1974); *see also Or. Env't l Council v. Kunzman*, 614 F.Supp. 657, 660 (D. Or. 1985) (stating that the alternatives that must be considered under NEPA are those that would 'avoid or minimize' adverse environmental effects). "Federal agencies shall use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 C.F.R. § 1500.2 (e). Alternatives should include reasonable alternatives to a proposed action that will accomplish the intended purpose, are technically and economically feasible, and yet have a lesser impact. *Headwaters, Inc. v. BLM*, 914 F.2d 1174, 1180-81 (9th Cir. 1990); *City of Aurora v. Hunt*, 749 F.2d 1457, 1466-67 (10th Cir. 1984).

Pennaco Energy, Inc. v. Department of the Interior, was a challenge to an IBLA ruling overturning the BLM's decision to lease certain oil and gas parcels. 377 F.3d 1147, 1150 (10th Cir. 2004) The IBLA found the NEPA requirements were not satisfied and remanded the case to the BLM after Pennaco successfully bid on three of the plots. *Id.* The district court reversed the IBLA, ruling for Pennaco. *Id.* The IBLA decision was appealed to the 10th Circuit. *Id.* The court stated that for proposed "major Federal actions significantly affecting the quality of the human environment," agencies must prepare an environmental impact statement (EIS) in which they consider the environmental impact of the proposed action and compare this impact with that of "alternatives to the proposed action." *Id.*; *see* 42 U.S.C. § 4332(2)(C). Further, "in order to provide 'a clear basis for choice among options by the decision maker and the public,' an agency's EIS must consider the "no action" alternative." *Id.*; 40 C.F.R. § 1502.14; *see id.* at (d) (EIS shall

"[i]nclude the alternative of no action"). *Pennaco*, 377 F.3d at 1150. The court found that because "the leasing decisions had already been made and the leases issued, the EIS did not consider reasonable alternatives available in a leasing decision, including whether specific parcels should be leased, appropriate lease stipulations, and NSO [no surface occupancy] and non-NSO areas." *Id.* at 1154. The court upheld the IBLA's determination that the BLM did not take the required "hard look" at the environmental impacts of coal bed methane in its existing NEPA documents. *Id.* at 1152, 1162.

BLM must consider a "reasonable range of alternatives," in a site specific NEPA analysis prior to leasing of each of the protested parcels.

For example, none of the RMPs to which the proposed leasing is tiered, consider setting aside large core reserves for greater sage-grouse that will remain free from oil and gas development for the life of the RMPs. Nor do any of the RMPs consider an alternative in which oil and gas development activities are prohibited within 3.3 miles of active leks and associated nesting areas, as recommended by Braun (2006) (provided to BLM as part of CNE's protest of UT BLM's December oil and gas lease sale. The best available science suggests that these alternatives may better protect greater sage-grouse in the face of oil and gas development, and that adoption of more protective alternatives may be necessary in order to ensure that BLM does not continue to contribute to the need to list the greater sage-grouse under the Endangered Species Act.

Similarly, BLM failed to consider a reasonable range of alternatives to leasing with the proposed lease stipulations in habitat for all of the following species: American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

c. DNA's Cannot Substitute for Site-specific NEPA Analysis

"DNAs, unlike EAs and [Findings of No Significant Impact], are not mentioned in [] NEPA or in the regulations implementing [] NEPA'. . . . Thus, DNAs are not themselves documents that may be tiered to NEPA documents, *but are used to determine the sufficiency of previously issued NEPA documents.*" *SUWA v. Norton*, 457 F. Supp. 2d 1253, 1262 (2006) (emphasis supplied); *Southern Utah Wilderness Alliance*, 164 IBLA at 123 (quoting *Pennaco*, 377 F.3d at 1162).

3. NEPA Requires Analysis of Effectiveness of Mitigation Measures, BLMs FONSI is Arbitrary and Capricious.

d. FONSI Must be Based on NEPA Analysis of Effectiveness Unless the Leases Have NSO Stipulations

When a proposed action will result in impacts to resources, the Agency is obligated to describe what mitigating efforts it could pursue to off-set the damages that would result from the proposed action. See 40 C.F.R. § 1502.16(h) (stating that an EIS "shall include discussions of . . . [m]eans to mitigate adverse environmental impacts"). "Mitigation must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated." *Carmel-the-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1154 (9th Cir 1997) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 353 (1989)).

Agencies must "analyze the mitigation measures in detail [and] explain how effective the measures would be . . . [a] mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA." *Northwest Indian Cemetery Protective Ass'n v. Peterson*, 764 F.2d 581, 588 (9th Cir. 1985), *rev'd on other grounds*, 485 U.S. 439 (1988). When an agency acknowledges that a proposed project will negatively impact a species, the agency must identify mitigation measures that decrease the negative impacts to the species in the area in question, provide and estimate of how effective the mitigation measures would be if adopted, or give a reasoned explanation as to why such an estimate is not possible. *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1381 (9th Cir. 1998). Further, the agency must make it clear that the mitigating measures in question will be adopted. *Id.*

In *Neighbors of Cuddy Mountain v. United States Forest Service* the court found that while the U.S. Forest Service ("USFS") had acknowledged that a proposed timber sale would negatively impact the redband trout by increasing sedimentation levels, the EIS prepared by the USFS did not identify which (or whether) mitigation measures might decrease sedimentation in the creeks affected by the sale. *Id.* Further, the court noted that "it is also not clear whether any mitigating measures would in fact be adopted. Nor has the Forest Service provided an estimate of how effective the mitigation measures would be if adopted, or given a reasoned explanation as to why such an estimate is not possible." *Id.* Further, the court found that "The Forest Service's broad generalizations and vague references to mitigation measures in relation to the streams affected by the Grand/Dukes project do not constitute detail as to mitigation measures that would be undertaken, and their effectiveness, that the Forest Service is required provide."

None of the NEPA documents that the proposed leasing is tiered to contain an analysis of the likely effectiveness of mitigation measures applied as lease stipulations, lease notices, or conditions of approval of APDs, in mitigating impacts to American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg,

pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo, to insignificance.

Merely listing mitigation measures, without analyzing the effectiveness of the measures, is contrary to NEPA. *Northwest Indian Cemetery Protective Ass'n v. Peterson*, 764 F.2d 581, 588 (9th Cir. 1985), *rev'd on other grounds*, 485 U.S. 439 (1988). The BLM must evaluate the effectiveness of the mitigation measures used in oil and gas leasing with the best available science. "The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. §1500.1(b). The BLM is required to use "best available science and supporting studies conducted in accordance with sound and objective scientific practices." Thus, if there is scientific uncertainty NEPA imposes the mandatory duties to (1) disclose the scientific uncertainty; (2) complete independent research and gather information if no adequate information exists unless costs are exorbitant or the means of obtaining the information are not known; and (3) evaluate the potential, reasonably foreseeable impacts in the absence of relevant information. See 40 C.F.R. §1502.22. The BLM has not met these obligations with respect to the mitigation measures applied to the protested parcels to protect American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo. In fact, in a number of instances (e.g. greater sage-grouse and Gunnison's sage-grouse), BLM continues to use mitigation measures that have been demonstrated to be completely ineffective at mitigating impacts of oil and gas development to insignificance, and has not disclosed this fact, or evaluated the potential impacts of the proposed leasing on the species in question, given this fact.

The BLM is "proceeding in the face of uncertainty," contrary to the NEPA regulations. *Save Our Ecosystems v. Clark*, 747 F.2d at 1244.

None of the NEPA documents to which the proposed leasing is tiered, include an adequate analysis of likely effectiveness of the mitigation measures applied as lease notices and stipulations to protect the special status species, ACECs and other sensitive resources that occur in the protested parcels.

For example, there is a broad scientific consensus that the lease stipulations applied to mitigate impacts to greater sage-grouse are ineffective, and will not prevent significant declines in greater sage-grouse populations in response to oil and gas development on the protested parcels. Several of the lease stipulations for greater sage-grouse consist of timing limitations that restrict surface disturbance during the breeding season in breeding habitat, and during winter in winter concentration areas. These

stipulations allow surface disturbance and construction of facilities associated oil and gas development activities to occur in this crucial breeding and winter habitat outside of the breeding season. The resulting loss and fragmentation of habitat may make these habitats unusable in the breeding and winter seasons, in the years following development activity that takes place in previous years outside of these seasons. These timing limitations are unlikely to protect the greater sage-grouse from significant declines in response to oil and gas development in crucial breeding and winter habitat. See the documents included in Appendix 1 of CNE's protest of BLM's December 2008 oil and gas lease sale, for details on the ineffectiveness of timing limitations at mitigating impacts of oil and gas development on greater sage-grouse to insignificance. The remaining lease notices and stipulations seek to prevent significant impacts to breeding habitats near active leks, are also likely to be ineffective at mitigating impacts to insignificance. One consists of a notice that encourages operators to avoid surface occupancy and construction of permanent facilities in breeding habitat near leks. This mitigation measure is vague, and it is unclear how likely it is that the measure will actually be implemented. The remaining lease stipulations require 1) prohibition of surface disturbance resulting in a permanent aboveground facility within ½ mile of a lek, and 2) prohibition of surface disturbance within ¼ mile of a lek, and no construction of permanent facilities within 2 miles when possible. WAFWA (See Attachment 1) reviewed available literature from 2003-2008 and identified the following persistence levels resulting from application of different "no surface occupancy" or "NSO" buffer sizes:

NSO Buffer Size	Lek Persistence	Lek Loss
0.25 mi.	4%	96%
0.5 mi.	5%	95%
1.0 mi.	10%	90%
2.0 mi.	28%	72%

Thus, the notices and stipulations outlined above are likely to result in a 95-96% loss of leks across the significant acreage of greater sage-grouse brood habitat that is proposed for leasing in this sale. None of the NEPA documents to which the proposed leasing is tiered, provide an adequate analysis of the effectiveness of the mitigation measures proposed to protect greater sage-grouse from significant impacts associated with oil and gas development, particularly given the scientific consensus that these mitigation measures are inadequate. The BLM's conclusion that these mitigation measures will mitigate impacts of the oil and gas development authorized by this lease sale on greater sage-grouse to insignificance, is arbitrary and capricious.

Similarly, the lease notices and stipulations attached to oil and gas leases in brooding and winter habitat for Gunnison sage-grouse are unlikely to mitigate impacts to this species to insignificance. None of the NEPA documents to which the proposed leasing is tiered provide an adequate analysis of the likely effectiveness of the following mitigation measures proposed to protect the Gunnison sage-grouse from the impacts of oil and gas development. The Gunnison sage-grouse is closely related to the greater sage-grouse, and is likely to experience a response to oil and gas development activities

that is similar to that of the greater sage-grouse. Thus, all of the critiques of the lease notices and stipulations applied to parcels occupied by greater sage-grouse, applies to the lease stipulations listed above.

Generally speaking, BLM's lease notices and stipulations may begin to minimize direct impacts, but are utterly incapable of preventing significant cumulative impacts to all of the special status species at issue here. In the case of nearly all of the rare and imperiled species at issue here, BLM proposes measures aimed at preventing direct impacts, but fails to address the impacts of habitat loss and fragmentation due to oil and gas development and other activities across the range of each species on BLM lands. None of BLM's lease stipulations and notices address the the indirect and cumulative impacts of oil and gas development on American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

Due to concern that increasing oil and gas development in the Vernal Field Office may result in contamination of critical habitat for the four endangered Colorado Fish Species, FWS suggested that BLM require contaminant monitoring at major drainage intersections upstream from and within critical habitat for these species, as part of the lease stipulation for oil and gas lease parcels proposed for sale upstream of critical habitat. BLM has failed to require the contaminant monitoring requested by FWS.

It is also doubtful that the mitigation measures proposed to mitigate impacts to white-tailed prairie dogs and black-footed ferrets will be effective.

Despite evidence that suggests mitigation measures may not mitigate impacts to insignificance, BLM provides little or no rationale for its assertion that assorted lease stipulations, notices and COAs will mitigate impacts to insignificance. The record is devoid of support for BLM's assertion that the lease stipulations and notices applied to the protested parcels, will mitigate impacts to special status species to insignificance.

e. **BLM Must Demonstrate That Mitigation Measures Will Actually Be Implemented**

NEPA requires that the "possibility of mitigation" should not be relied upon as a means to avoid further environmental analysis. *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*; see *Davis v. Mineta*, 302 F.3d 1104, 1125 (10th Cir. 2002). The Tenth Circuit found that the "Forty Questions" are "persuasive authority offering interpretive guidance" on NEPA. *Id.*

Many of the lease notices and stipulations applied to protect special status species at issue here (American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo) contain language that allows them to be waived, but the conditions under which they may be waived are not clearly spelled out in the lease stipulations, leaving the public with little certainty regarding whether and under what circumstances the mitigation measures will actually be implemented. For example, the mitigation measures for greater sage-grouse can be waived if "...the lessee/operator demonstrates that adverse impacts can be mitigated." This language is so general that it may allow notices and stipulations to be waived under a wide range of circumstances, making it unclear when exactly the mitigation measures will be required, and under what specific circumstances they might be waived. In addition, a number of the protested parcels do not contain any stipulations to protect one or more of the aforementioned special status species that occur on the parcel.

f. BLM Must Appropriately Deal With Expert Comments

The BLM does not address the current expert opinions in the NEPA documents on which it relies. Failure to disclose and thoroughly respond to differing scientific views violates NEPA. The agency is required to perform an environmental analysis that includes this information prior to approving any proposed action, in this case the lease sale. See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 334, 354 (1989) (EIS should reflect critical views of others to whom copies of the draft were provided and respond to opposing views); *Seattle Audubon Society v. Lyons*, 871 F.Supp. 1291, 1381 (W.D. Wash. 1994) (An EIS must "disclose scientific opinion in opposition to the proposed action, and make a good faith, reasoned response to it."). The BLM has not appropriately dealt with expert comments on the potential impacts of the proposed leasing and the inadequacy of mitigation measures proposed to protect special status species, including American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

We have provided BLM with information on the inadequacy of mitigation measures proposed for several of the species at issue here at numerous instances in the past, including information developed by experts on these species. BLM has failed to appropriately deal with expert comments on the impacts of oil and gas development on Gunnison sage-grouse, greater sage-grouse, white-tailed prairie dog, black-footed ferret, razorback sucker, Colorado pikeminnow, bonytail, humpback chub, and other special status species in the NEPA documents to which the proposed leasing is tied.

g. BLM Must Use Adequate Science

The BLM must use adequate science in their environmental analysis. The BLM must "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." 40 C.F.R. § 1502.24; 40 C.F.R. § 1500.1(b); *see also* The Data Quality Act; BLM Information Quality Guidelines, http://www.blm.gov/nhp/efoia/data_quality/guidelines.pdf.

The BLM is ignoring the best available science on the impacts of oil and gas development on special status species, and the adequacy of proposed mitigation measures, with respect to American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

B. Federal Land Policy and Management Act

1. Unnecessary and Undue Degradation

The BLM has a duty under the Federal Land Policy and Management Act ("FLPMA") to prevent unnecessary and undue degradation to the lands under its management. "In managing the public lands the [Secretary of Interior] shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. § 1732(b). "The court in *Mineral Policy Center v. Norton* [found] that in enacting FLPMA, Congress's intent was clear: Interior is to prevent, not only unnecessary degradation, but also degradation that, while necessary . . . is undue or excessive." *Mineral Policy Center v. Norton*, 292 F.Supp.2d 30, 43 (D.D.C. 2003).

Leasing the protested parcels will result in unnecessary and undue degradation to the following special status species and their habitats: American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse,

Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

2. Minimize Adverse Effects

The BLM must minimize the adverse effects on the American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah physa, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo, and any other special status species that occur in the protested parcels, in order to comply with FLPMA. "[T]he using department shall . . . minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved. 43 U.S.C. § 1732(d)(2)(a). "If there are significant environmental effects that cannot be mitigated, an EIS must be prepared even if there is no unnecessary or undue degradation of the public lands." *Kendall's Concerned Area Residents*, 129 IBLA 130, 138 (1994); 42 U.S.C. § 4332(2)(C) (1988). "If there is unnecessary or undue degradation, it must be mitigated." *Kendall's Concerned Area Residents*, at 138; see 43 CFR 3809.2-1(b). "If unnecessary or undue degradation cannot be prevented by mitigating measures, BLM is required to deny approval of the plan." *Kendall's Concerned Area Residents*, at 138; see 43 CFR § 3809.0-3(b); *Department of the Navy*, 108 IBLA 334, 336 (1989); see 43 U.S.C. § 1732(b) (1988); 43 CFR § 3809.0-5(k).

The BLM has failed to do so.

3. BLM Has Failed to Protect Sensitive Species as Required

We are aware that BLM recently completed a revision of Section 6840 of the BLM manual. This revision was illegal, and will likely be overturned by Congress and/or the Obama administration. Thus, BLM should implement the previous version of section 6840 of the BLM manual. The following paragraphs summarize BLM's requirements under the previous version of Section 6840 of the BLM manual.

Instruction Memorandum 97-118, issued by the national BLM office, governs BLM Special Status Species management and requires that actions authorized, funded, or carried out by BLM do not contribute to the need for any species to become listed as a candidate, or for any candidate species to become listed as threatened or endangered. It recognizes that early identification of BLM sensitive species is advised in efforts to

prevent species endangerment, and encourages state directors to collect information on species of concern to determine if BLM sensitive species designation and special management are needed.

If Sensitive Species are designated by a State Director, the protection provided by the policy for candidate species shall be used as the minimum level of protection. BLM Manual 6840.06. The policy for candidate species states that the "BLM shall carry out management, consistent with the principles of multiple use, for the conservation of candidate species and their habitats and shall ensure that actions authorized, funded, or carried out do not contribute to the need to list any of these species as threatened/endangered." BLM Manual 6840.06. Specifically, BLM shall:

- (1) Determine the distribution, abundance, reasons for the current status, and habitat needs for candidate species occurring on lands administered by BLM, and evaluate the significance of lands administered by BLM or actions in maintaining those species.
- (2) For those species where lands administered by BLM or actions have a significant affect on their status, manage the habitat to conserve the species by:
 - a. Including candidate species as priority species in land use plans.
 - b. Developing and implementing rangewide and/or site-specific management plans for candidate species that include specific habitat and population management objectives designed for recovery, as well as the management strategies necessary to meet those objectives.
 - c. Ensuring that BLM activities affecting the habitat of candidate species are carried out in a manner that is consistent with the objectives for those species.
 - d. Monitoring populations and habitats of candidate species to determine whether management objectives are being met.
- (3) Request any technical assistance from FWS/NMFS, and any other qualified source, on any planned action that may contribute to the need to list a candidate species as threatened/endangered.

BLM Manual 6840.06. Despite this clear guidance, there is little evidence that BLM is fulfilling these obligations. Specifically, BLM failed to: 1) conduct surveys and/or inventories necessary to determine the distribution and abundance of Sensitive Species; 2) failed to assess the reasons for the current status of Sensitive Species; 3) failed to evaluate the potential impacts of leasing and subsequent oil and gas activities on Sensitive Species; 4) develop conservation strategies for Sensitive Species and ensure that the activities in question are consistent with those strategies; 5) monitor populations and habitats of Sensitive Species; and 6) request appropriate technical assistance from all other qualified sources; for any of the sensitive species at issue here. This failure has compromised BLM's NEPA analyses of the likely impacts of oil and gas development authorized by the leasing of the protested parcels, on American white pelican, bald eagle, big-free-tailed bat, black-footed ferrret, bluehead sucker, bobolink, burrowing owl,

Bonneville cutthroat trout, Colorado pikeminnow, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, Maguire daisy, northern goshawk, Otter Creek pyrg, pygmy rabbit, razorback sucker, roundtail chub, Southern leatherside chub, Southwestern willow flycatcher, spotted bat, Townsend's big-eared bat, Utah phylla, Utah prairie-dog, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

a. BLM failed to adequately consider sensitive species in its NEPA documents to which the leasing is tiered

BLM Manual § 1622.1 refers to "Fish and Wildlife Habitat Management" and contains specific language requiring the BLM in the RMP process to, among other things:

- 1) Identify priority species and habitats . . .
- 2) [E]stablish objectives for habitat maintenance, improvement, and expansion for priority species and habitats. Express objectives in measurable terms that can be evaluated through monitoring.
- 3) Identify priority areas for HMPs [Habitat Management Plans] . . .
- 4) Establish priority habitat monitoring objectives . . .
- 5) Determine affirmative conservation measures to improve habitat conditions and resolve conflicts for listed, proposed, and candidate species.

BLM Manual § 1622.11(A)(1) – (A)(3). The RMPs and other NEPA documents to which this leasing is tiered do not meet these obligations, and BLM did not take appropriate steps to remedy these failings before initiating this lease sale.

As a result, oil and gas development authorized by the leasing of the protested parcels will contribute to the need to list the American white pelican, bald eagle, big-free-tailed bat, black-footed ferret, bluehead sucker, bobolink, burrowing owl, Colorado River cutthroat trout, Despain pincushion cactus, ferruginous hawk, flannelmouth sucker, greater sage-grouse, Gunnison sage-grouse, Gunnison's prairie-dog, humpback chub, kit fox, Lewis's woodpecker, long-billed curlew, northern goshawk, Otter Creek pyrg, pygmy rabbit, roundtail chub, Southern leatherside chub, spotted bat, Townsend's big-eared bat, Utah phylla, Western toad, white-tailed prairie-dog, and yellow-billed cuckoo.

4. BLM has failed to adequately consider ACEC nominations

This protest includes areas that have been nominated as Areas of Critical Environmental Concern ("ACEC"). CNE nominated several areas that may be included in this lease sale as ACECs to protect white-tailed prairie dog habitat. Protested parcels that contain white-tailed prairie dog habitat may be within areas that CNE nominated as ACECs. These areas were nominated as ACECs because of their relevance and importance as key habitat for white-tailed prairie dog, black-footed ferret and other

species associated with white-tailed prairie-dogs, and because of their value as recovery habitat for this species. Here we incorporate by reference CNE's white-tailed prairie dog ACEC nominations and all the references they contain. The BLM Manual is clear that Field Managers are required to determine whether nominated areas meet the relevance and significance criteria for ACEC designation and then decide whether interim management is necessary. The BLM did not respond to all of our ACEC nominations, and has not considered the impacts of oil and gas leasing and development on the resources for which these ACECs would be designated. We incorporate all of our comments on and protests of the relevant Resource Management Plans by reference. By not protecting this habitat, the BLM is contributing to the need to list the white-tailed prairie dog, black-footed ferret and other species associated with white-tailed prairie dogs, and is in violation of the BLM Manual.

NEPA regulations require that, while BLM is in the process of an EIS, such as during revision or amendment of a RMP, the agency must not take any action concerning a proposal that would "[l]imit the choice of reasonable alternatives." 40 C.F.R. § 1506.1. See also 40 C.F.R. § 1502.2(f) (while preparing environmental impact statements, federal agencies "shall not commit resources prejudicing selection of alternatives before making a final decision"). BLM has historically interpreted this NEPA regulation to require that proposed actions that could prejudice selection of any alternatives under consideration "should be postponed or denied" in order to comply with 40 C.F.R. § 1506.1, and the Land Use Planning Handbook previously contained this direction. Another section of this same regulation directs that while BLM is preparing a required EIS "and the [proposed] action is not covered by an existing program statement," then BLM must not take any actions that may "prejudice the ultimate decision on the program." 40 C.F.R. § 1506.1(c). The regulation continues that "[i]nterim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives." *Id.* (emphasis added).

Granting valid and existing rights in these parcels before ACEC designation is fully considered and management prescriptions are developed could both adversely impact the environment and limit the choice of reasonable alternatives for the management of these areas. These parcels should be withdrawn until the nominated ACECs are evaluated and management prescriptions are developed.

ACECs may be nominated even when plan revision is not in progress, and a preliminary evaluation should take place after receiving such a nomination. The District Manager may determine that either a plan amendment or temporary management is required.

If an area is identified for consideration as an ACEC and a planning effort is not underway or imminent, the District Manager or Area Manager must make a preliminary evaluation on a timely basis to determine if the relevance and importance criteria are met. If so, the District Manager must initiate either a plan amendment to further evaluate the potential

ACEC or provide temporary management until an evaluation is completed through resource management planning. Temporary management includes those reasonable measures necessary to protect human life and safety or significant resource values from degradation until the area is fully evaluated through the resource management planning process. BLM Manual 1613.21.E (emphasis added).

The public has an opportunity to submit nominations or recommendations for areas to be considered for ACEC designation. Such recommendations are actively solicited at the beginning of a planning effort. However, nominations may be made at any time and must receive a preliminary evaluation to determine if they meet the relevance and importance criteria, and, therefore, warrant further consideration in the planning process....BLM Manual 1613.41 (emphasis added).

The presence of oil and gas leases should have no bearing on whether an area meets the criteria for ACEC designation, but may prejudice the development of ACEC management prescriptions. BLM Manual 1613.22.A states:

Identify Factors Which Influence Management Prescriptions....These factors are important to the development of management prescriptions for potential ACEC's. Factors to consider include, but are not limited to, the following:....

8. Relationship to existing rights. What is the status of existing mining claims or pre-FLPMA leases? How will existing rights affect management of the resource or hazard?

CNE strongly believes that temporary management is required to preserve the values of these areas as potential ACECs. Instead of approving leasing of key wildlife habitat -- and opening the floodgates for a wave of new APDs on these sensitive lands, the BLM should focus on evaluating our ACEC nominations in a timely fashion and managing exploration and development under *existing* leases.

It simply makes no sense for the BLM to waste its opportunity to designate ACECs that could help conserve white-tailed prairie dogs, black-footed ferrets and other special status species. Not only is this poor judgment, it is also a violation of NEPA, FLPMA, and the BLM Manual.

BLM presently has the opportunity to plan for rational, environmentally sound development of energy resources in the nominated ACECs while protecting other uses of these lands—as required by law. Allowing leasing prior to ACEC evaluation and RMP revision will sacrifice this opportunity — without taking a hard look at the consequences. BLM and the public will have lost the chance to prevent the haphazard, poorly planned development that has characterized other federal lands in the Rockies. As an irretrievable commitment of resources, leasing will severely limit the range of management prescriptions.

Our protest of the Vernal Resource Management Plan was upheld on the grounds that BLM violated FLPMA and the BLM manual by failing to consider our ACEC nominations. BLM has stated that it will address our ACEC nominations in the next RMP revision process. However, in the meantime, BLM must not issue leases within these nominated ACECs, as this will limit the range of alternatives that can be considered for these areas in the next RMP revision.

C. Endangered Species Act

1. Consultation

Under the Endangered Species Act ("ESA"), the BLM must consult with FWS before offering parcels for lease because several species listed under the Endangered Species Act, including black-footed ferret, Bonneville cutthroat trout, Colorado pikeminnow, Maguire daisy, razorback sucker, Southwestern willow flycatcher, and Utah prairie-dog, may be jeopardized by oil and gas development authorized through leasing of the protested parcels.

The ESA consultation process is triggered when the surface agency is notified of the pending lease sale. *Connor v. Buford*, 848 F.2d 1441, 1452 (1988). In *Connor*, the BLM could not issue oil and gas leases until the Fish and Wildlife Service ("FWS") analyzed consequences of all stages of the leasing plan in the Biological Opinion ("BO"). *Id.* at 1455. ESA's consultation requirement is not met by "incremental steps" and by mere notification of the potential presence of endangered species. *Id.* at 1452-58; The court held that "agency action [for purposes of developing a biological opinion] . . . entails not only leasing but leasing and all post-leasing activities through production and abandonment." *Id.* at 1453. Contrary to the BLM position that relies upon the *Wyoming Outdoor Council v. Bosworth*, the Tenth Circuit stated that the critical stage for environmental analysis is the leasing stage, not the APD stage. *Pennaco Energy v. U.S. Dep't of the Interior*, 377 F.3d 1147, 1160 (10th Cir. 2004).

The FWS issued Biological Opinions for the recently released Resource Management Plans to which the leasing of the majority of the protested parcels is tiered. These BO's conclude that oil and gas development authorized under the Resource Management Plans will not jeopardize species listed under the Endangered Species Act. However, this conclusion is arbitrary and capricious. The BOs do not provide an adequate analysis of the indirect and cumulative impacts of oil and gas leasing on the survival and recovery of listed species, including black-footed ferret, Bonneville cutthroat trout, Colorado pikeminnow, Maguire daisy, razorback sucker, Southwestern willow flycatcher, and Utah prairie-dog. Such an analysis must include the cumulative impacts of oil and gas development that occurs not only on parcels occupied by listed species, but also on adjacent parcels. In addition, the BOs do not include an adequate analysis of the likely effectiveness of mitigation measures applied through lease stipulations and lease notices, at mitigating impacts such jeopardy to the survival or recovery of these species is avoided. In addition, the BO's largely rely on lease stipulations and notices that were developed as part of earlier consultation processes done at a time when the reasonable

forseeable oil and gas development in the region was expected to be much lower, and there was less information suggesting that oil and gas development might jeopardize listed species. The BO's did not adequately update the lease notices and stipulations in response to new circumstances and new information.

Finally, in addition to the programmatic consultation provided by the BOs, the BLM and FWS must conduct site-specific consultation at the leasing stage that considers not only direct impacts to species on lease parcels, but also indirect and cumulative impacts to listed species and their habitat both on lease parcels and on adjacent lands. The BLM and FWS must consider not only impacts to survival of the species, but also impacts to recovery. The BLM and FWS have failed to meet these requirements under the ESA with respect to black-footed ferret, Bonneville cutthroat trout, Colorado pikeminnow, Maguire daisy, razorback sucker, Southwestern willow flycatcher, and Utah prairie-dog.

D. BLM Has the Discretion Not to Lease

Under the statutory and regulatory provisions authorizing this lease sale, the BLM has full discretion whether or not to offer the lease parcels for sale. The Mineral Leasing Act ("MLA"), 30 U.S.C. § 226(a), provides that "[a]ll lands subject to disposition under this chapter which are known or believed to contain oil and gas deposits may be leased by the Secretary." (emphasis added). The Supreme Court has concluded that this "left the Secretary discretion to refuse to issue any lease at all on a given tract." *Udall v. Tallman*, 380 U.S. 1, 4 (1965); see also *Wyoming ex rel. Sullivan v. Lujan*, 969 F.2d 877 (10th Cir. 1992); *McDonald v. Clark*, 771 F.2d 460, 463 (10th Cir. 1985) ("While the [Mineral Leasing Act] gives the Secretary the authority to lease government lands under oil and gas leases, this power is discretionary rather than mandatory."); *Burglin v. Morton*, 527 F.2d 486, 488 (9th Cir. 1975).

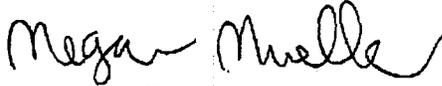
Submitting a leasing application vests no rights to the applicant or potential bidders. The BLM retains the authority not to lease. "The filing of an application which has been accepted does not give any right to lease, or generate a legal interest which reduces or restricts the discretion vested in the Secretary whether or not to issue leases for the lands involved." *Duesing v. Udall*, 350 F.2d 748, 750-51 (D.C. Cir. 1965), *cert. den.* 383 U.S. 912 (1966); see also *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1230 (9th Cir. 1988); *Pease v. Udall*, 332 F.2d 62 (9th Cir. 1964); *Geosearch, Inc. v. Andrus*, 508 F. Supp. 839 (D.C. Wyo. 1981).

The arguments laid out in detail above demonstrate that exercise of the discretion not to lease the protested parcels, is appropriate and necessary. Withdrawing the protested parcels from the lease sale until BLM has met its legal obligations to conduct an adequate NEPA analysis, and meet its legal obligations under the Administrative Procedure Act, Endangered Species Act, Federal Land and Policy Management Act, and the BLM Manual, is a proper exercise of BLM's discretion under the MLA. The BLM has no legal obligation to lease the disputed parcels and is required to withdraw them until the agencies have complied with applicable law.

V. CONCLUSION & REQUEST FOR RELIEF

CNE therefore requests that the BLM withdraw the protested parcels from the March Sale.

Sincerely,

A handwritten signature in cursive script that reads "Megan Mueller".

Megan Mueller
Staff Biologist
Center for Native Ecosystems

Exhibit 1

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
UT0309-002	002	4462	Richfield Field Office	American White Pelican
	002	4462	Richfield Field Office	Bald Eagle
	002	4462	Richfield Field Office	Kit Fox
	002	4462	Richfield Field Office	Southern Leatherside Chub
	003	4463	Richfield Field Office	Bald Eagle
	003	4463	Richfield Field Office	Bald Eagle
	003	4463	Richfield Field Office	Greater Sage-grouse
	003	4463	Richfield Field Office	Long-billed Curlew
	003	4463	Richfield Field Office	Northern Goshawk
	003	4463	Richfield Field Office	Otter Creek Pyrg
UT0309-003	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
	003	4463	Richfield Field Office	Pygmy Rabbit
UT0309-004	003	4463	Richfield Field Office	Utah Prairie-dog
	003	4463	Richfield Field Office	Utah Prairie-dog
	003	4463	Richfield Field Office	Western Toad
	004	4464	Richfield Field Office	Bald Eagle
	004	4464	Richfield Field Office	Greater Sage-grouse
	004	4464	Richfield Field Office	greater sage-grouse crucial brooding use areas
	004	4464	Richfield Field Office	Northern Goshawk
	004	4464	Richfield Field Office	Otter Creek Pyrg
	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Pygmy Rabbit
UT0309-005	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Pygmy Rabbit
	004	4464	Richfield Field Office	Utah Prairie-dog
	005	4465	Richfield Field Office	Bald Eagle
	005	4465	Richfield Field Office	Greater Sage-grouse
005	4465	Richfield Field Office	greater sage-grouse crucial brooding use areas	

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
	009	4469	Richfield Field Office	Southern Leatherside Chub
	009	4469	Richfield Field Office	Utah Physa
	039	4483	Richfield Field Office	American White Pelican
UT0309-039	039	4483	Richfield Field Office	Bald Eagle
	039	4483	Richfield Field Office	Ferruginous Hawk
	039	4483	Richfield Field Office	Greater Sage-grouse
	039	4483	Richfield Field Office	greater sage-grouse crucial brooding use areas
	039	4483	Richfield Field Office	Long-billed Curlew
	039	4483	Richfield Field Office	Northern Goshawk
	039	4483	Richfield Field Office	Otter Creek Pyrg
	039	4483	Richfield Field Office	Pygmy Rabbit
	039	4483	Richfield Field Office	Southwestern Willow Flycatcher
	039	4483	Richfield Field Office	Utah Prairie-dog
	039	4483	Richfield Field Office	Utah Prairie-dog
UT0309-040	040	4484	Richfield Field Office	American White Pelican
	040	4484	Richfield Field Office	Bald Eagle
	040	4484	Richfield Field Office	Ferruginous Hawk
	040	4484	Richfield Field Office	Greater Sage-grouse
	040	4484	Richfield Field Office	greater sage-grouse crucial brooding use areas
	040	4484	Richfield Field Office	Long-billed Curlew
	040	4484	Richfield Field Office	Northern Goshawk
	040	4484	Richfield Field Office	Otter Creek Pyrg
	040	4484	Richfield Field Office	Pygmy Rabbit
	040	4484	Richfield Field Office	Southwestern Willow Flycatcher
	040	4484	Richfield Field Office	Utah Prairie-dog
	040	4484	Richfield Field Office	Utah Prairie-dog
UT0309-041	041	4485	Richfield Field Office	American White Pelican
	041	4485	Richfield Field Office	Bald Eagle
	041	4485	Richfield Field Office	Ferruginous Hawk
	041	4485	Richfield Field Office	Greater Sage-grouse
	041	4485	Richfield Field Office	greater sage-grouse crucial brooding use areas
	041	4485	Richfield Field Office	Long-billed Curlew
	041	4485	Richfield Field Office	Northern Goshawk
	041	4485	Richfield Field Office	Otter Creek Pyrg
	041	4485	Richfield Field Office	Pygmy Rabbit
	041	4485	Richfield Field Office	Southwestern Willow Flycatcher

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
	041	4485	Richfield Field Office	Utah Prairie-dog
	041	4485	Richfield Field Office	Utah Prairie-dog
			Grand Staircase-Escalante	
UT0309-042	042	4487	National Monument	greater sage-grouse crucial brooding use areas
	042	4487	Grand Staircase-Escalante	Bald Eagle
	042	4487	Grand Staircase-Escalante	Burrowing Owl
	042	4487	National Monument	Greater Sage-grouse
	042	4487	Grand Staircase-Escalante	
	042	4487	National Monument	Utah Prairie-dog
	042	4487	Richfield Field Office	Bald Eagle
	042	4487	Richfield Field Office	Burrowing Owl
	042	4487	Richfield Field Office	Greater Sage-grouse
	042	4487	Richfield Field Office	greater sage-grouse crucial brooding use areas
	042	4487	Richfield Field Office	Utah Prairie-dog
UT0309-043	043	4488	Grand Staircase-Escalante	Bald Eagle
	043	4488	National Monument	greater sage-grouse crucial brooding use areas
	043	4488	Grand Staircase-Escalante	Burrowing Owl
	043	4488	National Monument	Greater Sage-grouse
	043	4488	Grand Staircase-Escalante	
	043	4488	National Monument	Utah Prairie-dog
	043	4488	Richfield Field Office	Bald Eagle
	043	4488	Richfield Field Office	Burrowing Owl
	043	4488	Richfield Field Office	Greater Sage-grouse
	043	4488	Richfield Field Office	greater sage-grouse crucial brooding use areas
	043	4488	Richfield Field Office	Utah Prairie-dog
	043	4488	Richfield Field Office	Utah Prairie-dog
UT0309-044	044	4489	Richfield Field Office	Bald Eagle

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
	044	4489	Richfield Field Office	Bobolink
	044	4489	Richfield Field Office	Colorado River Cutthroat Trout
	044	4489	Richfield Field Office	Colorado River Cutthroat Trout
	044	4489	Richfield Field Office	Ferruginous Hawk
	044	4489	Richfield Field Office	Greater Sage-grouse
	044	4489	Richfield Field Office	greater sage-grouse crucial brooding use areas
	044	4489	Richfield Field Office	greater sage-grouse crucial winter use areas
	044	4489	Richfield Field Office	Long-billed Curlew
	044	4489	Richfield Field Office	Pygmy Rabbit
	044	4489	Richfield Field Office	Pygmy Rabbit
	044	4489	Richfield Field Office	Southwestern Willow Flycatcher
	044	4489	Richfield Field Office	Utah Prairie-dog
	044	4489	Richfield Field Office	Western Toad
	045	4490	Richfield Field Office	Bald Eagle
UT0309-045	045	4490	Richfield Field Office	Bobolink
	045	4490	Richfield Field Office	Colorado River Cutthroat Trout
	045	4490	Richfield Field Office	Ferruginous Hawk
	045	4490	Richfield Field Office	Greater Sage-grouse
	045	4490	Richfield Field Office	greater sage-grouse crucial brooding use areas
	045	4490	Richfield Field Office	Long-billed Curlew
	045	4490	Richfield Field Office	Pygmy Rabbit
	045	4490	Richfield Field Office	Pygmy Rabbit
	045	4490	Richfield Field Office	Southwestern Willow Flycatcher
	045	4490	Richfield Field Office	Utah Prairie-dog
	045	4490	Richfield Field Office	Western Toad
UT0309-046	046	4491	Richfield Field Office	American White Pelican
	046	4491	Richfield Field Office	Bald Eagle
	046	4491	Richfield Field Office	Bald Eagle
	046	4491	Richfield Field Office	Bald Eagle
	046	4491	Richfield Field Office	Burrowing Owl
	046	4491	Richfield Field Office	Colorado River Cutthroat Trout
	046	4491	Richfield Field Office	Ferruginous Hawk
	046	4491	Richfield Field Office	Greater Sage-grouse
	046	4491	Richfield Field Office	greater sage-grouse crucial brooding use areas
	046	4491	Richfield Field Office	Long-billed Curlew
	046	4491	Richfield Field Office	Southwestern Willow Flycatcher

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	046	4491	Richfield Field Office	Utah Prairie-dog
	046	4491	Richfield Field Office	Western Toad
UT0309-051	051	4457	Price Field Office	Bald Eagle
	051	4457	Price Field Office	Bald Eagle
	051	4457	Price Field Office	Black-footed Ferret
	051	4457	Price Field Office	Bluehead Sucker
	051	4457	Price Field Office	Ferruginous Hawk
	051	4457	Price Field Office	Kit Fox
	051	4457	Price Field Office	prairie dog habitat
	051	4457	Price Field Office	Roundtail Chub
	051	4457	Price Field Office	White-tailed Prairie-dog
	051	4457	Price Field Office	White-tailed Prairie-dog
	051	4457	Price Field Office	White-tailed Prairie-dog
	051	4457	Price Field Office	Yellow-billed Cuckoo
UT0309-052	052	4458	Price Field Office	Bald Eagle
	052	4458	Price Field Office	Bluehead Sucker
	052	4458	Price Field Office	Despain Pincushion Cactus
	052	4458	Price Field Office	Ferruginous Hawk
	052	4458	Price Field Office	Flannelmouth Sucker
	052	4458	Price Field Office	Flannelmouth Sucker
	052	4458	Price Field Office	Roundtail Chub
	052	4458	Price Field Office	White-tailed Prairie-dog
	052	4458	Price Field Office	White-tailed Prairie-dog
	052	4458	Price Field Office	White-tailed Prairie-dog
	052	4458	Price Field Office	Yellow-billed Cuckoo
UT0309-053	053	4459	Price Field Office	Bald Eagle
	053	4459	Price Field Office	Bald Eagle
	053	4459	Price Field Office	Black-footed Ferret
	053	4459	Price Field Office	Bluehead Sucker
	053	4459	Price Field Office	Despain Pincushion Cactus
	053	4459	Price Field Office	Ferruginous Hawk
	053	4459	Price Field Office	Flannelmouth Sucker
	053	4459	Price Field Office	Flannelmouth Sucker
	053	4459	Price Field Office	Kit Fox
	053	4459	Price Field Office	prairie dog habitat
	053	4459	Price Field Office	Roundtail Chub

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
	053	4459	Price Field Office	Roundtail Chub
	053	4459	Price Field Office	White-tailed Prairie-dog
	053	4459	Price Field Office	White-tailed Prairie-dog
	053	4459	Price Field Office	White-tailed Prairie-dog
	053	4459	Price Field Office	White-tailed Prairie-dog
	053	4459	Price Field Office	White-tailed Prairie-dog
	053	4459	Price Field Office	White-tailed Prairie-dog
	053	4459	Price Field Office	Yellow-billed Cuckoo
UT0309-054	054	4460	Price Field Office	Bald Eagle
	054	4460	Price Field Office	Bald Eagle
	054	4460	Price Field Office	Black-footed Ferret
	054	4460	Price Field Office	Black-footed Ferret
	054	4460	Price Field Office	Bluehead Sucker
	054	4460	Price Field Office	Burrowing Owl
	054	4460	Price Field Office	Despain Pincushion Cactus
	054	4460	Price Field Office	Despain Pincushion Cactus
	054	4460	Price Field Office	Despain Pincushion Cactus
	054	4460	Price Field Office	Ferruginous Hawk
	054	4460	Price Field Office	Flannelmouth Sucker
	054	4460	Price Field Office	Flannelmouth Sucker
	054	4460	Price Field Office	Kit Fox
	054	4460	Price Field Office	prairie dog habitat
	054	4460	Price Field Office	Roundtail Chub
	054	4460	Price Field Office	White-tailed Prairie-dog
	054	4460	Price Field Office	White-tailed Prairie-dog
	054	4460	Price Field Office	White-tailed Prairie-dog
	054	4460	Price Field Office	White-tailed Prairie-dog
	054	4460	Price Field Office	White-tailed Prairie-dog
	054	4460	Price Field Office	Yellow-billed Cuckoo
UT0309-055	055	4461	Price Field Office	Bald Eagle
	055	4461	Price Field Office	Black-footed Ferret
	055	4461	Price Field Office	Black-footed Ferret
	055	4461	Price Field Office	Bluehead Sucker
	055	4461	Price Field Office	Burrowing Owl
	055	4461	Price Field Office	Burrowing Owl
	055	4461	Price Field Office	Despain Pincushion Cactus
	055	4461	Price Field Office	Despain Pincushion Cactus

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	055	4461	Price Field Office	Despain Pincushion Cactus
	055	4461	Price Field Office	Flannelmouth Sucker
	055	4461	Price Field Office	Flannelmouth Sucker
	055	4461	Price Field Office	Kit Fox
	055	4461	Price Field Office	prairie dog habitat
	055	4461	Price Field Office	Roundtail Chub
	055	4461	Price Field Office	White-tailed Prairie-dog
	055	4461	Price Field Office	White-tailed Prairie-dog
	055	4461	Price Field Office	White-tailed Prairie-dog
	055	4461	Price Field Office	White-tailed Prairie-dog
UT0309-056	056	4472	Price Field Office	Bald Eagle
	056	4472	Price Field Office	Black-footed Ferret
	056	4472	Price Field Office	Kit Fox
	056	4472	Price Field Office	White-tailed Prairie-dog
	056	4472	Price Field Office	White-tailed Prairie-dog
UT0309-057	057	4473	Price Field Office	Bald Eagle
	057	4473	Price Field Office	Black-footed Ferret
	057	4473	Price Field Office	Kit Fox
	057	4473	Price Field Office	prairie dog habitat
	057	4473	Price Field Office	White-tailed Prairie-dog
	057	4473	Price Field Office	White-tailed Prairie-dog
UT0309-058	058	4474	Price Field Office	Bald Eagle
	058	4474	Price Field Office	Black-footed Ferret
	058	4474	Price Field Office	Kit Fox
	058	4474	Price Field Office	prairie dog habitat
	058	4474	Price Field Office	White-tailed Prairie-dog
	058	4474	Price Field Office	White-tailed Prairie-dog
UT0309-059	059	4476	Price Field Office	Bald Eagle
	059	4476	Price Field Office	Black-footed Ferret
	059	4476	Price Field Office	Kit Fox
	059	4476	Price Field Office	prairie dog habitat
	059	4476	Price Field Office	White-tailed Prairie-dog
	059	4476	Price Field Office	White-tailed Prairie-dog
UT0309-060	060	4477	Price Field Office	Bald Eagle
	060	4477	Price Field Office	Black-footed Ferret
	060	4477	Price Field Office	Black-footed Ferret

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	060	4477	Price Field Office	Burrowing Owl
	060	4477	Price Field Office	Despain Pincushion Cactus
	060	4477	Price Field Office	Despain Pincushion Cactus
	060	4477	Price Field Office	Despain Pincushion Cactus
	060	4477	Price Field Office	Ferruginous Hawk
	060	4477	Price Field Office	Kit Fox
	060	4477	Price Field Office	Maguire Daisy
	060	4477	Price Field Office	Roundtail Chub
	060	4477	Price Field Office	White-tailed Prairie-dog
	060	4477	Price Field Office	White-tailed Prairie-dog
	061	4478	Price Field Office	Bald Eagle
UT0309-061	061	4478	Price Field Office	Black-footed Ferret
	061	4478	Price Field Office	Black-footed Ferret
	061	4478	Price Field Office	Burrowing Owl
	061	4478	Price Field Office	Despain Pincushion Cactus
	061	4478	Price Field Office	Despain Pincushion Cactus
	061	4478	Price Field Office	Ferruginous Hawk
	061	4478	Price Field Office	Kit Fox
	061	4478	Price Field Office	prairie dog habitat
	061	4478	Price Field Office	Roundtail Chub
	061	4478	Price Field Office	White-tailed Prairie-dog
	061	4478	Price Field Office	White-tailed Prairie-dog
UT0309-062	062	4480	Price Field Office	Bald Eagle
	062	4480	Price Field Office	Black-footed Ferret
	062	4480	Price Field Office	Black-footed Ferret
	062	4480	Price Field Office	Burrowing Owl
	062	4480	Price Field Office	Despain Pincushion Cactus
	062	4480	Price Field Office	Despain Pincushion Cactus
	062	4480	Price Field Office	Ferruginous Hawk
	062	4480	Price Field Office	Kit Fox
	062	4480	Price Field Office	prairie dog habitat
	062	4480	Price Field Office	Roundtail Chub
	062	4480	Price Field Office	White-tailed Prairie-dog
	062	4480	Price Field Office	White-tailed Prairie-dog
UT0309-063	063	4481	Price Field Office	Bald Eagle
	063	4481	Price Field Office	Black-footed Ferret

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
	063	4481	Price Field Office	Black-footed Ferret
	063	4481	Price Field Office	Burrowing Owl
	063	4481	Price Field Office	Despain Pincushion Cactus
	063	4481	Price Field Office	Despain Pincushion Cactus
	063	4481	Price Field Office	Despain Pincushion Cactus
	063	4481	Price Field Office	Ferruginous Hawk
	063	4481	Price Field Office	Kit Fox
	063	4481	Price Field Office	Maguire Daisy
	063	4481	Price Field Office	prairie dog habitat
	063	4481	Price Field Office	Roundtail Chub
	063	4481	Price Field Office	White-tailed Prairie-dog
	063	4481	Price Field Office	White-tailed Prairie-dog
UT0309-065	065	4492	Price Field Office	Black-footed Ferret
	065	4492	Price Field Office	Burrowing Owl
	065	4492	Price Field Office	Despain Pincushion Cactus
	065	4492	Price Field Office	Despain Pincushion Cactus
	065	4492	Price Field Office	Despain Pincushion Cactus
	065	4492	Price Field Office	Ferruginous Hawk
	065	4492	Price Field Office	Kit Fox
	065	4492	Price Field Office	Maguire Daisy
	065	4492	Price Field Office	prairie dog habitat
	065	4492	Price Field Office	Roundtail Chub
	065	4492	Price Field Office	White-tailed Prairie-dog
UT0309-066	066	4494	Price Field Office	Black-footed Ferret
	066	4494	Price Field Office	Burrowing Owl
	066	4494	Price Field Office	Despain Pincushion Cactus
	066	4494	Price Field Office	Despain Pincushion Cactus
	066	4494	Price Field Office	Ferruginous Hawk
	066	4494	Price Field Office	Kit Fox
	066	4494	Price Field Office	prairie dog habitat
	066	4494	Price Field Office	Roundtail Chub
	066	4494	Price Field Office	White-tailed Prairie-dog
UT0309-067	067	4495	Price Field Office	Black-footed Ferret
	067	4495	Price Field Office	Burrowing Owl
	067	4495	Price Field Office	Despain Pincushion Cactus
	067	4495	Price Field Office	Despain Pincushion Cactus

Exhibit 1

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
	067	4495	Price Field Office	Ferruginous Hawk
	067	4495	Price Field Office	Kit Fox
	067	4495	Price Field Office	prairie dog habitat
	067	4495	Price Field Office	Roundtail Chub
	067	4495	Price Field Office	White-tailed Prairie-dog
	068	4496	Price Field Office	Black-footed Ferret
UT0309-068	068	4496	Price Field Office	Burrowing Owl
	068	4496	Price Field Office	Despain Pincushion Cactus
	068	4496	Price Field Office	Despain Pincushion Cactus
	068	4496	Price Field Office	Ferruginous Hawk
	068	4496	Price Field Office	Kit Fox
	068	4496	Price Field Office	prairie dog habitat
	068	4496	Price Field Office	Roundtail Chub
	068	4496	Price Field Office	White-tailed Prairie-dog
UT0309-070	070	4498	Price Field Office	Black-footed Ferret
	070	4498	Price Field Office	Burrowing Owl
	070	4498	Price Field Office	Despain Pincushion Cactus
	070	4498	Price Field Office	Despain Pincushion Cactus
	070	4498	Price Field Office	Ferruginous Hawk
	070	4498	Price Field Office	Kit Fox
	070	4498	Price Field Office	prairie dog habitat
	070	4498	Price Field Office	Roundtail Chub
	070	4498	Price Field Office	White-tailed Prairie-dog
UT0309-077	077	4512	Price Field Office	Despain Pincushion Cactus
	077	4512	Price Field Office	Despain Pincushion Cactus
	077	4512	Price Field Office	Maguire Daisy
	077	4512	Price Field Office	White-tailed Prairie-dog
UT0309-078	078	4514	Price Field Office	Despain Pincushion Cactus
	078	4514	Price Field Office	Despain Pincushion Cactus
	078	4514	Price Field Office	Maguire Daisy
	078	4514	Price Field Office	White-tailed Prairie-dog
UT0309-079	079	4516	Price Field Office	Despain Pincushion Cactus
	079	4516	Price Field Office	Despain Pincushion Cactus
	079	4516	Price Field Office	Despain Pincushion Cactus
	079	4516	Price Field Office	Maguire Daisy
	079	4516	Price Field Office	White-tailed Prairie-dog

Exhibit 1

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperilled Species and/or Areas of High Conservation Value in Protested Parcel
UT0309-080	080	4520	Price Field Office	Despain Pincushion Cactus
	080	4520	Price Field Office	Despain Pincushion Cactus
	080	4520	Price Field Office	Maguire Daisy
	080	4520	Price Field Office	prairie dog habitat
	080	4520	Price Field Office	White-tailed Prairie-dog
UT0309-081	081	4521	Price Field Office	Despain Pincushion Cactus
	081	4521	Price Field Office	Despain Pincushion Cactus
	081	4521	Price Field Office	Maguire Daisy
	081	4521	Price Field Office	White-tailed Prairie-dog
	081	4521	Price Field Office	Despain Pincushion Cactus
UT0309-082	082	4522	Price Field Office	Despain Pincushion Cactus
	082	4522	Price Field Office	Maguire Daisy
	082	4522	Price Field Office	prairie dog habitat
	082	4522	Price Field Office	White-tailed Prairie-dog
	082	4522	Price Field Office	Despain Pincushion Cactus
UT0309-083	083	4523	Price Field Office	Despain Pincushion Cactus
	083	4523	Price Field Office	Despain Pincushion Cactus
	083	4523	Price Field Office	Maguire Daisy
	083	4523	Price Field Office	prairie dog habitat
	083	4523	Price Field Office	White-tailed Prairie-dog
	083	4523	Price Field Office	Despain Pincushion Cactus
UT0309-084	084	4524	Price Field Office	Despain Pincushion Cactus
	084	4524	Price Field Office	Maguire Daisy
	084	4524	Price Field Office	Middle San Rafael Canyon Area of Critical Environmental Concern
	084	4524	Price Field Office	prairie dog habitat
	084	4524	Price Field Office	White-tailed Prairie-dog
	084	4524	Price Field Office	Despain Pincushion Cactus
	084	4524	Price Field Office	Despain Pincushion Cactus
UT0309-087	087	4527	Price Field Office	Maguire Daisy
	087	4527	Price Field Office	Middle San Rafael Canyon Area of Critical Environmental Concern
	087	4527	Price Field Office	prairie dog habitat
	087	4527	Price Field Office	White-tailed Prairie-dog
	087	4527	Price Field Office	Burrowing Owl
	087	4527	Price Field Office	Ferruginous Hawk
	087	4527	Price Field Office	Kit Fox
	087	4527	Price Field Office	Northern Goshawk
	087	4527	Price Field Office	prairie dog habitat
	087	4527	Price Field Office	White-tailed Prairie-dog
	087	4527	Price Field Office	White-tailed Prairie-dog
	087	4527	Price Field Office	Ferruginous Hawk
	088	4538	Price Field Office	White-tailed Prairie-dog
UT0309-088	088	4538	Price Field Office	Despain Pincushion Cactus
UT0309-089	089	4562	Price Field Office	Despain Pincushion Cactus
	089	4562	Price Field Office	Despain Pincushion Cactus

Exhibit 1

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	089	4562	Price Field Office	Ferruginous Hawk
	089	4562	Price Field Office	Maguire Daisy
	089	4562	Price Field Office	White-tailed Prairie-dog
	089	4562	Price Field Office	White-tailed Prairie-dog
UT0309-091	091	4566	Price Field Office	Despain Pincushion Cactus
	091	4566	Price Field Office	Despain Pincushion Cactus
	091	4566	Price Field Office	Ferruginous Hawk
	091	4566	Price Field Office	Maguire Daisy
	091	4566	Price Field Office	White-tailed Prairie-dog
	091	4566	Price Field Office	White-tailed Prairie-dog
UT0309-092	092	4567	Price Field Office	Despain Pincushion Cactus
	092	4567	Price Field Office	Despain Pincushion Cactus
	092	4567	Price Field Office	Ferruginous Hawk
	092	4567	Price Field Office	Maguire Daisy
	092	4567	Price Field Office	White-tailed Prairie-dog
	092	4567	Price Field Office	White-tailed Prairie-dog
UT0309-093	093	4568	Price Field Office	Ferruginous Hawk
	093	4568	Price Field Office	White-tailed Prairie-dog
UT0309-094	094	4569	Price Field Office	Despain Pincushion Cactus
	094	4569	Price Field Office	Despain Pincushion Cactus
	094	4569	Price Field Office	Ferruginous Hawk
	094	4569	Price Field Office	Maguire Daisy
	094	4569	Price Field Office	White-tailed Prairie-dog
	094	4569	Price Field Office	White-tailed Prairie-dog
	094	4569	Price Field Office	White-tailed Prairie-dog
UT0309-112	112	0	Moab Field Office	Gray Wolf
	112	0	Moab Field Office	Greater Sage-grouse
	112	0	Moab Field Office	Gunnison's Prairie-dog
	112	0	Moab Field Office	Southwestern Willow Flycatcher
UT0309-120	120	0	Moab Field Office	Big Free-tailed Bat
	120	0	Moab Field Office	Greater Sage-grouse
	120	0	Moab Field Office	greater sage-grouse crucial brooding use areas
UT0309-121	121	0	Moab Field Office	Big Free-tailed Bat
	121	0	Moab Field Office	Greater Sage-grouse
	121	0	Moab Field Office	greater sage-grouse crucial brooding use areas
UT0309-123	123	0	Moab Field Office	Black-footed Ferret

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	123	0	Moab Field Office	Ferruginous Hawk
	123	0	Moab Field Office	prairie dog habitat
	123	0	Moab Field Office	White-tailed Prairie-dog
UT0309-124	124	0	Moab Field Office	Bald Eagle
	124	0	Moab Field Office	Black-footed Ferret
	124	0	Moab Field Office	Burrowing Owl
	124	0	Moab Field Office	Ferruginous Hawk
	124	0	Moab Field Office	Kit Fox
	124	0	Moab Field Office	prairie dog habitat
	124	0	Moab Field Office	White-tailed Prairie-dog
UT0309-126	126	0	Moab Field Office	Bald Eagle
	126	0	Moab Field Office	Black-footed Ferret
	126	0	Moab Field Office	Burrowing Owl
	126	0	Moab Field Office	Colorado Pikeminnow
	126	0	Moab Field Office	Ferruginous Hawk
	126	0	Moab Field Office	Kit Fox
	126	0	Moab Field Office	Kit Fox
	126	0	Moab Field Office	prairie dog habitat
	126	0	Moab Field Office	Razorback Sucker
	126	0	Moab Field Office	White-tailed Prairie-dog
UT0309-129	129	0	Moab Field Office	Bald Eagle
	129	0	Moab Field Office	Black-footed Ferret
	129	0	Moab Field Office	Greater Sage-grouse
	129	0	Moab Field Office	Gunnison Sage-grouse
	129	0	Moab Field Office	Gunnison's Prairie-dog
	129	0	Moab Field Office	Lewis's Woodpecker
	129	0	Moab Field Office	Southwestern Willow Flycatcher
	129	0	Moab Field Office	Southwestern Willow Flycatcher
UT0309-130	130	0	Moab Field Office	Bald Eagle
	130	0	Moab Field Office	Black-footed Ferret
	130	0	Moab Field Office	Greater Sage-grouse
	130	0	Moab Field Office	Gunnison Sage-grouse
	130	0	Moab Field Office	Gunnison sage-grouse crucial brooding use areas
	130	0	Moab Field Office	Gunnison sage-grouse crucial winter use areas
	130	0	Moab Field Office	Gunnison's Prairie-dog
	130	0	Moab Field Office	Lewis's Woodpecker

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	130	0	Moab Field Office	Southwestern Willow Flycatcher
	130	0	Moab Field Office	Southwestern Willow Flycatcher
UT0309-132	132	0	Moab Field Office	Bald Eagle
	132	0	Moab Field Office	Black-footed Ferret
	132	0	Moab Field Office	Greater Sage-grouse
	132	0	Moab Field Office	Gunnison Sage-grouse
	132	0	Moab Field Office	Gunnison sage-grouse crucial brooding use areas
	132	0	Moab Field Office	Gunnison sage-grouse crucial winter use areas
	132	0	Moab Field Office	Gunnison's Prairie-dog
	132	0	Moab Field Office	Lewis's Woodpecker
	132	0	Moab Field Office	Southwestern Willow Flycatcher
	132	0	Moab Field Office	Southwestern Willow Flycatcher
UT0309-134	134	0	Moab Field Office	Greater Sage-grouse
	134	0	Moab Field Office	Southwestern Willow Flycatcher
	134	0	Moab Field Office	Southwestern Willow Flycatcher
UT0309-137	137	0	Moab Field Office	Greater Sage-grouse
	137	0	Moab Field Office	Gunnison's Prairie-dog
	137	0	Moab Field Office	Southwestern Willow Flycatcher
	137	0	Moab Field Office	Southwestern Willow Flycatcher
UT0309-139	139	0	Moab Field Office	Black-footed Ferret
	139	0	Moab Field Office	Greater Sage-grouse
	139	0	Moab Field Office	Gunnison Sage-grouse
	139	0	Moab Field Office	Gunnison's Prairie-dog
	139	0	Moab Field Office	Lewis's Woodpecker
	139	0	Moab Field Office	Southwestern Willow Flycatcher
	139	0	Monticello Field Office	Greater Sage-grouse
	139	0	Monticello Field Office	Gunnison's Prairie-dog
	139	0	Monticello Field Office	prairie dog habitat
UT0309-140	139	0	Monticello Field Office	Southwestern Willow Flycatcher
	140	0	Moab Field Office	Greater Sage-grouse
	140	0	Moab Field Office	Gunnison's Prairie-dog
	140	0	Moab Field Office	prairie dog habitat
	140	0	Moab Field Office	Southwestern Willow Flycatcher
	140	0	Monticello Field Office	Black-footed Ferret
	140	0	Monticello Field Office	Greater Sage-grouse
	140	0	Monticello Field Office	Gunnison's Prairie-dog

Profested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Profested Parcel
	140	0	Monticello Field Office	prairie dog habitat
	140	0	Monticello Field Office	Southwestern Willow Flycatcher
UT0309-141	141	4627	Monticello Field Office	Black-footed Ferret
	141	4627	Monticello Field Office	Long-billed Curlew
UT0309-142	142	4628	Monticello Field Office	Black-footed Ferret
	142	4628	Monticello Field Office	Black-footed Ferret
	142	4628	Monticello Field Office	Greater Sage-grouse
	142	4628	Monticello Field Office	Gunnison Sage-grouse
	142	4628	Monticello Field Office	Gunnison's Prairie-dog
	142	4628	Monticello Field Office	Lewis's Woodpecker
	142	4628	Monticello Field Office	Long-billed Curlew
	142	4628	Monticello Field Office	Southwestern Willow Flycatcher
UT0309-143	143	4665	Monticello Field Office	Gunnison's Prairie-dog
UT0309-145	145	4667	Monticello Field Office	Black-footed Ferret
	145	4667	Monticello Field Office	Black-footed Ferret
	145	4667	Monticello Field Office	Gunnison Sage-grouse
	145	4667	Monticello Field Office	Gunnison's Prairie-dog
	145	4667	Monticello Field Office	Gunnison's Prairie-dog
	145	4667	Monticello Field Office	Long-billed Curlew
	145	4667	Monticello Field Office	Spotted Bat
UT0309-152	152	0	Moab Field Office	Ferruginous Hawk
	152	0	Moab Field Office	Kit Fox
	152	0	Moab Field Office	White-tailed Prairie-dog
UT0309-153	153	0	Moab Field Office	Burrowing Owl
	153	0	Moab Field Office	Ferruginous Hawk
	153	0	Moab Field Office	Kit Fox
	153	0	Moab Field Office	prairie dog habitat
	153	0	Moab Field Office	White-tailed Prairie-dog
UT0309-154	154	0	Moab Field Office	Black-footed Ferret
	154	0	Moab Field Office	Burrowing Owl
	154	0	Moab Field Office	Ferruginous Hawk
	154	0	Moab Field Office	Kit Fox
	154	0	Moab Field Office	prairie dog habitat
	154	0	Moab Field Office	White-tailed Prairie-dog
UT0309-155	155	0	Moab Field Office	Black-footed Ferret
	155	0	Moab Field Office	Ferruginous Hawk

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	155	0	Moab Field Office	white-tailed prairie-dog habitat
	155	0	Moab Field Office	White-tailed Prairie-dog
UT0309-156	156	0	Moab Field Office	Bald Eagle
	156	0	Moab Field Office	Black-footed Ferret
	156	0	Moab Field Office	Ferruginous Hawk
	156	0	Moab Field Office	white-tailed prairie-dog habitat
	156	0	Moab Field Office	White-tailed Prairie-dog
UT0309-157	157	0	Moab Field Office	Bald Eagle
	157	0	Moab Field Office	Bald Eagle
	157	0	Moab Field Office	Black-footed Ferret
	157	0	Moab Field Office	Bluehead Sucker
	157	0	Moab Field Office	Burrowing Owl
	157	0	Moab Field Office	Burrowing Owl
	157	0	Moab Field Office	Colorado Pikeminnow
	157	0	Moab Field Office	Ferruginous Hawk
	157	0	Moab Field Office	Humpback Chub
	157	0	Moab Field Office	Kit Fox
	157	0	Moab Field Office	Kit Fox
	157	0	Moab Field Office	Mountain Plover
	157	0	Moab Field Office	white-tailed prairie-dog habitat
	157	0	Moab Field Office	Razorback Sucker
	157	0	Moab Field Office	Roundtail Chub
	157	0	Moab Field Office	White-tailed Prairie-dog
UT0309-158	158	0	Moab Field Office	Bald Eagle
	158	0	Moab Field Office	Bald Eagle
	158	0	Moab Field Office	Bluehead Sucker
	158	0	Moab Field Office	Burrowing Owl
	158	0	Moab Field Office	Colorado Pikeminnow
	158	0	Moab Field Office	Ferruginous Hawk
	158	0	Moab Field Office	Humpback Chub
	158	0	Moab Field Office	Kit Fox
	158	0	Moab Field Office	Kit Fox
	158	0	Moab Field Office	white-tailed prairie-dog habitat
	158	0	Moab Field Office	Razorback Sucker
	158	0	Moab Field Office	Roundtail Chub
	158	0	Moab Field Office	White-tailed Prairie-dog

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel	
UT0309-159	159	0	Moab Field Office	Bald Eagle	
	159	0	Moab Field Office	Bald Eagle	
	159	0	Moab Field Office	Bluehead Sucker	
	159	0	Moab Field Office	Burrowing Owl	
	159	0	Moab Field Office	Colorado Pikeminnow	
	159	0	Moab Field Office	Ferruginous Hawk	
	159	0	Moab Field Office	Humpback Chub	
	159	0	Moab Field Office	Kit Fox	
	159	0	Moab Field Office	Kit Fox	
	159	0	Moab Field Office	Razorback Sucker	
	159	0	Moab Field Office	Roundtail Chub	
	159	0	Moab Field Office	White-tailed Prairie-dog	
	UT0309-160	160	0	Moab Field Office	Bald Eagle
		160	0	Moab Field Office	Bald Eagle
		160	0	Moab Field Office	Black-footed Ferret
160		0	Moab Field Office	Bluehead Sucker	
160		0	Moab Field Office	Burrowing Owl	
160		0	Moab Field Office	Colorado Pikeminnow	
160		0	Moab Field Office	Ferruginous Hawk	
160		0	Moab Field Office	Humpback Chub	
160		0	Moab Field Office	Kit Fox	
160		0	Moab Field Office	Kit Fox	
160		0	Moab Field Office	white-tailed prairie-dog habitat	
160		0	Moab Field Office	Razorback Sucker	
160		0	Moab Field Office	Roundtail Chub	
160		0	Moab Field Office	White-tailed Prairie-dog	
UT0309-161		161	0	Moab Field Office	Bald Eagle
	161	0	Moab Field Office	Black-footed Ferret	
	161	0	Moab Field Office	Gunnison Sage-grouse	
	161	0	Moab Field Office	Gunnison sage-grouse crucial brooding use areas	
	161	0	Moab Field Office	Gunnison sage-grouse crucial winter use areas	
	161	0	Moab Field Office	Gunnison's Prairie-dog	
	161	0	Moab Field Office	Lewis's Woodpecker	
	161	0	Moab Field Office	Southwestern Willow Flycatcher	
	UT0309-163	163	0	Moab Field Office	Black-footed Ferret
		163	0	Moab Field Office	Gunnison Sage-grouse

Protected Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protected Parcel
	163	0	Moab Field Office	Gunnison's Prairie-dog
	163	0	Moab Field Office	Lewis's Woodpecker
UT0309-165	165	4697	Moab Field Office	Black-footed Ferret
	165	4697	Moab Field Office	Gunnison Sage-grouse
	165	4697	Moab Field Office	Gunnison's Prairie-dog
	165	4697	Moab Field Office	Lewis's Woodpecker
	165	4697	Moab Field Office	Southwestern Willow Flycatcher
UT0309-166	166	4698	Moab Field Office	Black-footed Ferret
	166	4698	Moab Field Office	Gunnison Sage-grouse
	166	4698	Moab Field Office	Gunnison's Prairie-dog
	166	4698	Moab Field Office	Lewis's Woodpecker
	166	4698	Moab Field Office	Southwestern Willow Flycatcher
UT0309-167	167	4593	Monticello Field Office	Black-footed Ferret
	167	4593	Monticello Field Office	Gunnison Sage-grouse
	167	4593	Monticello Field Office	Gunnison's Prairie-dog
	167	4593	Monticello Field Office	Lewis's Woodpecker
	167	4593	Monticello Field Office	Southwestern Willow Flycatcher
UT0309-168	168	4595	Monticello Field Office	Gunnison's Prairie-dog
UT0309-169	169	4596	Monticello Field Office	Gunnison's Prairie-dog
UT0309-170	170	4597	Monticello Field Office	Gunnison's Prairie-dog
UT0309-171	171	4702	Monticello Field Office	Gunnison's Prairie-dog
UT0309-174	174	0	Moab Field Office	Ferruginous Hawk
	174	0	Moab Field Office	Kit Fox
	174	0	Moab Field Office	White-tailed Prairie-dog
UT0309-175	175	4706	Moab Field Office	Black-footed Ferret
	175	4706	Moab Field Office	Gunnison Sage-grouse
	175	4706	Moab Field Office	Lewis's Woodpecker
UT0309-176	176	4573	Moab Field Office	Black-footed Ferret
	176	4573	Moab Field Office	Gunnison Sage-grouse
	176	4573	Moab Field Office	Gunnison's Prairie-dog
	176	4573	Moab Field Office	Lewis's Woodpecker
UT0309-177	177	4574	Moab Field Office	Black-footed Ferret
	177	4574	Moab Field Office	Gunnison Sage-grouse
	177	4574	Moab Field Office	Gunnison's Prairie-dog
	177	4574	Moab Field Office	Lewis's Woodpecker
	177	4574	Monticello Field Office	Black-footed Ferret

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
	177	4574	Monticello Field Office	Gunnison Sage-grouse
	177	4574	Monticello Field Office	Gunnison's Prairie-dog
	177	4574	Monticello Field Office	Lewis's Woodpecker
UT0309-180	180	4589	Monticello Field Office	Black-footed Ferret
	180	4589	Monticello Field Office	Gunnison Sage-grouse
	180	4589	Monticello Field Office	Gunnison's Prairie-dog
	180	4589	Monticello Field Office	Gunnison's Prairie-dog
	180	4589	Monticello Field Office	Lewis's Woodpecker
	180	4589	Monticello Field Office	Gunnison's prairie-dog habitat
UT0309-181	181	4590	Monticello Field Office	Gunnison's Prairie-dog
	181	4708	Monticello Field Office	Gunnison's prairie-dog habitat
UT0309-182	182	4708	Monticello Field Office	American White Pelican
	182	4708	Monticello Field Office	Black-footed Ferret
	182	4708	Monticello Field Office	Gunnison Sage-grouse
	182	4708	Monticello Field Office	Gunnison sage-grouse crucial brooding use areas
	182	4708	Monticello Field Office	Gunnison sage-grouse crucial winter use areas
	182	4708	Monticello Field Office	Gunnison's Prairie-dog
	182	4708	Monticello Field Office	Gunnison's Prairie-dog
UT0309-183	183	4709	Monticello Field Office	American White Pelican
	183	4709	Monticello Field Office	Black-footed Ferret
	183	4709	Monticello Field Office	Gunnison Sage-grouse
	183	4709	Monticello Field Office	Gunnison sage-grouse crucial brooding use areas
	183	4709	Monticello Field Office	Gunnison sage-grouse crucial winter use areas
	183	4709	Monticello Field Office	Gunnison's Prairie-dog
UT0309-184	184	4577	Monticello Field Office	Gunnison's Prairie-dog
	184	4577	Monticello Field Office	American White Pelican
	184	4577	Monticello Field Office	Black-footed Ferret
	184	4577	Monticello Field Office	Gunnison Sage-grouse
	184	4577	Monticello Field Office	Gunnison sage-grouse crucial brooding use areas
	184	4577	Monticello Field Office	Gunnison sage-grouse crucial winter use areas
	184	4577	Monticello Field Office	Gunnison's Prairie-dog
UT0309-191	191	4711	Moab Field Office	Gunnison's Prairie-dog
	191	4711	Moab Field Office	Gunnison Sage-grouse
	191	4711	Moab Field Office	Gunnison's Prairie-dog

Exhibit 1

Protested Parcel: Sale ID	Sale ID (from BLM GIS Data)	Parcel ID (from BLM GIS Data)	Field Office	Rare and Imperiled Species and/or Areas of High Conservation Value in Protested Parcel
UT0309-195	195	0	Monticello Field Office	Gunnison Sage-grouse
	195	0	Monticello Field Office	Gunnison's Prairie-dog
UT0309-196	196	4686	Monticello Field Office	Gunnison Sage-grouse
	196	4675	Monticello Field Office	Gunnison sage-grouse crucial brooding use areas
	196	4686	Monticello Field Office	Gunnison sage-grouse crucial brooding use areas
	196	4675	Monticello Field Office	Gunnison sage-grouse crucial winter use areas
	196	4686	Monticello Field Office	Gunnison sage-grouse crucial winter use areas
UT0309-198	198	0	Vernal Field Office	Gunnison's Prairie-dog
	198	0	Vernal Field Office	Burrowing Owl
	198	0	Vernal Field Office	Greater Sage-grouse
UT0309-178A	178A	0	Monticello Field Office	White-tailed Prairie-dog
	178A	0	Monticello Field Office	Black-footed Ferret
	178A	0	Monticello Field Office	Gunnison Sage-grouse
	178A	0	Monticello Field Office	Gunnison's Prairie-dog
	178A	0	Monticello Field Office	Lewis's Woodpecker