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AUDIOTAPED BOARD OF COUNTY COMMISSIONERS
COORDINATION MEETING
GARFIELD COUNTY, COLORADO
108 8th Street, Room 100
Glenwood Springs, Colorado
Wednesday, August 14, 2013
1 p.m.

RE: GREATER SAGE-GROUSE HABITAT MAPPING

1 APPEARANCES:

2 Commissioner Chairman John Martin, Garco
3 Commissioner Tom Jankovsky, Garco
4 Commissioner Mike Samson, Garco (late arrival)
5
6 Representative Bob Rankin
7 Fred Jarman, Director of Planning, Garco
8 Drew Gorgey, County Manager (late arrival)
9 Dr. Rob Ramey, Wildlife Science International
10 Jim Cagney, Bureau of Land Management, BLM
11 Eric Jones, Bureau of Land Management, BLM
12 Kathy Griffin, Colo Parks and Wildlife, CPW
13 Ron Velarde, Colorado Parks and Wildlife, CPW
14 Chad Bishop, Colorado Parks and Wildlife, CPW
15 Steve Yamashita, Acting Director of CPA, CPW
16 Lauren Ris, Dept of Natural Resources, DNR
17 Zach Perdue, Pendo Solutions
18 Eric Petterson, Rocky Mountain Ecological

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1 (Recording begins midsentence.)

2 REPRESENTATIVE RANKIN: -- a lot of work
3 on the part of a lot of people, and most of you have
4 been involved in that leading up to it.

5 And, you know, particularly thanks to
6 Garfield County for being proactive and doing this
7 study. You've got some great consultants. You've
8 pulled in, Eric, Zach, and Rob. And you guys have
9 done a great job leading us up to this.

10 And, you know, certainly you're operating
11 on behalf of your citizens and your tax base on a
12 lot of things, but you've done an exceptional job, I
13 think, of getting the ball rolling on this.

14 And the State, this is one of my crusades
15 is to get the State to help local citizens when they
16 have these kinds of issues.

17 And I think in this case you guys have
18 really jumped in and have been very responsive. So
19 thank you for that.

20 And welcome to Western Colorado. I was
21 talking to Lauren earlier. Next time we want to
22 keep you a little longer and take you fishing and
23 take you for a hike.

24 I mean, you know, you shouldn't come all
25 the way out here without enjoying all the wonders of

1 Western Colorado. So keep that in mind the next
2 time we get you out here.

3 And certainly to BLM, I mean we do know
4 how hard it is to get public input early and public
5 input at all.

6 We know that you work very hard at that.
7 So despite the fact that we complain sometimes, we
8 really appreciate your help on these matters.

9 And this stuff is not easy. Let me just
10 say that I've learned in watching this process that
11 coordination like this is not easy, nor should we
12 expect it to be.

13 There are three entities here, and we all
14 have different roles. We have different obligations
15 to our missions and to our constituents and to the
16 public.

17 So we shouldn't expect it to be easy, nor
18 should we look for 100 percent correlation in these
19 things.

20 We would be doing a disservice to the
21 public if we agreed 100 percent on an issue like
22 Sage-Grouse protection or habitat maps.

23 We have different roles to play. And we
24 need to keep that in mind as we go through these
25 things and work through the process without malice

1 or bad thoughts about each other because we each
2 have very strong roles to play.

3 And I do want to put in a plug for my own
4 crusade. I mean there is no better example for me
5 of a problem that I will be working on as long as
6 I'm in the House, and that is, more state
7 involvement in public lands decisions.

8 And I've talked to a lot of you about
9 this. I'll be running a bill next year that sets up
10 a mechanism where the State early and continuously
11 helps local entities deal with Federal Government
12 agencies as they put together alternatives under the
13 NEPA process. Because, you know, too often we get
14 off on the wrong track with these things, and we end
15 up in lawsuits or public outcry.

16 I must be monitoring five of these right
17 now where people feel very strongly about it. So
18 I'll be working on this issue very hard. And this
19 will be my test case or my example of, you know, why
20 and how we should coordinate better.

21 So with that, you know, let me just say
22 again I really appreciate everybody's concern and
23 hard work on this issue. And hopefully we're
24 getting close to some agreement and language
25 correlation across our agencies and maps. Thank you

1 very much.

2 MR. CAGNEY: Can I add a point to what you
3 said?

4 REPRESENTATIVE RANKIN: Yes, Jim.

5 MR. CAGNEY: You made the comment, I just
6 tried to write it down, help local entities work
7 with Federal agencies and stuff like that. And I
8 would add that you're also helping Federal agencies
9 in those processes so that we don't have to work in
10 isolation on really difficult issues.

11 REPRESENTATIVE RANKIN: Thank you, Jim.
12 Very good.

13 MR. CAGNEY: We will characterize that as,
14 you know, helping them deal with us. You're helping
15 us get right at the beginning.

16 REPRESENTATIVE RANKIN: Right. Thank you,
17 sir. I appreciate that comment.

18 COMMISSIONER JANKOVSKY: And maybe before
19 I turn it over to Fred, I'll just summarize a little
20 bit of why we're here.

21 As a cooperating agency working with the
22 BLM, we got to look at the maps that were available
23 from CPW to the BLM. At least in Garfield County,
24 we started to question those maps because we felt
25 there was a lot of habitat that was not priority

1 Sage-Grouse habitat. So we started to question
2 those maps.

3 And a lot of that was through the
4 cooperating agency process with the BLM. Then we
5 came back to the State and talked with Rick Cables
6 and Chad a little bit more about the mapping and CPW
7 maps and so forth, and just felt that it would be
8 good if we could get all three agencies together
9 today to further that discussion.

10 And so with that, I will turn it over to
11 Fred. Fred has a little bit of a slide show and
12 will bring the maps up. And, please, everybody,
13 just as we're going along interrupt, add your ideas
14 and so forth so we can just have this be a
15 free-flowing discussion.

16 MR. JARMAN: Okay, thank you, Tom. I
17 would echo all the sentiments and thanks for
18 coming. I know particularly with the BLM folks, I
19 know you're not busy at all, so we appreciate your
20 ability to break away and sit down with us and talk
21 once more again about our favorite topic which seems
22 to be the maps. I don't know that there's anything
23 else we have been talking about.

24 But, in any event, I wanted to walk
25 through, at least on paper what you've got in front

1 of you. Does everybody have an agenda so you can
2 see this? Okay, great. That's what this is on the
3 screen.

4 So just quickly, ultimately the whole
5 discussion today we're hoping to have is about
6 habitat mapping and the various perspectives of
7 that. So under 4A, we want to first start talking
8 about the CPW sensitive wildlife habitat map and the
9 RSO map.

10 And then, of course, as we all know, the
11 Colorado Oil and Gas Conservation Commission is
12 underway with its rulemaking with those two maps
13 and a variety of others, but specific to the
14 Sage-Grouse anyway. Then come back and again talk
15 about the EIS and the map that is at least published
16 for the PPH and the PGH.

17 And then we want to then talk about the
18 work that we've done since we really sat down the
19 last time together. We've had our team spend a lot
20 of time looking through and revising our maps based
21 on really good input from CPW.

22 We met, gosh, a while ago now. I can't
23 remember the date, but we met with the research team
24 on that. And that was extremely helpful. And so
25 we've done some changes based on a lot of that

1 input, and so we want to talk about that with this
2 group really for the first time.

3 And then really then bring it back to the
4 instructional memorandum to the BLM and then finish
5 up. So that's really what the day looks like as far
6 as topics go.

7 I think everybody's been here. You know
8 where the bathrooms are. I think there might be
9 some food by the Chairman that's coming, not that he
10 made it, but I think he ordered it, anyway to take a
11 break, clear our heads. So that's what the agenda
12 looks like.

13 So to begin, this is a slide that I think
14 most of you have seen many times before. And this,
15 of course, continues to be one of the leading
16 questions that the county has always had as we've
17 moved through the EIS.

18 And that is, you know, we've done a lot of
19 mapping work with the Federal and State agencies,
20 produced the map on the left, and then all of a
21 sudden we get to where the BLM is right now
22 accepting a map from CPW that looks like the map on
23 the right. In fact, it is the map on the right, and
24 that's the PPH and the PGH.

25 So here we are. And, you know, of course,

1 we'll see what comes out on Friday. I won't say
2 anything about that until we see it on Friday when
3 the draft of the EIS is released.

4 Again, to underscore the questioning that
5 we have or the concerns we have about those mappings
6 is precisely illustrated in these two photographs.
7 The photograph to the top is a photograph of
8 priority habitat in our area, the PPR area.

9 And then the lower photograph on the right
10 is a BLM shot actually of work done in the
11 Pinedale, Wyoming region, which we believe a lot of
12 the science is focusing on and then focusing policy
13 on based on that.

14 And we think, well, these are two very
15 different worlds. Is there a way that we can maybe
16 reconcile between the two particularly when it comes
17 to mapping habitat for Garfield County?

18 So on to the first topic really. This is
19 the map that is published on the COGCC website.
20 This is the sensitive wildlife habitat map done by
21 CPW. Let me back up.

22 We had a couple conversations with Chad
23 and Rick, of course, before Rick left, on this
24 trying to get our hands around what this means and
25 how it's used really.

1 Ultimately, as we look at this and then
2 the next map, which we sort of see is in tandem,
3 and so the next map being the restricted surface
4 occupancy map, and having discussions about what
5 these maps are and how they're applied.

6 And particularly this map raised some
7 discussion with the County in our discussions
8 because it's a lot different than this map. So this
9 map is very similar to the preliminary priority
10 habitat that's being used in the EIS for the BLM,
11 also supplied by CPW.

12 But then in conversations with CPW, what
13 we understand is really this is what they intend.
14 And I'm not going to put words, Chad, in your mouth,
15 but I know you'll have something to talk about here.

16 But this map is what we understood you to
17 say was really more of a map that would really
18 dictate restrictions rather than this map, which is
19 the SWH map is really a consult basis map.

20 And, as I remember, based on this same
21 mapping that's being used and has been used for the
22 last three or four years, that those 40
23 applications have come in and you've commented on
24 those and there have been no changes and what have
25 you. And I think, Ron, you had that comment.

1 MR. VELARDE: Yeah, that's correct.

2 MR. JARMAN: All right. So that was the
3 conversation we had with CPW before this meeting.
4 And so we started to really look at this and see how
5 that plays against the mapping we've already done in
6 Garfield County that some of you have already seen.

7 Certainly, I go back again. It's very
8 different than the way the County understands that
9 the BLM is using CPW's maps right now. And so we
10 think that there may be a disconnect there.

11 So we're hoping this meeting will help us
12 understand what those maps are and how they're used.
13 Are we running into cross-purposes with one map
14 against the other, particularly when it comes to
15 permitting for oil and gas development?

16 So we're eager to talk about that. Maybe
17 that's the best place to stop right now and maybe
18 have a conversation about that. We do have it
19 overlaid. I can show those.

20 REPRESENTATIVE RANKIN: Why don't we go to
21 -- I think the overlay is important.

22 MR. JARMAN: All right. So what you're
23 seeing here, this map is -- underneath is the map
24 that the County has generated to date. And Zach
25 Perdue is going to walk through more of that to give

1 you an update on how we've arrived at what that
2 looks like.

3 But overlaying in the purple is the
4 sensitive habitat map of CPW. And then you go to
5 the next one. So this is the RSO overlaying on top
6 of our map to give you a sense of how those
7 correlate.

8 So we think there's actually a high degree
9 of correlation between the two which we were
10 encouraged to see. And I know that there's a lot to
11 talk about here. So maybe I'll leave this one up so
12 we can have a conversation.

13 Because I think the next piece is back to
14 the PPH map. So I think with that, I'll leave it
15 there. Again, we're trying to reconcile in our own
16 minds how these different maps are to be applied
17 practically.

18 So we're going to have the EIS that's
19 going to come out. It's going to have a map that is
20 produced by CPW. So that's the BLM's world, so to
21 speak.

22 Then you have the COGCC, who is the agency
23 responsible for permitting oil and gas development
24 who are going to rely then on these maps that
25 they're in the midst of updating right now through

1 the rulemaking.

2 And so I think maybe to kick it out there,
3 how are these going to play together or will they?
4 And so I would kick it out there like that.

5 MR. BISHOP: Well, I might just start on
6 again, you know, we did have these conversations
7 and, you know, House Bill 1298 established that we
8 would have a two-tier system, two different maps for
9 a given species and how we're going to look at
10 regulation.

11 And I just, for everybody else's benefit,
12 you know, I shared that with you guys in that
13 meeting. Any given set of -- the exact same set of
14 data can produce a series of maps, right? So it's
15 the intent of a map you're producing. It's the
16 underlying assumptions. It's what's that map trying
17 to accomplish.

18 And I think we all can have common ground
19 on that. And I'm going to turn it to Ron in terms
20 of field application here in a minute.

21 But with what 1298, you know, this RSO
22 map, that's intended to protect -- and it's not an
23 NSO, as the way the State is applying it. It's an
24 RSO, Restricted Surface Occupancy, but it's trying
25 to key in on those most critical habitats which in

1 this case would be a point 6 mile lek buffer that we
2 say is critical to protect those areas, right, from
3 development.

4 And then the sensitive wildlife habitat
5 map is trying to identify that broader sensitive
6 habitat zone for any of these species. Sage-Grouse
7 is the one we're doing today, but we have it for a
8 host of species.

9 And then that we understand -- and again,
10 I'd like Ron to speak after this and so all of us
11 haven't been in the room together at one time -- but
12 the sensitive wildlife habitat maps are saying, hey,
13 this is overall in that key habitat zone for
14 species. We think it's important we have the
15 opportunity to consult on the ground.

16 But certainly, from the 1298 COGCC
17 process, it's not intended to be an RSO or an NSO.
18 It's intended to be where we go out and consult, and
19 then our field staff on the ground understands. And
20 you can walk out there and cite specific and
21 evaluate that and make recommendations going
22 forward.

23 And that's how those two maps are used.
24 Ron, do you want to --

25 MR. VELARDE: All I can add -- and you've

1 covered it well. The only thing I will add is, is
2 that even with RSOs that all that does is alert us
3 to alert the energy company or the BLM or the
4 private landowner that that is in an RSO. But that
5 does not mean they can't drill.

6 I mean, if that's the only place they can
7 drill, they drill. All it does is, is for us as an
8 agency is to ask, and I'll say ask for restrictions
9 that would mitigate for any type of habitat issues
10 out there. That's really what it's about.

11 So I know there's a lot of confusion on
12 that. But I can tell you from a CPW perspective, we
13 try to work close with the energy industry, private
14 landowners, whomever it is on whether it's the
15 sensitive areas or the RSOs.

16 COMMISSIONER JANKOVSKY: Thank you on
17 that. And I guess, you know, we're seeing this
18 overlay, and with our mapping there's a close
19 correlation with the RSO, much closer than there is
20 to the sensitive wildlife map because then we start
21 getting into habitat which we don't believe is
22 Sage-Grouse habitat.

23 And so we wanted to kind of get that in
24 front of the BLM as well and kind of hear your
25 thoughts on that, Jim.

1 MR. CAGNEY: First and foremost, and I
2 think this is really critical, is that the Bureau of
3 Land Management has relied on state game and fish
4 agencies for our habitat maps for the entire 15
5 years of the BLM. And we have no data or
6 information by which to ponder a different map.

7 I mean, we can't put any effort into that
8 because it would be redundant to what Parks and
9 Wildlife does. We have no basis to judge that map.

10 And so, you know, I feel really strong
11 about saying that I have no desire to change that
12 long-standing relationship between the BLM and game
13 and fish agencies. We use their winter habitat
14 maps. That's just how we've done business
15 successfully for a long time, and I'm opposed to
16 anything that breaks that relationship.

17 I mean, the alternative to that is to set
18 up a scenario where individual entities can create
19 their own maps. And then we have competing maps
20 that the Bureau of Land Management needs to sort
21 out, and we can't live there. I mean, we can't
22 afford to play that game. We can't be successful
23 like that.

24 So if the State of Colorado -- and
25 basically from my perspective it's the map that the

1 Governor gives us is the one we're going to use. So
2 what we've got is a group of Colorado people here,
3 and we're going to honor the results of that
4 process.

5 I don't want to present myself as a Grouse
6 biologist, but I think the core issue here is that
7 the Bureau of Land Management has long been trying
8 to manage Sage-Grouse by buffering leks.

9 We tried a quarter mile, didn't work. We
10 tried 6/10 of a mile, and the information is, is
11 that that approach is failing.

12 So the directive that we've gotten is to
13 look at a more connected habitat-based approach.
14 And I'm just assuming that what the Parks and
15 Wildlife has put on the table is to connect those
16 yellow spots that you're showing, Fred.

17 I mean, that's the point is to connect
18 them. And saying that those individual little
19 yellow spots don't work in isolation. They have to
20 be connected. So, like I say, I don't want to
21 present myself as a Grouse biologist, but that does
22 seem to be the essence of this argument.

23 And so with that in mind, that's the BLM's
24 perspective. And whatever you all come up with as
25 some sort of a result of this process, our intention

1 is to honor it.

2 COMMISSIONER JANKOVSKY: And, you know, I
3 agree with you there, Jim, I mean that your
4 relationship is with the mapping that comes out of
5 Parks and Wildlife or the State of Colorado.

6 And I think one of the problems here is
7 that the buffer around the leks where here we have a
8 6/10 of a mile buffer and at least we're looking at
9 a four-mile buffer. Potentially, we don't know yet,
10 but we believe it's probably a four-mile buffer in
11 the EIS.

12 And in our particular situation here on
13 the Roan, the birds that are up there are in a
14 fragmented habitat. I mean that's just part of the
15 habitat up there. And maybe that's why there's 500
16 birds up there and not 1,000 or 2,000, because the
17 habitat is fragmented.

18 And it's just naturally fragmented. It's
19 fragmented by topography. It's fragmented by
20 different types of habitat, different species,
21 different forests besides sagebrush.

22 And so I think that's really what has just
23 thrown us for a loop and set us on this direction
24 of well, we need to come up with our own mapping
25 because we were questioning the overall map.

1 And here we have two maps from CPW which
2 we were -- first of all, it surprised us when we
3 pulled them up. We pulled them up off of the
4 website and looked at them and did this correlation.

5 We saw, well, look, the RSO map is very
6 close. Other than a few spots here, it's very
7 close to our mapping. And so that's really -- I
8 mean, we found just kind of through the process and
9 talking with Chad and going online that there are
10 two maps.

11 And, you know, you could take this RSO map
12 and put a four-mile buffer on there, and we could
13 end up with the other map. But then we're closing
14 up a lot of terrain and habitat that's just not
15 Sage-Grouse habitat.

16 And in this case we believe, you know,
17 birds are getting from location to location.
18 They're flying. They're getting from location to
19 location, and they're flying from leks and so forth.
20 And as I've said before, they're kind of island
21 jumping because we don't have that rolling sagebrush
22 habitat like we have even in Moffat County.

23 So, you know, and I hear what you're
24 saying, and that relationship between CPW and BLM,
25 we honor that. It needs to be there. We're just

1 questioning which map at this point, I guess, is
2 where we're coming from in this meeting.

3 MR. VELARDE: I was just -- and it's just
4 for information only, and I have not been to your
5 other meetings.

6 But I do want to point out especially to
7 the counties, when I got here 13 years ago and it's
8 before the energy development really got going, but
9 for a couple of different reasons I've asked for
10 research in the Piceance Basin for both deer and
11 Sage-Grouse, thinking ahead as to what some of the
12 issues would be.

13 And part of it came from, in talking to
14 county commissioners, not necessarily Garfield
15 County, but other counties to the north, we were
16 using information that was based out of Wyoming.
17 And every time I'd meet with the county
18 commissioners, they'd say, yeah, but that's in
19 Wyoming.

20 So it took quite a while and obviously
21 with support from our previous director and our
22 present director and from the terrestrial unit, we
23 actually started doing research in the Piceance
24 Basin. Otherwise, we wouldn't even have the
25 information that we presently have regarding the

1 Piceance Basin.

2 So I give a lot of credit to -- I mean, I
3 know you've met with Brett Walker. I'm not sure if
4 you've met with Tony Apa. I'm not sure if you have
5 or not. But, you know, I have a lot of faith in the
6 type of research they're doing and what they're
7 coming up with.

8 And so it does apply their information,
9 to a situation whether it's in Moffat County, Rio
10 Blanco County or Garfield County. And I just wanted
11 to throw that out there that the reason we're
12 spending a lot of money is so that we can get
13 information that's pertinent to the counties that
14 we're dealing with, not necessarily to Wyoming.

15 And I just wanted to throw that out there
16 just as an information because we've spent a lot of
17 money, a lot of taxpayers' money -- or not
18 taxpayers. I didn't want to say that, excuse me, a
19 lot of sportsmen's money doing that.

20 MR. BISHOP: And if I might -- thanks,
21 Ron. And just adding on that, I think now is a good
22 time to bring that up is I think everybody in the
23 room is aware, Brett Walker does have -- because
24 that's what you guys have been using to validate
25 with Brett -- he's done original research.

1 He's on a fast timeline to restructure his
2 schedule to try and publish that as soon as we can.
3 We want to respect his right as a researcher having
4 collected that data to publish that.

5 And we've said all along to BLM this
6 happens to be an area, because of what Ron
7 described that we have more information in certain
8 other areas of Sage-Grouse range in Colorado.

9 And so when he finishes his analysis, it
10 just gives us an opportunity to do a more refined
11 analysis in that area, the PPR population. We think
12 it's appropriate to do that because it is a little
13 bit of a different area than certain other
14 Sage-Grouse areas.

15 And he's trying to get that completed this
16 fall. Then we'll make that available. We plan to
17 make that available to BLM because then we'll have
18 that information because we invested the money in
19 it. So we just kind of want to make that kind of on
20 the record that we are working on that and doing
21 that.

22 But building also on Ron's point, even our
23 preliminary priority habitat map was based on data
24 from Colorado, not Wyoming. So I think that's
25 important. Those models are based on Colorado data.

1 DR. RAMEY: Chad, can I ask you a
2 question? So it's a little like asking a graduate
3 student when they're going to finish their
4 dissertation, but when do you think Brett will be
5 done and, you know, basically the analysis going
6 public?

7 MR. BISHOP: All I know is fall.

8 MS. GRIFFIN: His plan is to have it
9 completed before the end of the comment period for
10 the BLM draft.

11 UNIDENTIFIED FEMALE: Which is November
12 14th.

13 MS. GRIFFIN: November 14th, that is his
14 goal.

15 REPRESENTATIVE RANKIN: And that will
16 revise both maps, the restricted occupancy and
17 the --

18 MS. GRIFFIN: No, that would -- I guess
19 that remains to be seen. We haven't talked about it
20 in relation to the COGCC or the 1298 maps. But it
21 would be used to refine the BLM habitat map in PPR,
22 because that's where his research was done.

23 REPRESENTATIVE RANKIN: Well, I guess my
24 question is, we're really sort of discussing what
25 the BLM should use out of the state. And we talked

1 about those two maps, so I'm trying to get a handle
2 on where this new -- where will that fall?

3 MR. BISHOP: It would modify the current
4 sensitive -- one thing it could do is we could use
5 this within the concept of sensitive wildlife
6 habitat area on the Roan to update it with this
7 information because we happen to have it there.

8 I think a really key distinction though
9 is unless something changes, COGCC will adopt these
10 maps unless something changes that for their
11 process. And I think that's the key. A really
12 important point in this, is that's the state's COGCC
13 process. And I think we have a very good process
14 with that.

15 That doesn't mean -- there's not a single,
16 in my perspective -- there's not a single one just
17 perfect map. It's what you do with those maps. And
18 I think this works for the State and COGCC and we
19 apply it.

20 We have the state process, and we're
21 comfortable with the current sensitive wildlife
22 habitat map. We're comfortable that our guys have
23 the opportunity to go out on the ground. The
24 comment about siting of energy development in those
25 areas, we think it's appropriate.

1 We know sometimes a well pad or a site
2 will fall in non-habitat with this process. It's
3 not unreasonable, though, because it's in that
4 overall sensitive zone for species. When our guys,
5 when Ron's guys go out there and we see that, we
6 recommend that go forward.

7 But it gives us a chance when that
8 non-habitat is very close to a lek or it's going to
9 have road implications or something that then we can
10 work with the developer to try and site that
11 appropriately.

12 Then there's the BLM map which is a
13 separate process.

14 MR. VELARDE: I'd just like to -- I know
15 one of the issues are the different maps. And
16 although I was not involved in the COGCC process, I
17 was not.

18 A gentleman by the name of Rick Kahn who
19 worked in the terrestrial section was nominated -- I
20 don't know if you want to call it that -- by our
21 director to work on it which I have to give him all
22 the credit in the world.

23 But the process was totally different to
24 get the COGCC maps and the map that was generated
25 for the overall habitat for Greater Sage-Grouse. It

1 was totally different.

2 I guarantee you the COGCC map did not look
3 like the final product, I can tell you right now.
4 It was larger. It had more habitat that we thought
5 should be protected.

6 It's obvious through the process, and it
7 happened with elk, happened with deer, happened with
8 other species that the map was reduced through the
9 COGCC process working with all of the entities
10 involved. And that's what it came out, right, wrong
11 or indifferent.

12 And we're okay with that. We're fine with
13 it. But that's how it occurred. So I just think we
14 need -- I wanted to throw that out there.

15 REPRESENTATIVE RANKIN: Well, is the COGCC
16 map the RSO map? I mean, are those synonymous?

17 MR. VELARDE: The RSO that's in the COGCC
18 is the final RSO map, but it wouldn't necessarily be
19 an NSO if we were working with the BLM.

20 And that's where all these terms -- and it
21 does get confusing and I understand that. But that
22 was the term for COGCC.

23 REPRESENTATIVE RANKIN: And while I'm
24 asking questions, Jim, what's the practical impact
25 of the maps that end up in your EIS, I mean, in

1 terms of restrictions on development, drilling, so
2 forth.

3 MR. CAGNEY: In the document that's coming
4 out Friday, there will be a table in Chapter 2 that
5 has the stipulations. There will be stipulations on
6 transportation, there will be stipulations on
7 right-of-ways, on oil and gas, grazing.

8 And they vary by alternative. But those
9 stipulations will be applied to general habitat,
10 they'll be applied to priority habitat. It's really
11 no different than an elk winter range.

12 When you get an application for an oil and
13 gas lease, you check it against what layers that
14 you've got stipulations in your land use plans and
15 then you apply them as conditions of approval.

16 So, you know, we got the map issue is one
17 thing. But, you know, the upcoming BLM part of that
18 is what stipulations will we apply to that map. And
19 that phase is still pretty open.

20 I mean, we got a draft document coming out
21 but, you know, there's a preferred alternative, but
22 that ain't the decision.

23 MR. BISHOP: And that's -- I know when
24 Rick and I met with some of you, I think that's one
25 of the points we've been trying to make is that

1 there's a huge amount of this where the decisions of
2 how management decisions are made within that
3 habitat zone.

4 COMMISSIONER JANKOVSKY: And just to kind
5 of -- you know, you guys are talking about COGCC and
6 so forth. And the way I -- you know, you're looking
7 at the maps one way or COGCC is looking at the maps
8 one way.

9 And our concern with the BLM is that if we
10 have that -- we're not getting two sets of maps so
11 we don't have -- well, we do have a priority in a
12 general habitat map.

13 But our concern is that if we get areas
14 that are on BLM that are all shown as priority
15 habitat and we have caps on how much can be done as
16 far as amount of disturbance and so forth on land,
17 that we may already be at those caps because this is
18 a high industrial area.

19 And it could potentially become almost
20 impossible for any -- and it's not a huge amount of
21 BLM land in Garfield County. It's 80,000 acres.
22 That's a lot of land, but it is all very rich as far
23 as gas reserves.

24 And our concern is that, you know, areas
25 that could be reached because they're not habitat or

1 they're general habitat so you could reach gas
2 supplies, it's just not going to happen through the
3 EIS.

4 Once the EIS and the whole plan is
5 approved, then it becomes much more restrictive.
6 And that is our overriding concern.

7 MR. CAGNEY: And you should be concerned
8 about that. I mean, there isn't any question about
9 it.

10 I want to offer something about this
11 Grouse document coming up. We're not over the cap.
12 I mean that's management Unit 17, and I don't think
13 we're over the cap.

14 But I don't think you should consider that
15 to be great news because I don't think the cap is
16 the most important part of this. We have
17 alternatives where a priority habitat is no leasing,
18 you know, and we have alternatives where it's no
19 surface occupancy which means if you can put a well
20 adjacent to that, you can directionally drill in
21 there. I mean, there's different choices.

22 And then there's a lot of stuff,
23 particularly there where it's pretty much all leased
24 already, so those kind of stipulations don't matter.
25 And then it becomes a question of what's the BLM's

1 ability to put new conditions of approval on valid
2 existing leases, and there's case law on that.

3 But I would urge you to concern yourself
4 with that more than the caps. Because one of my
5 concerns going into this project is that the caps
6 are going to get all the attention, and I don't
7 think that's the right way to look at this. Just be
8 on guard.

9 COMMISSIONER JANKOVSKY: But again on that
10 80,000 acres, I mean, if it's all priority -- and it
11 is all priority habitat right now, at least from
12 what we've seen. We don't know because we're two
13 days away from the release so there could be a
14 change, but I think more than likely it's going to
15 be the same map we've been working with.

16 You know, you can't get to the whole
17 80,000 acres if you're on the outside of it, on the
18 outside boundaries. It's just like the Roan, you
19 can't get there from the outside. You got to be
20 able to --

21 REPRESENTATIVE RANKIN: So when you make
22 that statement, Tom, you seem to -- and I don't,
23 understand exactly how the draft EIS used the CPW
24 map inputs. Could we talk for a minute about
25 exactly how those fit together? Well, like which

1 one -- what did you use, the state maps --

2 MR. CAGNEY: So one of the alternatives
3 for oil and gas leasing, there might be say that any
4 leases would be issued with a no surface occupancy
5 requirement, which means you've got to drill it from
6 the side. And the commissioner was just saying
7 that's not all that great, but that's what it says.

8 So some of those would say that is applied
9 to priority habitat. Some of them would say that
10 it's applied to all designated habitat which would
11 mean both priority habitat and general.

12 So what you've got is a bunch of land use
13 restrictions applied differentially to the habitats
14 on that map.

15 REPRESENTATIVE RANKIN: And how are those
16 habitats defined having started with the CPW inputs
17 as your input?

18 MR. CAGNEY: Well, we both started and
19 finished with that. So maybe I don't understand the
20 question.

21 REPRESENTATIVE RANKIN: Well, the State
22 has two levels of maps. They've got the RSO and the
23 SWH. Which one of those did you use to define
24 priority habitat?

25 MR. CAGNEY: We used that red one, the red

1 and the green right there. That's the exact map we
2 used.

3 REPRESENTATIVE RANKIN: So right now all
4 of that is priority habitat?

5 UNIDENTIFIED MALE: The red is priority
6 habitat.

7 MR. CAGNEY: And the green is general.

8 MR. JARMAN: But, Bob, let me go back. So
9 remembering this map here, this is the map that was
10 in the initial -- this is publicly available so I
11 can say that.

12 MR. CAGNEY: You know, we're 36 hours from
13 the release. I'm not very worried about that, Fred.

14 MR. JARMAN: Well, thank you for that
15 leniency. So that's what we call the priority
16 habitat map. That is in the EIS. That has been
17 what has been in the EIS from the CPW all along, and
18 that's what we've been contesting frankly.

19 Let me go back. That looks very similar
20 to the map that you just saw which is this map.
21 This is the live, I should say -- I'm sorry, this is
22 the proposed CPW map for sensitive wildlife habitat
23 that is being proposed that the COGCC would use.

24 So if you're in this red then -- go
25 ahead.

1 UNIDENTIFIED MALE: Are those going to be
2 the PPH, PGH map, is that the same boundary acreage
3 as the SWH now?

4 MR. BISHOP: The PPH.

5 UNIDENTIFIED MALE: PPH is the same as
6 SWH?

7 MR. BISHOP: The priority habitat map is
8 the same being proposed for the sensitive wildlife
9 habitat map definition.

10 MR. JARMAN: Are you sure about that? I
11 only say that because if you look at the shape of
12 this map, this includes in particular this area
13 right here, okay? Remember this when I flip to the
14 next map, right in here. I would tell you that
15 that's general habitat, isn't it?

16 UNIDENTIFIED FEMALE: No.

17 MR. JARMAN: Maybe I got that wrong.
18 Good. Then I misspoke. So this is the general
19 stuff out here?

20 UNIDENTIFIED MALE: Yes.

21 MR. BISHOP: The dark green is general.

22 MR. JARMAN: So the red stays the red, if
23 that's fair to say?

24 MR. BISHOP: Right. And that's what's
25 going forward. And, in fact, we're purposely trying

1 to align those. And, you know, for 1298 it's a
2 reduction from what's there now.

3 UNIDENTIFIED MALE: That's right.

4 MR. BISHOP: Because at the time the
5 standard on Sage-Grouse, so this notion if you're
6 talking as a general priority habitat is a four-mile
7 lek buffer, you know, and that's what we originally
8 put in place.

9 And so with our ability to model and on
10 our Colorado statewide Greater Sage-Grouse data, we
11 lessened that some within those four-mile buffers.
12 And that's how we produced based on, you know, our
13 models to produce the priority habitat. It's less
14 than the full four-mile lek buffer.

15 MR. JARMAN: But at the end of the day,
16 and this is where I think Representative Rankin was
17 going, is the same question that we have is, this is
18 the map, back up again, right now CPW is using this
19 map for oil and gas and consultation, right, Ron?

20 MR. VELARDE: Yes.

21 MR. JARMAN: So if someone comes in with a
22 permit --

23 MS. GRIFFIN: Proposed. It's proposed.

24 MR. JARMAN: Okay, it's proposed.

25 MR. BISHOP: It's bigger than that, it's

1 bigger than that right now. This is our proposed to
2 align with --

3 MR. JARMAN: What I want to do is I want
4 to cut to how it is really applied in the field. So
5 we can talk about this stuff here, but at the end of
6 the day, people are going to start using these
7 things as tools to manage for land use on the
8 ground.

9 COMMISSIONER JANKOVSKY: And used in the
10 field by two different agencies.

11 MR. JARMAN: Right, yeah, exactly. So and
12 we kind of walked through this a little bit on the
13 phone call with you, Chad, a little while ago.

14 But I want to do that with BLM here
15 because right now COGCC and CPW are sort of married
16 together in managing the red on this map.

17 MR. VELARDE: For Form 2A's.

18 MR. JARMAN: For Form 2A's.

19 MR. VELARDE: Yes, that's the key here
20 that we need to remember. And that's where we're in
21 consultation through the COGCC with the land use
22 agencies, with the private landowners, and with the
23 energy industry.

24 MR. JARMAN: That's helpful. So when a
25 permit from an operator comes in the door on BLM

1 land, at the end of the day doesn't it go through
2 the COGCC and they send it out for consult to you
3 all.

4 MR. VELARDE: Yes.

5 MR. JARMAN: You make your comments on it.
6 And ultimately at the end of the day, it's the
7 Commission that issues that APD, isn't it? The BLM
8 doesn't issue the APD, I don't think.

9 MR. CAGNEY: On public or private land?

10 MR. JARMAN: On public land.

11 MR. CAGNEY: No, we issue it.

12 MR. VELARDE: On public, the BLM does. On
13 private, it's the COGCC.

14 MR. CAGNEY: Right, and the BLM does it on
15 Federal minerals too, private surface.

16 MR. VELARDE: Yes.

17 COMMISSIONER JANKOVSKY: If I could break
18 in, I would like to introduce Commissioner Mike
19 Samson who just walked in. And then also Drew
20 Gorgey, who's our County Manager. They have both
21 joined the table. So I'm sorry for the
22 interruption.

23 MR. JARMAN: So practically is there an
24 opportunity for cross-conflict between administering
25 land use under this map versus what is going to be

1 in the EIS?

2 That's, I think, the ultimate question
3 because you've got two different maps. You're going
4 to have the map of COGCC, right, might look like
5 this, and in the EIS you're going to have a map
6 that's going to look maybe similar to this.

7 But the management fallout, what happens
8 in those two areas, are going to be very different.

9 COMMISSIONER JANKOVSKY: Extremely
10 different.

11 MR. VELARDE: Here's the difference,
12 though. With this, if that's what the COGCC ends up
13 approving, we through our Form 2A do an analysis and
14 send it to the COGCC.

15 When we work with the BLM, we'll try to do
16 on-sites and when we had a full complement of people
17 in the Meeker area or wherever we had the majority
18 of the wells, we would do on-sites, go with the BLM,
19 and then make joint recommendations.

20 But keep in mind, ours are only
21 recommendations to the BLM. That's all they are.
22 Hopefully they'll take them, but they don't have to.

23 MR. JARMAN: All right. So stay there.
24 Thank you for that.

25 At the end of the day there, it would seem

1 to me to make sense that if, as Jim continually
2 tells us, don't talk to me about the maps, the maps
3 come from CPW. Talk to CPW about the maps which
4 means CPW is always on first about the mapping they
5 produce.

6 COMMISSIONER JANKOVSKY: I want to
7 interrupt because I think once the decision is made,
8 I think the map that is in that decision is the map.
9 Am I correct in that?

10 MR. CAGNEY: You're fundamentally correct.

11 COMMISSIONER JANKOVSKY: And so my concern
12 goes back to we have the sensitive wildlife map
13 which to me is a general priority habitat map, but
14 it becomes a priority habitat map in the BLM
15 decision, then all of a sudden all that 80,000 acres
16 that's up there which, you know, has high quality
17 gas reserves -- has been in the news for the play
18 that's in there -- becomes off limits.

19 And that is my number one concern, and
20 that's why I've been so adamant about the correct
21 mapping in that area.

22 MR. BISHOP: And this is a key point,
23 right? It comes back now to which alternative is
24 selected to how off limits it is, correct?

25 UNIDENTIFIED MALE: Absolutely.

1 MR. BISHOP: I mean, that's where our
2 position would come in. The map only goes so far.
3 The maps don't dictate policy.

4 And if you asked our ecological staff, our
5 science staff, if we thought like that RSO map for
6 example, as Ron pointed out, that where we ended up.
7 But none of our staff would say if you protected all
8 that, that would be sufficient for the Sage-Grouse.
9 I mean, nobody would agree.

10 That's just kind of to identify the most
11 key stuff that you wouldn't -- so we would say it's
12 that broader priority habitat is what you want to be
13 thinking about when you're trying to conserve this
14 bird. That doesn't mean we believe it should be off
15 limits to development.

16 But if we're going to provide a map, it's
17 going to be more like that priority habitat map than
18 that if we're trying to say what you need to
19 consider for Sage-Grouse.

20 MR. JARMAN: In one of your
21 recommendations, wouldn't you suggest, though, that
22 the management based on those maps should be one and
23 the same? The policy --

24 MR. BISHOP: Just what Ron's saying,
25 there's a State process and then there's a BLM

1 process. And we're getting ready to go to a refined
2 BLM process because of the EIS.

3 MR. JARMAN: No, and I appreciate that,
4 but that's not what I'm suggesting. What I'm
5 suggesting is why shouldn't everyone play from the
6 same field and come together on the same policies
7 for the same species.

8 It seems to me we've got two different
9 things happening here. You've got CPW and COGCC
10 operating in an administrative function, and then
11 you have BLM. And in our view anyway there's a
12 major disconnect between the two.

13 Not only is there a disconnect in policy,
14 but there's a major disconnect in how the maps are
15 treated. So just from an outsider looking in,
16 shouldn't it all be the same if everyone is
17 concerned about the species as we are -- that's our
18 goal, everybody in this room.

19 But that's where we're having a real
20 breakdown, I think, is how can't you marry those
21 things up.

22 MR. BISHOP: See, we can come at it
23 different. We're embarking on a public process to
24 help set policy, but we don't want to change our
25 biological basis of maps because of the process. We

1 want to have it based on what we think is
2 biologically defensible.

3 That's what we'll put forward, and then
4 we'll be part of the table to having the policy
5 management discussions of how that should be
6 managed. I think that's how --

7 COMMISSIONER JANKOVSKY: I guess the other
8 thing, and at the same time -- and I think, Fred,
9 what you're talking about is an ideal world. So I
10 don't think that's quite there where State and the
11 Federal government are going to have the same
12 policies and so forth. I would like to see that,
13 but I don't know that that's the case.

14 But again my concern is that we're going
15 to have habitat that has a 50 percent slope. It's
16 going to be priority habitat. We're going to have
17 habitat that has thick conifer trees be priority
18 habitat, and it's not. It really is not priority
19 habitat.

20 MR. CAGNEY: I'd really like to jump in on
21 an exchange that took place mostly between Ron and
22 Fred there where Ron was talking about consultation
23 during implementations of individual actions, and
24 you were perceiving that as the exact same thing as
25 the land use plan process.

1 You said the BLM just puts it onto game
2 and fish, and then the -- went back to Wyoming --
3 Parks and Wildlife and then Parks and Wildlife says
4 it's only a recommendation. So I want to close that
5 loop here.

6 What we do in our land use planning
7 process is we use Parks and Wildlife maps to
8 establish what the ranges are and how we establish
9 our land use plan, goals, and those -- I mean these
10 are a little bit more site specific in this Grouse
11 EIS than a standard BLM land use plan. I would
12 warrant that.

13 And that's the basis for your concern
14 which I think is justified. But normally those land
15 use plans are 30,000 foot stuff, and there's lots of
16 room to discuss implementation issues on a
17 case-by-case basis.

18 So what Ron was saying is that we go out
19 and we look at it and we say we can put this pad
20 here, but we have a much better issue if we put that
21 pad over there because of the way the site lines go,
22 you know, the noise, that type of thing.

23 So that might have seemed like a conflict,
24 but only because he was talking about implementation
25 issues and you were talking about land use plan

1 issues.

2 MR. JARMAN: Yeah, I mean that helps, Jim.
3 I still think there are some breakdowns in how it's
4 going to be applied. But I think at this point we
5 ought to keep going with where we are.

6 MR. CAGNEY: Well, it's not going to be
7 applied any differently than any elk winter range
8 stip that's ever been done in the last 20 years.
9 It's going to be identical to the same way we've
10 always done this.

11 The difference being these measures are
12 tighter and more important than normal.

13 MR. JARMAN: Well, okay. Along those
14 lines, though, the BLM is going to push maybe,
15 certainly the NTT suggests a cap, as we've talked
16 about before, okay? And so maybe in the alternative
17 that comes out, there's a cap. That's a discrete
18 calculation that figures in to what you're talking
19 about.

20 That's different than just a site-by-site
21 thing. That actually accumulates to where there
22 ultimately is an NSO result, right?

23 UNIDENTIFIED MALE: It could.

24 MR. JARMAN: I mean, at the end of the
25 day, what you're saying is the document that's going

1 to come out may suggest that there is a cap. And
2 it's all well and good to go out and look and see
3 what's okay on the ground to move a pad here or a
4 pad there.

5 But the policy, the cap -- the policy, I'm
6 not talking about map, but comes from a map. It's
7 applied from a map. So at the end of the day, the
8 map is extremely important.

9 MR. CAGNEY: Oh, yeah, I agree with that.

10 MR. JARMAN: Which is way different than
11 the way the CPW administration functions now with
12 Ron and his crew that will say, well, no, just put
13 your pad here and not here. You've consulted with
14 us. That works great. Fine. Everything's okay.

15 At the end of the day, that's very, very
16 different. There is no cap in the world they play
17 in.

18 MR. CAGNEY: Correct. You're right.

19 MR. JARMAN: And I'm just trying to point
20 out some of the differences, that's all.

21 But, anyway, there's a lot more to talk
22 about here. I don't want to cut this conversation
23 off at all.

24 DR. RAMEY: Let me just add one point
25 there that, you know, one big difference here is

1 that CPW has more boots on the ground, so to speak.
2 And I'll assume that the NTT report recommendations
3 fit into a number of these alternatives, which is
4 maybe an assumption right now, and those tend to be
5 one size fits all prescriptions across the range.

6 So there really is a difference between
7 sort of a local knowledge and conditions, local
8 knowledge of ecological conditions versus that of
9 the NTT. So that's another major difference in how
10 it's implemented.

11 MR. CAGNEY: Well, right. But that begets
12 the question: Are we discussing the map, or are we
13 talking about the BLM land use issues NTT that get
14 applied to that map?

15 DR. RAMEY: It underscores this issue
16 that's been discussed about the importance of the
17 map in the process and then how it's used. It just
18 underscores it.

19 REPRESENTATIVE RANKIN: I'm still trying
20 to understand some of the terminology. But NSO, are
21 there any -- in the original EIS or the draft EIS
22 that's coming out, will there be some areas that are
23 already identified as no surface occupancy? And if
24 not, how do those emerge over time?

25 MR. CAGNEY: There will absolutely be some

1 areas that are no surface occupancy. The Colorado
2 alternative has no surface occupancy for the
3 priority habitat. The NTT, National Technical Team,
4 alternative has no leasing for priority habitat.

5 Now keep in mind -- so that would say,
6 well, you know, the cap's not very important. But
7 keep in mind that a lot of that stuff is already
8 leased.

9 So then somebody comes in and says, okay,
10 we want to put our application permit to drill out
11 there, and they propose a pad that's X number of
12 acres. And we go, come on, man, you got to keep
13 that down to lesser acres because we're playing cap
14 management.

15 And then Ron's going, all right, I can
16 live with that, but you got to move it over there.
17 You know, you're putting that thing half a mile from
18 this lek on an existing lease, and there's no reason
19 why you can't get that over there where it's, you
20 know, in a position where Grouse aren't going to hit
21 that stuff when they're flying in and while they're
22 lekking.

23 REPRESENTATIVE RANKIN: So did you just
24 tell me that there is an alternative where there is
25 no surface occupancy in any of that area that shows

1 red on the map?

2 MR. CAGNEY: Yeah, and there's also one
3 that says no leasing.

4 COMMISSIONER JANKOVSKY: That's an even
5 more restrictive one than that.

6 MR. CAGNEY: And there's one that says no
7 leasing for the -- flip to that next one. This is
8 all the predecisional information. Go one more.

9 MR. JARMAN: Which map did you want, Jim?

10 MR. CAGNEY: The one that's got both
11 priority and general.

12 MR. JARMAN: Oh, here.

13 MR. CAGNEY: That one there. I mean
14 there's one that's no leasing on all designated
15 habitat which is the red, the green and the
16 cross-hatched. Nobody heard that until the day
17 after tomorrow.

18 MR. BISHOP: Jim, what did you say about
19 the subregional (inaudible) Colorado alternative?
20 And what did you just say there about NSO?

21 MR. CAGNEY: The Colorado alternative is
22 NSO for the red, and there's exception criteria that
23 was very carefully considered at the cooperating
24 agency meetings.

25 And those have got to be linked to the

1 health of Grouse populations in the management unit.
2 That's management Unit 17 we're talking about.

3 So the reason that the NTT alternative
4 said we want that no leasing, it's because they
5 didn't want the BLM getting involved in leases,
6 modifications, waivers.

7 The Colorado alternative puts that back in
8 business, but it's got some pretty rugged criteria
9 to warrant that. Otherwise, we're just walking into
10 a leasing decision, and we can't do that.

11 REPRESENTATIVE RANKIN: Are there any
12 other alternatives which might be less restrictive?

13 MR. CAGNEY: No action.

14 REPRESENTATIVE RANKIN: So any alternative
15 except no action would basically put the red areas
16 off limits to either leasing or occupancy at all?

17 MR. CAGNEY: Not quite that bad.

18 REPRESENTATIVE RANKIN: It sounds like it.

19 MR. CAGNEY: Well, it's not quite that
20 bad.

21 COMMISSIONER JANKOVSKY: But a lot of this
22 red area is private land. The majority of the --
23 140,000 of the 220,000.

24 REPRESENTATIVE RANKIN: So 80,000 of it,
25 what is that, roughly a third, is BLM land?

1 COMMISSIONER JANKOVSKY: BLM land.

2 REPRESENTATIVE RANKIN: And we don't
3 know --

4 COMMISSIONER JANKOVSKY: Yeah, we do have
5 a map that shows that.

6 MR. JARMAN: We'll show that here in just
7 a second. But the cap applies to private land in
8 the sense that, and I don't want Jim to yell at me
9 for going predecisional here, but there will be an
10 accounting of projects that make their way across
11 BLM desk on private land.

12 Those get collected and counted against
13 the cap, against land used on BLM. Is that fair to
14 say?

15 MR. CAGNEY: Yes. Now let me talk about
16 that because this is really important.

17 MR. JARMAN: I'm not trying to unveil
18 anything here, but --

19 MR. CAGNEY: On private surface, if it's
20 Federal minerals, obviously, we know about that. If
21 it's a pipeline that we do an EIS on that's going in
22 and out of private land, we know about that. We're
23 going to include that.

24 If somebody puts a wind farm on private
25 land, obviously we're going to do that. The BLM is

1 not going to monitor people's private land to see if
2 they built a barn. We neither want to go there nor
3 have the ability to go there.

4 So, you know, the stuff that we know about
5 that's apparent, we have to consider that in the
6 cap.

7 Now the private landowners, surface owners
8 can do anything they want, not BLM lessors of
9 Federal minerals, but private surface owners. And
10 if we get to the caps, then we have to offset that
11 by what we approve on the public lands, okay?
12 That's the way that's going to work.

13 But I would ask everyone to not focus on
14 these caps. There's other stuff that's more
15 important in those Chapter 2 tables. I'm really
16 worried that those are going to catch all the
17 attention, and I don't believe that's the important
18 issue here. What Bob was getting at is more
19 important.

20 MR. JARMAN: I hear you. Well, the offset
21 is that you would say, look, the activity on private
22 land has exhausted the cap.

23 MR. CAGNEY: Right.

24 MR. JARMAN: And so I know you've come to
25 me for a lease -- well, let's say a new lease

1 anyway, I can't give it to you because the cap is
2 eaten. So you've got to wait until something gets
3 reclaimed or, you know, mitigated -- I guess
4 reclaimed for that cap to open up again.

5 MR. CAGNEY: Correct.

6 MR. JARMAN: And I think that's where
7 Commission Jankovsky was going in part because a lot
8 of the natural gas development that we see and
9 permit locally on private land will have a tether to
10 some component on either split estate or BLM,
11 particularly when you're looking at gathering
12 systems or road networks or what have you.

13 So there is that very direct, at least the
14 way we see it, a very direct connection to private
15 private from -- I should say it this way, the way
16 the BLM's EIS will come out, it will absolutely have
17 a direct impact on private land, private minerals,
18 private surface because of the way it's set up, the
19 cap will.

20 MR. CAGNEY: I disagree. Private
21 landowners can do anything they want.

22 UNIDENTIFIED MALE: Up to the cap.

23 COMMISSIONER JANKOVSKY: Right, but it
24 could affect what happens on adjacent public lands,
25 yes, right, because of the cap.

1 MR. CAGNEY: Excuse me, go back a little
2 bit more to where it shows all the habitat.

3 MR. JARMAN: You want the preliminary
4 priority --

5 MR. CAGNEY: Green, red and cross-hatched.
6 See Rio Blanco and then BLAN. Okay, that priority
7 habitat just below there, okay, that's that Magnolia
8 Hill in the middle and it's got that compressor
9 station on that. That piece is above the cap. It's
10 the only place that looks to me like we got cap
11 problems.

12 Now we haven't done any inventories.
13 That's just when we GIS'd what we knew about. The
14 cap's not -- I think we can deal with the cap.

15 COMMISSIONER JANKOVSKY: Let's go back to
16 the slide that shows BLM and private. That doesn't
17 have split estate on it, does it, that map? It does
18 have that.

19 MR. JARMAN: That's the green. See where
20 my hand is.

21 COMMISSIONER JANKOVSKY: So the yellow is
22 BLM, and then the lighter green over there is the
23 split estate, and that's all --

24 MR. JARMAN: So the nexus, the Federal
25 nexus certainly occurs on the split estate. So you

1 would apply terms and conditions --

2 MR. CAGNEY: We would apply to our lessor
3 but not the surface owner.

4 COMMISSIONER JANKOVSKY: So we get back to
5 how the maps are interpreted is just -- and that's
6 why we're making such a fuss because it's --

7 REPRESENTATIVE RANKIN: So to that point,
8 could we go back to the one that shows the RSO,
9 green areas, the State RSO.

10 So what we would probably like to have
11 seen is an alternative which makes those green
12 arrows, those green areas perhaps the priority
13 habitat and the rest of the red the general habitat.
14 I mean, we would like to have seen an alternative
15 like that; would we not?

16 COMMISSIONER JANKOVSKY: That is
17 absolutely correct. That ties in with our mapping
18 and so that's where Garfield County stands, yes.

19 REPRESENTATIVE RANKIN: Such an
20 alternative does not exist.

21 COMMISSIONER JANKOVSKY: The mapping does
22 not exist.

23 MR. CAGNEY: Actually such an alternative
24 like that is still selectable because we have the no
25 action alternative, and we can pick anything between

1 the no action alternative and the most restrictive.
2 And managing by any one of these maps is still left
3 on the table.

4 So we go back to the green one, we could
5 do that. But I got to tell you that we've been told
6 in very specific terms that you manage like that by
7 little buffers around leks and you get a listing. I
8 mean that's --

9 REPRESENTATIVE RANKIN: That's the next
10 discussion we ought to have. I mean what do we have
11 to do to prevent listing. But I'm just trying to
12 get on the table what it is that we as a county
13 would like to see. I'm thinking for them at the
14 moment. I'll talk with the State in the next
15 moment.

16 MR. CAGNEY: So from a BLM perspective, we
17 can still select anything that's in the range. We
18 don't have to select an alternative en masse. Say I
19 like this plank from that alternative and this plank
20 from that alternative.

21 The Garfield County, we included that as
22 an appendix and said we're taking public comment on
23 that. We didn't have time to analyze it because you
24 put it out on the same day we, you know, finished
25 our, you know, and then we had to keep going.

1 But we said we'll take comment on this
2 because it's in the range and it's selectable in the
3 final. We'd have to analyze it in the final to do
4 that.

5 REPRESENTATIVE RANKIN: But your advice is
6 that's a real bad idea because it would lead to --

7 MR. CAGNEY: No, no, I'm talking -- yeah,
8 I'm talking about, I'm saying to manage Sage-Grouse
9 with buffers around leks instead of landscape
10 perspective is a listing, absolutely.

11 COMMISSIONER JANKOVSKY: Let's go back to
12 our landscape perspective which is the dark red and
13 then the RSO is laid over it. If it were just, like
14 I said before, if it were just the habitat, we'd
15 give you ten miles worth of just the habitat that's
16 Sage-Grouse habitat.

17 But I think back to Jim, if the State is
18 going to look at Brett Walker's, what he's doing,
19 and there may be refine mapping that comes from his
20 research, if the State were to supply that and say
21 this is our map before the scoping's over, comments
22 are over, would that be considered at this time?

23 MR. CAGNEY: No, I started out this
24 meeting saying that whatever Colorado gives me is
25 what I'm going to use.

1 REPRESENTATIVE RANKIN: But what they have
2 given you is they gave you two maps, and one of them
3 seems to imply no restricted occupancy, and the
4 other is let's talk about it. And that's not the
5 way you're using them.

6 COMMISSIONER JANKOVSKY: Well, they only
7 got the one map from CPW.

8 REPRESENTATIVE RANKIN: They did?

9 MR. CAGNEY: We were supplied the RSO.

10 REPRESENTATIVE RANKIN: Well, okay, take
11 it back.

12 COMMISSIONER JANKOVSKY: So I mean our
13 work then may be with the State of Colorado to see
14 if there's any room for adjustments on the mapping.

15 MR. BISHOP: And that's something we can
16 talk about. I mean again we've got Brett in an
17 accelerated timeline to try and produce this.

18 And it's just acknowledging what Ron said
19 earlier that we invested money into this, and so
20 this is something we can probably get a little bit
21 more refined product than we have in the broader --
22 Colorado as a whole model. And so we're making a
23 commitment to try and do that, to supply that.

24 But I do think it's important again from
25 our perspective, you know, the RSO is a specific

1 aspect just like it is for all those other species
2 tied to House Bill 1298. We weren't asked to
3 provide a map like that as BLM is asked.

4 We were asked to provide a map that kind
5 of captures the sense of wildlife habitat or
6 priority habitat zone for the species. I mean
7 that's why that RSO didn't go.

8 But again, it comes down to now this whole
9 discussion of alternatives and how we decide to
10 manage that landscape to balance the needs of the
11 Grouse and energy development. And so that's a key
12 aspect.

13 If we can refine that and take out some of
14 those non-habitat zones that we don't think --
15 that's currently in the priority habitat and we
16 think we have a defensible way with Brett's data to
17 do some of that, I think we would provide that.

18 MR. CAGNEY: And that's exclusively up to
19 you. But I would say one thing, if you do that and
20 then Grand County does that and Rio Blanco County
21 does that, et cetera, et cetera, et cetera, we'll
22 get wrapped around the axle.

23 And the result will be we present no
24 information on that listing decision because we
25 don't get it done in time. And then all the work

1 that we've done to this date is for no purpose.

2 MR. BISHOP: Let me address that very
3 clearly. And, Ron, you jump in if you see this
4 different, and Steve.

5 But this is a really important point is
6 that we would say our current priority habitat map
7 across all the rest of Western Colorado is highly
8 defensible.

9 And the only reason we would look at it on
10 the PPR population is acknowledgement that it's a
11 little bit different habitat. It's broken up a lot
12 more. Kathy, you agree with that?

13 MS. GRIFFIN: Yes.

14 MR. BISHOP: It's an important policy
15 statement here. But we would not be making any
16 indication by doing that we would consider that for
17 any other county, because this is a different
18 population.

19 I shouldn't say county, I should say a
20 different population. If you look at North Park and
21 you guys can apply your own model in North Park and
22 it will be bigger than our priority habitat map. If
23 you applied your current model right now, we would
24 need to have more habitat identified.

25 So I mean that is an important piece of

1 this is this recognition we do know this population
2 is a little different.

3 But, yeah, we are with you entirely. If
4 that happens, it's not good for any of us, I don't
5 think. And that's not an appropriate place to go.

6 COMMISSIONER JANKOVSKY: And what we're
7 trying to do as a county is what you said, is find
8 that balance between the habitat and the oil and gas
9 production, gas production, find that balance so we
10 can take care of the bird but not completely shut
11 down oil and gas in this area.

12 MR. VELARDE: I'd only just say a couple
13 things. And we agree totally. I mean it's obvious
14 we support energy development. I mean that's our
15 state policy. We have a Commission policy that says
16 that. There's no if, ands, or buts.

17 But I think two things, I mean, I think we
18 need to have, as Chad pointed out, defensible,
19 biological, scientific information to what we're
20 putting out there. And at the same time, we need to
21 keep the bird off the list. I mean, I would hope
22 that every citizen in Garfield County would say
23 that. I mean that's our goal.

24 Well, I hope they do. If they don't, I
25 mean that's where we went with the Gunnison

1 Sage-Grouse. I mean, if you'll look at the letter
2 that Rick, our former director, sent to the Fish and
3 Wildlife Service, I think it surprised a lot of
4 people.

5 But the bottom line is we supported the
6 counties, we supported Gunnison County, and we
7 believe that we did everything possible and
8 necessary to keep the bird off the list.

9 I mean the former DOW and CPW spent
10 somewhere around \$35 million. We've already spent
11 40 million just on the Greater Sage-Grouse, and
12 we're not done yet.

13 So I mean that's our goal. And we're all
14 in this together. And, I don't know, I just wanted
15 to put that out there.

16 COMMISSIONER JANKOVSKY: And we appreciate
17 that. And we have followed the Gunnison Sage-Grouse
18 and have seen the mapping that was done in Gunnison
19 County, and it's excellent. It mirrors very closely
20 to the mapping that we have here. I mean they've
21 done very specific mapping there.

22 And then they have somebody in their
23 county that goes out and, you know, inspects any
24 kind of new building or permits that are in that.
25 And if it's in the priority habitat, they don't

1 allow it. And those are the kind of regulations
2 potentially that are going to have to be out there.
3 But we do respect what was done in Gunnison County.

4 MR. JARMAN: You know, along those lines
5 we do have Zach and Eric here to walk through the
6 latest mapping which I think is going to be I think
7 really helpful here. I was going to say maybe take
8 a five-minute break and --

9 COMMISSIONER JANKOVSKY: Could you put up
10 just the BLM, there, that document, could we just
11 take a look at that?

12 MR. JARMAN: Oh, sure. So what Tom is
13 asking me here, everybody has got a copy of this.

14 COMMISSIONER JANKOVSKY: Yeah, the
15 instructional memorandum.

16 MR. JARMAN: Right. And so this was the
17 direction to the BLM. Jim can probably quote this
18 in his sleep, and maybe Erin too, maybe more Erin
19 than Jim for all I know.

20 But in any event, I have read and reread
21 and reread this over a long period of time, and
22 there are three key areas that we think are still
23 very important that I'll highlight two of them
24 anyway here. I've boxed three of them for you on
25 your sheet.

1 But the first one, and Jim has seen this
2 before, but this talks about through this EIS it has
3 to address local ecological site variability. And
4 it really mirrors, Ron, what you were saying.

5 But, yeah, we are different. And
6 everybody acknowledges that. We also believe, Chad,
7 our mapping is extremely defensible. So yours is
8 defensible, that's great. So somewhere in there
9 it's doubly defensible if we can make it work. I
10 don't know.

11 But at the end of the day, it does require
12 via this memorandum and NEPA a hard look analysis.
13 And I suspect Jim's response to that might be, well,
14 we put it in the EIS for public review, and it's
15 going to get that scrutiny, and we'll certainly look
16 at it as that review goes along.

17 But I just want to underscore this. This
18 is from I believe the Secretary to the BLM to do
19 this.

20 And then the second point, this is the
21 bottom one on your sheet I think it is, but this is
22 more germane specifically what we're talking about
23 today. And this is, it talks about the PPH and the
24 PGH maps. That's the red and the green.

25 Those are being developed in this case, of

1 course, through CPW. That's been done.

2 But then it goes on to say, these science
3 based maps were developed using the best available
4 data and may change as new information becomes
5 available. That is absolutely where we think we are
6 here. To me, that's sort of the core of what we're
7 talking about.

8 We have a lot of very new data. And so
9 we're looking for that "may change" opportunity. So
10 this is not direction to the CPW. This is direction
11 to the BLM.

12 Anyway, it goes on to say, may change as
13 new information becomes available. Such changes
14 would be science based, absolutely, and coordinated
15 with the state wildlife agencies. So the resulting
16 delineations of PPH versus sustainable population.

17 So I put this in here by design. I mean
18 this is not something we're saying, well, you've got
19 to listen to us and listen to our maps and our maps
20 are better. No, we're not saying that per se.

21 But this was the direction to the BLM to
22 say, this can happen. And so our question back to
23 this whole group is, how and when does that happen
24 so we can do this.

25 MR. CAGNEY: This top thing with the blue,

1 that not only can happen, that has happened. We did
2 nine cooperating agency meetings, and we did exactly
3 what you're talking about in there.

4 Now within the context of that map, you
5 could take those little yellow lek things and we
6 could say in priority habitat, within a quarter mile
7 of leks within priority habitat, here's what the
8 deal is. And so we could do exactly what you're
9 suggesting in the BLM land use plan without changing
10 the map at all.

11 I mean we're not going to do that because
12 that would immediately result in a listing decision
13 and a dismissal of Jim from my current position. I
14 mean my instructions are put a proposal on the table
15 that prevents a listing, and that is not ambiguous.

16 So in the cooperating agency meetings,
17 there was objections to that. And I was saying, no,
18 we're not -- we can't do that. That's a listing.

19 You know, and I think we've pushed it as
20 far as we can to the draft. Now it's time to take
21 some public comment on that.

22 So we can get there without changing the
23 Colorado map and we did. In the Colorado
24 alternative, we said we were going to manage the cap
25 just on sagebrush ecological sites and essentially

1 made a new subset within the Colorado map. We
2 already did that.

3 COMMISSIONER JANKOVSKY: That changes the
4 map without changing the map, per se.

5 MR. CAGNEY: Yeah, and the reason that's
6 not good enough or the reason is we only did that
7 for cap management. And it didn't change the way
8 we're going to manage habitat on the whole.

9 But we can do that in the final. But if
10 it's going to result in a listing, I mean, I already
11 said this six times, if it's going to result in a
12 listing, then we can't do it.

13 MR. JARMAN: I appreciate that. I'm only
14 suggesting here that this language in the top box,
15 to me anyway, suggests that the BLM should consider
16 in its range of alternatives local plans that
17 address local ecological site variability.

18 And from what I understand -- now it's not
19 Friday -- but there is some degree of that in the
20 EIS draft.

21 MR. CAGNEY: We did the best we could.

22 MR. JARMAN: I'm not saying -- more
23 importantly is this bottom one, I think, for today's
24 discussion I think. It really gets at the -- I
25 guess it's a question of Chad, but we really look

1 forward to that opportunity to work with you as you
2 do refine your maps.

3 And what I understand you said earlier
4 today was that before the final rod, I guess, or
5 whatever it is that comes out on the EIS in the end
6 of November, you're hoping to inform those maps
7 differently than they are now based on Brett
8 Walker's research.

9 MR. BISHOP: And again, I think this is an
10 important kind of bridging of what Jim just said, if
11 we think we can produce a better product for the PPR
12 based on Brett's data that reflects priority
13 habitat, we'll do that.

14 And that's just because we think when we
15 have that data, we might be able to do a little bit
16 better job of capturing the needs of that bird in
17 the landscape, and it might reduce that red amount
18 of area down a little bit.

19 To me that's independent of the process
20 that Jim's talking about. Whether it's the current
21 priority habitat map or a refined map, so much of
22 this is in how people go forward in making the
23 decisions of what's going to come out and how we
24 manage priority habitat.

25 Does that make sense, though? I mean, we

1 will do that and we'll look at it, but I don't think
2 anybody in the room should view that as that's the
3 end-all process for what we're working on here.

4 But, yes, we will work to do that. And
5 that fits that second blue box there if we think we
6 can come up with --

7 MR. JARMAN: So along those lines, we have
8 presented CPW with what we believe is the best
9 available science to help inform you in your
10 decision-making in what those maps look like.

11 Are you going to consider that information
12 with Brett Walker's information in what you forward
13 to the BLM?

14 MR. BISHOP: Well, when we get to that
15 point, I think -- we need to see that. I think
16 there's a key point is we're producing our maps
17 based on our science and what we're asked to do.

18 We've cooperated with you. And my
19 understanding is that we've done a good job of that.
20 We've had our researchers meet with you. And that
21 we can say, we met with you and cooperated with you.
22 But that's your map that you would advance in this
23 process.

24 But I think we're going to stick to our --
25 this is our current map right now. And if Brett

1 produces a product in time that we believe better
2 represents priority habitat on the PPR, we'll
3 consider submitting that.

4 MR. JARMAN: So you won't consider what we
5 have to offer you as best available science to
6 inform that?

7 REPRESENTATIVE RANKIN: You just said you
8 would consider it. You did not say you would use
9 it.

10 UNIDENTIFIED MALE: Before we make that
11 commitment, why don't you go through the process of
12 how you conceived your maps and let us respond to
13 that after. I think we need to take a look at that.

14 COMMISSIONER JANKOVSKY: Let's go ahead
15 and take a ten-minute break. Commissioner Martin
16 has brought in some food for us to keep us going
17 through the afternoon. So everybody please help
18 yourself to that, and the bathrooms are out the
19 doors here to your left.

20 (A break was taken.)

21 (Back on the record.)

22 COMMISSIONER JANKOVSKY: (Begins
23 midsentence) -- all of our GIS work and our mapping
24 along with Eric Petterson, who's also been involved
25 in that and also our local biologist here in the

1 field and has helped us a lot, just on his time up
2 in the room and actually feet on the ground looking
3 at the habitat.

4 So with that, we'll turn it over to you
5 and let you take us through the --

6 MR. PERDUE: Since Jim is walking back in,
7 I'm going to ask him.

8 COMMISSIONER JANKOVSKY: Jim, I have a
9 question for you before Zach gets started here on
10 our mapping. And that was you talked about subsets
11 of Sage-Grouse habitat. Can you talk to me about --
12 I didn't fully understand what you were saying
13 there.

14 MR. CAGNEY: There's an alternative where
15 we said we were only going to apply the cap to
16 ecological sites that support sagebrush. So if you
17 were going to drill a well in pinon juniper, then
18 the cap management wouldn't apply.

19 COMMISSIONER JANKOVSKY: So to some extent
20 that would tie back into our mapping that we've done
21 here because we have a pretty good (inaudible, other
22 people talking).

23 MR. CAGNEY: Right, but the greater issue
24 is that within the context of the map that Parks and
25 Wildlife already has on the table, we can make those

1 kind of decisions to supply subsets as long as it
2 doesn't trigger a listing issue.

3 COMMISSIONER JANKOVSKY: Thank you. I
4 appreciate that qualification. Zach, we'll turn it
5 over to you.

6 MR. PERDUE: So I guess just to begin, I
7 wanted to remind everybody kind of what the intent
8 here with mine and Eric's involvement is.

9 We were essentially contracted by Garfield
10 County to assess the PPH and PGH data set, the
11 accuracy of the data set and the applicability of
12 the data set towards the PPR region and what we know
13 about the population and the habitats that exist up
14 there in the region.

15 One of the primary concerns was exactly
16 what Jim was just discussing which was the issue of
17 the caps. And for that reason, one of the
18 over-arching issues that came to light on the front
19 end of this was the concern that the PPH/PGH data
20 set that's been created by CPW captures enormous
21 areas, interstitial areas of ineffective habitat
22 that consist primarily of aspen, conifers, so on and
23 so forth.

24 And so the concern here was if the PPH/PGH
25 data set is adopted, how does this cap stuff relate

1 towards the future development of the region. You
2 know, if an operator needs to go in and clear three
3 acres of aspen to put a pad in that's not
4 necessarily destroying effective habitat, should
5 that count against the cap, and so on and so forth?

6 And I guess before I go into this, I'm
7 going to let Eric just say a few things about the
8 cap issue and the habitat effectiveness before we
9 get into the modeling.

10 MR. PETERSON: So I guess one of the
11 things that in this process, we definitely didn't
12 have all the answers going into this. It's
13 definitely been something of a learning curve as the
14 EIS process has progressed.

15 One of the things that I think that we all
16 need to really keep in mind is that definitely the
17 goal is to prevent a listing. And one of the things
18 that we found through our work up there is that --
19 and I think we've incorporated, well, we've cut and
20 pasted a lot of CPW's research into this process.

21 All the work that Brett Walker's done, you
22 know, we didn't make up what is habitat, what's not
23 habitat. We just took what he has reported and
24 plugged it into a model. The only thing that we've
25 really done is increase the accuracy of the

1 vegetation layer in that model effort.

2 And now that, you know, we've spent some
3 more time up there stomping around. We've got some
4 new data to look at.

5 One of the concerns that I have is that --
6 and I understand what the CPW's, the rationale for
7 casting a large net with these kind of mapping
8 issues and these habitat issues because you do want
9 to capture a lot of those transitional habitats,
10 those suboptimal habitats, because it is really
11 important for species for buffering, for scape
12 cover, a whole suite of different reasons.

13 One of the things that I'm now concerned
14 with, and this is only like the last couple days, is
15 that with casting a large net of habitat on a system
16 where we have very small fragmented habitats, which
17 is actually what's on the ground up there, not only
18 are we -- I think what's going to happen and my
19 concern is that we would be watering down what is
20 the really important stuff up there.

21 Let's say we did even like a one percent
22 cap, you know, I could see a one percent cap in this
23 area. And because, unfortunately, all the best
24 operable terrain is coincidental with a lot of
25 sagebrush up there.

1 My concern would be that even if we do
2 like a one percent cap, if a lot of that development
3 is concentrated in these small highest quality
4 fragment habitats, we could still be consistent with
5 the habitat caps, the intent of the EIS, but we've
6 still lost the best habitat.

7 And that in three to five to six years,
8 we're going to see something where Sage-Grouse
9 populations are continuing to decline on the Roan.
10 And then, you know, well, it's not working. We have
11 to list it anyway.

12 And I guess my concern now is that how
13 could that be addressed by CPW through your mapping
14 process because, essentially, I think the BLM,
15 they're going to go with whatever you guys provide.

16 And I think that after spending some time
17 up there looking at that, this area up there, I
18 really think that in order for anything that moves
19 forward to really be effective and really help the
20 Grouse so we do see long-term persistence with these
21 populations up there, we are really going to have to
22 protect these small interstitial areas with real
23 core habitats just because there's not a lot up
24 there.

25 MR. CAGNEY: Eric, can I interject?

1 MR. PETERSON: Absolutely.

2 MR. CAGNEY: Remember that conversation
3 between, you know, implementation versus land use
4 planning? Okay, what we've got here is a land use
5 plan. And then what you're kind of getting towards
6 there is that in the implementation process we're
7 going to allow all the activity to hit the best of
8 the best.

9 And we have processes at implementation
10 like the on-sites that Ron was talking about. And
11 that's not going to happen. There's going to be
12 wildlife biologists siting that. And there will be
13 leases, and the lease might be this size, and
14 there's going to be a decision that says we're going
15 to put the rig over here so that we don't hit that
16 best of the best.

17 So basically what you described is saying
18 that we would blindly implement this as the actual
19 proposals come up. And there's a whole level of
20 discussion that goes into that.

21 COMMISSIONER JANKOVSKY: And for what you
22 said, Eric, though, and the thing is, is that right
23 now on top of the ridge is where most of the
24 activity is. That's where most of the roads are.
25 But that's also where the priority habitat is, the

1 best habitat.

2 MR. PETTERSON: Based on what we're
3 seeing, yeah.

4 COMMISSIONER JANKOVSKY: So there are
5 going to have to be some changes, as you've said,
6 there are going to have to be some changes to how
7 people operate.

8 MR. CAGNEY: I mean there's issues. Okay,
9 we're going to put wells on steep slopes so we can
10 avoid the sagebrush. And there's a lot of those
11 kind of issues on this Grouse project that nobody
12 likes.

13 MR. PERDUE: And I mean, it's not an easy
14 fix. I mean I think a lot of people think the Roan
15 is flat. But you get up there, it's not at all
16 flat. And, you know, putting a road and pads on
17 hillsides has its own challenges.

18 Anyway, I guess I was -- and I appreciate
19 your comments. It's not just a tabletop GIS
20 exercise. We do have the on-sites, we do have that
21 process.

22 And I think that's going to be really
23 important because right now I think the way that
24 maybe this might be perceived is that, you know,
25 well, here's priority habitat, here's the cap,

1 here's the steps, you know, this is what the
2 operators have to deal with.

3 COMMISSIONER JANKOVSKY: And, Zach, do you
4 want to explain the mapping? Thanks, Eric.

5 MR. PERDUE: So to get back to the
6 mapping, some of you have already seen some of this.
7 But we will start just from the beginning for those
8 of you who haven't.

9 Initially we started with Garfield County
10 by initially establishing two different techniques
11 that we were going to approach in terms of modeling
12 perceivable habitat on the PPR, both of them being
13 techniques of weighted overlay analyses. One called
14 a habitat suitability index, and the other is a
15 fuzzy modeling process.

16 So initially we started to look at some of
17 the literature that exists out there specific to the
18 PPR. A lot of that was apart from Brett Walker's
19 research that he's done as well as Tony Apa, some
20 stuff from Rice's paper.

21 But by and large, a lot of the criteria
22 that we fed into these models were driven by the
23 expert literature that exists for this specific
24 region.

25 And so initially we started to look at

1 our model and some of the previous models that have
2 been done is that initially we had utilized publicly
3 available data sets in all of the model iterations
4 including a CVCP data set that was utilized in both
5 Brett Walker's and Mindy Rice's models, but as well
6 as the USGS Landfire.

7 And the reason that we looked at the USGS
8 Landfire was because based on our assessment of the
9 CVCP data within this region, we were observing a
10 lot of cover-type inaccuracies as well as horizontal
11 precision accuracies.

12 And so we first looked to some of the
13 other sources that existed out there to try to
14 rectify that issue. And we did run some models with
15 the Landfire data understanding that, again, we had
16 some inaccuracies inherent to the data.

17 So the next process that Garfield County
18 set out on was to actually remap the vegetation data
19 on the PPR. And previously we provided a pretty
20 detailed presentation on the steps to do that. But
21 in an effort to not put everybody to sleep this
22 afternoon, we'll just gloss through that real
23 quickly.

24 But we performed a classified image, a
25 supervised image classification process on color

1 infrared topography and geared the vegetation
2 communities, forest, the sagebrush -- I'm sorry,
3 towards the Greater Sage-Grouse habitats.

4 And so at the point we had run, I think,
5 about a half dozen different models using publicly
6 available data sets, we then took the remap's
7 vegetation that we created, the initial version of
8 it, and fed that into the model. And we produced
9 the results that you're seeing on the screen here.

10 It is currently, I believe -- correct me
11 if I'm wrong -- but I believe this is currently
12 what's adopted in Garfield County's Conservation
13 Plan, that the model returned just shy of 29,000
14 acres of suitable habitat.

15 By contrast compared to some of the
16 previous results, keeping all the other variables
17 static and just substituting the vegetation data
18 layer, when we ran the same model with the CVCP data
19 set, we had approximately 21,000 acres. And when we
20 ran it against the Landfire data set, we had
21 approximately 18,000 acres.

22 So the addition of the remap's habitat
23 actually served to expand the suitable habitat,
24 keeping all other criteria static.

25 We met with Jim Gammonly and Brett Walker

1 and Karen Eichhoff on this and a few other people in
2 April; is that correct?

3 MR. PETERSON: That's right.

4 MR. PERDUE: In April to have them
5 validate the model result that we had done, and
6 discuss the process in detail, and so on and so
7 forth.

8 And the results that you see on the screen
9 are the validation. And I'll highlight some numbers
10 so you can see. On the left-hand side are various
11 model results. The one that we performed for
12 Garfield County is listed at the top.

13 And then there's various models below that
14 on the left. Sauls was the model that was performed
15 by BLM and adopted as the PPR plan; is that correct?

16 UNIDENTIFIED MALE: I think it was a joint
17 project of CPW and BLM.

18 MR. PERDUE: And then below that we have
19 the Rice and Walker models that I referred to in
20 this conversation. To the right we have kind of
21 validation results in terms of points missed over
22 here and points captured within the model results.

23 And so within our model results, we had an
24 initial direct capture of about 61 percent, and
25 about 39 percent of those fell out of the direct

1 habitat that the model mapped.

2 And so we then start to look at, okay, so
3 how far were we missing the points for the data.
4 And we asked Karen to tell us, you know, some
5 statistics on where these points were occurring.

6 And what we noticed was that a lot of
7 them, the far majority of them were occurring
8 outside the parameter of the mapped habitat with a
9 mean distance of about 100 meters.

10 And what we also noticed was that a lot of
11 these kind of occurred in the mixed mountain shrub
12 transition communities that have kind of been a big
13 issue, you know, throughout this process, but also
14 within the heads of drainages that weren't
15 necessarily getting picked up because they were
16 exceeding what appeared to me to be slope
17 constraints.

18 And so in following that meeting we went
19 back to the board and kind of revised the model
20 parameters to produce a larger habitat area
21 effectively, trying to capture the outliers that
22 were missed in the initial result.

23 And so to do that, we actually changed
24 three different criteria in the model. Number one
25 was that we had a chance to perform a validation

1 against our vegetation data set.

2 And we subsequently converted a fair
3 amount of vegetation predominantly in the southern
4 portion of the unit but also as well as in the
5 northern portion of the unit we were missing a lot
6 of PJ communities. And in the south we had a lot of
7 mixed mountain shrub communities that were
8 incorrectly typed as sagebrush communities.

9 So in the revised model we had an
10 opportunity to feed in the revised vegetation data
11 set. But we also relaxed the slope parameters
12 because that seemed to be the biggest driver in
13 terms of why we were missing some of these points.

14 And we also fed in a different criteria,
15 an additional criteria which was a land forms. And
16 the land forms is basically a data set that's
17 produced off of digital elevation models that
18 identifies and distinguishes between valley bottoms,
19 (inaudible) slopes, middle slopes, head of slopes,
20 head of drainages and ridge lines and top of slopes.

21 And so we fed in the land form to
22 reinforce the habitat suitability on these ridge
23 lines but also in the heads of drainages which is
24 where we seemed to be missing a fair portion of
25 these.

1 The results of the second, the revised
2 modeling exercise produced this map here that you
3 see. And the results there produced approximately
4 61,000 acres of habitat.

5 And what we saw was that a lot of the core
6 areas from the previous model results got expanded,
7 pushed out, but we weren't sure, you know, how well
8 it was going to validate.

9 So we recently had Karen validate these
10 model results as well. And those results are
11 presented here.

12 And what we've got here, the metrics are
13 slightly different in this validation. It wasn't
14 the exact same numbers that were produced in the
15 revision so it's hard to compare some of these
16 numbers directly.

17 But in terms of a direct capture rate, we
18 had the model jumped up to about 68 percent which
19 was honestly less than what we were hoping for. We
20 had pushed out a little bit more to capture some of
21 these, and so we started to look at the data a
22 little bit more.

23 And I asked Karen to break down the birds
24 that we were missing by 25 meter intervals so we
25 could understand exactly what the issue was in terms

1 of missing this.

2 And based on what we're seeing here is
3 that while the model did push out and capture some
4 more of these birds, it would appear that it didn't
5 push out quite far enough.

6 So that there are still a population of
7 birds on the perimeter of our habitat results that
8 are not being directly captured. With that being
9 said --

10 DR. RAMEY: Zach, let me interrupt. So
11 the 25 meter intervals, that's to capture some of
12 the inaccuracy in the location data?

13 MR. PERDUE: Well, there's a correlation
14 there. That's one thing that needs to be understood
15 is that we do not know the context of these points
16 that are used in the validation. We do know that
17 they were observations captured out in the field by
18 CPW staff.

19 But in talking with Brett, we also know
20 the method in which they were captured which were
21 the birds are basically tracked on the field via
22 radio collars and then they stay some distance so as
23 not to disturb the bird and make observations on a
24 map in terms of this is where the bird lies and this
25 is where I recorded the point from. And then that

1 is subsequently translated into data.

2 Obviously with that method, there becomes
3 some horizontal imprecision. But the bigger thing
4 is not understanding the context of what the bird
5 was doing there. We don't know if the bird was
6 actually foraging, if they were strutting, or if
7 they had run down to a location because there was a
8 coyote on the top of the ridge.

9 And so that's why I wanted to understand
10 how far we were missing these points from because
11 with the VHF precision and the manner in which they
12 were collected, there can be some horizontal
13 imprecision expected in the marked locations. With
14 that being said, we've got --

15 DR. RAMEY: What level of imprecision
16 would be expected?

17 MR. PERDUE: With the VHF, my
18 understanding is up to 50 meters. And so we wanted
19 to look at how do these numbers validate when you
20 look at -- when you start to include some of these
21 mislocations within the 25 meter, 50 meter, 75 meter
22 distances.

23 And so within 25 meters, we captured 82
24 percent of the population. Within 50 meters, we
25 captured 87 percent of the population. To get to

1 the bottom there, within 100 meters is 92 percent of
2 the population.

3 And again these are validated against the
4 direct model results. It's not necessarily the end
5 conservation layer, if you will, that will be
6 utilized by the Garfield County plan.

7 Because this is a direct translation of
8 (inaudible) data, there are holes in the data, there
9 are rough edges that kind of arbitrarily cut off
10 and, you know, contiguous sage patches that would
11 likely be expanded to capture those areas.

12 So that was the result of the second
13 model. In the first model one of the things that
14 was put down here was this graph here showing some
15 of the validation results compared.

16 And as you'll see, Garfield County is on
17 the low end on this one. We had approximately 61
18 percent validation, and we have, you know, the Rice
19 and Walker models coming in at 96 to 100 percent.

20 And, you know, I think it was Fred at one
21 point asked me why the discrepancy, why are we
22 seeing this kind of discrepancy. And basically it
23 boils down to the model methodology and the end
24 result.

25 With Brett Walker's model, number one, his

1 results will be produced in bins basically, discrete
2 bins, (inaudible) bins based on the type of model
3 that he's utilizing.

4 In the same manner, Rice's model basically
5 paints the whole thing red. It says everything is
6 some degree of suitable habitat. And that's largely
7 a result of utilizing the one kilometer scale in the
8 model. And so it has a tendency to over-simplify
9 the results.

10 But, in addition, her model only included
11 vegetation associated variables. There were no
12 other variables that we do know, in fact, Grouse
13 habitat in their selection and suitability of
14 habitat.

15 So with that being said, these results are
16 somewhat skewed because, as I said, in Rice's model
17 the whole thing is captured, is painted up. So I
18 would expect that if you were to run the results
19 against the points captured within the PPR, you
20 should get 100 percent.

21 The interesting thing that's not here that
22 is just as important to the validity of these
23 results is the validation of absence points.

24 And that is the ability -- you know, a
25 model's accuracy is not only gauged on its ability

1 to collect the points in question that you're
2 looking for to assess the suitable habitat, it's
3 also accurate in the sense that it's able to predict
4 the areas of non-habitat and non-use.

5 And that's where we would see a precisely
6 different graph here if we were to look at this.
7 According to Rice's model, there are no areas of
8 non-habitat in the model.

9 I haven't seen, you know, Brett's results
10 that he's working towards either, but based on the
11 bin result method we would expect to again capture
12 larger areas of non-habitat that would be lumped in
13 with habitat.

14 So basically the result here it's not, in
15 my opinion, accurate to draw a direct correlation
16 here because they're different methods and they're
17 different results with very different intentions.

18 DR. RAMEY: So by analogy you could paint
19 the entire county red and you would capture 100
20 percent of the Grouse?

21 MR. PERDUE: Yes, that's correct.

22 COMMISSIONER JANKOVSKY: When you stand
23 out 50 meters, that's 50 meters from the original,
24 the first study you did, I guess, or the first --

25 MR. PERDUE: Well, the 50 meters was

1 actually on the second validation. So that was on
2 the revised model.

3 COMMISSIONER JANKOVSKY: And do you have
4 -- how many acres was that?

5 MR. PERDUE: Approximately 60,000, 61,000.

6 COMMISSIONER JANKOVSKY: And you said that
7 the Rice model was based on one kilometer in the
8 accuracy, correct?

9 MR. PERDUE: That was the spatial
10 resolution of the data.

11 COMMISSIONER JANKOVSKY: What was your
12 spatial resolution?

13 MR. PERDUE: Some of the models were run
14 at 30 meter spatial resolution, and some of them
15 were run at a ten meter spatial resolution.

16 DR. RAMEY: I have a question. It might
17 be a bit of a difficult question, but I think it's
18 an inescapable question for everybody in the room.

19 Important to any discussion of scientific
20 defensibility or reproducibility, one has to go back
21 to the question of are the data available for
22 independent review and analysis, are the data
23 public.

24 And I know this is a discussion various of
25 us have had previously, but I think it's one to ask

1 Chad and Jim and Fred perhaps, how to deal with this
2 issue. So you, Chad, guys have done great work and
3 you're producing a paper. But what about the
4 underlying data that the eventual model is based on?

5 Now I understand that under state statute,
6 location data of some sensitive species on private
7 lands is not public. I also understand that you
8 have an unwritten policy on data that are work in
9 progress are not public.

10 But I think it's an inescapable fact that
11 at some point those data that are used to derive
12 that model or any model, including this one, have to
13 be public.

14 And just a case in point here that, you
15 know, I'm just looking at the lek data and I'm
16 noticing that, you know, a few of these leks are
17 sitting on top of roads, active leks in fact. And
18 just having the ability to go back and check the
19 year of the observation to the location is valuable
20 for interpreting this.

21 And so how do we get past this, how do we
22 work on this difficult issue so the data could be
23 public?

24 MR. BISHOP: Well, I mean this is
25 something we deal with on a continual basis. I

1 think we've bent over backwards to make lek data
2 available. We've done it through nondisclosure
3 agreements.

4 And, you know, we've made the AG's office
5 cross-eyed over this. I mean we've probably had no
6 less than 25 meetings with our assistant attorney
7 general on this question.

8 And it's a balance between private
9 landowners' rights, as you stated, and the ability
10 to get information out there. So if it's management
11 data -- and it doesn't matter who we're dealing
12 with. I mean we've frustrated BLM at various
13 levels, NRCS.

14 And I think we're at a good balance point
15 in terms of we've given out a lot of that
16 information through nondisclosure. We hold back any
17 kind of identifiers that would identify a landowner.

18 So we are trying to do that because,
19 otherwise, that's a separate -- okay, so that's a
20 separate statute or whatever it is that is trying to
21 protect private landowner rights. Otherwise, if we
22 collect management data, it's available.

23 Then we have our research data. So I
24 think we're getting past that. I mean anybody who's
25 needed to work with that lek data, we've I think

1 been able to accommodate that.

2 Now if we go to our ongoing research data,
3 if it's published and it's done and we're working on
4 that as we speak but, you know, we're identifying
5 reasonable lines that, okay, that data is available
6 now.

7 But again, like with Brett's stuff right
8 now, if we don't protect that, it totally undermines
9 the principal investigator's ability to conduct and
10 publish science. We respect the importance of
11 Brett's current data, I would say this right now,
12 and that's why we've put him on this accelerated
13 timeline to try and get that done.

14 And again he's shooting for a draft done
15 this fall so that we can help inform that process.
16 But that's not going to make that data immediately
17 available because it's ongoing work. I mean it's
18 not ongoing work, but I mean until it's published.

19 But I mean we collected and invested in
20 that data in the interest of the State. And that's
21 what we're trying to do is the same thing you're
22 trying to do, we're trying to do it in our
23 scientific process and get that available to help
24 influence this process.

25 And I mean we could have -- in past

1 situations where people would use (inaudible) and
2 just try and take a researcher's entire data so they
3 could publish it. I mean we've seen that, so it is
4 an important balance. But that's how we're handling
5 it.

6 DR. RAMEY: So if I hear you correctly, or
7 correct me if I'm wrong, so you're saying that under
8 -- that data would be public at least under a
9 nondisclosure agreement at the time of publication,
10 the location data?

11 Because, as Jim pointed out, that the leks
12 are just a small part of the picture. If you want
13 to develop a listing, then just focus on the leks.
14 But seasonal habitat is of such great importance,
15 especially for the survivorship of the birds on the
16 Roan, as Tony Apa's work has shown.

17 So would the data be available at the time
18 of publication with some sort of nondisclosure
19 agreement as previously done?

20 MR. BISHOP: I don't want to be on record
21 right now today. I'll get to when exactly -- we've
22 been discussing this. We have made it clear that we
23 can't just hold onto that data indefinitely.
24 Whether it's literally the day of publication, I
25 don't know that we've gotten to that refined level

1 of discussion.

2 MS. GRIFFIN: It's my understanding it
3 depends on if there's subsequent papers that are in
4 the works that will also use that data. So it
5 depends on what the initial proposal states as what
6 the data will be used for and what publications
7 would come out of that data.

8 DR. RAMEY: And does the Department have a
9 policy written on some threshold at which public
10 interest overrides the individual researcher
11 interest at a point? Or do you have a policy on how
12 many years elapsed before a data set will go public
13 regardless of whether it's going to be used?

14 MR. BISHOP: This is what we're in the
15 process of doing all day long. And I think what
16 Kathy just expressed, that's kind of where we're at
17 right now.

18 But, yes, I mean I think at some point
19 we're beginning those discussions. We've never
20 really had to have these discussions before
21 recently. But I think we're getting to that point.

22 Let's say a researcher completed that work
23 and went five, six, seven years without publishing,
24 that's not in anybody's interest. But we do not
25 have a policy or anything written on that at this

1 point.

2 What we clearly have is an interpretation
3 of CORA. And that is if it applies to ongoing
4 research, then it does not fall under -- that's our
5 legal interpretation -- it doesn't fall under CORA.

6 MR. CAGNEY: What's Parks and Wildlife's
7 policy in terms of just public disclosure of leks
8 with regard to lots of people going out to watch
9 strutting and disrupting the strutting activity so
10 that you reduce nesting success?

11 I mean is anybody looking at that?
12 Because I know there's been some instances where
13 that's known to have happened.

14 MR. BISHOP: That comes into the
15 consideration as well, and I think that's why we do
16 that through nondisclosure as well. We want to
17 understand who's getting the data and why.

18 MR. CAGNEY: Yeah, so I mean you can make
19 a map -- I mean there are certain map scales where
20 you can present that data, and it's no big deal.
21 But if you start giving people GPS locations of
22 leks, then there's a whole other problem.

23 MR. BISHOP: So going back to CORA then,
24 we have the private landowner interest is one. And
25 I'm glad you brought that up, but we've use that at

1 times in the past with other sensitive species that
2 exact thing.

3 So that is a consideration. I forget the
4 statute but it's something about best interest of
5 the public or something if we release -- we do have
6 that consideration.

7 DR. RAMEY: I think really important here
8 is, you know, some narrow exemption which probably
9 falls under a nondisclosure agreement, as like the
10 lek data that you've released and the AG's having
11 problems with perhaps.

12 But that is perhaps a solution to this,
13 this question of reproducibility of the scientific
14 information. And so, you know, these data files I'm
15 assuming are going to be public as well, used in the
16 production of this model? Brett's, I'm assuming.

17 UNIDENTIFIED MALE: We want to get
18 published too, though.

19 MR. BISHOP: And I get that, and I get our
20 need to publish results and then make data
21 available. But I also think for the process here, I
22 think for the most part we're way more on the same
23 page than we're not. And I think you can look at
24 what you just -- we kind of know.

25 I mean that's why we reached out to sit

1 down with you from those points you made earlier,
2 and we did that. And what that does is, is it tells
3 us you just presented it, this is how much of that
4 data is being captured when you enlarge that.

5 Granted, we've got a little bit of
6 accuracy. You guys know a 50 meter accuracy is not
7 bad on VHF data when you're collecting it in the
8 field. And we can all see what we're kind of doing
9 there.

10 And I guess that's where I would get back
11 to we're going to do our best to get that done this
12 fall. And I think, you know, probably through
13 points you've made maybe -- all I know is that I've
14 been told -- Kathy, you know better than I do, I bet
15 -- part of our analysis that Brett's doing is based
16 on better veg data than I think was used before.

17 And that helps, and you just made that
18 point. I don't know if you guys prompted some of
19 that or not. But we are trying to produce a better
20 product. We're always trying to do that.

21 MR. PERDUE: Are you guys producing any
22 vegetation data set for the PPR region?

23 MR. BISHOP: I don't know that. I just
24 have been informed that Brett's model might run on a
25 little bit better vegetation resolution.

1 MS. GRIFFIN: It does have a different
2 resolution of data, veg data.

3 MR. BISHOP: And you made that point, I
4 think you went down 3,000 acres by a better
5 resolution, something like that.

6 As you were discussing, Representative
7 Rankin, we've already talked with you. I don't
8 think we have any problems when Brett gets his thing
9 done in doing a reverse conversation. We will try
10 and advance what we think is a defensible
11 modification perhaps to the PPR population of the
12 habitat map.

13 But I also don't think anything stops you
14 guys from advancing this as part of the appendix or
15 however that works into the equation. And I guess
16 what I'm getting at is I think we do see what's
17 being presented there. People can say that.

18 Does that make a little bit of sense? I
19 mean you guys put that investment in, and I think
20 that gets advanced as part of the conversation.

21 Because what I see you saying is that, and
22 we wouldn't disagree, that the priority habitat map
23 we have right now is going to capture those points.

24 You're arguing, man, we've got a lot at
25 stake with our land use, we think it's acceptable to

1 capture 70 percent of those total locations, we're
2 getting that core captured. I think that's what I
3 hear you saying.

4 MR. YAMASHITA: And I think what needs to
5 be made also is that, although you haven't had an
6 opportunity to investigate independently our data,
7 we haven't had an opportunity to investigate yours
8 either.

9 At some point in time, and I don't know
10 how it will correlate with the BLM's process, you
11 know, maybe that will happen, but until then the
12 data set that we have right now and the maps that we
13 have exist and they will persist until we have
14 something better to present.

15 I don't think that's happening
16 immediately. So I don't know how we get past that
17 because what we have is what we have. And it's our
18 best information currently that we have available to
19 us.

20 COMMISSIONER JANKOVSKY: And our concern
21 to that is that it gets done prior to public -- so
22 we can get public comments back to the BLM prior to
23 records of decision being made and so forth.

24 MR. YAMASHITA: And I hope everybody
25 understands we're doing everything that we possibly

1 can to get that best information forward in a
2 timely manner.

3 MR. CAGNEY: There's another venue here,
4 and what we're going to do is we're going to amend
5 five land use plans with this process. And there's
6 nothing that says we have to amend all five exactly
7 the same.

8 Now clearly I don't want to get into a
9 chaotic thing, you know, where everything is really
10 different because that will clearly break down. But
11 if there's a really valid reason to amend something
12 a little bit different in the Colorado River Valley
13 land use plan than we've got in the Kremmling land
14 use plan, we can do that.

15 I mean there has to be a really superior
16 reason. But it doesn't have to be exactly the same
17 everywhere. So there's a venue there to do
18 something other than change the map in a crisis
19 atmosphere.

20 MR. JARMAN: Jim, in those district office
21 RMPs, do they operate the same way where they're
22 going to rely on CPW's mapping to inform what they
23 do? Just like we're doing now with the EIS where
24 you're relying on the State for your mapping, is
25 that the same scenario at the individual district

1 offices then?

2 MR. CAGNEY: Yeah, for every species, elk
3 winter range, deer, that's just how we do business.

4 MS. GRIFFIN: Jim, would those be amended
5 at the final signing of the rod of the EIS? Is that
6 the point of --

7 MR. CAGNEY: The rod is going to be that
8 all land use plans are amended as follows. The
9 White River land use plan is amended as follows, you
10 know.

11 And, like I said, if I get into that too
12 much, I can't finish this document on time. But we
13 can do that a little bit if there's a really good
14 reason.

15 MR. JARMAN: Let's say that we're unable
16 to hit the target that Commissioner Jankovsky is
17 talking about as far as trying to come up with a map
18 that really does work well, at least in our view,
19 with CPW and Garfield County by the time you're at
20 the rod.

21 Then what is the process after that,
22 notwithstanding what you just said about the
23 individual BLM district offices, but what are the
24 opportunities to amend the map? And maybe it's a
25 question for both.

1 MR. CAGNEY: That happens all the time.
2 It's just standard for the elk winter range thing.
3 Okay, so if it's a small change, then we just, you
4 know, update our maps. And from that point on, we
5 apply the stipulations with the new map.

6 You know, and sometimes you'll just get
7 somebody that's got a lease and go, wait a minute,
8 that's not elk winter range anymore, you know, so I
9 want that off my lease. Well, then there's
10 exceptions and waivers for that kind of thing.

11 Then there's other guys that we put that
12 on their lease, and they go, that's a violation of
13 my valid existing rights, that's not what I bought
14 when I bought that lease.

15 You know, so it gets a little messy. But
16 it has to be because you can't have a map like that
17 that will stand up to forever.

18 MR. BISHOP: And that's been our
19 understanding. I think we still need to go back to
20 the point Jim was making earlier because it's so
21 important to the selection of an alternative or the
22 matching of alternatives.

23 Because isn't that going to still --
24 that's going to dictate so much in how the
25 development proceeds.

1 REPRESENTATIVE RANKIN: I think in those
2 modifications of maps going forward, do you still
3 wait for the State input, or does BLM take
4 independent action on modifications after the rights
5 in place?

6 MR. CAGNEY: The State is going to send a
7 map, and then we just start acting on that new map
8 to the extent that we can.

9 REPRESENTATIVE RANKIN: What about minor
10 changes?

11 MR. CAGNEY: Minor changes are -- I mean
12 there's different kinds. So you have a plan
13 amendment, and then you have a plan maintenance.
14 And, you know, if it's not a big deal, we just note
15 that we know that the map is new.

16 Now if it gets really significant, which
17 is like significant is the great leap of trigger
18 word, you know, then we might have to do a plan
19 amendment. It's case by case.

20 But updates of maps happens. I mean, it
21 can't not happen.

22 REPRESENTATIVE RANKIN: And you rely on
23 the State to work with you to update maps?

24 MR. CAGNEY: They don't work with us.
25 They give us the new maps that they have because

1 that's their business.

2 MR. JARMAN: So, Jim, a significant
3 change, that's an EIS amendment. So do you go
4 through a public process to do that?

5 MR. CAGNEY: Yeah.

6 MR. JARMAN: So, by way of example, if we
7 were to somehow work with CPW and come together and
8 produce a map that looks more like what you've seen
9 on the screen today, or maybe what's in the Garfield
10 County conservation plan, that would be a
11 significant amendment clearly, I would think, to
12 what that the red map shows now.

13 And so you would go through an EIS
14 amendment for that? In other words, that's
15 significant enough?

16 MR. CAGNEY: I would think so. You know,
17 it depends. You're only talking about one of the 21
18 management units there.

19 MS. JONES: I feel like we're skipping a
20 major step, though, in this discussion. I mean
21 we're going from draft to rod.

22 I mean what we're coming up to is the most
23 important part of this process is developing the
24 final EIS. And we're going to have all the
25 cooperators at the table deciding with us what goes

1 into that document.

2 So I mean we've got this huge range to
3 work with. And I think we need to remember that,
4 like I said, this is the most important critical
5 step of this process is deciding what that final
6 plan looks like.

7 MR. CAGNEY: But as factual as that is, I
8 don't want anybody to take away that, hey, there
9 will be no problem.

10 MS. JONES: It will be tough. I mean,
11 yeah, it's going to be really difficult, but it's
12 the next step.

13 MR. CAGNEY: So the point being made is,
14 wait a minute, we're talking about amending this
15 thing after we're completely done. So thank you for
16 bringing us back home on that.

17 MR. JARMAN: I wanted to ask Steve,
18 Steve, you had mentioned that you were interested in
19 understanding the modeling efforts that the County
20 went through to produce the map that you've seen.

21 Did you have any other questions about the
22 methodology, the level of vegetation data as far as
23 resolution we used, those kinds of things?

24 Because they are significantly different
25 than what your agency is relying on for what's in

1 the EIS right now. By way of example, the Heather
2 Sauls model.

3 MR. YAMASHITA: I have to admit to you
4 that it's at a technical level way above my head.
5 So I defer to Kathy, I guess. I think if Chad and
6 Kathy understand, I'm good with that because I'm
7 going to defer to their technical abilities.

8 COMMISSIONER JANKOVSKY: I guess the
9 question is, do we need to share more as well?

10 MR. YAMASHITA: It's hard for me to digest
11 in a few minute presentation, to be quite honest.

12 COMMISSIONER JANKOVSKY: Well, I think
13 we're getting close to the point to wrap up, maybe
14 summarize. But any other questions or talking
15 points that we need to cover from anybody in the
16 group?

17 MR. BISHOP: I'll just say one thing
18 because, you know, we're all stating our different
19 perspectives.

20 But I just want to come back to a
21 statement like we've made with you guys in the past
22 in that we're trying to do our best job. I know
23 Steve backs this, we're trying to do our best job to
24 do our job in this overall process for the State of
25 Colorado.

1 We also respect the challenge that the
2 PPR, you know, brings. We respect the science that
3 you guys are bringing forward, and we sat down and
4 tried to help with that.

5 And so at the end of the day, it's
6 important you hear that. We're all trying to, as
7 you said, bring our different -- I think we all have
8 maybe slightly different missions, and we're trying
9 to bring the best information forward. And we're
10 trying to be cooperative in that regard.

11 MR. YAMASHITA: Really our working
12 obligation with the counties has always been to try
13 and bring the best science that we possibly can for
14 the decision-makers.

15 And oftentimes we're not the
16 decision-makers. It's the county or it's at a
17 federal level for them to make their best decisions.
18 And that's what we're simply trying to do here.

19 COMMISSIONER JANKOVSKY: And I'll try to
20 maybe summarize a little bit and kind of talking on
21 those issues. I mean we do have different missions,
22 to some extent.

23 The County, we're concerned about the
24 welfare of our county. We are in this area where
25 we're looking at Sage-Grouse habitat has one of the

1 largest reserves in the United States of natural
2 gas, larger than anywhere else in the nation.

3 And it is important to the western end of
4 our county and also to the welfare of our county as
5 far as the operations of our county that we can
6 continue the natural gas exploration.

7 At the same time, we understand the
8 importance of this bird. And we want to do what's
9 right for the bird. And we think, as Chad has
10 mentioned, there is a balance and that we can
11 balance out oil and gas production and taking care
12 of the population as well.

13 Now for what Jim has had to say is that
14 the maps really come from CPW. And we look forward
15 to working with you guys and hope that we can get a
16 more revised and the best science available to the
17 BLM.

18 I think we have to also listen to what Jim
19 had to say. And he said, you know, the map is part
20 of it, but it may not be the most important part; to
21 look at the stipulations that are out there and what
22 is going to become part of the record of decision.
23 I think that's extremely important.

24 And you guys' mission is to take care of
25 the parks and wildlife in this state. And we

1 understand that's where you're coming from as well.
2 And, I don't know, Bob, I'm going to hand it off to
3 you, if you think there's some more we need to add
4 to that.

5 REPRESENTATIVE RANKIN: Well, Tom, I think
6 you summarized well. I was thinking while you were
7 talking about next steps. I mean, you know, I think
8 we all need to look forward to where we go from
9 here.

10 Clearly revised maps, you know, we'll be
11 working together hopefully to share data and see how
12 that proceeds. That's sometime off, somewhat
13 uncertain future. That's a step.

14 Meanwhile, I think, to look at the
15 stipulations in the various alternatives is where
16 we'll be focusing as soon as you publish.

17 And so, you know, those are, as I see it,
18 the big actions going forward. So I don't see
19 anything beyond that we can talk about that's very
20 specific action.

21 But I'd like your thoughts if anybody has
22 specific things we ought to do next. From my point
23 of view, this has been a great meeting. If we
24 didn't come to hard conclusions, the processes is
25 good, you know.

1 I think we've shared a lot of knowledge
2 and all understand that we each have different
3 missions which is important. And we will take that
4 into account as we deal with each other going
5 forward. So that's a terrific conclusion in its own
6 right.

7 So, you know, I feel very positive about
8 the meeting. I'm still quite concerned, quite
9 concerned about, you know, the difficulty of dealing
10 with oil and gas development in light of what comes
11 out in the EIS. And I think we all are.

12 At the same time, I think we're all
13 educated on how important it is not to list this
14 bird, you know, to do all the things that are
15 important.

16 So we're saying all the right things, but
17 there's a good bit of work to do looking at those
18 alternatives and considering what effect on the EIS
19 new mapping has.

20 But I thank you all again for
21 participating and being so interested in getting
22 together.

23 MR. CAGNEY: Could I offer what I think is
24 the next step? That we're entering the public
25 comment period and, you know, we're going to get

1 thousands of comments saying things like what about
2 the predators, you idiot. You know, I mean lots of
3 stuff that everybody knows about.

4 But when you go through those comments,
5 you know, and you get the angry stuff, you know, and
6 blah-blah-blah, you know, then you read along and
7 then you get to that comment where this person is
8 telling you something that's really, really
9 important and you didn't think of that, you know.

10 And those are the ones that we're really
11 looking for right now. I mean, you know, and we've
12 been working on this a long time and think we might
13 know all about this. Well, we don't.

14 So any help that we can get to encourage
15 those really good ones like, wow, I did not think of
16 that, this is critical, you know, at the meetings,
17 that kind of thing, you know.

18 So any help I can get getting through the
19 angry obvious stuff to the stuff that's, you know,
20 really meaningful, that's what we've got to have.
21 And any help I can get from anybody is critical.

22 COMMISSIONER JANKOVSKY: Jim, a question
23 to you, is there going to be a socioeconomic study
24 with this?

25 MR. CAGNEY: Yeah, it's in the draft.

1 But, you know, BLM socioeconomic stuff frustrates
2 people. Now the natural gas is fine. But, you
3 know, those analysis get regional and that type of
4 thing, and sometimes they don't really portray that
5 the way local communities would like to.

6 I'm going to give an example. We're
7 really having troubles with the motorcycle folks in
8 the Grand Junction plan. You know, the
9 socioeconomic section on a BLM analysis that says if
10 it's a destination resource, it's bringing money
11 into the community, you know.

12 But all these local guys, if they're not
13 buying motorcycles, they'll go bowling instead, and
14 there's no value to the community. Now if you own a
15 motorcycle shop, then that's pretty important to
16 you. But it's not to the community.

17 So there's a lot of times where people get
18 really frustrated by those kind of economic
19 analysis. So, yes, it's in there, but it's not
20 going to say exactly what you'd like it to say.

21 COMMISSIONER JANKOVSKY: I mean for us,
22 you know, there's TCF, I guess, can come out of a
23 well. And so I mean and then that relates back to
24 us in jobs and in royalties and royalties to the
25 State and so forth.

1 So I mean that's the type of thing we're
2 looking for in socioeconomic because it is truly a
3 lifeblood for us.

4 MR. CAGNEY: And, generally speaking, what
5 we do raises the cost of doing business. It doesn't
6 prevent getting the gas.

7 COMMISSIONER JANKOVSKY: And that's what
8 we want to hear, it doesn't prevent getting the gas.

9 MR. CAGNEY: Right, but it raises the cost
10 of doing business. So if you're going to say, well,
11 we're not going to drill it on those terms, then
12 maybe it would. But that's a step removed. That
13 stuff gets really complicated.

14 COMMISSIONER JANKOVSKY: Any other
15 comments before we -- I want to thank everybody.
16 Thanks for driving all the way over from Junction,
17 from Denver. We are still getting out of here
18 fairly early.

19 I appreciate your time. I appreciate
20 everybody's civility in this, and I look forward to
21 working with all three agencies here working
22 together, so thanks.

23 (The meeting concluded at 3:25 p.m.)

24

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