

November 2, 2018

To Whom It May Concern:

My name is Brad Klafehn. I am a resident of Colorado and a member of the Colorado Native Plant Society. I have lived on the Western Slope, and during that time, in the late 1970's, I was fortunate to have made the first reported sighting of *Sclerocactus glaucus* (Colorado Hookless Cactus) in Mesa County. I was also selected as a 2011 Volunteer of the Year by the Adopt-A-Rare-Plant Program of the Denver Botanic Gardens.

I am writing to protest the offering of the following leases in your December 2018 lease sale:

COC79344	White River Field Office
COC79345	White River Field Office
COC79346	White River Field Office
COC79347	White River Field Office

These leases occur in an important Potential Conservation Area (PCA), Lower Greasewood Gulch, which has been designated by the Colorado Natural Heritage Program as having rank B2: Very High Biodiversity Significance, with a Management Urgency Rank of M2: Essential Within Five Years to Prevent Loss.

I am familiar with the general area of these leases, as I have done natural resources fieldwork in the Piceance Basin.

I am objecting to the sale of these leases because the PCSA contains the following rare plant species which may be negatively affected by oil and gas activity:

State Scientific Name	Common Name	Global Rank	State Rank
<i>Gilia stenothyrsa</i>	Uinta Basin gilia	G3	S1
<i>Penstemon fremontii</i> var. <i>glabrescens</i>	Fremont's beardtongue	G3G4T2	S2

According to CNHP, 87% of the world's Uinta Basin *Gilia* plants occur on land managed by BLM (<http://www.cnhp.colostate.edu/rareplants/guide.asp?id=18885>; Retrieved 11/2/18), so it is especially incumbent on the Bureau to protect this species wherever it occurs. And, in fact, the *Gilia* does occur in this area: "The site supports an excellent (A-ranked) occurrence of the globally vulnerable (G3/S1) narrow-stem gilia (*Gilia stenothyrsa*)." (Survey of Critical Biological Resources, Rio Blanco County, Colorado 2008; May 2008 by Colorado Natural Heritage Program, P. 116) However, CNHP also states that while BLM has designed the Lower Greasewood Creek Area of Critical Environmental Concern (ACEC) : "The site [Lower Greasewood Gulch PCA] contains the 205 acre Lower Greasewood ACEC, which carries an NSO (No Surface Occupancy) designation. However, the ACEC does not include the area of the rare plant occurrences found in 2007. Expanding the ACEC would ensure that these additional sites are protected." (Ibid, p. 116). It appears that BLM has not expanded the ACEC since that date, so the plants will not be protected by the ACEC stipulation which is proposed for tract COC79344. Either the ACEC should be expanded to include the

areas where the plants were found, or stipulations should be developed to protect that population.

As for the Fremont beardtongue, the only known populations of it in the world occur in Rio Blanco County, but only historical records exist of its locations in the Potential Conservation Area (Ibid, p. 116). Before leasing proceeds, the Bureau should do updated field studies to verify its presence or absence.

From the scoping documents provided, it is unclear whether either of these species would be covered under the potentially relevant stipulations - "LS-CSU-130: Controlled surface use for potential special status plant and wildlife species", or "WR-NSO-26: BLM Sensitive Plant Species, No Surface Occupancy". This is because in the sale documents, BLM fails to provide links to a list of the plants which are designated as "sensitive plant species."

I recommend that the Bureau remove these tracts from leasing until the public can be assured that leasing will not impact the two species of concern listed above. This assurance is impossible given the lease sale's failure to document for the public which species would be covered by the proposed stipulations.

As a citizen with over 40 years of experience commenting on BLM land use plans, and being a named plaintiff to suits against BLM for NEPA noncompliance, I also find the process used to justify leasing these tracts at this time to be problematic. Simply put, where is the NEPA analysis of these tracts? The Bureau appears to want to defer the required NEPA analyses until after lease issuance as part of the operating plan approval process, but this comes too late. By apparently failing to perform an EA or EIS prior to leasing, the Bureau cannot possibly meet its obligations under NEPA. The NEPA process requires a "hard look," at "all foreseeable impacts of leasing" before leasing can proceed. (Center for Biological Diversity v. United States DOI, 623 F.3d 633, 642 (9th Cir. 2010); N.M. ex rel. Richardson v. BLM, 565 F.3d 683, 717 (10th Cir. 2009) This would require, for one example, examining the cumulative impacts from the proposed lease sales in the context of the heavy development of oil and gas which is ongoing in the immediate vicinity, which has not been done in this case.

I also find the time frames for the public to participate in this process to be inadequate. We are now down to a 10-day window for the Sale Notice and Protest Period. In the past, the BLM has had one of the better public commenting processes; it is sad to see that you are now losing that reputation under orders from Washington to shorten the comment periods. What is the rush? The oil and gas isn't going anywhere, but the rare plants will if they do not receive adequate protection. Extinction is forever!

Making it so the public cannot submit their comments online is also a step backwards. The intent seems to be to discourage public participation. This is sad coming from an agency which has done well in this regard in the past.

If you are unwilling to remove these leases from the sale, I would strongly recommend that the stipulations should require that the lessee conduct plant inventories in the leased area, map the presence of rare plants and plant communities, notify relevant stakeholders of their presence, and require that a 100-meter buffer be created between any rare plants or plant communities and all roads, well pads, and oil and gas infrastructure, as recommended in Best Management Practices (BMPs) for oil and gas development.

Thank you for your consideration of this protest.

- Brad Klafehn, 2725 S. Utica St., Denver, CO 80236. 303-868-0497. brad@bradk.org