



March 20, 2012

Erin Dreyfuss, NEPA Coordinator
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Garfield County participation in the preparation of the BLM Environmental Impact Statement for the Greater Sage-Grouse and its habitat

Dear Ms. Dreyfuss:

Garfield County appreciates being provided an opportunity to participate as a Cooperating Agency in the preparation of the BLM Environmental Impact Statement (EIS) for the Greater Sage-Grouse (GSG) and its habitat. In doing so, we have carefully reviewed the U.S. Fish and Wildlife Service's ***12-Month Findings for Petitions to List the Greater Sage-Grouse*** (USFWS 2010), ***Instruction Memorandum No. 2012-044, The Report on National Greater Sage-Grouse Conservation Measures*** dated 12/21/11 (the "GSGCM" report), and ***The BLM National Greater Sage-Grouse Planning Strategy*** dated 08/22/11. In addition and in support of our comments, we have also reviewed relevant portions of the ***Parachute-Piceance-Roan Greater Sage-Grouse Conservation Plan*** prepared by the Colorado Parks and Wildlife (CPW) on April 29, 2008, as well as the referenced scientific literature presented in these reports- particularly the articles referenced in the GSGCM report. We have also enlisted the assistance of Rocky Mountain Ecological Services, Inc. and BBC Research in the preparation of our comments.

As a general and introductory comment, Garfield County (the County) agrees with and appreciates the desire by the BLM to ensure the continued persistence of greater sage-grouse and aid in the recovery of the species; however, the County cannot support the approach the BLM is suggesting in the GSGCM report, and further questions the purpose and need for another lengthy NEPA process, when there are already regulatory mechanisms and extensive sage-grouse protection and management plans in place for the appropriate management and

assurances for persistence and recovery of the species. After reviewing the GSGCM report and supporting literature, we believe that the GSGCM report's recommended conservation measures exclude a balancing of resources and preempts existing permitted activities by state or local government(s), and would have significant undue hardships on private landowners and other key stakeholders including energy companies, which are vital for our local economies. While we understand the goals of protecting and restoring sage-grouse habitats, the Conservation Measures would be an extreme hardship on our constituents, and appears to exclude other viable alternatives to habitat management and goes beyond what the cited scientific literature has indicated as necessary for the continued existence of a health population of this species.

Further, with existing NEPA requirements for any action on federal lands or for projects with a federal nexus, there are already guidance documents and required review by the US Fish and Wildlife Service, as well as Colorado Parks and Wildlife for projects which may impact sage-grouse. Introducing additional lengthy planning and uncertainty to our constituents at this time is unfair and will cause negative impacts to industry, our economies, and our ability to utilize the public and private resources within Garfield County and northwestern Colorado.

Ultimately, Garfield County is concerned with the very restrictive approach suggested in the GSGCM Report because it seems to ignore the multiple use principles required in the BLMs' own Mission Statement restated here:

It is the mission of the BLM, an agency of the department of the Interior, to manage BLM-administered lands and resources in a manner that best serves the needs of the American people. Management is based upon the principles of multiple use and sustained yield taking into account the long-term needs of future generations for renewable and nonrenewable resources.

Primary and General Sage-Grouse Habitat in Garfield County

In reviewing CPW mapped preliminary priority greater sage-grouse habitat within Garfield County, habitats are limited to a combination of public (BLM) and private lands on mesa tops of the western Roan Plateau, and southern end of the Piceance Basin. As the BLM is aware, this area also contains vitally important natural gas and shale reserves, important enough for much of this area to once be part of the Naval Oil Shale Reserve. The total 148,858 acres of CPW mapped Preliminary Priority Habitat in Garfield County includes 24,821 acres of BLM managed lands and 123,718 acres of private lands, which ends up being a total of 8% of the land base within the County. Approximately 63% of the County is already under the management of the public trust (including the State of Colorado, US Forest Service, and the BLM), and the 123,718

acres of preliminary primary habitats on private lands ends up being a very significant 18% of all private lands within the County (see **Table 1** below, and **Figures** at end of the document). When including mapped General Habitat, there could be additional impacts to 23% of all private lands in the County for sage-grouse management.

Table 1: Sage Grouse Habitats in Garfield County

Land Status Impacts	County Total		Priority Habitat		General Habitat		Total Habitat	
	Acres	%	Acres	%	Acres	%	Acres	%
Private Lands	699,255.4	36.9%	123,718.2	18%	35,563.0	5%	159,281.4	23%
Federal Public Lands	1,179,108.7	62.3%	24,821.3	2%	36,548.4	3%	61,369.7	5%
State Lands	15,100.4	0.8%	318.0	2%		0%	318.0	2%
Total	1,893,464.5		148,857.5	8%	72,111.4	4%	220,969.1	12%

The BLM’s GSGCW report would, where a federal nexus is involved, place further limitations and conditions on the management of these public and a significant portion of private lands within the County. While the acres of Preliminary Primary Habitat occurring within Garfield County are significant at the County level, at the scale of greater sage-grouse habitats, it comprises a very small percentage of all occupied sage-grouse habitats. The USFWS currently estimates that approximately 1.6 million acres is currently occupied by greater sage-grouse in the U.S. (USFWS 2010), and while this is only 56% of estimated historically occupied habitat, the contribution of habitats in Garfield County to this species, which occurs at the extreme southern end of this species range, should also be considered when accounting for the potential significant impact to private and public land base in the County.

Review of Literature from GSGCM Report

Upon reviewing the GSGCM report, we reviewed literature cited by the report as the basis for the conservation measures. The GSGCM report suggests that only a 3% disturbance of a section be allowed in very limited circumstances at any one time, and on page 21 regarding energy development, the GSGCM report’s Conservation Measures present that the exclusion of mineral development and other disturbances from priority habitats is needed where possible and that agencies should limit them as much as possible in other areas (including private lands). The same section also states that *a 4-mile NSO [no surface occupancy] likely would not be practical given most leases are not large enough to accommodate a buffer of this size, and lek spacing within priority habitats is such that lek-based buffers may overlap and preclude all development* (emphasis added).

It further states that 4-mile buffers around leks are needed to ensure the continued persistence of the greater sage-grouse. The 3% surface disturbance conservation measure equates to only 19.2 acres of disturbance in a 640-acre section, based on “professional judgment from Holloran

2005, Walker et al. 2007, Doherty et al. 2008, Doherty et al. 2011, and Naugle et al. 2011a, b” (see pg. 8 of GSGCM report). Further, the GSGCM report states that if there is already 3% surface disturbance within sage-grouse habitat, then no other uses should be allowed. The GSGCM report also indicates that if there is already more than 3% surface disturbance in sage-grouse habitats, then significant reclamation activities and mitigations should take place. However, upon reviewing the scientific literature cited by the GSGCM report, we do not see where these articles support a maximum limitation of 3% surface impacts within sage grouse habitats as needed for the continued persistence of the species. We believe that while the cited scientific articles do present solid science that sage grouse are sensitive to loss of sagebrush habitats and indirect impacts from road traffic, noise, etc., the GSGCM report takes a very extreme stance that is not supported in the cited articles that effectively halting any further realistic land-use activities within sage-grouse habitat is needed to protect the species.

Also a fact that is not accounted for or disclosed in the GSGCM report, is that the literature cited to support the Conservation Measures are from studies which all took place in highly developed natural gas and CBM fields in Wyoming, where in many cases the density of well pads was often near 15 pads per section (40 acre spacing), and that the studies took place in areas that also had other significant surface impacts (e.g., water evaporation ponds, roads, pipelines, compressor stations and gas plants, as well as infill projects; e.g., Jonah Field (I & II), Pinedale Anticline, Powder River Basin, Continental Divide-Crestone project, etc.). We feel that while these studies may be applicable for sage-grouse direct and indirect impacts adjacent to high density gas field development in Wyoming, it is not accurate or appropriate to reference the types of impacts seen in some of the highest density gas fields in the U.S. and apply conservation measures arbitrarily and equally to all habitats in all States and Counties.

We interpreted the results presented in these articles as indicating that within 0.25 to 1.5 miles of very intensive natural gas/CBM field development there are significant decreases in sage-grouse habitat utilization, and that the further habitats are from intensive land use activities, the less impact there is. But we again contend that the results of these studies do not indicate that 4 mile buffers are warranted for the protection of the species, and that the GSGCM report, while referencing these studies as its scientific basis, does not accurately reflect the facts presented in the studies, and if anything presents a biased interpretation of the results. The GSGCM report’s Conservation Measures appear to only consider the needs sage-grouse in remaining habitats in Wyoming, and does not accurately account for or respect the ongoing uses, needs, of other permitted uses of public, and more importantly, of private lands. While the long-term protection of greater sage-grouse is also important to the County, we believe that more balance and a more realistic land use management process is needed and should be incorporated into any management planning efforts.

The County further questions the viability of restricting access to leased or unleased federal fluid mineral estate by helicopter-portable drilling methods in priority habitat areas without the ability to transport the gas to market. This is especially challenging when there may already be seasonal timing restrictions already in place. "Alternative B" on Page 22 of the National SGS Report appears to be more reasonable as it provides an opportunity for energy development to occur so long appropriate mitigation measures are also being pursued. The County recommends that the EIS contain an alternative that is consistent with this approach rather than a complete NSO alternative with very limited (3%) disturbance rules.

Table 2: Impacts to Leased Acreages in Garfield County

Lease Impacts	County Total		Priority Habitat		General Habitat		Total Habitat	
	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>
Authorized	212,946.0	35.8%	22,017.1	10%	8,235.9	4%	30,253.0	14%
Authorized/Held by Production	327,176.5	55.1%	17,932.6	5%	16,861.7	5%	34,794.4	11%
Pending Authorization	54,156.5	9.1%		0%	29,170.2	54%	29,170.2	54%
Total	594,279.0		39,949.7	7%	54,267.8	9%	94,217.6	16%

Historic Context Regarding Predation and Other Population Factors

In preparing the EIS, the County recommends the BLM examine the historic and current impact of predation and natural low recruitment on the overall numbers of the sage-grouse as these impacts and how management can help these other factors is lacking in the GSGCM report. It has been suggested that as the United States federal policy changed over time from the early 1970's, certain tools were eliminated that were used to control certain predator populations such as coyotes, and habitat improvement project are now under-funded. It has also been suggested that because of these policy changes the SGS population numbers in the United States significantly decreased (as documented in research conducted by John W. Connelly, recognized sage-grouse biologist with the Idaho Department of Fish and Game, Blackfoot, ID) because the predators were no longer heavily controlled and other factors have negatively impacted habitats. This research suggests that the high population numbers reported in the late 1960s (showing approximately 350% of the 2003 population according to Connelly) were the result of significant predator control and that the normal population numbers were likely much less. In other words, the EIS should carefully review and present research that examines the rise and fall of the GSG populations with the rise and fall of predator control policy and habitat improvement/management to place realistic population numbers and other population control factors into context, and not solely place the burden of protecting sage-grouse on the energy industry.

Range Management / Grazing

Range Management or Grazing (domestic livestock and wild ungulate) is a very important component of Garfield County's traditional ranching heritage and wildlife herd management which requires working together with our public lands. In preparation of the EIS, Garfield County recommends the BLM work closely with the Cattleman's Association and the Wool Growers Association for both Colorado and other states which are also affected by the EIS to gain their valuable input into this process.

Appropriately, the GSGCM report does not apply, nor does Garfield County suggest, the 4-mile 'no surface occupancy' and a maximum 3% disturbance approaches that would effectively prohibit existing grazing on established allotments. Garfield County supports the approach provided in the *Parachute-Piceance-Roan Greater Sage-Grouse Conservation Plan* for the appropriate management of domestic livestock and wild ungulates. In doing so, the EIS should carefully consider and potentially implement the following goals:

- 1) Continue to foster a sustainable and economically viable ranching community while also providing high-quality sage-grouse habitat; and
- 2) In conjunction with sustainable livestock interests and sport hunting industries, ensure that grazing by other ungulates is not adversely affecting sage-grouse habitats.

In drafting the alternatives for the EIS, the BLM should also work closely with the Colorado Parks and Wildlife to understand and not conflict with their management approach that currently allows a limited annual harvest of the GSG in specific hunting units in northwest Colorado with the purchase of a small game license.

Socio-economic Impact

It is understood the National SGS Report is not intended to address the socio-economic impact of the prohibitions / conservation measures it suggests such as the 4-mile NSO buffer and 3% disturbance limit. The County strongly recommends the BLM carefully consider the structure of the EIS such that it contains a section devoted to a credible analysis of current and likely future conditions in the region's energy extraction industry. More to the point, Garfield County challenges the apparent approach the BLM is taking in the GSGCM report to increase its regulatory controls over the oil and gas industry and other development which will have the adverse effect of reducing employment and further eroding the County's economic base; to the contrary, Garfield County believes the BLM should be a leader in encouraging responsible multiple use and resource development opportunities to stimulate economic growth which is vital to our economy and that of northwest Colorado.

This EIS should document and consider the dramatic economic changes that have transformed the region's economy in recent years. Garfield County has experienced a pronounced downturn in economic activity, which has significantly altered the economic relationships between activities on public lands and the local economy. These changes, evident now for more than three years, must be more accurately characterized and more reasonably considered in all of the proposed management alternatives that are to be presented in the EIS. In recent years, the economics of natural gas permitting, production and compliance have changed, dramatically leaving Garfield County producers competitively disadvantaged and very sensitive to cost of production changes. The EIS needs to include a contemporary and accurate socio-economic analysis that acknowledges this industry reality.

Garfield County's concerns, more simply put, are that BLM's potential implementation of Conservation Measures from the GSGCM report are not warranted in Colorado, and such an approach would result in a virtual moratorium on energy development severely impacting the economy of the County and northwest Colorado, further exacerbating an already economically depressed and challenged area.

Table 3: Impacts to Lease Sections in Garfield County

Section Impacts	Priority Habitat		General Habitat		Total Habitat	
	Count	Acres	Count	Acres	Count	Acres
Section - Unoccupied by Well	199	86,072.1	114	48,448.4	313	134,520.5
Section - Occupied by Well	164	77,914.3	33	8,534.0	197	86,448.3
Total	363	163,986.4	147	56,982.4	510	220,968.8

Table 4: Impacts to Leased Aliquots in Garfield County

Aliquot Impacts	Priority Habitat		General Habitat		Total Habitat	
	Count	Acres	Count	Acres	Count	Acres
Aliquot - Unoccupied by Well	5,007	144,845.7	1,978	62,454.2	6,985	207,299.9
Aliquot - Occupied by Well	289	11,268.0	76	2,401.0	365	13,669.0
Total	5,296	156,113.7	2,054	64,855.2	7,350	220,968.9

The Parachute-Piceance-Roan Greater Sage-Grouse Conservation Plan

The BLM, Garfield County and approximately 40 - 50 other stakeholders, including federal, state and local agencies / governments, private land owners, environmental interest groups, and energy companies, participated for nearly three years (2005 to 2008) in an intensive workgroup facilitated by the CPW to write the *Parachute-Piceance-Roan Greater Sage-Grouse Conservation Plan* prepared by Colorado Parks and Wildlife (CPW) on April 29, 2008 (*the CPW Conservation Plan*) with the following purpose:

This diverse workgroup produced comprehensive conservation strategies that include Goals, Objectives and Actions as well provided a framework as to which agencies were responsible for them and when they would occur. These strategies focused on key areas including data

To establish a process and framework that will guide management efforts directed at improving GSG habitat and increasing numbers of GSG in the Parachute Creek / Piceance Creek / Roan Creek area. (Map to the right.)

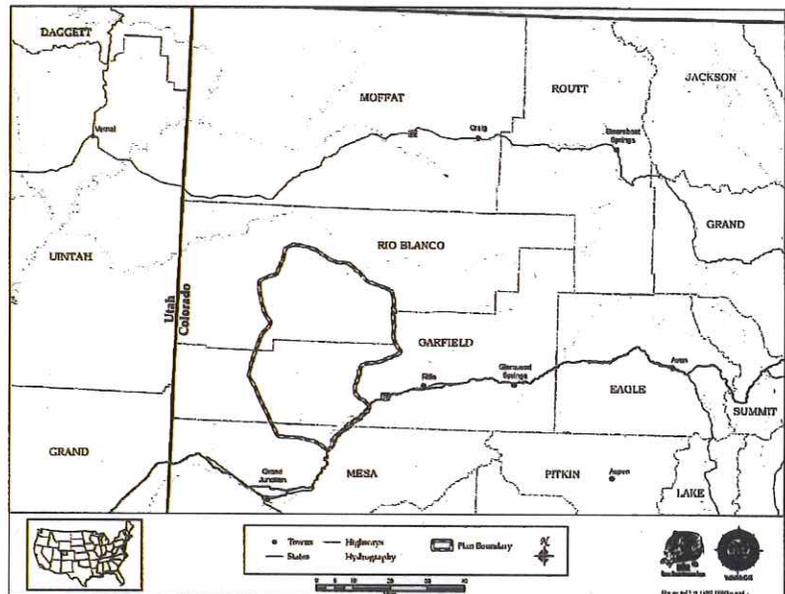


Figure 1. Location Map, Parachute-Piceance-Roan Area

availability, habitat change, grazing, predation, energy industry and mineral

development, recreation, and water project development and water management. The BLM as a key and active participant, among other partners, was tasked with a variety of actions in all of these conservation strategies. The County finds these strategies to be a more realistic in managing sage-grouse in the Parachute Creek, Piceance Creek, and Roan Creek areas than the approach taken in the GSGCM report and suggests the BLM use this as the basis for their approach, or at least assesses this plan as a viable Alternative in any NEPA process. Garfield County contends that it is not necessary, prudent, or financially responsible to insert a new study or plan from Wyoming for what has already recently been completed for a specific area.

The County recommends the BLM to continue supporting the primary goal it has already agreed to implement in the CPW Conservation Plan which is to *“Maintain a viable population for GSG while developing energy & mineral resources”* which is to be implemented by actions such as

“Investigate opportunities and provide incentives to promote cluster development in key GSG habitats. Cluster the development of roads, pipelines, electric lines, and other facilities, and use existing, combined corridors where possible.” (See page 87 to 93 in the CPW Conservation Plan for the comprehensive set of goals, objectives, and actions relating to the energy industry and mineral development.)

A very common concern from industry and private land owners in northwest Colorado is not the need or requirement to protect the environment, but is the repeated changes in regulatory guidance and unknown potential impacts from long, drawn-out environmental planning processes. Because of this, Garfield County has seen many operators and private markets/investors hold off or postpone projects and investments in capital and hiring of employees given the length of time and uncertainties given NEPA processes and almost inevitable litigation. Additionally, during our review of the greater sage-grouse issue for this scoping effort, we were quite surprised at the amount of literature and planning documents all recently completed for this species, and we again raise the concern over repetitive planning processes which introduce uncertainty to our constituents and industry. To briefly review the guidance documents which are all designed to provide a “management plan” for the public and industry to plan around, we have observed and reviewed the following:

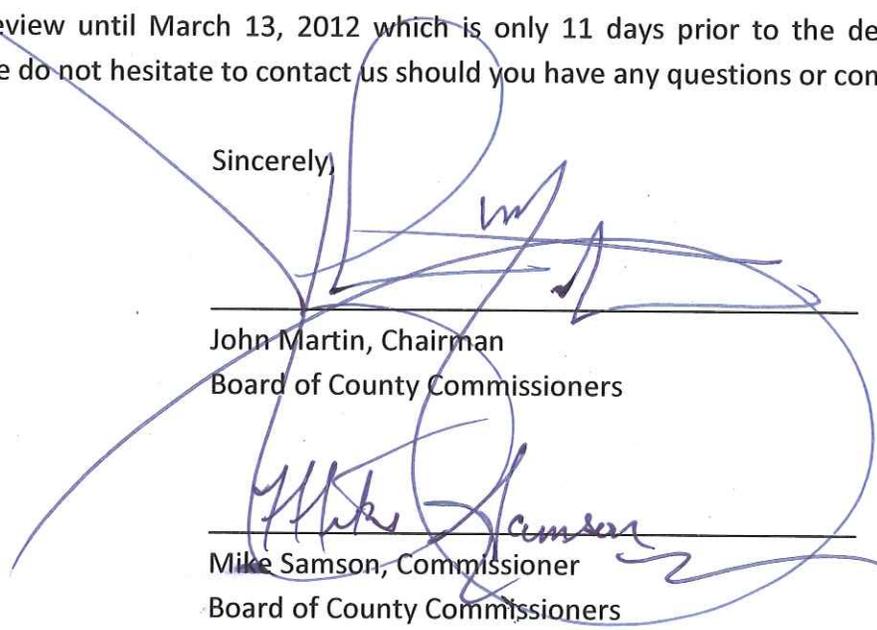
1. A Report on National Greater Sage-Grouse Conservation Measures (BLM 2011)
2. Colorado greater sage-grouse conservation plan (CPW, 2008)
3. Conservation assessment of greater sage-grouse and sagebrush habitats (Western Association of Fish and Wildlife Agencies, 2004).
4. Conservation of Greater Sage-Grouse on Public Lands in the Western U.S. Implications of Recovery and Management Policies (Policy Analysis Center for Western Public Lands, 2002)
5. Greater sage-grouse comprehensive strategy (WAFWA, 2006)
6. Greater Sage-Grouse Conservation Plan: Parachute-Piceance-Roan (BLM, CPW and others 2008)
7. Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats (2011)
8. Guidelines to manage sage-grouse populations and their habitats (Connelly et al. 2000)
9. National Sage-Grouse Habitat Conservation Strategy (BLM 2004)
10. US Fish and Wildlife Service 12 Month Findings for Petitions to List the Greater Sage-Grouse (2010)

These reports are in addition to the volumes of scientific articles on sage-grouse ecology, indeed sage-grouse is likely one of the more studied species, and there is a large amount of

scientific literature available. Garfield County contends that there are already existing and approved plans for greater sage-grouse within northwest Colorado, and having the public, industry and cooperating agencies enter into yet again another "planning effort" immediately on the heels of recently completed planning efforts is an undue burden on already taxed public resources, and will again provide another reason for industry and private enterprise to seek other areas for doing business.

We sincerely appreciate the ability to work with the BLM in their scoping process for the EIS. In addition to our comments, Garfield County, as a Cooperating Agency, requests additional 60 days be granted by the BLM to compose any further comments since the mapping of the Priority and General Habitat by the Colorado Parks and Wildlife was not made available to us for review until March 13, 2012 which is only 11 days prior to the deadline for comments. Please do not hesitate to contact us should you have any questions or comments.

Sincerely,



John Martin, Chairman
Board of County Commissioners

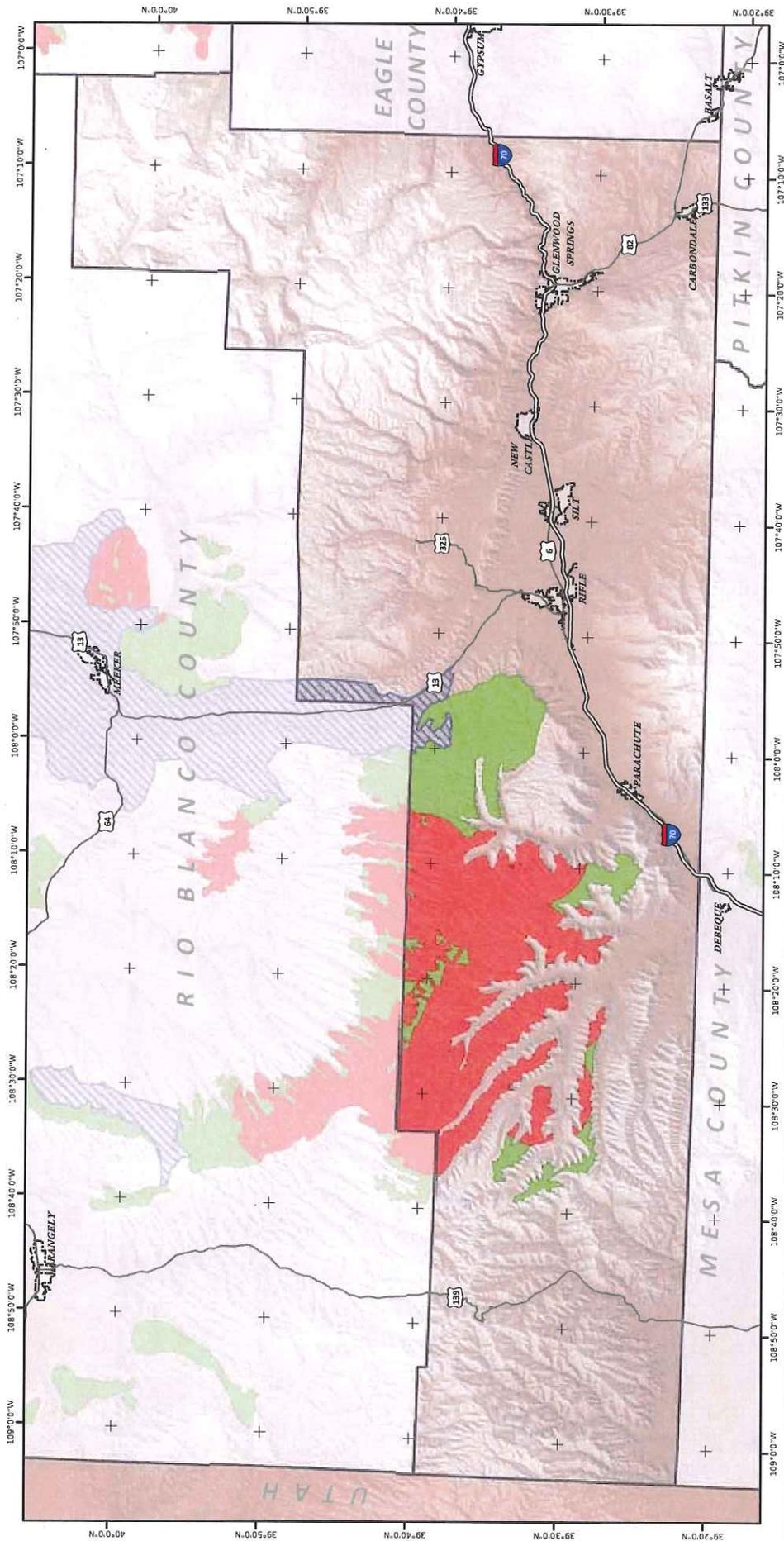


Mike Samson, Commissioner
Board of County Commissioners



Tom Jankovsky, Commissioner
Board of County Commissioners

*CC: Andrew Gorgey, Garfield County Attorney & Acting County Manager
Fred A. Jarman, AICP, Director, Building & Planning Department*



Garfield County

Figure X

Preliminary Habitats for Greater Sage Grouse

PENDO solutions

Date: March, 2012

Legend:

- Preliminary Priority Habitat 145,856 AC
- Preliminary General Habitat 72,111 AC
- Linkage Area
- Municipal Boundary
- County Boundary
- Interstate
- State Highway

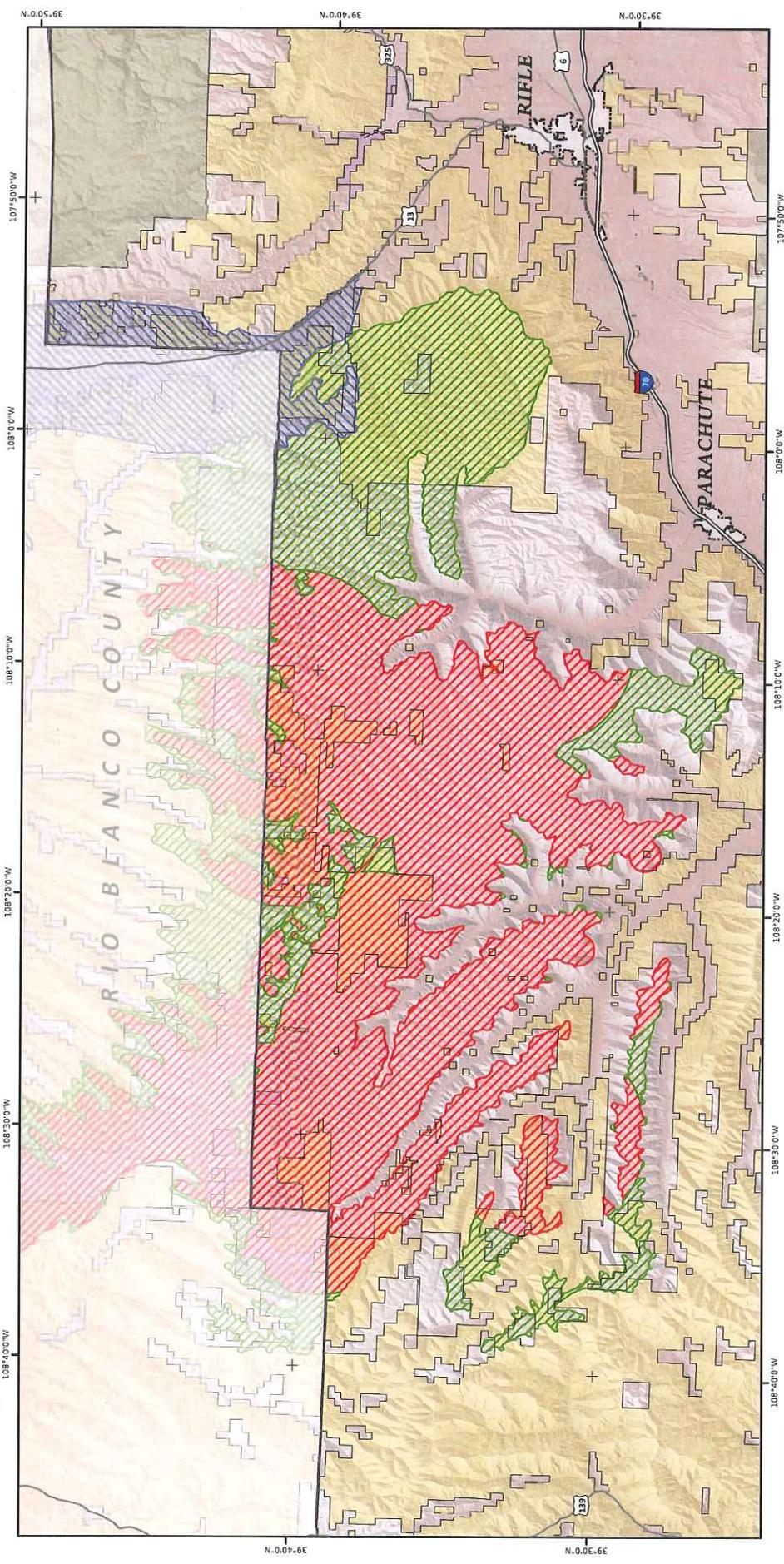
Scale:

0 3.75 7.5 15 Miles

0 30,000 60,000 120,000 Feet

1 inch = 60,000 feet

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Garfield County

Figure X

**Preliminary Habitats
for Greater Sage Grouse**

Affected Landownership

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Scale: 1 inch = 20,000 feet

0 1.5 3 6 Miles

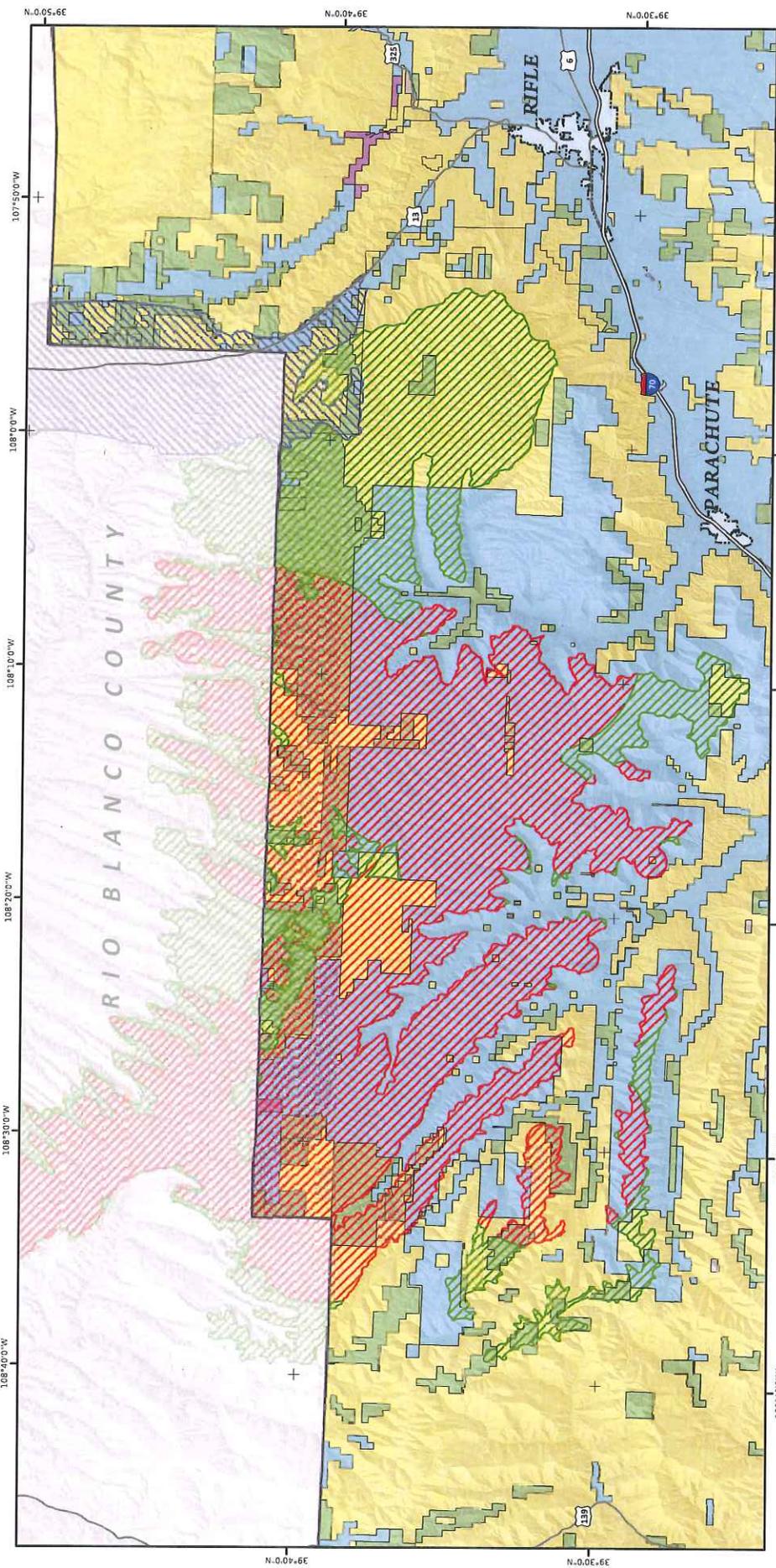
0 10,000 20,000 40,000 Feet

Legend:

	Preliminary Priority Habitat		Private Lands		Municipal Boundary
	Preliminary General Habitat		BLM Lands		County Boundary
	Linkage Area		USFS Lands		Interstate
					State Highway

Date: March 2012

PENDO Solutions



Garfield County

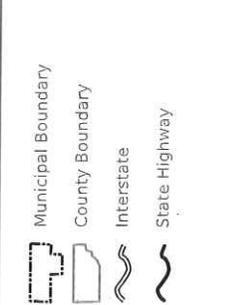
Figure X

Preliminary Habitats for Greater Sage Grouse

Affected Surface & Subsurface Ownership

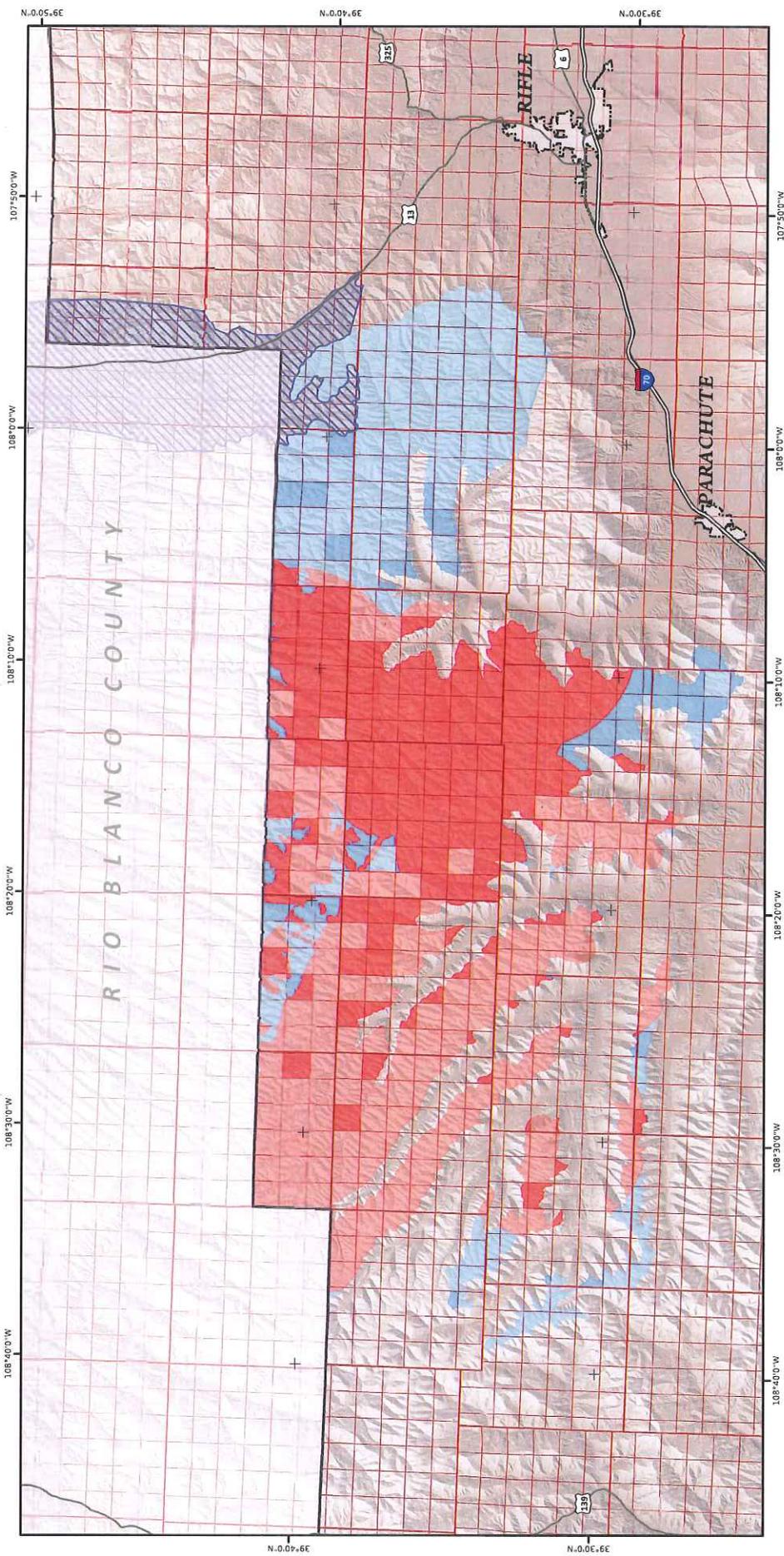
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Date: March 2012



- Preliminary Priority Habitat
- Preliminary General Habitat
- Linkage Area
- Federal Surface/Federal Minerals
- Private Surface/Federal Minerals
- Private Surface/Private Minerals
- State Surface/Federal Minerals
- State Surface/State Minerals
- Municipal Boundary
- County Boundary
- Interstate
- State Highway

PENDO solutions



Garfield County

Figure X

Preliminary Habitats for Greater Sage Grouse

Affected Sections

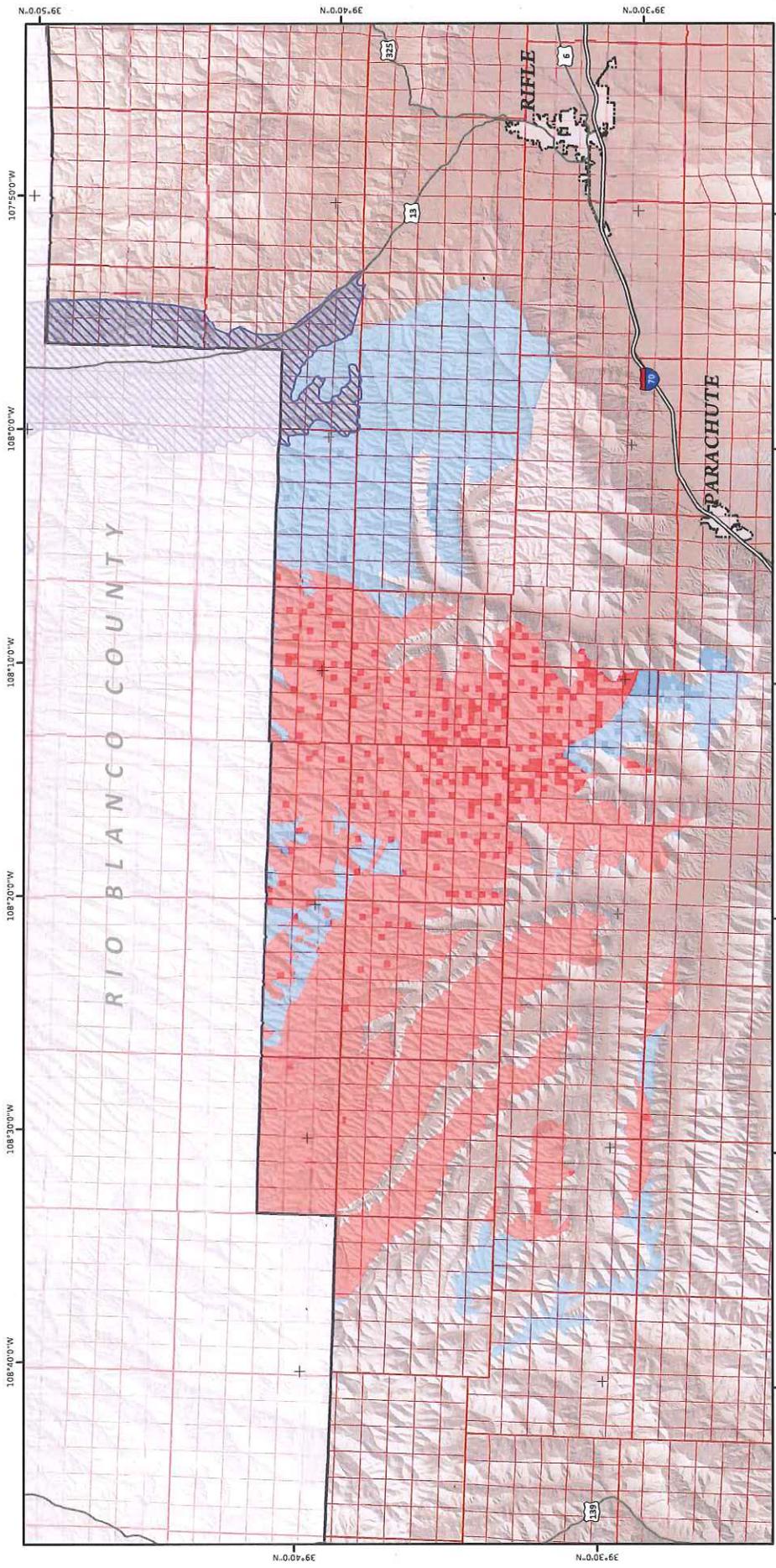
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Scale:
 0 1.5 3 6 Miles
 0 10,000 20,000 40,000 Feet
 1 inch = 30,000 feet

Date: March 2012

PENDO Solutions

	Section Impacted by PPH		Municipal Boundary
	Section Impacted by PPH, Occupied by Gas Well		County Boundary
	Section Impacted by PGH		Interstate
	Section Impacted by PGH, Occupied by Gas Well		State Highway



Garfield County

Figure X

Preliminary Habitats for Greater Sage Grouse Affected Aliquots

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Scale:
 0 1.5 3 6 Miles
 0 10,000 20,000 40,000 Feet
 1 inch = 20,000 feet

Date: March 2012

PENDO Solutions

Legend:

- Aliquot Impacted by PPH
- Aliquot Impacted by PPH, Occupied by Gas Well
- Aliquot Impacted by PGH
- Aliquot Impacted by PGH, Occupied by Gas Well
- Municipal Boundary
- County Boundary
- Interstate
- State Highway