



April 30, 2020

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**Re: Request for Suspension of Publishing the Eastern Colorado Proposed Resource Management Plan / Final Environmental Impact Statement**

Dear Ms. Connell and Mr. Berger,

Due to the health crisis in Colorado, the United States and beyond, Colorado's Governor Polis's executive order declaring a Public Health Emergency on March 10, 2020<sup>1</sup>, and President Donald J. Trump's recent executive order declaring a state of national emergency on March 13, 2020<sup>2</sup>, we request a suspension to the publishing of BLM's Eastern Colorado Proposed Resource Management Plan (RMP) / Final Environmental Impact Statement (EIS) while the public health crisis is ongoing. We understand BLM's direction to proceed with finalizing the RMP as soon as possible, but delaying this process is necessary to ensure the public has adequate opportunity for engagement in the process. This request is in line with a multitude of other requests submitted across the country, including requests from members of congress, attorneys general, and state and local governments to extend public comment periods for rulemaking efforts and other processes during the novel coronavirus pandemic.<sup>3</sup>

<sup>1</sup> <https://www.colorado.gov/governor/news/gov-polis-provides-update-states-response-covid-19>.

<sup>2</sup> <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

<sup>3</sup> E.g., Letter from fourteen House of Representatives Committee Chairs to Acting Director Russell Vought, submitted April 1, 2020: [https://www.eenews.net/assets/2020/04/02/document\\_gw\\_08.pdf](https://www.eenews.net/assets/2020/04/02/document_gw_08.pdf); Letter from Senators Wyden, Merkley, and Udall to Secretary Bernhardt requesting a pause on comment periods, submitted April 3, 2020: <https://www.wyden.senate.gov/imo/media/doc/040320%20Letter%20on%20DOI%20comment%20periods.pdf>; Letter from state attorneys general to Acting Director Russell Vought, submitted March 31, 2020:



We recognize the significant impact of the COVID-19 pandemic on normal working and living conditions, impairing the ability of the general public, issue experts and others to conduct their daily routine, regular business, and/or weigh in on federal government actions that affect them. The community's attention is focused on keeping its families healthy and safe, and complying with the extraordinary measures that are being implemented to contain and limit the spread of the disease. Schools are closed, which means parents are focused on childcare. Workplace activities have been disrupted, making it difficult for many people to focus on business-as-usual activities. For these reasons, members of the public do not have the ability to carefully and adequately participate in federal agency actions and public comment processes.

To achieve NEPA's goal of ensuring public participation, the statute requires federal agencies to "[e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment."<sup>4</sup> "Accurate scientific analysis, expert agency comments, and public scrutiny are essential components to implementing NEPA."<sup>5</sup> Because this plan is at the Proposed RMP / Final EIS stage, it is the last opportunity for the public to participate prior to the plan being finalized. A 30-day protest period during this time is not sufficient to ensure adequate public engagement. Additionally, given the public health crisis across Colorado and the fact that the Browns Canyon Proposed RMP was recently released, it is inappropriate to expect Governor Polis and his team to have capacity to adequately engage in two concurrent 60-day Governor's consistency reviews.

We are requesting that you consider the unique and truly unprecedented circumstance we are experiencing. For the request of protests to be meaningful, it is critical that the public have adequate time and capacity to comment. It is noteworthy that administrative actions and public comment periods for other federal agency actions are being suspended or extended for "to be determined" amounts of time due to the national emergency.<sup>6</sup> Additionally, numerous U.S. governmental organizations, including the U.S. Supreme Court and the Internal Revenue Service, have announced extensions of normal filing deadlines because of the ongoing public health concerns related to COVID-19. As such,

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[https://portal.ct.gov/-/media/AG/Press\\_Releases/2019/COVID-19-Rule-Delay-Letter---Final.pdf?la=en](https://portal.ct.gov/-/media/AG/Press_Releases/2019/COVID-19-Rule-Delay-Letter---Final.pdf?la=en); Letter from various state and local government organizations requesting a pause on all public comment and rulemaking processes, submitted March 20, 2020: <https://www.nga.org/letters-nga/state-and-local-government-organizations-seek-pause-on-public-comments-on-rulemaking-processes/>.

<sup>4</sup> 40 C.F.R. § 1500.2(d).

<sup>5</sup> *Id.* § 1500.1(b).

<sup>6</sup> E.g., DOI's Interior Board of Land Appeals extended all filing deadlines by 60 days in response to COVID-19; The Daniel Boone National Forest Forest Supervisor sent a letter to relevant parties suspending the public objection period in light of COVID-19; U.S. Forest Service extended a public comment period for the Nantahala and Pisgah forest plan revision with the length of time to be determined. Available at: <https://www.fs.usda.gov/detail/nfsnc/home/?cid=stelprdb5397660>.



we request the publishing of the Proposed RMP / Final EIS be suspended until the COVID-19 pandemic is well enough under control to allow for appropriate public engagement and state oversight as required by law.

Please do not hesitate to contact us if you have any questions. Thank you for considering our request to prioritize human health and safety at this time.

Sincerely,

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