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December 13, 2011

August 2012 Lease Sale
Attn: Barb Sharrow, Field Manager
U.S. Bureau of Land Management
Uncompahgre Field Office
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Helen Hankins, State Director
Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, CO 80215
E-mail: hhankins@blm.gov

Re: Request for Extension of Public Comment Period for the August 2012 Oil and Gas Lease Sale

Dear Ms. Sharrow and Ms. Hankins:

On behalf of Citizens for a Healthy Community, I am writing to request that the Bureau of Land Management ("BLM") Uncompahgre Field Office ("UFO") extend the period for the public to comment on the proposed August 2012 Lease Sale beyond the January 9, 2012 deadline.

CHC is a grass-roots organization formed in 2010 for the purpose of protecting people and their environment from irresponsible oil and gas development in the Delta County region. CHC's members and supporters include organic farmers, ranchers, vineyard and winery owners, and other concerned citizens impacted by oil and gas development. CHC members have been actively involved in commenting on BLM's oil and gas activities.

The August 2012 oil and gas lease sale nominates 22 parcels containing approximately 30,000 acres in Gunnison and Delta Counties, Colorado, for development. The sheer magnitude of this proposed development implores the opportunity for public participation – an opportunity that will be fundamentally inhibited under the current comment schedule. As the deadline stands,

BLM has provided only one month to comment on an enormous amount of affected lands. Moreover, the public comment period provided overlaps completely with the holiday season when many are busy with travel, visitors, children home from school, and other responsibilities that make it difficult to gather the information critical for a full and fair evaluation of the impacts of leasing the parcels. Therefore, on behalf of CHC, its members and the public in general, we request that the period for public comment on the August 2012 Lease Sale be extended by a *minimum* of one month, to February 9, 2012.

Council on Environmental Quality ("CEQ") regulations provides that "public scrutiny [is] essential to implementing NEPA." 40 C.F.R. § 1500.1(b). In particular, the federal agency must "involve environmental agencies, applicants, and the public, to the extent practicable," 40 C.F.R. § 1501.4(b), and "[m]ake diligent efforts to involve the public in preparing and implementing their NEPA procedures." *Id.* at § 1506.6(a); *see also, e.g., Bering Strait Citizens for Responsible Resource Development v. U.S. Army Corps of Engineers*, 511 F.3d 1011, 1024 (9th Cir. 2008) (providing a framework for public participation in the NEPA process).

Of particular concern in the present context is the request for comments "related to specific parcels in this lease sale," BLM, Letter to Interested Parties (Dec. 7, 2011), when there is a total lack of specificity provided by BLM UFO with regard to the actual parcels proposed for oil and gas development. To date, the BLM UFO has failed to provide legal descriptions for the proposed parcels, or release detailed map(s) that identify the specific parcels implicated.[1] In the Letter to Interested Parties, Field Office Manager Sharrow stated, "Your comments will assist in identifying issues that should be addressed as part of the analysis being prepared for this project." Without more specific information on the parcels proposed for oil and gas development, it is impossible for the public to offer the type of meaningful and site specific comments that are requested, and which are integral to the NEPA process. Although BLM has promised to provide more specific information, it has yet to do so, thus decreasing the time for public comment on specific parcels even further.

CHC further requests that a public hearing be scheduled to solicit the type of public comment necessary when such a dramatic offering of public lands is proposed for oil and gas development. In *Anderson v. Evans*, 371 F.3d 475, 487 (9th Cir. 2004), the court provided that "[t]he public must be given an opportunity to comment … and public hearings are encouraged to facilitate input on the evaluation of proposed actions." In the instant case, the proposed parcels for development *appear* to be directly adjacent to domestic water supplies for residents of the North Fork Valley, potentially threatening the clean water supplied to thousands of people. If the BLM UFO is sincere in its request for public comment and assistance in identifying issues with the proposed oil and gas development, a public hearing would help promote this purpose.

Moreover, the scope of proposed oil and gas development – which includes 22 parcels and approximately 30,000 acres – as well as the proximity of this development to the communities of Paonia, Hotchkiss and Crawford, suggest that significant environmental impacts can be expected. Accordingly, BLM UFO should proceed in the development of an environmental impact statement ("EIS"), rather than an environmental analysis ("EA").

[1] Other than the coarse overview map which was attached to the Letter to Interested Parties.

We look forward to your prompt response to our request for a public comment extension and public hearing. If you have any questions or would like to discuss these requests in greater detail, please feel free to contact me. Please enjoy your holiday season.

Sincerely,

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COUNSEL FOR CITIZENS FOR A HEALTHY COMMUNITY

cc. Robin Smith, Chair, Citizens for a Healthy Community