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AUDIOTAPED BOARD OF COUNTY COMMISSIONERS  
OF GARFIELD COUNTY  
WORK SESSION MEETING  
108 8th Street, Room 100  
Glenwood Springs, Colorado

July 17, 2012  
2 p.m.

Re: BLM SAGE GROUSE MEETING

## 1 APPEARANCES:

2 Commissioner Tom Jankowsky

3 Commissioner John Martin - Chairman

4 Commissioner Mike Samson

5

6 David Boyd, Public Affairs

7 Jim Cagney, District Manager

8 Drew Gorgey, Garfield County Manager

9 Fred Jarman, Planning Director

10 Margaret Byfield, Admin Consultant

11 Eric Patterson, Wildlife Biologist

12 Dan Byfield, American Stewards

13 Jeff Comstock, Natural Resources Director

14 Sean Bolton, Rio Blanco Commissioner

15 Mary Russell, resident, Glenwood Springs

16 Andy Teilelman, Glenwood Springs

17 John Stroud, press

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1           CHAIRMAN MARTIN: All right. We're on  
2 the air. Let's go ahead and call our work session  
3 together, or is it a special meeting, Tom.

4           COMMISSIONER JANKOVSKY: No, this is a  
5 work session. Well, no, this is a special meeting.

6           CHAIRMAN MARTIN: So it is a special  
7 meeting, so it was noticed. We'll do roll call  
8 then. We will follow the same procedure.

9           Marian, can you call roll for us, please,  
10 for the record.

11           (Roll was called.)

12           CHAIRMAN MARTIN: And, also, in our  
13 regular sessions, we recite the pledge of  
14 allegiance, so would you please rise and  
15 participate.

16           (Pledge of Allegiance was recited.)

17           (Invocation.)

18           CHAIRMAN MARTIN: We want to thank you  
19 very much.

20           Now, this is a special meeting. However,  
21 I don't believe any decisions are going to be asked  
22 today.

23           COMMISSIONER JANKOVSKY: No, this is  
24 actually -- it's a government-to-government  
25 meeting, is what it is. That's why we're all at

1 the table. So we do have the coordination process  
2 regarding the Greater Sage Grouse as our first  
3 item.

4 I'd like to introduce everyone at the  
5 head table here, I guess. So let's start.

6 MR. BOYD: I'm David Boyd. I'm public  
7 affairs with BLM in northwestern Colorado.

8 MR. CAGNEY: And I am Jim Cagney. I am  
9 the district manager for the Bureau of Land  
10 Management that has the distinction of overseeing  
11 the five field offices that have Greater Sage  
12 Grouse habitat. And so I'm in charge of this  
13 project.

14 CHAIRMAN MARTIN: And Drew.

15 MR. GORGEY: I'm Drew Gorgey. I'm the  
16 Garfield County manager.

17 MR. JARMAN: Thank you. Fred Jarman,  
18 planning director for Garfield County.

19 MS. BYFIELD: Margaret Byfield, American  
20 Stewards of Liberty consultant to the Board.

21 MR. PETERSON: My name is Eric  
22 Patterson, wildlife biologist, Rocky Mountain  
23 Ecological Service, and I'm a consultant to the  
24 County.

25 CHAIRMAN MARTIN: Thank you. Way out in

1 the audience. I want everybody to be identified.

2 MR. BYFIELD: I'm Dan Byfield with  
3 American Stewards.

4 CHAIRMAN MARTIN: Thank you, Dan.

5 MR. COMSTOCK: Jeff Comstock, natural  
6 resources director for Moffat County.

7 CHAIRMAN MARTIN: Thanks for coming down,  
8 too.

9 Sean?

10 MR. BOLTON: Sean Bolton, Rio Blanco  
11 County Commissioner.

12 CHAIRMAN MARTIN: Thanks.

13 You folks wish to be on the record?

14 MS. RUSSELL: Sure. Mary Russell,  
15 resident of Glenwood Springs.

16 CHAIRMAN MARTIN: Well, welcome.

17 MR. TEILEMAN: Andy Teilelman, resident  
18 of Glenwood Springs.

19 CHAIRMAN MARTIN: And, of course, we all  
20 know John. He's the press. And we have our County  
21 attorney. We have our information officer and our  
22 administrative assistant.

23 So, Tom, I'd like to turn it over to you.  
24 I got a little jet-lagged. I left Pittsburgh this  
25 morning, a little after 3 this morning, so I

1 finally got here. And that's Eastern Standard  
2 Time. So take it away.

3 COMMISSIONER JANKOVSKY: Thank you,  
4 Commissioner. I think the first thing -- first of  
5 all, this is a government-to-government meeting.  
6 It's to talk about the coordination process. I  
7 believe the meeting has been published, but we are  
8 not taking any public comment at this time. So  
9 that's my understanding of that.

10 And I just wanted to go a little bit  
11 through the coordination process, and this is what  
12 you guys have given us from the BLM handbook guide  
13 on cooperating agencies and also the coordinating  
14 process.

15 And the first thing that came to my  
16 attention, I actually received this when I was --  
17 from the Colorado River District office when we  
18 were looking at their EIS for their RMP, Resource  
19 Management Plan. But there is a letter in here  
20 from Mr. Abby, director of the Bureau of Land  
21 Management, and in about the second paragraph he  
22 says: Coordination is a key part of our day-to-day  
23 operation to work with, communicate with and  
24 partner with state, local and tribal governments as  
25 we carry out our management responsibilities on

1 public land.

2           And then if you go back to page 31 in the  
3 handbook, there is a -- and it's real nice because  
4 it's laid out with questions, so I'm going to read  
5 those questions, just maybe highlight what the  
6 coordination process is.

7           The first question is: What is the scope  
8 of the BLM's coordination responsibilities in  
9 developing and revising RMPs and EISs? And the BLM  
10 has responsibility to coordinate with other  
11 government units to the extent practical. The BLM  
12 will seek to maximize consistency with the plans  
13 and policies of other government entities.

14           And so, you know, we're here today to  
15 talk about Sage Grouse because we do have a plan,  
16 which you're aware of Jim, the PPR plan, which is  
17 the Parachute Piceance Roan Plan, which takes into  
18 consideration the lands in Garfield County that are  
19 under potential listing for Sage Grouse or where we  
20 have Sage Grouse habitat.

21           And then it goes on to state that to the  
22 extent consistent with laws governing and  
23 administration -- and this is FLPMA 43.USC -- to  
24 the extent consistent with the laws governing the  
25 administration of public lands, coordinate the land

1 use inventory planning and management activities  
2 for such lands with the land use planning and  
3 management programs of other federal departments  
4 and agencies and to the state's local governments  
5 within which such lands are located.

6 Then there's just a quick little blurb in  
7 here which also falls under FLPMA, but also falls  
8 under a CRF for coordination, CRF for the BLM. And  
9 that is the secretary shall keep apprised of state,  
10 local and tribal land use plans, which we talked  
11 about earlier, assure that consideration is given  
12 to those plans, assist in resolving inconsistencies  
13 between the federal and non-federal government  
14 plans, provide meaningful involvement of local  
15 governments, including early public notice, and  
16 then make federal plans consistent with local  
17 plans.

18 Then there's just a question in here: Is  
19 there a coordinating agency status designation?  
20 And it states in here: No, there is no such  
21 designation as coordinating agency. It's  
22 coordinating process.

23 And it also says: Is an MOU, memorandum  
24 of understanding, required between a local  
25 government and the BLM to define coordination? And

1 the answer to that is no.

2 Can the BLM meet its coordination  
3 responsibilities through a cooperating agency  
4 relationship? The BLM has a duty to coordinate  
5 even if a formal CA relationship is not  
6 established. And then, again, that's in  
7 conjunction with FLPMA. And there are CRFs down  
8 below this.

9 Does coordination under FLPMA require the  
10 BLM to share pre-decisional documents? I think  
11 this is very important because you are in a  
12 pre-decisional stage right now and I think there  
13 will be times, Jim, when you may say: I don't want  
14 to discuss that because it's pre-decisional  
15 possibly, but the answer to that is no.

16 To what extent is the BLM obligated to  
17 follow local plans and policies? By regulation the  
18 BLM has an obligation to keep apprised of non-BLM  
19 plans, assure consideration is given to those plans  
20 that are germane to the development of the BLM,  
21 BLM's plans, assist in resolving, to the extent  
22 practicable, inconsistencies between the federal  
23 and non-federal plans, provide for meaningful  
24 public involvement of other federal agencies,  
25 state, local and tribal officials.

1           It goes on to say: When  
2 inconsistencies between -- and I think this is an  
3 important one for us. This is: When  
4 inconsistencies between a proposed action and a  
5 local plan or policy cannot be resolved, should  
6 there be acknowledgement in the EIS? And the CEQ  
7 regulations require that inconsistencies between  
8 the proposed action and other federal, state, local  
9 or tribal lands use plans and policies to be  
10 documented. And those plans and policies are to be  
11 documented in EIS.

12           And that's one of our reasons we're here  
13 to have this meeting is because we do have a plan,  
14 and we feel very strongly that we would like to  
15 have that in the EIS. And then if a state or local  
16 plan is inconsistent with federal law or policy, in  
17 such cases the BLM does not have an obligation to  
18 seek consistency.

19           And that's pretty much it from your  
20 handbook, but I just wanted to kind of get those  
21 things on the table.

22           CHAIRMAN MARTIN: That's the 2000 --

23           COMMISSIONER JANKOVSKY: And that is the  
24 2012 handbook and it's revised and the title is  
25 Desk Guide to Cooperating Agency Relationships and

1 Coordination with Intergovernmental Partners.

2 MR. GORGEY: Commissioner, I believe in  
3 one point you spoke that the Bureau does not have a  
4 duty to make them consistent. I believe you meant  
5 to to say does have a duty to make them consistent.

6 COMMISSIONER JANKOVSKY: I can go back to  
7 that, but it is -- it talks about the  
8 inconsistencies. And it says: When consistencies  
9 between a proposed action and a local plan or  
10 policy cannot be resolved, should they be  
11 acknowledged in the EIS? And the answer is: Yes,  
12 the CEQ regulations require that inconsistencies  
13 between the proposed action and other federal,  
14 state, local or tribal land use plans and policies  
15 be documented in the EIS.

16 Does that answer your question? I can  
17 also go back to FLPMA, which states that: Assist  
18 in resolving inconsistencies between federal and  
19 non-federal government plans, or in the BLM CRF it  
20 has pretty much the same wording, a system  
21 resolving to the extent practical, inconsistencies  
22 between federal and non-federal government plans.  
23 So those are both in FLPMA and in the BLM's CRF.

24 MR. GORGEY: Thank you.

25 CHAIRMAN MARTIN: And young Mr. Boyd, you

1 know that we've done this numerous times on several  
2 different items in reference to coordination and  
3 cooperation. And I believe we have obtained a  
4 cooperative status, is that correct, on the  
5 Sage Grouse on this, Jim?

6 MR. CAGNEY: Yes.

7 CHAIRMAN MARTIN: (Inaudible). So does  
8 Moffat County, Rio Blanco County. Did Jackson,  
9 Grand, do you know?

10 MR. CAGNEY: Yes.

11 CHAIRMAN MARTIN: All of it. And you've  
12 talked a lot about the different stages that you're  
13 in now on the Sage Grouse and the different plans.  
14 You brought that up in the meeting, so that's part  
15 of your record on cooperating agencies in  
16 reference to the different plans that are out  
17 there, because I know that we have more than one in  
18 the state, so...

19 MR. CAGNEY: Right, there's five. I  
20 should talk about that in some detail here.

21 CHAIRMAN MARTIN: Thanks, Jim. Go ahead.

22 COMMISSIONER JANKOVSKY: I just have a  
23 couple of things to finish up. You know, I want to  
24 turn it over to Eric, but let Jim talk about that.  
25 You know, and again, we passed a resolution as a

1 Board of County Commissioners just stating that we  
2 want to go through the coordination process. And  
3 Garfield County is a signatory to and has been  
4 actively involved in developing the PPR, Greater  
5 Sage Grouse Plan.

6 Now, therefore, be it resolved the Board  
7 of County Commissioners of Garfield County,  
8 Colorado as follows does hereby a certain legal  
9 standing to coordinating regarding the Greater Sage  
10 Grouse with all federal and state agencies. And  
11 then we'd sent off a letter with this resolution to  
12 Director Hankins, which you probably have seen that  
13 letter.

14 And so we just we're here really to talk  
15 about our plan and why we feel strongly about the  
16 local plans. You know, we stated in here in our  
17 letter to Director Hankins that each solution is  
18 based on the uniqueness of our local client,  
19 ecology, geology, habitat characteristics,  
20 productive uses and species diversity. And so we  
21 feel for that reason that it's important to talk  
22 about our local plan.

23 You know, and to be quite honest, we feel  
24 by doing this that we make the -- we help the BLM  
25 with the defensibility of the EIS and the

1 obligation to accommodate local plans. And, again,  
2 this is a government-to-government meeting, you  
3 know, and I think there's definitely some big  
4 differences between our governments because federal  
5 agencies -- the authority of federal agencies is to  
6 execute federal law, but it's to be balanced with  
7 the duties and responsibilities of local  
8 governments to protect the health, safety and  
9 welfare.

10 And so it's our responsibility to protect  
11 the health safety and welfare of our constituents,  
12 and your responsibility is to uphold the federal  
13 laws of the United States of America. But I think  
14 by working together government to government, we  
15 can kind of resolve some of these issues and move  
16 forward. And I don't know if there are issues, but  
17 I think I'd like to maybe let you speak and --

18 CHAIRMAN MARTIN: And going through this  
19 process again, there are certain things that have  
20 been discussed, I'm sure at the different meetings  
21 you've had as Cooperating Agencies.

22 And there's a process that certain  
23 information is to be absorbed, and with working  
24 document, et cetera, and drafts are being done or  
25 discussion or solutions being resolved that haven't

1     been resolved yet with the cooperating agency  
2     status. So we don't need to bring all of those up  
3     because I think the process is to work those out in  
4     the meetings.

5             COMMISSIONER JANKOVSKY: That is a  
6     different venue and I believe it is a different --

7             CHAIRMAN MARTIN: Okay. So we don't want  
8     to get into that.

9             COMMISSIONER JANKOVSKY: That is correct.  
10    That is correct. I think Jim will keep us very --  
11    I would think keep our feet to the fire on that.

12            CHAIRMAN MARTIN: We wouldn't violate  
13    that agreement that we have in place either, Jim.

14            MR. CAGNEY: I have to apologize. I'm  
15    not sure I understood what you just said.

16            CHAIRMAN MARTIN: In other words, there  
17    are certain work products that are not to be  
18    divulged yet to the general public, based upon  
19    science, based upon draft, based upon a work  
20    product itself. That's a non-complete product. I  
21    think that's still within that MOU that there are  
22    certain documents that need to be finalized before  
23    released.

24            MR. CAGNEY: Right.

25            CHAIRMAN MARTIN: And I just didn't want

1 to get into those, if they're not finalized. So  
2 you guys steer us clear. Because we're not -- Mike  
3 and I and the rest of us -- well, Tom's there,  
4 biologist is there, Jeff is there, Sean's there,  
5 Fred's been attending. So I just didn't want to  
6 get into kind of that gray area, so keep us out of  
7 that, will you?

8 MR. CAGNEY: It's easier said than done,  
9 but --

10 CHAIRMAN MARTIN: Do you wish to respond  
11 to anything that Tom said?

12 MR. CAGNEY: Yeah, and I don't know if  
13 this is so much a response as it is to just -- I'd  
14 really would appreciate the opportunity to make a  
15 couple points here.

16 First of all, thank you very much for  
17 putting this together. And if I have one point I'd  
18 like to make it's -- I mean I'm not focused in any  
19 way on what my obligations are with regard to  
20 coordination with counties. I mean I would hope  
21 that through the ebb and flow of that we exceed my  
22 obligations and that's, you know, a nonissue.

23 And I really appreciate the work that  
24 Garfield County has done to get these kinds of  
25 discussions going because I can assure you that the

1 absolute last thing I want to do is try to figure  
2 this out by myself. I mean I promise you that's  
3 the case.

4 I would refer to the cooperating agency  
5 status. And I think the core issue there, it's  
6 a -- you know, it came up last time because, you  
7 know, we had some press at the cooperating agency  
8 meeting. And in those meetings we're empowered by,  
9 you know, the Federal Land Policy and Management  
10 Act to talk about what's called pre-decisional  
11 information, and that's the specifics of what's in  
12 the alternatives and that type of thing.

13 And that little window right there is my  
14 opportunity to talk to cooperating agencies and do  
15 something other than build this thing, you know, in  
16 a vacuum. And, you know, the BLM, you know, we  
17 have interdisciplinary teams and we think we cover  
18 the bases. But, you know, any organization, you  
19 know, up to and including us will just drift, you  
20 know, without even knowing it, if we're just kind  
21 of working by ourselves, so this is our opportunity  
22 to not do that.

23 So what we do is we get a cooperating  
24 agency status and that gives us a pass to divulge  
25 that information. And the issue there is that

1 every has to have to same opportunity to comment,  
2 whether you live in Florida or, you know, across  
3 the nation.

4 And, you know, if we start chatting about  
5 some things and some group says: Wait a minute,  
6 you guys ran this show in such and such a manner  
7 that different people had different opportunities  
8 to the information earlier and then more time to  
9 prepare their comments, et cetera, et cetera, then  
10 they can -- you know, they can deal me some  
11 heavy-handed you know bad stuff and I have to  
12 prevent that.

13 So that's where we stand on that. But we  
14 have to talk about this stuff so we can-- there's  
15 plenty of things we can talk about without getting  
16 into that.

17 CHAIRMAN MARTIN: Very good. I just  
18 didn't want to follow that --

19 MR. CAGNEY: No, we're okay.

20 CHAIRMAN MARTIN: Tom?

21 COMMISSIONER JANKOVSKY: I think at this  
22 point -- and i just really want to go back to  
23 the -- you know, we do want to see our plan in the  
24 EIS, so that's the reason we've -- you know, we've  
25 asked you here. And I'll just kind of I turn it

1 over to maybe Eric, and let Eric talk a little bit  
2 about the PPR plan.

3 CHAIRMAN MARTIN: Okay. I want to make  
4 sure that we identify that it is an approved plan.  
5 The signatures were, again, the US Fish and  
6 Wildlife, BLM, Division of Wildlife, the Colorado  
7 Department of Natural Resources, Rio Blanco,  
8 Garfield County -- you had your own, Moffat had  
9 their own -- landowners which are the private  
10 landowners. There were some larger landowners,  
11 smaller landowners. We had environmental groups.

12 COMMISSIONER JANKOVSKY: A number of  
13 environmental groups.

14 CHAIRMAN MARTIN: I'm trying to think how  
15 many other groups. Do you remember Dave, at all  
16 how many were on that plan that was held down in  
17 Parachute and a few other places? Can you read  
18 those off because it was adopted.

19 COMMISSIONER JANKOVSKY: You want me to  
20 read all of them off, because it's a long list, but  
21 I'd be happy to.

22 CHAIRMAN MARTIN: And also Division of  
23 Wildlife adopted it as a working plan, too, for the  
24 State of Colorado on the birds. So just if you can  
25 do like at least a dozen of them so we can get a

1 foundation of who was there on this working plan.  
2 Then is that working plan physically available for  
3 anybody that wish us to read it? Okay, we do have  
4 a copy. Thank you.

5 COMMISSIONER SAMSON: What's the date on  
6 that, Tom?

7 COMMISSIONER JANKOVSKY: This is a 2008  
8 plan and I think Eric will discuss that.

9 CHAIRMAN MARTIN: Name a couple of those,  
10 Tom, so we can get a foundation.

11 COMMISSIONER JANKOVSKY: I will give  
12 maybe the first 15 or so that are on here.  
13 Northwest Corporation, Mesa Land Trust, Conoco  
14 Phillips, the Nature Conservancy, Grouse, Inc.,  
15 Western Area Power Administration, EnCana, Bernie  
16 Buescher, Colorado House of Representatives,  
17 Colorado Oil and Gas Conservation, US Fish and  
18 Wildlife, Rifle Citizen Telegram.

19 You know, this is working group members,  
20 is who it is. They're not necessarily all -- I  
21 don't know that they're all signatures. This is  
22 working group members. Wilderness Society, Audubon  
23 Colorado, Colorado Rural Electric Association,  
24 Bureau of Land Management, so...

25 CHAIRMAN MARTIN: And it's also in the

1 index and glossary of what took place and who did  
2 what.

3 COMMISSIONER JANKOVSKY: Yeah, it's work  
4 group members. And then there was signature -- the  
5 signature's back here, but it becomes more  
6 difficult off the signature pages.

7 CHAIRMAN MARTIN: Thank you. I just  
8 wanted to make sure that everybody is working off a  
9 true plan that has gone through the process, what  
10 we talked about before, Jim, in reference to the  
11 process. And it is not an overnight process. I  
12 think this was several years that we worked on this  
13 plan.

14 So I'll give it to the biologist now.

15 CHAIRMAN MARTIN: Thank you for the  
16 foundation.

17 MR. PETERSEN: Well, thanks a bunch for  
18 coming up here. And I think one of the things that  
19 we did want to get out on the table is that from  
20 what I've heard from Garfield County is that they  
21 realize and understand that the most important  
22 thing is to conserve Sage Grouse and Sage Grouse  
23 habitat on the landscape.

24 And so in reading through the NTT report  
25 and looking at the PPR plan, I think we all

1 recognize that the most important thing is to  
2 maintain what habitat is left out there. That's  
3 the only thing that's really going to conserve the  
4 species long term.

5 In order to make sure that if the County  
6 moves forward with this process of coordinating  
7 with the BLM, they also want to make sure that the  
8 PPR plan is going to be consistent enough with the  
9 NTT report and that it's going to still meet  
10 purpose and need.

11 And to that end, we just had a couple  
12 questions that maybe -- I don't know if BLM can  
13 answer this, this second, maybe not -- but one of  
14 the things that came up is that a lot of the  
15 impacts that are now facing Sage Grouse and  
16 Sage Grouse habitat in Wyoming, Colorado is energy  
17 development, wind power, oil and gas development.

18 And a lot of the studies in the NTT  
19 report are pretty much from the Pinedale area,  
20 Pinedale area, Pinedale, Pinedale Anticline, Powder  
21 River Basin where -- there's a lot of development  
22 up in that country. And we recognize that the NTT  
23 report -- this is the best available science there  
24 is in looking at what are the impacts of these kind  
25 of developments on Sage Grouse and their use of

1 habitats. But we also recognize when looking at  
2 that, well, hey, all these studies are coming from  
3 areas that have seen a lot of development.

4 And we just wanted to make sure that we  
5 understand that everyone's on the same page; that  
6 is there a venue or how are we going to move  
7 forward with using studies from these really highly  
8 developed areas and then crosswalk that into areas  
9 like Garfield County where that isn't that level of  
10 development, where we're not talking, you know 16  
11 pads a square mile and compressors and all that in  
12 the areas where Sage Grouse occurs in Garfield  
13 County.

14 So that was a concern that -- in our  
15 discussions is that how are we going to make sure  
16 that the -- whatever is brought forth that's going  
17 to be implemented in Garfield County works with  
18 Garfield County local conditions and the situations  
19 that are down here.

20 And the other thing that came up, too,  
21 was, you know, no more than 3 percent surface use,  
22 surface occupancy in these Sage Grouse habitats.  
23 We were wondering if the BLM or working with the  
24 NTT team can get some feedback to the County, well,  
25 where exactly did the 3 percent come from.

1                   When we looked at the studies that say:  
2   Well, here's the five or six studies, you know,  
3   that were the basis for the 3 percent or the basis  
4   for the 4-mile buffer around leks, we were  
5   wondering if we can get a little bit more  
6   information on how those studies were interpreted  
7   to come up with the 3 percent -- you know, surface  
8   use on 3 percent and the 4-mile buffer on leks.  
9   And you don't have to --

10                  CHAIRMAN MARTIN: That's kind of getting  
11   on where I was talking about earlier. And, Jim,  
12   you're going to have to steer us away if that  
13   happens to be part of the working group discussion  
14   that they're trying to work out. We want to make  
15   sure that we don't violate our trust in that, but  
16   we give our concerns.

17                  UNIDENTIFIED SPEAKER: Right.

18                  CHAIRMAN MARTIN: And we're not forcing  
19   him to make an answer at this time, if he's  
20   uncomfortable.

21                  MR. PETERSON: Right. And I think the  
22   other thing, too, is that, well, you know if  
23   Garfield County wants to use the PPR plan, we  
24   realize that, you know, hey, there's probably going  
25   to have to be some tweaks to the PPR plan, so...

1           MR. CAGNEY: Mr. Chairman, that 3  
2 percent, it's in this publicly released document.

3           CHAIRMAN MARTIN: Okay.

4           MR. CAGNEY: So we're are very, very safe  
5 here.

6           CHAIRMAN MARTIN: And continue.

7           MR. PETERSON: Well, you know, that's  
8 pretty much the meat of where we wanted to cut, as  
9 far as the science goes, to make sure that whatever  
10 Garfield County comes up with in looking at and  
11 making sure that the PPR plan is going to meet that  
12 purpose and need that we understand, you know,  
13 fully the science behind the 3 percent and the  
14 4-mile buffer because those are the real key  
15 kickers in the NTT report, so...

16           CHAIRMAN MARTIN: And the identification  
17 of those buffers I think has been in discussion.  
18 (Inaudible). That happens to be what the slopes  
19 and the different elevations, et cetera, it's not  
20 all flat ground. It looks like it is on a map.

21           But you've had discussions about how the  
22 slopes are there, different escarpments and  
23 everything else are within those. So there's other  
24 activities that take place at the base of those  
25 that would not interfere with the lek.

1 I imagine that's one of those highly  
2 discussed items on identification of 4-mile  
3 buffers, et cetera. Am I correct?

4 MR. CAGNEY: Well, absolutely, and then  
5 you can get into some additional kinds of issues  
6 there that if -- when they made the priority  
7 habitat map, you have to scale that in a certain  
8 manner.

9 So when you complete that analysis and  
10 make that map, well, there's stands of Pinion  
11 Juniper, you know, that's Grouse habitat in  
12 priority habitat.

13 CHAIRMAN MARTIN: Right.

14 MR. CAGNEY: So how are we going to  
15 handle that when in terms of the disturbance. And  
16 I've got some ideas. I don't know if they're any  
17 good or not, but I've got some things I'd like to  
18 chat about.

19 MR. PETERSEN: I think we just feel  
20 that, you know, with a proposal such as this with  
21 the EIS, the to devil's going to be in the details.  
22 And I think that we just want to make sure that  
23 we've got a good understanding of where some of  
24 those -- like the 3 percent 4-mile buffer is coming  
25 from so that we just make sure we're doing the

1 right thing, too, so...

2 COMMISSIONER JANKOVSKY: I guess, you  
3 know, if I can, maybe some of the differences in --  
4 this is Appendix C in the PPR plan, which is best  
5 management practices and just some of the  
6 differences in this with NTT are that says consult  
7 and -- and it's DOW now, which is Division of Parks  
8 and Wildlife on surface occupancy within 4 miles of  
9 any Greater Sage Grouse lek within suitable  
10 habitat. So it's a consultation with as opposed to  
11 no a no-surface occupancy.

12 And then it says: Within suitable  
13 Sage Grouse habitat, avoid all surface within 6/10  
14 of a mile of any Greater Sage Grouse lek between  
15 March 15 and May 15. And so I mean those are just  
16 fairly big differences difference between the  
17 plans.

18 CHAIRMAN MARTIN: And that takes into the  
19 consideration in reference to the growing season  
20 for leasing, grazing and what have you and that  
21 could or could not be within those particular areas  
22 and that contract would be written as such. No  
23 surface occupation or use during that certain  
24 times. Isn't that the way it works, Dave?

25 COMMISSIONER JANKOVSKY: I think it just

1 gives us a little bit of flexibility for those  
2 situations where we've seen in front of us as the  
3 Board of County Commissioners where there's -- in  
4 this case it was a communication tower and it was 2  
5 miles from a lek, but the lek was on the top of the  
6 plateau and the communication tower was 2000 feet  
7 below.

8 And, you know, in that situation it's  
9 probably not disturbance of that lek. And so those  
10 are some of the questions we have, I guess.

11 CHAIRMAN MARTIN: And those are some of  
12 the details that have to be discussed I think at  
13 that meeting and then also given to the different  
14 land managers and their specialties and how that  
15 should apply if that 4-mile buffer is laid open  
16 there. Each one of those kind of be an individual  
17 issue, should we say.

18 MR. CAGNEY: I've got to smile when you  
19 say "that meeting." It will be more than one  
20 meeting, sir.

21 CHAIRMAN MARTIN: Oh, I know. I figure  
22 the next one is going to be a discussion about  
23 habitat one way or another. I know that's a  
24 biggie.

25 MR. CAGNEY: So let me speak to a concern

1 that I've got because I -- you know, this is a hard  
2 thing to do, you know, and I've waffled a couple  
3 times pretty notably. Actually, more than you'll  
4 ever know.

5 So I started out and then the original  
6 instruction memorandum that I got from the Bureau  
7 of Land Management was to do an environmental  
8 impact statement and analyze this. That was the  
9 original instruction, okay.

10 That mandate got expanded a little bit at  
11 the scoping. We put that nationally, we did  
12 scoping and we got more issues beyond this that  
13 we're pretty much locked into having to analyze.

14 We've got lots of scoping comments and  
15 that's a public document, the scoping report that  
16 said: This is not enough, we need more than that.  
17 Okay.

18 But before I got that news, I had set out  
19 to structure this thing, saying that we would take  
20 all our existing RMPs because they're pretty new  
21 and the Glenwood Springs one's new, the Moffat  
22 County one is new.

23 The combination of the stuff in Rio  
24 Blanco County is really good stuff on Sage Grouse.  
25 I mean the stuff that's already been done.

1           And the beauty of that system was that I  
2           thought that, you know, that those kind of  
3           documents were already captured in those existing  
4           documents. And we put a lot of time into that  
5           approach. There's a few BLMers that would like to  
6           just to kill me because I'm just counter marching  
7           them.

8           But, you know, if you took the National  
9           Technical Team as one alternative and then did a  
10          cross match of each of the five resource management  
11          plans that we have to match it up with, if you  
12          looked at any one of them, you know, it was  
13          reasonable.

14          I mean there's some mismatched issues  
15          there because resource management plans tend to  
16          discuss site-specific locations, et cetera,  
17          et cetera. But it was okay. But if you took all  
18          five of them and put them together, then you ended  
19          up with an inch of indecipherable complexity.

20          And I had people saying: Jim, you've got  
21          to give this up. I mean this is not going to be  
22          defensible. The judge is going to look at that and  
23          he's going to say: I don't know what this says,  
24          take it away, you know. And I had to give into  
25          that.

1           So, you know, just getting close to the  
2 edge of the alternative. So we've got the NTT and  
3 no action, everybody's got a no action, and then  
4 we've got a scoping requirement to do something  
5 which, you know, you can call that -- that's a  
6 citizen's alternative.

7           And certainly if we've not learned  
8 anything from that Roan decision, it's that if  
9 you've got citizen's alternatives like that in your  
10 scoping, you have to pick them up and deal with  
11 them, okay.

12           So now it's a question of that we have to  
13 have another alternative. And it's been a little  
14 confusing because it took me a lot of process steps  
15 to get to that, you know, but, you know, I knew  
16 that I was in deep trouble -- and I'll credit Fred  
17 Jarman for this. At that second cooperating agency  
18 meeting for saying: Jim, it is really unclear why  
19 we're here, you know.

20           And so I thought that I could just take  
21 the alternative that was kind of on the development  
22 end of the scale and include that, and that didn't  
23 work at all.

24           You know, when you look at those resource  
25 management plans, those alternatives are not

1 standalone at all. They are designed to be  
2 compared to each other.

3 So when you just took that one  
4 alternative and looked at it, that was blatantly  
5 not going to work.

6 Okay. So now what we need to do is we  
7 need to make that alternative and we need to do  
8 that in consultation with the cooperating agencies  
9 and we need to get those kinds of issues in there.  
10 That's what needs to be done and that needs to be  
11 done as soon as we can do it.

12 And because of my little change of my  
13 mind -- which I had to do it, I guess I don't feel  
14 that bad about it anymore, I did at the time --  
15 but I mean I had to cancel that meeting on the 13th  
16 and try to reschedule it for a Thursday.

17 And the result of that was there's a lot  
18 of people had that Thursday set aside -- you know,  
19 the 13th set aside from a long time ago.

20 So looking at fewer people that can make  
21 that meeting, you know, Thursday, which is  
22 unfortunate, but we're got going to get this done  
23 in one meeting anyway.

24 So, hopefully, we'll get to the show on  
25 the road in dealing with what you said. Because

1 when I shifted over this program and decided that  
2 no, we need to have far more generic alternatives,  
3 that using the existing material with all the  
4 reference to individual landmarks is not going to  
5 work, I lost some links to County plans. And I've  
6 got to get them back now.

7 CHAIRMAN MARTIN: That's always the  
8 frustrating part, is that we've worked on the plans  
9 and what have you for our particular area, and it  
10 overlaps County boundaries and it also goes into  
11 field office boundaries, et cetera.

12 But to do one overall plan for the entire  
13 area is really almost cruel to make you do because  
14 each and every one of those areas has some unique  
15 qualities that have to be an alternative that don't  
16 apply to the other. And it's -- I sympathize with  
17 you.

18 MR. CAGNEY: I thought I had it all  
19 figured out.

20 CHAIRMAN MARTIN: No, you didn't have it  
21 all figured out. That's why it took us about three  
22 years just to work this particular plan out and  
23 then to take five plans and not call them chapters  
24 in certain areas, and then try to come up with one  
25 plan for the: What are you going to do when you

1 have to deal with the Idaho and you're going have  
2 to deal with the other folks outside, you know, the  
3 state and Wyoming and putting it all together for a  
4 national plan. I don't think that's going to work.  
5 I really don't. I think that that's why the RMPs  
6 and also the working plans need to kind of be  
7 identified.

8 So that's our frustration. And I know  
9 that you're going to run into that again in  
10 different states and different field offices that  
11 have plans.

12 And how would you deal with the Gunnison  
13 Sage Grouse if you had to include Gunnison  
14 Sage Grouse in this working plan? And those are  
15 some of the things we really have trouble with in  
16 how you can use the studies and come up with one  
17 single plan.

18 MR. CAGNEY: And we have a court-ordered  
19 timeline on this that is really tough.

20 MR. PETERSON: Is there an opportunity  
21 to -- based on your marching orders to use a lot of  
22 the PPR plan?

23 COMMISSIONER JANKOVSKY: And that's what  
24 we're trying to get done today with coordination.  
25 That's really why we are here.

1           MR. CAGNEY: I would like to explore that  
2 to the maximum extent possible today.

3           COMMISSIONER JANKOVSKY: Well, I would  
4 you like you to follow the -- I mean it's in your  
5 handbook. I mean it's in FLPMA. We would like to  
6 see our plan included in the EIS. That is one of  
7 the reasons we're here.

8           MR. PETERSON: I think the counties, you  
9 know, they're looking at the PPR plan. It's like,  
10 well, this is what was developed with their  
11 constituents, you know, their local landowners, you  
12 know, local Division of Wildlife, local BLM.

13           So I think that the County is like: Why,  
14 we've already been through a mini EIS on this  
15 thing, can we just you know, get that into the main  
16 EIS? Is it going to work? And if there's some  
17 things that need to get tweaked, can we start  
18 coordinating and getting that figured out now to  
19 make it a better alternative.

20           COMMISSIONER JANKOVSKY: And I'll go a  
21 step further. I think according to what I read in  
22 here, the burden is on the BLM's shoulders to tell  
23 us why that cannot be in the EIS. So that's my  
24 concern there.

25           And when you go back to all of our plans

1 put together, I understand how much volume that is,  
2 but then when I get a -- and I have three of them  
3 right now, BLM EISs that are four volumes and  
4 they're 1,600 and 2,000 pages, and I look at that  
5 and go as a County Commissioner with other duties,  
6 how am I to get through that? So I understand the  
7 pain of that, but comes back on the other side as  
8 well.

9 CHAIRMAN MARTIN: But if you're not  
10 involved in it, there are consequences that will,  
11 again, ripple all the way through the County and  
12 everything that we do in reference to land and also  
13 the citizens' use of the land.

14 I mean, right down to the private  
15 property owner and then to grazing permits and the  
16 other issues as they come up about with water, fowl  
17 habitat and on and on and on. And it just ripples  
18 larger and larger so we have to participate.

19 MR. CAGNEY: So here's the challenge, the  
20 way I see it, in terms of structuring that  
21 alternative. And by the way, it's a given that I  
22 would like to do that. I mean we're not discussing  
23 whether that's a good idea or not.

24 We're talking about how we could get that  
25 done. And so that the issue becomes -- and then

1 one of the things that's a pretty clear marching  
2 order from the Fish and Wildlife Service is a lot  
3 of that work that's done, local working groups and  
4 that type of thing, is way too general and it's way  
5 too voluntary, and so we can't include that in our  
6 listing decision, if it's just a voluntary thing.

7 So we've got to deal with that. That's a  
8 very important issue that, you know, we need to  
9 review what we've got there.

10 And so I mean it doesn't do us any good  
11 to put something on the table that's just a  
12 complete dead-on-arrival would result in a listing  
13 kind of thing. And if I did that, the Bureau of  
14 Land Management would be very, very unhappy with  
15 me, and you probably wouldn't have to worry about  
16 me anymore.

17 CHAIRMAN MARTIN: We want to worry about  
18 you, Jim.

19 MR. CAGNEY: But the other point of that  
20 on the other side is if we don't get some of those  
21 materials in, then we foreclose those options at  
22 the draft, okay.

23 And I think of this as, you know, there's  
24 13 tricks in a round and we haven't played very  
25 many hands yet, you know. So this is really early

1 and we don't want to start foreclosing on options.

2 So the challenge is to keep as many  
3 options on the table as possible without handing  
4 over a strawman that's just a no-go.

5 CHAIRMAN MARTIN: Would it complicate  
6 your life or maybe play no part or maybe help --  
7 you know, there's a gambit of what could happen.  
8 But in my conversation yesterday with Don Ash, out  
9 of Baltimore, who is the US Fish and Wildlife  
10 person, as well as the Trout Unlimited sponsor out  
11 of Baltimore as well, which is very -- was the  
12 forming entity in Pennsylvania, et cetera.

13 But anyway, they were at the meeting. We  
14 were talking about the different endangered species  
15 and the Grouse did come up.

16 And as Don said, their idea is just like  
17 BLM, is to recognize all plans. And if you have a  
18 working plan, they need to be paying attention to  
19 that and giving it credit and then to work out how  
20 it would work.

21 Would that help if he had a  
22 representative with an idea or, say, just piled  
23 everything on you and you're going to have to sort  
24 it out through the bureaucracy on your own. We'd  
25 like to help.

1                   MR. CAGNEY:  And that comes up a lot.  
2   And if the Fish and Wildlife Service just said:  We  
3   want this, this and this, I mean that in itself  
4   would be a NEPA violation.

5                   I mean it's illegal for those guys to  
6   say, prior to the NEPA document, what they want.  
7   So they have to be very, very careful that they  
8   don't get into a pre-decisional, you know, kind of  
9   thing, too.

10                  CHAIRMAN MARTIN:  They're not saying that  
11   they're going to make a determination, but what  
12   they would like to maybe say is that please  
13   consider these, is what they're saying.  And I  
14   think that's what it was, to again work with local  
15   governments on these plans, which you have a  
16   working plan in place.  They would give it  
17   credence.

18                  And I'm just saying, you know, with that  
19   kind of support, general support, coming from Don,  
20   would that help out or not, I don't know.

21                  COMMISSIONER JANKOVSKY:  If I would  
22   interrupt, Mr. Martin.  And I do want to just state  
23   that we're going to try to work with the Fish and  
24   Wildlife Service with coordination, too.

25                  And it's a little bit different because

1 at this point it's not a NEPA document with them.  
2 But we're going to try to do some -- maybe like ask  
3 Margaret, maybe, to discuss that, how we can go  
4 about that process.

5 MS. BYFIELD: This is Margaret Byfield.  
6 And I think that it would be very beneficial for  
7 the County to sit down with Fish and Wildlife and  
8 have that conversation directly as to it pertains  
9 to the Sage Grouse, what it foresees as issues that  
10 are going to come up and that they're going to be  
11 looking at through the listing process. And that I  
12 think starting those discussions early will be very  
13 helpful and it will be helpful in the BLM's EIS  
14 process.

15 Also, if I could, one of the experiences  
16 that when we were involved in is the recent  
17 withdrawal of the Dunes Sagebrush Lizard, which  
18 came out about a month ago.

19 The Dunes Sagebrush Lizard was on the  
20 candidate list in the Permian Basin area, another  
21 oil and gas area of Texas and New Mexico.

22 And that process was very interesting  
23 because BLM was faced with, really, the same kind  
24 of challenge. And in that case the BLM had  
25 prepared CCAs and CCAA agreements, had about a

1 million acres enlisted in their program for the  
2 Dunes Sagebrush Lizard and it was going very well,  
3 but, on the New Mexico side.

4           When Fish and Wildlife came out with  
5 their proposed listing for the Dunes Sagebrush  
6 Lizard, they said even though BLM had amended their  
7 Resource Management Plan -- which is what you're  
8 working on now -- and even though BLM had these  
9 agreements in place and had regulatory assurance,  
10 they actually read it as not having regulatory  
11 assurance. And they, in the proposed listing, said  
12 that unless every landowner of every use enrolls,  
13 we can't consider it.

14           And so one of the interesting things in  
15 that issue is that one of the hardest hitting  
16 comments that came back on that was actually from  
17 State Director Linda Rendell at the time for  
18 New Mexico BLM where she pointed out there is  
19 regulatory assurance, and she really pushed back on  
20 that pretty hard.

21           The other thing that happened is that the  
22 County -- there were eight counties involved in  
23 that and they all challenged the science that Fish  
24 and Wildlife was depending on because there were a  
25 lot of holes in the science and there was a lot of

1 questions in the science. And then the counties,  
2 of course, also supported the BLM in their letter  
3 off to Dr. Ash and Secretary Salazar.

4 And so what was good about that was that,  
5 you know, BLM was kind of in the same position that  
6 you're in where they were hearing unless you have  
7 regulatory assurance, we won't accept anything  
8 voluntary.

9 The CCA part of it, of course, was  
10 voluntary. And, also, on the Texas side, they did  
11 put together a completely voluntary program because  
12 Texas is private land and didn't have BLM lands at  
13 play in it. And so they put together an entirely  
14 voluntary program conservation agreement.

15 And the end result is that US Fish and  
16 Wildlife, when they made their withdrawal -- which  
17 they made their withdrawal of the species as  
18 endangered about a month ago -- and when they did  
19 that, they said that they had misread the BLM's  
20 program and that it was clarified that they did  
21 have -- that there was some regulatory assurance,  
22 and then they also accept the voluntary plan of the  
23 Texas side.

24 And when you're dealing with private  
25 land, you have landowners' participation in a

1 voluntary situation. And that's why the PPR plan I  
2 think is so important, as it does bring in that  
3 voluntary, you know, participation into the plan,  
4 which is very hard to get otherwise. So I don't  
5 know, Commissioner, if that answers your question,  
6 but --

7 COMMISSIONER JANKOVSKY: It does answer  
8 my question. I would like to just go back to the  
9 science as part of what Eric brought up about the  
10 studies in the NTT where they were done, that's one  
11 thing on the science, I think.

12 Another thing on the science, it is in  
13 the PPR plan, but not in the NTT report, and we've  
14 talked about numerous times is predation. And that  
15 threat is definitely talked about in the PPR plan,  
16 and so I question that that's not in the NTT  
17 report.

18 The other item is mitigation. And at  
19 least in our area we're losing habitat because of  
20 the encroachment of the Juniper Pinion forest. And  
21 so, you know, mitigation of that, although it  
22 doesn't do anything immediately, I think in the  
23 long run it does make a difference.

24 Eric, is there more you'd like to add to  
25 that, at least on the science side of that?

1 MR. PETERSON: Well, I think one of the  
2 things that came up is, you know, the predation  
3 issue. And I mean realizing that pretty much the  
4 end of all Grouses, someone's going to eat it.

5 I think that the County wanted to see  
6 some kind of plan that if it makes sense,  
7 short-term goals, you know, restoration of some  
8 habitat. Is there an ability to address predation  
9 issues in some alternative or at least have it  
10 assessed in some kind of a NEPA process?

11 Recognizing it's not long-term solution,  
12 but is it at least something that they can have in  
13 the toolbox, if it makes sense to coincide with  
14 habitat restoration or, you know, reintroduction in  
15 an area or something like that so.

16 COMMISSIONER JANKOVSKY: And my question  
17 to BLM would be why is predation not in the NTT  
18 report. And then, secondly, why is there not more  
19 on mitigation in the NTT report.

20 I read about reclamation in the NTT  
21 report, but not much about habitat mitigation. And  
22 so my question would be why are those not in that  
23 report.

24 MR. CAGNEY: Well, the predation thing is  
25 the Bureau of Land Management doesn't have any

1 jurisdiction. That's a Parks and Wildlife issue,  
2 managing the animals themselves.

3 So that would be outside the scope of  
4 anything that the Bureau of Land Management does.  
5 We can only handle the land-use type issues. So  
6 that's why it's not in there and that's why I'm  
7 pretty helpless on that issue.

8 The mitigation thing is going to be  
9 absolutely crucial because the NTT talks about  
10 three percents. They want 1 per 640 and 3 percent  
11 disturbance. And then I say, if you exceed that,  
12 then you need to identify some mitigation in  
13 conjunction with the Parks and Wildlife and  
14 et cetera, et cetera.

15 And so I think that there will be lots of  
16 opportunities to address that PJ because, you know,  
17 one thing that Colorado can really you know be  
18 proud of is that most of Colorado's occupied  
19 habitat is occupied, you know.

20 I mean, it isn't like Idaho where cheat  
21 grass just swept millions of acres of habitat off  
22 the planet and it's unoccupied.

23 So when it turns to offsite mitigation,  
24 those guys can do all kinds of things that we  
25 really don't have that kind of opportunity because

1 our Sage Grouse habitat is really occupied, and  
2 there's almost none to speak of that's historic  
3 that isn't on this map.

4 But in terms of that, I think that's one  
5 of the good things about this is that they'll be  
6 some big opportunities and some funding. Because  
7 what you need is to put a power line from Wyoming  
8 through northwest Colorado. You can't get it  
9 through without hitting some pretty important  
10 Sage Grouse habitat. So we're going to have to  
11 negotiate some packages right in line with what you  
12 just suggested.

13 CHAIRMAN MARTIN: Just leave out, you  
14 know, up there Moffat County because they're just  
15 all red on that particular habitat. I mean you  
16 don't even want to go there.

17 COMMISSIONER JANKOVSKY: And Jackson  
18 County.

19 CHAIRMAN MARTIN: Jackson County, yeah,  
20 all of the open area that you can put a line is  
21 also covered that way. Go ahead, Fred.

22 MR. JARMAN: Okay, thanks. Jim, thanks  
23 for bringing these. We can talk about them  
24 publicly, I'm guessing.

25 MR. PETERSON: Those are public maps.

1           MR. JARMAN: Great. So there's a  
2 finger -- if you're looking at a copy in front of  
3 you, there's a finger that is all the way west.  
4 It's the longest finger in Garfield County  
5 that's -- I think it's basically the last major  
6 finger that runs up north of the Roan, of Roan  
7 Creek.

8           MR. PETERSON: I think that's Four Eight  
9 Ridge, I think that's what they call that.

10          CHAIRMAN MARTIN: Anybody needed it out  
11 there.

12          UNIDENTIFIED SPEAKER: That real long --

13          UNIDENTIFIED SPEAKER: I have more.

14          MR. JARMAN: The question that I've  
15 always wondered about -- I've got a number of  
16 questions, but on the mapping anyway, there is  
17 mapping that shows all the lek counts and lek sites  
18 that are all on the fingers and land that it is  
19 east of that, but there's not a single lek on that  
20 entire finger.

21                 And so the question I've got, really  
22 again back to the science, is I'm trying to  
23 understand from the mapping why it's still in  
24 preliminary priority habitat when there's not an  
25 lek there versus if you go down -- of course, down

1 to the valley floor and back up the other side  
2 there's whole other ridge is densely populated.  
3 Like from the north all the way to the south  
4 there's not a single lek on it. So I need help  
5 understanding that just from science perspective.  
6 Any help there would be great.

7 MR. CAGNEY: That's a Parks and Wildlife  
8 map. They're the ones that are doing the  
9 monitoring of the birds and where the birds are.  
10 And, quite frankly, my approach on this is to  
11 accept what they've said on that and just take care  
12 of my business afterwards. So I really do need to  
13 defer you to Parks and Wildlife on that question,  
14 Fred, I'm sorry.

15 CHAIRMAN MARTIN: And, Fred, some of that  
16 information was gathered by a couple of retired  
17 folks that had done individual notations and  
18 locations.

19 It was not part of the job description.  
20 They also used airplanes back in the '60s and '70s  
21 to get those particular sites. No one had  
22 monitored those for 15 to 20 years, and they're not  
23 sure what took place and some of the locations were  
24 not, again, found. So it had potential and I think  
25 that's what we came. It had the potential of

1 habitat.

2 But, again, as you pointed out the  
3 surface growth of the Juniper, Sage and a bunch of  
4 other stuff that used to be there aren't there  
5 anymore. And now you have just the big Juniper  
6 trees and bare ground.

7 MR. CAGNEY: Once they really came up  
8 with some reliable means to do telemetry data they  
9 found some pretty substantive patterns where birds  
10 are nesting and Leking way down low early in March  
11 and then they're summering much, much higher.

12 I mean, picture little baby Grouse birds  
13 walking a long, long way between winter and summer  
14 range. And then the take-home lesson there is that  
15 a lot of our lek-based management isn't working.

16 MR. PETERSON: Do you think there's  
17 going to be an opportunity, through the EIS  
18 process, to tighten those maps before it becomes,  
19 you know, like cast in concrete, or do you think  
20 the EIS is going to say like: Well, we recognize  
21 here's our best information at this time, but is  
22 there going to be some abilities to ground truth  
23 and look at -- like you were saying earlier, you  
24 know, when you've got the island of PJ in the  
25 middle of the Sage, how are we going to handle

1 that?

2 MR. CAGNEY: Well, I think we have to  
3 handle the issues in terms of that. And the  
4 islands of Sage would be a product of how we  
5 calculate and we manage the disturbance cap.  
6 There's a lot of things to be figured out on that.

7 In terms of the map, you know, this is  
8 not an unprecedented development. The Bureau of  
9 Land Management gets elk crucial winter range maps  
10 all the time that we use in the exact same manner,  
11 and when they update them we can do an amendment to  
12 fix that. But in terms of am I pressuring Parks  
13 and Wildlife to redo their map? Not even a little  
14 bit.

15 MR. PETTERSEN: Okay.

16 MR. CAGNEY: I'm trying to get the show  
17 on the road with what I need to do.

18 MR. GORGEY: Do you know what the basis  
19 for the 3 percent disturbance threshold is? How  
20 did you get to that number?

21 MR. CAGNEY: You know that number came  
22 from the team. It was listed on the back page of  
23 that. That's the folks that were convened to work  
24 on that and it's just the preponderance of the  
25 research.

1           You know, the Wyoming governor's plan is  
2   5 percent. But basically I think there's -- and I  
3   am not a Grouse biologist by any means, but there's  
4   a preponderance of the evidence that one  
5   disturbance per 640 acres is the threshold by which  
6   Grouse tend to stop using the habitat, whether they  
7   get predated or whether they just choose not to use  
8   that anymore.

9           And the 3 percent, 5 percent are all  
10   derivations on people's calculations of how much  
11   disturbance 1 per 640 entails.

12           Some people think, well, that's 5 percent  
13   and some people think it's 3. And so I think  
14   that's -- it's no more than that. It's a  
15   preponderance of the evidence from the researchers.

16           MR. GORGEY: As presented in the NTT or  
17   somewhere else?

18           MR. CAGNEY: Well, the NTT references a  
19   myriad of other research documents. And I clearly  
20   have not gone back and double-checked their logic.  
21   And, really, there's no reason why I would because  
22   my instruction, you know, from the Bureau of Land  
23   Management is analyze this, and my instruction is  
24   not ponder the science behind that. So now if the  
25   people of the United States want to do that, that's

1 fine, but I'm not doing it.

2 CHAIRMAN MARTIN: Or that would be a  
3 challenge that we would have to do on our own to  
4 have that discussion and bring it up even farther.

5 MR. CAGNEY: Right.

6 MR. GORGEY: Well, I guess that's the  
7 point. In the PPR if our scientific conclusions  
8 are different from the scientific conclusions  
9 you're currently relying on, do you think you have  
10 an obligation, legal or otherwise, to reconcile the  
11 difference?

12 MR. CAGNEY: Well, I have a legal  
13 obligation under any scenario to carefully consider  
14 any information I get at the draft.

15 MR. JARMAN: Well, and that's honestly --  
16 and thank you, Jim, for -- was it two meetings ago,  
17 one meeting, I can't remember, where we were  
18 frustrated, as there was no doubt, in that meeting  
19 and I understand your charge.

20 Part of the frustration or what built to  
21 that frustration was what the instruction  
22 memorandum states from, I guess, Salazar. And that  
23 is the instruction memo to the BLM that says you've  
24 got to consider the local plans.

25 And so I'm sitting here trying to make

1 sense of some of these things saying, well, okay,  
2 we do have these local plans. And so the direction  
3 from Washington essentially to the BLM is like  
4 consider the local plans.

5 It says it several times through their  
6 instruction memorandum that's a public document.  
7 And so that's, I think, part of the challenge you  
8 certainly have, I think.

9 MR. CAGNEY: Yeah, but I can't really  
10 blame the secretary for that because I had a plan  
11 to incorporate that and that was to bring forward  
12 all our existing documents that I was presuming for  
13 the most part had done that.

14 And that plan just bogged down in the  
15 volume of it, you know. So I mean I'd say that's  
16 my fault. And now I have to recover from that and  
17 get another approach that does that on the table.

18 COMMISSIONER JANKOVSKY: Because I read  
19 our plan. It's 160-some pages. Some of it's  
20 signed-off sheets and so forth. And it's actually  
21 an easy read. It's not a difficult read at all.

22 And then I go back and I haven't read  
23 Moffat County's and Jeff can't speak, I guess, but  
24 they have much more science. They probably have  
25 some of the best science in Colorado and probably

1 science that could challenge some of the things  
2 that are in NTT, as we've mentioned ourselves.

3 We feel that there are potentially some  
4 problems with the NTT report.

5 CHAIRMAN MARTIN: We're not attacking,  
6 Jim, are we?

7 UNIDENTIFIED SPEAKER: No, not attacking  
8 Jim at all.

9 MR. CAGNEY: It doesn't feel that way.

10 COMMISSIONER JANKOVSKY: I'm trying to  
11 work government to government and have a  
12 discussion.

13 CHAIRMAN MARTIN: (Inaudible) Rio Blanco,  
14 Moffat County, Gunnison, Eagle County, Routt  
15 County, Grand County all have their plans and what  
16 have you and there's science behind them that it  
17 would behoove us to make sure that we talk to each  
18 other and then present that so that the scientific  
19 team or the technical team would have that  
20 information to reconsider and see if they do give  
21 it credence.

22 If not, they support their science and  
23 they go forward with what they tell Jim to do.

24 MR. CAGNEY: This is so important that I  
25 would ask you to not worry about hurting my

1 feelings, you know. Don't even give it a thought.

2 CHAIRMAN MARTIN: Young Mr. Boyd we like  
3 and Steve we like. Everybody down at the field  
4 office we like. It's not that. It's just -- what  
5 it is, is the process that we're trying to struggle  
6 through, and so are you.

7 We're just trying to find the right  
8 solution and not miss the Grouse as an endangered  
9 species, but also to protect bird without  
10 destroying the entire habitat, you know, that kind  
11 of stuff, because the other states are going to  
12 have to do the same thing.

13 This affects 15 different states, I  
14 believe, 14, 15, something like that, not to  
15 mention Canada way up north.

16 COMMISSIONER JANKOVSKY: And I guess one  
17 thing that is concerting, which goes back to  
18 predation, which you guys are not -- as you  
19 mentioned, you guys are not -- you're looking at  
20 habitat, not management of the bird, per se, or  
21 looking at the habitat, but the fact that the bird  
22 is hunted and the numbers are -- that I've seen are  
23 28,000 to 34,000 birds a year are taken through  
24 hunting, which is about 10 percent of the  
25 population that we are here talking about, you

1 know, the potential listing of the species.

2 And it just doesn't seem like that  
3 that's -- if you go out and tell a rancher that you  
4 can't have grazing, but you can still have hunting,  
5 I mean it just doesn't seem right to me as an  
6 individual.

7 CHAIRMAN MARTIN: It's a limited hunting  
8 and that is out of the Division of Wildlife. They  
9 took part in our plan. I thought they had quite a  
10 bit of input in reference to how they would manage  
11 that particular species in coordination with the  
12 plan.

13 They knew what their responsibilities  
14 were and there was a separation there from the land  
15 and the animal. And I think that in our plan we do  
16 that based upon their science, based upon on how  
17 they went forward.

18 So I think we also need to forward that  
19 again to the Division of Wildlife. I'm still going  
20 to call it that, even though they're Parks and  
21 Wildlife -- I'm true to the old way -- and give  
22 that to the technical team and have a good  
23 discussion in reference to science and maybe we can  
24 do some good.

25 COMMISSIONER JANKOVSKY: And just for the

1 record, I don't believe there's any hunting in the  
2 PPR area, unless Commissioner Samson -- but there  
3 is in Moffat County. Is that correct, Commissioner  
4 Samson?

5 UNIDENTIFIED SPEAKER: (Inaudible).

6 MR. PETERSON: Well, in the PPR  
7 that's -- well, first, it's mostly private, but  
8 where there's public access it's -- I think they  
9 have bag limits. It's like two birds, something  
10 like that, two, three birds depending where you're  
11 at, so...

12 CHAIRMAN MARTIN: Based upon the historic  
13 population and the information that they --

14 MR. JARMAN: Well, there are only two  
15 units that you can (inaudible).

16 CHAIRMAN MARTIN: And most of it's on  
17 private.

18 What else you want to cover, Tom?

19 COMMISSIONER JANKOVSKY: Well, I'd like  
20 to get to purpose and need a little bit. I mean I  
21 know, you know, that there's going to be additional  
22 alternatives drawn up, and if we don't have a  
23 purpose or need, how can we -- you know, it hasn't  
24 been shared, at least that I know of -- if we don't  
25 have those, how can we draw up two additional

1 alternatives?

2           You know, plus the no-action alternative  
3 and the NTT alternative. There somehow needs to be  
4 some direction to -- in this case I guess it would  
5 be cooperating agencies, but how do you do that  
6 without purpose and need?

7           MR. CAGNEY: There is one. It was done  
8 national. It was a national purpose and need. So  
9 I guess I should reveal right now that I haven't  
10 studied that as much as I should have either. So I  
11 mean I will -- you know, I need to read that again.  
12 It's been a long time since I looked at it, but I  
13 think that's posted on the web. But I'll get that  
14 information available.

15           COMMISSIONER JANKOVSKY: And then on the  
16 Citizens Alternative and then potentially on the  
17 Development Alternative, who writes those up? Who  
18 is the author of those alternatives?

19           MR. CAGNEY: The BLM.

20           COMMISSIONER JANKOVSKY: The BLM writes  
21 those?

22           MR. CAGNEY: Just craft an alternative  
23 taken from scoping comments.

24           CHAIRMAN MARTIN: I just want to make  
25 sure a no alternative is what we have in place

1 right now.

2 MR. CAGNEY: No action?

3 UNIDENTIFIED SPEAKER: No action.

4 CHAIRMAN MARTIN: Right. And it would be  
5 the working plan and what have you that's been  
6 adopted and signed off by local BLM, Fish and Game,  
7 Wildlife, the State of Colorado, local governments  
8 and property owners. Would that stand as a via  
9 (sic) no alternative, Jim?

10 MR. CAGNEY: Well, no, that's the problem  
11 because the no -- I would just love it if the  
12 no-action alternative was our completed documents  
13 that are modern.

14 CHAIRMAN MARTIN: That's what you tried  
15 to do anyway and that's why you got shot down, am I  
16 correct in assuming that? Now we don't really have  
17 a no action --

18 MR. CAGNEY: The no-action alternative  
19 goes all the way back to the documents that are  
20 being revised all across northwest Colorado --

21 CHAIRMAN MARTIN: Okay.

22 MR. CAGNEY: -- and so the timing of this  
23 is really tough.

24 CHAIRMAN MARTIN: And that means that  
25 that's an overall -- it's not just a localized

1 plan, but it would be entire regional plan is what  
2 you're looking at.

3 MR. CAGNEY: You know, if we were doing  
4 this two years from now, our no-action alternatives  
5 would be pretty doggone sweet. Well, we don't have  
6 that.

7 CHAIRMAN MARTIN: Okay. I just wanted to  
8 clear the air on that particular issue, that we're  
9 not ignoring the bird or anything else, but we'd  
10 love to have our no-action alternative.

11 MR. CAGNEY: The original proposal was  
12 based on the idea that there's been a ton of really  
13 good Grouse ideas put into these documents that  
14 were, you know, putting out for final or putting  
15 out for draft, depending on where they are.

16 But the timeline that is a product of the  
17 judicial order says don't wait for that, do this  
18 now. So we are in a pinch on the no-action  
19 alternative.

20 CHAIRMAN MARTIN: And I just want to  
21 reiterate the stage that we're playing on here in  
22 reference to what we're trying to get accomplished.

23 MR. CAGNEY: That's under the category of  
24 a crying shame.

25 COMMISSIONER JANKOVSKY: I would like to

1 just -- and what Jim's talking about is on their  
2 calendar they gave us is that September 21st  
3 they're supposed to prepare a draft RMP amendments,  
4 RMP amendment EISs and clean up loose ends. And  
5 that's -- I don't know if that's possible, but  
6 that's -- with all these questions is a very short  
7 time frame.

8 MR. CAGNEY: That document that you just  
9 read from says we'd have the alternatives done on  
10 May 22nd.

11 CHAIRMAN MARTIN: I think it's been  
12 revised, Jim.

13 MR. CAGNEY: It hasn't been revised. We  
14 need the -- we need to get the alternatives done as  
15 soon as we can do so in an organized manner and  
16 then redo that schedule, and it's ugly.

17 MR. GORGEY: What are your target dates  
18 now beyond -- I mean thanks for saying all the  
19 dates so far, but what's your best understanding of  
20 your own time frame now moving forward?

21 MR. CAGNEY: I need a better idea of how  
22 long it's going to take to do what the core of this  
23 meeting is, how you're going to incorporate these  
24 County plans.

25 MR. GORGEY: Right.

1           MR. CAGNEY: I don't see that to fruition  
2 right now. As soon as I know that, and we can get  
3 the alternatives pretty much roughed out, then I  
4 can redo that schedule.

5           MR. GORGEY: Do you feel you've had  
6 enough time to familiarize yourself with the PPR,  
7 the one we're here talking about today?  
8 Personally.

9           MR. CAGNEY: Personally?

10          MR. GORGEY: Yes, sir.

11          MR. CAGNEY: No. No, I thought I had  
12 that base covered in the original plan and then --

13          MR. GORGEY: Right.

14          MR. CAGNEY: I have to fix it.

15          MR. GORGEY: Thanks.

16          CHAIRMAN MARTIN: Well, that actually  
17 puts the pressure on us in reference to what we  
18 have to do in reference to our science, our  
19 argument, and pushing everything forward with Fred  
20 and Tom as our folks with questions and finding the  
21 solutions. A lot of pressure on you guys in  
22 reference to these meetings.

23          MR. JARMAN: Let me talk to that for a  
24 second. Actually, through coordination we're  
25 hoping that the BLM actually can help us understand

1 why and how, on a scientific basis, that the PPR  
2 plan doesn't meet what the objectives -- doesn't  
3 get us there. So there's a lot in that plan,  
4 Chairman.

5 In particular, one of the issues that we  
6 talked about last time was the notion of  
7 reclamation and how does that add in to -- or I  
8 should say against the 3 percent cap and that  
9 issue. So I'm diving, Chairman, from a 10,000 foot  
10 view now to almost a 5-foot view. But I think it's  
11 critical that everybody understands that what we're  
12 doing is really asking to the BLM, frankly, to tell  
13 us how the PPR plan doesn't get to the same  
14 objective and we all have the same objective. But  
15 that is, I think, a critical component here, if  
16 I'm --

17 CHAIRMAN MARTIN: No, no, it is. But I  
18 don't think that Jim is able to go ahead and answer  
19 that. I think it's going to be your technical and  
20 the science that you need to go ahead and have your  
21 discussion with, based upon your science that you  
22 have here in your argument, and bring that forward  
23 and your cooperating agency status based on that  
24 science and challenge whatever findings they have,  
25 or are have them defend it so that you can answer

1 those questions, is what I'm looking at.

2 COMMISSIONER JANKOVSKY: I guess I would  
3 like to just state that, you know, I'd like to make  
4 sure before we leave we can set up another meeting  
5 because I mean these two issues are out there, and  
6 that one is to assist in resolving inconsistencies  
7 between federal and non-federal government plans.  
8 And then the second is make federal plans  
9 consistent with local plans.

10 And so those are two things that are very  
11 much there in FLPMA and I just want to -- you know,  
12 I know you need to go back and get a read on that,  
13 but I would like it to set up a meeting -- a second  
14 meeting to discuss that.

15 Then the other thing is that we are, as a  
16 County, we are working to get Parks and Wildlife --  
17 took me a second to get that name -- Parks and  
18 Wildlife and then some of our large landowners all  
19 in one room so we can get a better discussion  
20 amongst us on what's going on with the PPR plan and  
21 get an idea from all parties concerned about, you  
22 know, what is working on our plan.

23 CHAIRMAN MARTIN: With what you wish to  
24 move forward?

25 COMMISSIONER JANKOVSKY: Yes, which we

1 wish to move forward, yes.

2 MR. CAGNEY: I have a process format kind  
3 of issue that I'd like to raise that concerns me.

4 To do these documents, what we basically  
5 have to do is set up that table -- Chapter 2 table  
6 with the range of alternatives.

7 So we've got some stuff that's formatted  
8 up and it's -- you know, we started that format by  
9 extracting information from this NTT alternative.  
10 So now we have to format.

11 So what I'd like to do, with your  
12 permission, I'd like to expand this to the other  
13 commissioners and other County folks that are here,  
14 is that if we could get an alternative on the table  
15 to capture the essence of those plans -- because  
16 for me to just say we're going to do this plan as a  
17 stand-alone and not have it set up so that it  
18 compares very specifically to the other  
19 alternatives would be -- that would be a huge  
20 thing.

21 So we need to -- I'm hoping against hope  
22 that we can get that formatted so that there's a  
23 clear comparison between alternatives.

24 And then I'd certainly like to go with  
25 one alternative rather than have the Parachute

1 Piceance one and then the Moffat County one and  
2 then the Jackson County one because that's what I  
3 tried to do with the BLM plans, and that's just  
4 imploded on me. So I got the same problem with the  
5 County plan.

6 CHAIRMAN MARTIN: There are three in  
7 reference to those plans, I understand (inaudible).

8 MR. CAGNEY: So that will implode on me  
9 for the exact same way with the County plan. So  
10 I'd like to get those formatted into one  
11 alternative that captures the essence of that. And  
12 then we'll do impact analysis on that.

13 And if we say that, no, this isn't  
14 adequate, then it would have to come out of that  
15 process. But if we -- you know, and then you get  
16 into preferred alternative issues.

17 Are we going to have something that's  
18 going to be an extreme capture all the decision  
19 making thing or are we going to have something  
20 that's strong enough that we can actually call it  
21 the preferred alternative? We haven't even talked  
22 about that yet, but we've got to cross that bridge  
23 at some point.

24 MR. GORGEY: I want to make sure I  
25 understood what your request is, or at least part

1 of it of it. And I promise you this, is my first  
2 time through this.

3 Some people have been here a lot longer  
4 than me. But the five -- did I understand you to  
5 say that it would help you for the authors of the  
6 five RMPs to try to find common ground and tell you  
7 what that is? I got more -- the work plans, I'm  
8 sorry.

9 COMMISSIONER JANKOVSKY: Yeah, work  
10 plans.

11 COMMISSIONER JANKOVSKY: And I don't know  
12 if there are five. There are four or five.

13 MR. GORGEY: I guess the point is is that  
14 some of the data that you're relying on is provided  
15 to you by other agencies. Some of it is national  
16 in character, like the purpose and needs statement.  
17 Some of this is just voluminous.

18 And really, we understand -- I think we  
19 understand your obligations as the national agency  
20 and we are trying to ensure that science and land  
21 management that's local to us, what we know best,  
22 makes it into your plan. That's really all it's  
23 about.

24 And, you know, to be thorough. And we've  
25 committed -- thanks for your time, too, but, you

1 know, we've committed a lot of time on this side  
2 with consultants, both scientific consultants and  
3 sort of policy consultants, our own land use staff,  
4 our commissioner time, trying to -- just trying to  
5 get something that's going to work.

6 And the PPR we feel works, is not headed  
7 towards listing any species, is respectful of the  
8 species. You have a lot of constituents who care  
9 deeply about the species and what the -- you know,  
10 what the commissioners do and do not do. And for  
11 years we've been trying to honor all points of view  
12 that way.

13 So we're trying to figure out,  
14 independent of whatever any of the cooperating  
15 agency meetings accomplish, independent of that to  
16 try to coordinate with you directly to resolve any  
17 inconsistencies between what you're trying to do  
18 and what we're trying to do and help you meet your  
19 goal and also have you sort of honor our goal. And  
20 I guess can you speak to any of that?

21 MR. CAGNEY: Well, I don't have any  
22 problem with any of that, except I hope that I've  
23 conveyed that I can't have a whole bunch of  
24 different alternatives written up in different  
25 formats.

1           So if the proposal is that I just simply  
2 adopt that plan as is, I can't do that. It's got  
3 to fit a Chapter 2 kind of format.

4           So, hopefully, we can do that and we can  
5 make that work. And I can get with the other  
6 counties and pull that together on the whole where  
7 we can get something that covers that base.

8           MR. GORGEY: Can I ask you, as a  
9 practical matter, if those plans were merged in one  
10 document that the concerns of the individual  
11 counties -- and we're speaking only for Garfield  
12 County today, but there are some representatives  
13 from other counties present also -- if each of the  
14 individual counties or localities' points of view  
15 were retained in a merged document, does that meet  
16 your need?

17           MR. CAGNEY: Sure.

18           MR. JARMAN: Jim, let me ask you a  
19 follow-up to that.

20           Jim, in your experience, is the Colorado  
21 plan a similar document? Does the Colorado plan  
22 incorporate the essence of the five northwest  
23 plans?

24           MR. CAGNEY: I'll have to look into that.

25           MR. JARMAN: Because that sits out there,

1 too with the Colorado plan. And my understanding  
2 was -- and I could be totally wrong about that, but  
3 I thought that was essentially made up or comprised  
4 of the five base or field office plans.

5 MR. CAGNEY: You know, I need to do some  
6 homework on that. I'm afraid what I'll find is  
7 that that will be really general and really  
8 voluntary, but I'll look.

9 CHAIRMAN MARTIN: I think you're right.

10 COMMISSIONER JANKOVSKY: And we have  
11 been -- Fred and I were at a meeting at the  
12 governor's office -- well, not the governor's  
13 office but a representative from the governor's  
14 office, and we believe there is going to be some  
15 traction from the governor's office that we can put  
16 potential put this -- we might be able to get our  
17 plans into it, if they don't go off some other  
18 direction.

19 CHAIRMAN MARTIN: Anything else, Drew?

20 MR. GORGEY: Can I ask a real basic  
21 question, Mr. Chairman?

22 CHAIRMAN MARTIN: Sure.

23 MR. GORGEY: Because, again, you guys  
24 have been to a lot of these meetings and I haven't.  
25 And I do not understand when meetings are closed to

1 public comment and when they are not, whether it's  
2 through this meeting coordination or -- there's  
3 some that are open and there's some that are not.

4 And I studied the Administrative  
5 Procedures Act in law school and I'm fully familiar  
6 with changes in regulations and comment period and  
7 gathering comments and publishing them and so  
8 forth.

9 But there is some concern about when that  
10 happens and when it doesn't happen and how it  
11 doesn't. And I'm not asking you to be a lawyer  
12 right now, but just generally from your role,  
13 what's your understanding of when those comments  
14 are allowed and when they're not?

15 MR. CAGNEY: Well, there's materials that  
16 are specific to this project that are just underway  
17 and under construction and being considered. Those  
18 are pre-decisional.

19 We've come close to the edge a couple  
20 times here, but I mean I think it's -- I'm happy  
21 with the way the dialogue's been.

22 We've stuck to information that's  
23 publicly available. So we haven't gotten into a  
24 situation where we've discussed and disclosed  
25 information that's only available to some people,

1     okay.

2                     So if I had a circumstance where I say:  
3     You know, you guys went over that map and you  
4     talked about that and then other people didn't have  
5     that opportunity to discuss that, then that's where  
6     you crossed that threshold.

7                     MR. GORGEY:  Do you want everyone to see  
8     the same information at the same time?

9                     MR. CAGNEY:  Right.

10                    CHAIRMAN MARTIN:  Without moving forward,  
11    they've got to participate in that before there's a  
12    big move forward.  It's a work in process.  
13    Everybody in the cooperating agency status needs to  
14    be along the same line.  I think that's what we've  
15    always done.

16                    MR. GORGEY:  Is that why cooperating  
17    agency meetings are closed?

18                    MR. CAGNEY:  Right.

19                    MR. GORGEY:  Okay.  It's effectively  
20    saying we're working on it.  When we're done and we  
21    know for sure what we're talking about, then we'll  
22    talk about it.

23                    CHAIRMAN MARTIN:  It becomes a work  
24    product and not a final --

25                    MR. CAGNEY:  Well, when we release it,

1 it's a draft, and then everyone has the exact same  
2 opportunity to comment. That's when it's -- when  
3 we can go forth with that kind of information.

4 CHAIRMAN MARTIN: And you don't take a  
5 partner by surprise, is what it really amounts to,  
6 without their participation. They may agree or  
7 disagree with it, but at least they had the  
8 opportunity to discuss it with the rest of the  
9 group.

10 Okay. Any other questions?

11 COMMISSIONER JANKOVSKY: I have three  
12 issues.

13 CHAIRMAN MARTIN: Three issues?

14 COMMISSIONER JANKOVSKY: Yeah. One, is I  
15 would like to set a date for our next meeting. I  
16 would like to -- and I heard you on the formatting  
17 and so forth.

18 I think, according to this, the burden is  
19 on the BLM, but I think I heard you state that you  
20 need some help, and I think the counties would be  
21 willing to help with some of that, I don't know. I  
22 just speak for Garfield County. So that's one  
23 item.

24 Second item, in our last meeting there  
25 was talk about including the Roan in the -- and I

1 don't know if we can talk about that -- we just  
2 talk about including the Roan in the study, which I  
3 know is general habitat.

4 There are no leks on the Roan at this  
5 time. I don't know how far that will have to go,  
6 but I would like to hear some comments, if you can  
7 comment on that.

8 MR. CAGNEY: We are still trying to  
9 evaluate the issues associated with that decision  
10 that we got on the Roan. And our choices take us  
11 into all kinds of twists and turns, so I can't go  
12 there right now because just can't -- I just don't  
13 have any confidence I can be -- that what I tell  
14 you will pan out to be the way we go.

15 So the Grouse part of the Roan is no  
16 different from that. That's under consideration  
17 and we don't know what we're going to do.

18 COMMISSIONER JANKOVSKY: So that will be  
19 part of your supplements then. That will not be  
20 part of this; it will be part of the supplements to  
21 the judge's decision.

22 MR. CAGNEY: That can go either way.

23 COMMISSIONER JANKOVSKY: I would like to  
24 go back to if we could set a date in August. I  
25 don't know if that's possible for you to do, but it

1 would be -- I would like to get back to this  
2 meeting and the questions that we had out here.

3 MR. CAGNEY: Well, I intend to be here in  
4 August, but I unbelievably did not bring my  
5 calendar. I never do that, but I did today. So  
6 let's just pick a date and I'll call you right  
7 back, if that turns out to be --

8 COMMISSIONER JANKOVSKY: If we go  
9 government to government meeting, I don't know if  
10 we could -- if governments could be included.

11 CHAIRMAN MARTIN: That's what you wanted  
12 to do in reference to these issues and what have  
13 and our partners, just as we're doing right now in  
14 answering -- at least giving some information,  
15 helping each other down this process.

16 So why don't we go ahead and look at a  
17 certain date. First or middle of August.

18 MR. CAGNEY: I think the 13th and 14th  
19 are out for me. And then, Jeff, do you know what  
20 the Resource Advisory Council dates are in August?

21 MR. GORGEY: Could you look at Monday,  
22 the 27th, simply because that is the day that the  
23 commissioners do not normally meet. I don't know  
24 if the commissioners agree, but that is --

25 COMMISSIONER SAMSON: Monday the 27th.

1 Fourth Monday of the month.

2 CHAIRMAN MARTIN: I'm open.

3 MR. GORGEY: Mr. Samson?

4 CHAIRMAN MARTIN: Can we put the Monday  
5 and then we can work from there. Then we can go  
6 ahead and do a posting, make sure that it's  
7 advertised and posted and then we can make a  
8 change, if necessary, Jim.

9 MR. CAGNEY: Mondays are the best for me  
10 because I got BLM business Monday morning. I try  
11 to keep those days open. So Monday afternoon is --

12 CHAIRMAN MARTIN: 1:00, 2:00, what do you  
13 think?

14 MR. GORGEY: 1:00.

15 CHAIRMAN MARTIN: Okay. Why don't we  
16 shoot for 1:00 on the 27th, and if it does not work  
17 out, we'll coordinate and then we'll make sure that  
18 the general public knows. We'll also announce that  
19 at one of our meetings so that we can have that  
20 going between now and then.

21 MR. CAGNEY: I'll let you know tomorrow  
22 if Monday is no good.

23 CHAIRMAN MARTIN: If it isn't, I still  
24 have to make sure that the general viewing audience  
25 and the public have that information knowing when

1 we're going to meet. So we'll do that.

2 COMMISSIONER JANKOVSKY: I have one other  
3 thing. And that is that yesterday at our meeting  
4 we pulled off our agreement with the American  
5 Stewards of Liberty so it could be discussed  
6 publicly.

7 And there were a lot of issues that were  
8 brought up by constituents, which I was not able to  
9 respond to, but I'm just wondering if Margaret --  
10 no, these guys, you know, they got -- said that  
11 people were funding them that aren't funding them.  
12 I just thought yesterday was unfair in that respect  
13 and --

14 MR. GORGEY: I honestly would just save  
15 that for your next regular meeting.

16 I think the purpose of today's meeting is  
17 a government-to-government meeting for the  
18 announced purposes. And if we -- if you choose or  
19 direct your staff to issue any sort of clarifying  
20 statement or if the contractor wishes to issue any  
21 clarifying statement, we can do so.

22 COMMISSIONER JANKOVSKY: I just felt  
23 there was -- you know, we couldn't stand up here  
24 and -- okay. I will go with that. And the press  
25 is here, maybe that's something that can end up in

1 the press.

2 CHAIRMAN MARTIN: If we need the  
3 discussion put on the agenda, our next meeting is  
4 on the 6th, if you wish to make it an agenda issue  
5 (inaudible).

6 COMMISSIONER SAMSON: My main purpose in  
7 being here is to listen. I think there were some  
8 really good questions. I want to thank Mr. Cagney  
9 for coming, for wanting to come again.

10 I think people out in the viewing  
11 audience, whether it's on TV or here today, as well  
12 as will read what's transpired in the news media, I  
13 hope they come to a better realization. You've  
14 said some things today that I think help them  
15 understand what this process is.

16 I've never been through this process  
17 before. Tom goes to the meetings and is doing a  
18 great job. John has been intricately involved with  
19 the process that came up with the PPR, and I'm kind  
20 of in a learning process about all of that, plus  
21 the coordination process itself.

22 So in the process of doing that, I hope  
23 the general public is aware that we are trying to  
24 do the best we can for Garfield County and what we  
25 feel will be the best for our constituents in

1 conjunction with you and the job that you have  
2 to -- the role that you have to play also.

3 I believe that we can all come to a  
4 coordination, if you will, compromise. I think  
5 that it can be worked out and that the bird will be  
6 preserved for generations and that the use of the  
7 land will continue to be used for the best use of  
8 all concerned.

9 MR. CAGNEY: In addition to Tom, please  
10 add Fred to your list of people.

11 COMMISSIONER SAMSON: You're absolutely  
12 correct. I'm sorry for the oversight.

13 CHAIRMAN MARTIN: And I did want the  
14 viewing audience to know also Jim Cagney's name was  
15 used in Pittsburgh and also Cynthia Moses sends her  
16 regard and sympathy in reference to this process.  
17 However, she has her own issues and they pulled all  
18 her traveling funds because of cutbacks, et cetera.

19 So as a liaison from the Department of  
20 Interior to local governments that's going to be a  
21 limited issue and has to be either on website or  
22 e-mail type stuff, maybe a phone call. But, again,  
23 she sympathizes with your challenge. Thank you.

24 And is there any other comment from the  
25 boys up here, girls up here? Anybody?

1                   MR. GORGEY:  If the 27th date doesn't  
2 work for you, Mr. Cagney, will you help us find a  
3 date that does?

4                   MR. CAGNEY:  I think it's going to work.  
5 And, Eric, thank you, too.  That's an oversight on  
6 my part.

7                   COMMISSIONER JANKOVSKY:  Jim, I have a  
8 BLM RMP meeting on Thursday, so I'm not going to be  
9 able to make it to the meeting in Craig, just to  
10 let you know.

11                  MR. CAGNEY:  Well, that's what I get for  
12 that last-minute change, but we'll see what we what  
13 we can do with the people that can make it.

14                  MR. GORGEY:  I had a last question, just  
15 to help.  Is there -- what can we do in  
16 coordinating with you before the 27th to help?  
17 I've got the macro goal of trying to merge the  
18 local plans into one and retain our individual  
19 goals as counties or communities, but what can we  
20 do coordinating with you before the 27th to help  
21 advance this?

22                  MR. CAGNEY:  And, you know, I'm really  
23 happy to come here and do this, but what I need  
24 more than anything else is to pound out that  
25 alternative with the cooperating agencies.  That's

1 what I need.

2 CHAIRMAN MARTIN: He needs the  
3 information so can format it.

4 COMMISSIONER JANKOVSKY: Will that be a  
5 potential decision discussion on Thursday then?

6 MR. CAGNEY: I'd like to get started. I  
7 mean we're not going to finish. I mean we're got  
8 going to get a finished project because we don't  
9 have, you know, the right group of people. But  
10 we're going to have some people that are pretty  
11 talented and we'll get started.

12 CHAIRMAN MARTIN: That's all we can ask.  
13 Put the burden back on us.

14 Let's go ahead go ahead call it good and  
15 end our meeting today. We're adjourned.

16 COMMISSIONER SAMSON: Thank you.

17 (The proceedings were concluded.)

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