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

August 27, 2012
1 p.m.

Re: BLM SAGE GROUSE MEETING

1 APPEARANCES:

2 Commissioner Tom Jankowsky

3 Commissioner John Martin - Absent

4 Commissioner Mike Samson

5

6 David Boyd, Public Affairs Specialist

7 Jim Cagney, District Manager

8 Drew Gorgey, Garfield County Manager

9 Margaret Byfield, American Stewards

10 Fred Jarman, Director of Building and
11 Planning

12 Eric Petterson, Wildlife Biologist

13 Carey Cagnon, County Attorney

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1 COMMISSIONER SAMSON: I'd like to welcome
2 everyone to our work session with the BLM on
3 Sage Grouse, and I'd like to welcome you here
4 again, both of you. Thank you for coming.

5 MR. CAGNEY: My pleasure.

6 COMMISSIONER SAMSON: And we'll start
7 with the roll call from Marion, please.

8 (Roll was called.)

9 COMMISSIONER SAMSON: John is absent.
10 He's taking care of some business in Grand
11 Junction. Hopefully, he will be here later on, but
12 we will continue without him and, hopefully, he'll
13 get here before the meeting is over with.

14 So once again, welcome to everybody and I
15 believe -- are we on the air.

16 MARIAN CLAYTON: I'm not sure.

17 COMMISSIONER SAMSON: Well, it says we're
18 on the air, so anyone the TV audience welcome, too.

19 So as you know, we had your last
20 meeting -- what was it, July 17th, I'm thinking.
21 Was that the date that we met?

22 COMMISSIONER JANKOVSKY: That is correct.

23 COMMISSIONER SAMSON: July 17th. That's
24 pretty good memory to remember that. And we got
25 some things accomplished there and going forward

1 with the second meeting.

2 Tom, since you basically are the one
3 that's heading this up for us, I'm going to turn
4 the time over to you.

5 COMMISSIONER JANKOVSKY: Okay. I guess
6 Mr. Chair or Commissioner Samson, would you like to
7 just have everybody introduce themselves at the
8 front table here.

9 COMMISSIONER SAMSON: That probably would
10 be good. I think everybody here knows everybody,
11 but if we are on the air, that probably would be
12 good for those that perhaps don't. So start -- go
13 this way, I guess.

14 MR. BOYD: Okay. I'm David Boyd. I am a
15 public affairs specialist for the Northwest
16 District of BLM and I'm based in Silt.

17 MR. CAGNEY: And I am Jim Cagney. I am
18 the District Manager for Bureau of Land Management
19 based in Grand Junction.

20 COMMISSIONER JANKOVSKY: Tom Jankovsky,
21 Garfield County Commissioner.

22 COMMISSIONER SAMSON: Mike Samson,
23 Garfield County Commissioner.

24 MR. GORGEY: Drew Gorgey, Garfield County
25 Manager.

1 MS. BYFIELD: Margaret Byfield, American
2 Stewards of Liberty.

3 MR. JARMAN: Fred Jarman, Director of
4 Building and Planning Department for the County.

5 MR. PETERSON: Eric Petterson, Rocky
6 Mountain Ecological Services.

7 MS. CAGNON: Carey Cagnon, acting County
8 Attorney.

9 COMMISSIONER SAMSON: I guess I should
10 have said at the beginning of the meeting, but I'll
11 say it right now. This meeting is basically a
12 discussion among those that are at the table. It's
13 open to the public, but we will not be taking any
14 comments from the public. I should have addressed
15 that at the beginning.

16 Tom?

17 COMMISSIONER JANKOVSKY: I just would
18 like to go to the agenda and just state this is a
19 government-to-government meeting for open
20 discussion between Garfield County and the Bureau
21 of Land Management on Sage Grouse and the
22 potential -- and the EIS or the -- I guess it's a
23 coordination meeting, so it's not on the EIS.

24 This is just to talk about our plan, the
25 PPR plan, and the NTT Plan which has been presented

1 by the Bureau of Land Management through an EIS.

2 And I'd first just like to ask if there
3 are any comments from our last meeting. And
4 anything -- I do have some comments, which come
5 back from this letter that we sent to Director
6 Hankins and just would like to touch on a few
7 things that are in the letter.

8 And one of the things is that we just ask
9 that we consider our local Sage Grouse conservation
10 plan, the PPR plan, Parachute Piceance and Roan
11 Plan, as an alternative to be rigorously analyzed
12 during the environmental impact process.

13 And we had specifically asked Jim,
14 Mr. Cagney, if you could go ahead and review our
15 plan, and I'm just wondering if you had a chance to
16 do that.

17 MR. CAGNEY: I did.

18 COMMISSIONER JANKOVSKY: And I guess I
19 would like to you ask you about any comments you
20 may have about our plan and kind of what we have,
21 you know, just asked, as far as having our plan
22 analyzed and included in the EIS.

23 MR. CAGNEY: I think that plan is an
24 excellent piece of work. I would have absolutely
25 signed that. But, I mean, I'm sure you know --

1 actually, there's two issues that make it difficult
2 for me to deal with right now.

3 Number one, is -- I have to ask you a
4 question. When you've got voluntary stipulations,
5 okay, so then in your impact analysis in an EIS,
6 you're trying to identify whether those would be
7 always applied, never applied, and sometimes
8 applied.

9 And the obvious answer is sometimes
10 applied, but what kind of guidance have you for me
11 in terms of how I would deal with the sometimes
12 applied nature of that in the impact analysis, if I
13 were to do that.

14 COMMISSIONER JANKOVSKY: I guess you're
15 talking about regulatory assurance more than
16 anything else.

17 MR. CAGNEY: And how would I articulate
18 the impacts when I don't know whether those
19 provisions are always -- that's the very difficult
20 question for me. It's really a question of
21 assumptions for analysis.

22 So I mean that's really a tough question
23 for me to ask you on the spot, but if you'd spend
24 some time on that, that would be pretty helpful.
25 But if you've got something for me right now I'd

1 sure take it.

2 COMMISSIONER JANKOVSKY: I can help you
3 with some of that and I do think it's something
4 that we would -- as a County we'll need to talk
5 about some more about how do we put teeth in that
6 or do we put teeth into it.

7 We are familiar with the Dunes Lizard Map
8 Plan in New Mexico, which was a voluntary plan and
9 ended the US Fish and Wildlife Service did sign off
10 on that plan, so we are familiar with that to some
11 extent. It does set some precedents.

12 But I guess, also, from our standpoint
13 and primarily what the BLM is doing -- it's kind of
14 divided because what the BLM is doing is coming up
15 with regulations, primarily on habitat. Because
16 you guys -- the Fish and Wildlife Service, they're
17 the ones that are in charge of the bird, per se.
18 You guys are looking at the habitat.

19 And then we have Parks and Wildlife also
20 involved in this and Parks and Wildlife is a state
21 organization with the biologists that actually are
22 managing the bird and so forth on the ground.

23 So I think what we have as a County is we
24 have the ability to not only deal with the BLM on
25 the habitat, but, hopefully, we're going to be able

1 to work with Parks and Wildlife and the service
2 to -- Fish and Wildlife Service to get an overall
3 comprehensive idea of how to manage this bird in
4 Garfield County.

5 And then the guess the other thing that I
6 look at is -- and Fred will get to this when he's
7 talking about his slides and so forth that out of
8 the -- and I don't have it right in front of me,
9 but I think it's 160,000 acres -- maybe it's a
10 120,000 acres that are primary habitat, priority
11 habitat.

12 Only 20,000 of those are BLM acres and
13 then there's probably another 40,000 that are
14 private land where BLM has the mineral rights under
15 that.

16 So that the vast majority of this land is
17 privately owned that's -- at least in our County
18 and so how do we come back together to improve the
19 habitat and really look after the bird when you
20 have all these -- you have three different
21 agencies, plus ourself, so four government
22 agencies, and then you also have private land,
23 federal land and private land federal leasing.

24 So I think you know the regulatory
25 assurance, you know, some of that voluntary

1 approach is going to go over a lot better with the
2 landowners and working with the landowners. And so
3 hopefully when we're dealing -- and I know you're
4 dealing primarily with habitat, but when we are
5 dealing with Fish and Wildlife Service, hopefully
6 they will look at that, look at some of that as
7 well.

8 MR. CAGNEY: Are you dealing with the
9 Fish and Wildlife Service now?

10 COMMISSIONER JANKOVSKY: No, but we hope
11 that we -- we're going to ask them -- well, first
12 of all, with the state, we have a meeting with the
13 state with the state Parks and Wildlife and that's
14 set for September 7th, and we would like to invite
15 the BLM to be there as well.

16 We're going to have those biologists
17 there, along with Kathy Griffin, to talk about our
18 existing plan, how well it's working, and their --
19 how they see that plan working, and just get a
20 better understanding ourselves because that plan
21 has been in effect since 2008, so we can get a
22 better idea of from the state of Colorado about
23 that plan and, hopefully, also a little bit more
24 information on their -- how they are working with
25 the BLM through the EIS process. I believe they're

1 also a cooperating agency, if I'm correct.

2 The other thing is we do plan to work
3 with the Governor's office because I believe the
4 Governor's office is putting together a state plan,
5 which we'll come in again, as we have here, and
6 just really talk about our plan and why it's
7 important to us to at least acknowledge and look at
8 the differences between our plan and so forth.

9 Anything else -- I mean, you know,
10 regulatory assurance is one thing. Anything else
11 that you see that might -- in the PPR plan that
12 might be reason for it to not be accepted by the
13 Bureau of Land Management?

14 MR. CAGNEY: This doesn't qualify as a
15 reason to not accept it, but my other question that
16 I had when I was reading is there was a lot action
17 items tables.

18 Is there an update paper on that about
19 what's been done since it was finalized or anything
20 like that?

21 COMMISSIONER JANKOVSKY: Again, we hope
22 to get better information on the 7th from the
23 biologist on the action items and so forth, but we
24 do have one here for this meeting.

25 I guess the other thing is, you know,

1 guess we'd asked about -- potentially about a
2 timeline, as well, for development of the local
3 plans for, you know, alternatives. And so, you
4 know, we've -- and I don't know if you've thought
5 about that at all, but we'd like to -- we would
6 sure like to see some sort of a timeline that would
7 tie back into this agency scoping deadline.

8 MR. CAGNEY: Fred, do you have the last
9 schedule we passed out?

10 MR. JARMAN: For the cooperating agency
11 stuff? I don't have the updated one with me.

12 MR. CAGNEY: Well, we need to update that
13 because I mean, obviously, there's been delays and
14 we're quite a bit behind that.

15 COMMISSION JANKOVSKY: I have the
16 original schedule. I don't think I have the --

17 MR. CAGNEY: I think you'll find that
18 we're going to have the alternatives done in May.
19 Needless to say, I'm concerned about that.

20 COMMISSIONER JANKOVSKY: I know it's a
21 big undertaking and there's -- you're having to
22 deal with each of these five counties, which all
23 this their own perspective on this.

24 I just would like to go back, you know,
25 on that about our plan just to Secretary Salazar's

1 policy action memo, which I imagine is probably
2 tied in with the scoping, but where he just stated
3 that the NTT report, which is the report that's
4 out, states that: These goals and objectives are a
5 guiding philosophy that should inform the goals and
6 objectives developed for individual land use plans.

7 Then he has a "however": It's
8 anticipated that individual plans may develop goals
9 and objectives that differ and are specific to
10 individual planning areas. And that's really
11 where -- and some of what Fred is going to present,
12 that's what we're trying to get back to.

13 There are definitely some things that are
14 very specific to our region, to our geology and
15 landscape and so forth that we've -- and some of
16 those very reasons why we feel the PPR plan has
17 some strength and should be considered.

18 COMMISSIONER SAMSON: So turn it over to
19 Fred.

20 COMMISSIONER JANKOVSKY: I think Margaret
21 had a --

22 MS. BYFIELD: You mentioned that there's
23 sometimes applied category in the PPR plan. Can
24 you give us an example of specifically what
25 elements you're thinking of that in the PPR plan is

1 sometimes applied, but you're asking -- you're
2 asking for how we recommend that you deal with
3 that.

4 Can you give us a specific example of one
5 of the elements that you see are sometimes applied?

6 MR. CAGNEY: Well, it's virtually the
7 entire document. I mean any -- you know, for
8 example, any best management practices that you've
9 got in there -- and it includes all of them -- it's
10 very clear that those are voluntary. And Fish and
11 Wildlife Service -- well, let me stay away from
12 that and go back to the original question that I
13 had.

14 So when I do impact analysis on
15 provisions that are voluntary, I've got to have
16 some assumption for analysis about when those
17 voluntary provisions would be picked up and applied
18 and when they would not. So what I'm asking for is
19 some guidance on how that would work.

20 COMMISSIONER SAMSON: Okay. Any other
21 questions?

22 COMMISSIONER JANKOVSKY: No, I'm good.

23 COMMISSIONER SAMSON: All right. I
24 think, Fred, we're ready for your presentation.

25 MR. JARMAN: Okay. Thank you.

1 All right. So I've got a variety of
2 slides here that I'm hoping we can work through,
3 and the intent is to have these slides sort of
4 highlight what questions we have that we really
5 need your guidance from, Jim, on some of the
6 science behind where we feel there is an
7 inconsistency in between the two plans. So that's
8 really the focus of this.

9 And we've got three specific areas that
10 we want to work with. And I'll do this jointly
11 with Eric Petterson and myself, but should show up
12 on the screen for you.

13 And this, of course, is the agenda for
14 today, and those three -- A, B and C are really the
15 three themes that we want to have a discussion
16 about. First being the 4-mile buffer; second being
17 the mapping and the priority habitat and how that
18 is applied to Garfield County in particular; and
19 then, again, the 3 percent disturbance cap.

20 So I want to work through these
21 systematically and I want to highlight each one
22 using the slides here.

23 So, again, the major discussion is
24 between these two plans and these are both public
25 documents on the web.

1 So as a matter of background that was
2 important to show, again, the national perspective
3 of the issue.

4 These are the 11 states showing the
5 Sage Grouse habitat, the range, I should say, in
6 green, and here is where the PPR plan focused, so
7 just as a matter of context. But he sees that
8 pullout, the blowout shows the western portion of
9 Garfield County and a portion of Rio Blanco, so
10 those are the two areas. And then on to the land
11 ownership scheme, something you probably already
12 know pretty well.

13 MR. PETERSON: Skipped one.

14 MR. JARMAN: Oh, did I skip one? Here we
15 go. Thank you.

16 So land ownership you -- may not be able
17 to see the legend very clearly, but what's
18 important to note -- I'll use my cursor, if it will
19 work -- is BLM, of course, shows up in yellow.

20 The green is split estates, so private
21 surface BLM leased minerals, that's what the green
22 is here. And then the gray is private land.

23 And then just by context here's Parachute
24 down here, Parachute Creek drainage and then the
25 Roan Creek drainage here.

1 I'm going to spend a little time in the
2 next couple of slides up in this area, which is
3 Clear Creek. But it give you a sense of the land
4 area we're talking about. So the EIS covers this,
5 and your BLM jurisdiction.

6 So here's a slide that shows the most
7 recent uploaded data for existing gas wells and
8 permitted gas wells. So existing being green and
9 the permitted, not drilled yet, are in red.

10 It gives you a sense of what that looks
11 like. A lot of it is on private land. The
12 majority of it in fact's on private land.

13 And this next slide here -- and
14 Commission Jankovsky talked about this a little bit
15 earlier, but this gives you -- this is the posted
16 mapping online of the priority habitat, which was
17 the C-PAW -- the Colorado Parks and Wildlife
18 mapping -- shows the priority habitat in red with
19 the general in green.

20 And it gives you a sense of the
21 underlying land ownership compared to that. And
22 then for additional context you can see this matrix
23 down below of what this means in terms of acreage
24 for Garfield County.

25 By way of example, you have, using these

1 percentages in the County total, about a third of
2 Garfield County, a little over a third, is
3 privately held with the remainder being publicly
4 held. And so if you chase those across, you've got
5 the percentages of areas in both priority habitat
6 and then general habitat, and here are your totals.

7 So it's a significant coverage within the
8 private land ownership of the County. So a quarter
9 of the privately held lands then 5 percent of BLM.

10 Okay. On to the Grouse, per se. So here
11 you have the same mapping from the Colorado Parks
12 showing the leks that are out in these areas of the
13 primary habitat, and then overlaying include the
14 gas wells, existing and permitted, as well as the
15 priority and general habitat, with the underlying
16 ownership still coming through as a layer here.

17 Okay. So this gets more -- that was more
18 background than anything else, but I think it's
19 important at this point to sort of focus in on
20 questions for you on applicability from the NTT and
21 the science behind that to Garfield County.

22 And the reason I showed this slide is
23 this is actually from the BLM's website from a
24 conservation project and this is in the Pinedale,
25 Wyoming Anticline area.

1 And the website, if you wanted to go back
2 to that, is on the bottom so you can go and see
3 exactly what that's all about.

4 And so as we read the NTT, it had this as
5 the basis for their model. And Eric, you can chime
6 in anytime you want to. But as we read that, we
7 saw the buffering and the 3 percent gap and so on
8 used primarily from this kind of landscape.

9 And so I want to contrast that with the
10 value, at least as we see it, with the PPR and why
11 the PPR we think is a bit different.

12 And so the square on this map -- here's
13 the County. The square is where I'm going to zoom
14 in, which is basically the north end of Clear Creek
15 within the priority habitat.

16 And so here's the Garfield County
17 experience and landscape. So this is the Clear
18 Creek drainage looking due south. And so from the
19 lek data that was the map you saw previously -- and
20 I'll highlight it again -- the end of that line
21 under the word elevation actually hits a mapped lek
22 right now.

23 And so that's at about 8,000 feet. And
24 then you've got an elevation drop of 2,300 feet to
25 the valley floor. And then, of course, in between

1 there you've talus slopes and then the escarpment
2 as the landscape or as the geology goes.

3 And so our main question is how can --
4 should say it this way. Does the science behind
5 the NTT support this kind of difference in
6 elevation as a model versus the Pinedale, Wyoming
7 experience.

8 And so more to that, here is the lek
9 itself. I showed you that in profile view. This
10 is in map view. And so you see where the lek shows
11 and added to that is a 4-mile buffer that the NTT
12 talks about.

13 And so our question for you, really --
14 and maybe it's a good place to stop for the
15 moment -- but if you take from the cursor here and
16 you go out, you've dropped then 2,300 feet, back up
17 2,300 feet, at least, across the top of this
18 plateau and then down here to the other side. And
19 so did you want to add to that question as far as
20 the buffering?

21 MR. PETERSON: Well, I think one of the
22 things that we're -- in going through the NTT
23 report we've been looking at the literature that's
24 used to determine the 4-mile buffer.

25 And based on our review of how it's cited

1 in the NTT report it references some pretty
2 specifically studies up in Wyoming around the
3 Pinedale area, a few other major gas development
4 areas.

5 And I think one of the things that's
6 coming out is, well, is it appropriate or suitable
7 to be using that research to apply to topography
8 and stuff and conditions -- habitats down here in
9 Colorado.

10 And I think that where the County is
11 coming from is is there a way to use more local and
12 maybe some of Tony Apa's work here in Colorado,
13 more site specific work that's been done up in the
14 Roan.

15 Is there any wiggle room with where this
16 NTT is going as far as the proposed action for the
17 EIS? Is there any other ability to use other
18 information that's more local? And least with the
19 4-mile buffer stuff.

20 I think with the 4-mile buffer is what
21 we're seeing is that there's some pretty good
22 studies that have some very good science behind
23 them for those areas. And we're wondering, well,
24 is there an ability to use and look at some more
25 local stuff.

1 MR. CAGNEY: I don't know how I can
2 present this without appearing argumentative, but
3 we looked at some exception stuff in the
4 cooperating agency meetings, and I can't talk about
5 that right now without violating NEPA.

6 The answer to your question is yes, but I
7 would point out that Tony Apa was on the NTT
8 committee, so...

9 Another question I want to ask is what's
10 the thought here in terms of the -- there was a lot
11 of discussion of private lands? What's the
12 prevailing perspective here in terms of how this
13 BLM planning exercise affects private lands?

14 MR. JARMAN: Okay. So we'll jump ahead I
15 guess to the map here shows -- that's a great
16 question, Jim. The map here shows -- you can kind
17 of see it by using the cursor here to get you
18 focused. Okay. BLM is in yellow, all right.

19 And you've got the split estate in green,
20 which kind of comes out here. It's hard to see a
21 little bit, but the green general habitat.

22 But in any event, taking the leks -- we
23 took these leks that were in the BLM here and
24 applied the 4-mile buffer, and so this is the
25 extent of the BLM authority at of this line where

1 my cursor is pointing. Everything south of this is
2 all private land. And the same is true with all of
3 these.

4 So pick your BLM, pick your lek, but then
5 you apply the 4-mile buffer. So that's the
6 question that we have.

7 MR. CAGNEY: Okay. So what we're doing
8 is we're doing a planning exercise that addresses
9 public resources, public land to start out with.
10 So if it's federal minerals and private surface,
11 then we can apply any terms and conditions we want
12 on the public leaseholder, okay.

13 So if we lease some of the federal
14 minerals, we can talk about distance from leks in
15 our authorizations or whatever we do. We have no
16 similar authority of private landowners. So we're
17 not doing any planning on surface owners.

18 So there will be no requirements on feed
19 lands and feed minerals. On public minerals,
20 private surface the requirements would be only on
21 the BLM permittee lessee type thing.

22 And now the third issue that interplays
23 on that, that if we're trying to manage by surface
24 caps, then what private landowners do might affect
25 what the BLM can authorize.

1 If we exceed the cap for a management
2 unit, then private landowners could conceivably
3 work -- you know, use up the cap. And then the way
4 I understand it, that we would be stuck, you know,
5 subject to valid existing rights, which, of course,
6 I don't have any authority to change.

7 So that's what the situation is on that.
8 Is that clear?

9 COMMISSIONER JANKOVSKY: So when we go
10 back to that map, then once we hit that BLM line,
11 even though they're half a mile from the lek or a
12 quarter mile from the lek be, then you are not
13 going to have any authority on private land, which
14 is on the other side of the line.

15 MR. PETERSON: Unless it's a federal
16 nexus.

17 COMMISSIONER JANKOVSKY: Unless it
18 becomes an endangered species.

19 MR. PETERSON: Unless there's a pipeline
20 that goes across BLM land, that flat forest thing.

21 MR. CAGNEY: Thank you. That's a true
22 statement.

23 COMMISSIONER JANKOVSKY: And then the
24 other thing I heard you say is that existing leases
25 that are already on BLM land would or would not be

1 affected. Because I mean when you look at that, at
2 least in that top northern section, there are --
3 the green is existing wells, correct?

4 MR. JARMAN: Right.

5 COMMISSIONER JANKOVSKY: And then the red
6 is permitted wells. You can see some of those are,
7 you know, right within leks. And so at this time
8 you're saying that those would not be affected.

9 MR. CAGNEY: I'm saying that I personally
10 don't think I have any authority over anybody's
11 valid existing rights. You've either got them or
12 you don't. Obviously, those come into dispute
13 sometimes and then the courts decide that.

14 But BLM solicitors have looked at the NTT
15 report and they feel like we haven't usurped
16 anybody's valid existing rights.

17 COMMISSIONER JANKOVSKY: Okay. Thank you.

18 MR. JARMAN: Okay. We'll come back here.
19 I want to talk a little bit more about the
20 difference in landscape here and between the top
21 slide picture is what the scientific basis has been
22 so it's been cited in the NTT. That's the
23 Pinedale, Wyoming area. And then the bottom is the
24 PPR area that we experience in Garfield County.

25 And so what I'm trying to understand

1 really from you from a science basis, is it your
2 belief that that model to use in the top photograph
3 from a science basis makes sense for what our
4 Garfield landscape experience is.

5 MR. CAGNEY: Okay. I would offer that
6 there's more than just the terrain features. I
7 mean our stuff has, for example, patches of Pinion
8 Juniper.

9 And so we when map the priority habitats,
10 they couldn't do that at a scale that precluded
11 getting into different habitat types in the
12 Colorado area.

13 So in the sub-regional alternative that
14 we're working on we're trying to address that type
15 of thing.

16 MR. JARMAN: Okay. Do you want to talk
17 about this?

18 MR. PETERSON: No, I think, you know,
19 one of the questions that the County has brought up
20 is, you know, where does the 4-mile buffer come
21 from.

22 And I think to -- you know, and looking
23 at the literature that's cited in the NTT report,
24 pretty much comes down to this table, which is in
25 the big Grouse book, Connelly and -- I forget the

1 other author's name. And it pretty much comes down
2 to this, is what we can find.

3 And it's pretty much a collection of
4 studies from Wyoming, the greater Pinedale area and
5 some of the work that's up in the Powder River
6 Basin.

7 And, you know, again it's like, okay,
8 well, if this is the scientific basis, you know, is
9 there going to be room through the EIS process, you
10 know, how is this long-term going to be managed at
11 a scale of like the Garfield County, as other
12 information becomes available because I'm sure
13 they'll be one -- well, one would hope that there's
14 some more studies out there.

15 There's just a lot of concern about that
16 initial flush of, you know, wait a minute all the
17 studies are from the Pinedale in Wyoming. We've
18 got a lot different of a system and ecology and
19 Grouse going on down here.

20 Are we going to, you know -- is there
21 going to be some kind of a marrying of the local
22 conditions to the NTT to bridge that gap based on
23 the differences in topography and numbers of Grouse
24 and lek attendants and just where the Grouse are
25 living up there?

1 So I think there's just a lot of initial
2 concern about, you know, where is this going. Is
3 this all based on studies up in Wyoming and the
4 Pinedale.

5 MR. CAGNEY: What's the local plan say
6 about that?

7 MR. PETERSON: About what? 4-mile
8 buffers? Local plan says 4-mile buffer, no more
9 than 1 percent impact in 4-mile buffer.

10 MR. CAGNEY: Okay, that wasn't a set-up
11 question because --

12 (Inaudible speakers.)

13 MR. PETERSON: I'm not a Grouse
14 biologist.

15 MR. CAGNEY: I mean that was not a
16 deliberate attempt to set you up.

17 MR. PETERSON: No, no, that's fine.

18 COMMISSIONER JANKOVSKY: Eric, can you
19 explain this graph?

20 MR. PETERSON: Well, pretty much.

21 MR. JARMAN: Well, it's an regression
22 analysis is what this is basically.

23 MR. PETERSON: Based on various studies
24 in Wyoming, these are the -- what they're seeing as
25 far as -- number of Grouse that are attending a lek

1 based on the distance to the closest drilling rig
2 in kilometers. And the further out you get, the --
3 yeah, the more male Grouse are attending the lek.

4 And so based on a, you know, 4-mile
5 buffer, which is 6.5 kilometers, we're coming
6 upright around in here, which -- so pretty much the
7 science is showing that within a 6.5 kilometer
8 buffer you're still seeing about a 20 percent
9 decrease in lek attendance for males.

10 MR. CAGNEY: So it used to be a quarter
11 mile. We went a long time with a quarter mile now
12 it's 6/10 of a mile. That was the standard. And
13 the basic --

14 MR. PETERSON: The four mile is down
15 here.

16 MR. CAGNEY: And the basic premise now --
17 and I mean I only know what I've been told on
18 that -- is that 80 percent of the females next
19 within 4 miles of a lek. So that's where that
20 4-mile thing comes from.

21 Now, you know, if you're going to look at
22 Fred's pictures and say in our country sometimes
23 that's across a giant canyon, you know, obviously,
24 you know, we need to look at the terrain.

25 MR. PETERSON: Yeah, and I think

1 that's -- you know, cut to the chase as the
2 question is is there going to be that ability or if
3 the EIS goes through is gonna be nope, the 4 mile
4 is the 4 mile and it doesn't matter. You know what
5 side of the canyon you're on.

6 MR. CAGNEY: No, we've already worked on
7 some different stuff.

8 MR. PETERSON: And I do think there's
9 some really good research out there on this 4-mile
10 buffer stuff. We're not questioning the science
11 behind it.

12 MR. JARMAN: Okay, let's jump to habitat
13 here. So the two -- you've seen both of these,
14 Jim. So the slide on the left is what you've
15 already reviewed in the PPR, and so that is that's
16 also mapped by CDOW in 2008.

17 And then the image to the right is the
18 same now -- then the CDOW, now Colorado Parks and
19 Wildlife mapping four years later.

20 So the overall range appeared to be the
21 same, but it appears that the primary habitat for
22 the Grouse in the slide image to the left shows the
23 dark colors are where the primary habitat falls.

24 So the question that sort of piqued our
25 interest was what's the big change in habitat from

1 four years ago to today.

2 MR. CAGNEY: I'm going to defer to Parks
3 and Wildlife on that. I'm playing the hand I got
4 dealt.

5 MR. JARMAN: Is this the mapping, though,
6 that you're using for the NTT for the alternatives?

7 MR. CAGNEY: Uh-huh.

8 MR. JARMAN: Okay.

9 COMMISSIONER JANKOVSKY: So I guess the
10 one thing we're seeing there is on the PPR plan
11 that, you know, the primary habitat is on -- just
12 on the ridge tops, and in the Sage Grouse -- in the
13 Sage Grouse habitat.

14 While it seems like on the NTT report
15 we've got more of a broad brush approach to that
16 where it's just -- it takes up not only primary
17 habitat, but everything in between.

18 It could take -- in there there is --
19 there are the difference in elevations and there's
20 also just black timber in there in some of that
21 habitat. There's just things that aren't
22 Sage Grouse habitat, aren't Sage habitat.

23 MR. CAGNEY: And that's a matter of
24 scale. So we need to address -- and the
25 alternative that we're working on is called the

1 sub-regional alternative.

2 And we've got to address the possibility
3 that some of these things inside what's mapped at
4 the broad scale as prairie habitat, it could be a
5 stand of Pinion Juniper or the side of a -- the
6 shale lease side of the mountains, there you go.
7 We know about that. Just to -- not to nitpick, but
8 there's no map in the National Technical Team
9 report.

10 MR. JARMAN: This is the mapping that you
11 provided (inaudible).

12 COMMISSIONER JANKOVSKY: And you're
13 saying that's Parks and Wildlife mapping?

14 MR. CAGNEY: Yeah. We had been using an
15 occupied habitat map for a long time. And as part
16 of this project, Parks and Wildlife made that map.

17 COMMISSIONER JANKOVSKY: So that when we
18 meet with Parks and Wildlife then on the 7th, that
19 would be a good question for us to ask them.

20 MR. CAGNEY: Right.

21 MR. JARMAN: Do you have anything else on
22 this one?

23 MR. PETERSON: The other thing that we
24 had Garfield County's GIS person produce is a map
25 showing the different sagebrush habitat types

1 within this area.

2 A lot of it typed out as not exactly
3 great habitat up there and it's kind of an internal
4 -- not internal, but, you know, let's see what's up
5 there. I mean it's tough to get up in that country
6 and actually see what's up there, so we're just
7 going off some GIS to see how that's mapped at this
8 time. And a lot of it's mixed mountain shrub type
9 communities, so...

10 MR. CAGNEY: Right. And Parks and
11 Wildlife didn't map it at that scale. I mean they
12 didn't want to put a map of swiss cheese on the
13 table they identified, the blocks on the outside.

14 And, you know, occasionally they did some
15 things like, you know, take out a parcel like the
16 town of Meeker that was big enough.

17 But I would assume that they thought that
18 those kind of issues would be addressed in the
19 implementation phase. And like I say, we have
20 worked on some language to deal with that.

21 COMMISSIONER JANKOVSKY: And, again,
22 that's just our concerns just in dealing with these
23 studies. That gets said, but once the study gets
24 out there, then the mapping gets referred to and we
25 all know that even sometimes a line on a map can

1 make a huge difference in how something is
2 identified.

3 MS. BYFIELD: Have you ever prepared an
4 EIS that has the candidate conservation agreement
5 component and a candidate conservation agreement
6 with assurances component?

7 MR. CAGNEY: Well, the latter doesn't
8 apply to the BLM, so no. And the other one, even
9 though it does apply to the BLM, I've never
10 finished one.

11 MS. BYFIELD: The BLM in New Mexico did a
12 program and they amended their resource plan that
13 had the CCAA component to it. And they did an EIS
14 process --

15 MR. CAGNEY: For prairie chicken?

16 MS. BYFIELD: No, the lizard, Dunes
17 Sagebrush Lizard. But the CCA component is a
18 voluntary component, and they had to go through the
19 environmental analysis, impact analysis on that.
20 It might be when you're asking the question of how
21 do you -- and I understand the question and the
22 dilemma -- which is how do you analyze the impacts
23 in your EIS on a voluntary measure?

24 There might be something to take a look
25 at to see how they prepared that. Fish and

1 Wildlife ultimately relied on that in their final
2 decision.

3 MR. CAGNEY: Okay.

4 MS. BYFIELD: And, also, I wanted to
5 point out that the PPR program managed by Colorado
6 Parks and Wildlife, they do do pretty regular
7 reports, semi-regular reports.

8 And I'm just looking online at their
9 reports and their latest one was in 2010. And it's
10 about a 45-page report on the particular work that
11 they've done and their monitoring in that process.
12 So there have been -- there has been follow-up with
13 Parks and Wildlife on that to answer that question.

14 MR. JARMAN: Okay. So again, back to the
15 terrain here. You can see why we have questions
16 about how that applies and the science behind it
17 I'm just looking for some answers behind that.

18 We've worked through this little bit with
19 the habitat questions. It sounds like what you're
20 saying, Jim, is really the habitat as it's mapped
21 is not a BLM issue, per se, as it is a DOW or CPAW
22 issue. Is that what I'm hearing you saying?

23 MR. CAGNEY: Yeah. I know some BLM
24 biologists looked at that map, but I'm accepting
25 that map verbatim as though that was a constant in

1 the equation, once that came out in January.

2 That's a done deal for me. I'm not questioning
3 that map. I don't think it's my place.

4 COMMISSIONER JANKOVSKY: And again, that
5 is a Parks and Wildlife map?

6 MR. CAGNEY: Yeah, they made that map.

7 COMMISSIONER JANKOVSKY: And that is a
8 habitat map?

9 MR. CAGNEY: Yes, sir. It's priority
10 habitat and general habitat and then there's a kind
11 of activate piece also.

12 COMMISSIONER JANKOVSKY: Right.

13 MR. JARMAN: I think I'll leave it
14 here -- well, let's go back here. So this final
15 slide -- I think it's the final slide, anyway --
16 shows the lek data that is placed over the
17 topography, again for Garfield County, but it also
18 shows as you apply the 4-mile buffer outside of the
19 red circles, which are the lek sites.

20 And so, of course, a lot of that is
21 private ground towards the south, and then much of
22 the land on the north quarter with Rio Blanco
23 County is in either public land in BLM ownership or
24 split estate ownership in particular up in this
25 area. But the net effect is you have a 4-mile

1 buffer that covers a great deal of ground.

2 We've talked about that a little bit. I
3 think we're interested at this point in talking
4 about the 3 percent cap for disturbance, and
5 understanding, in your words, where the 3 percent
6 science comes from.

7 MR. CAGNEY: What I've been told --
8 again, I'm not a Grouse biologist, but I've
9 certainly heard this dialogue many times, okay. So
10 this is what I've heard, okay. It's 1 per 640
11 acres.

12 One per section is what the preponderance
13 of the evidence is is the Grouse stopped using it,
14 whether they get predated or whether they just --
15 you know, whatever it is, that that appears to be
16 the threshold.

17 On the Wyoming 5 percent, the NTT 3
18 percent, those are a pair of interpretations on
19 what you end up with if you do the 1 per square
20 mile.

21 MR. JARMAN: One what? I'm not sure I
22 understand what you mean.

23 MR. CAGNEY: One disturbance per square
24 mile.

25 MR. PETERSON: Oh, one disturbance. And

1 does it matter what kind of disturbance answer it
2 is? Do they quantify that or --

3 MR. CAGNEY: That's pretty open-ended.
4 We're going to have a meeting to start trying to
5 hammer that out for clarity. Because if we're
6 going to have a cap, we're going to have to be
7 clear on how to manage a disturbance.

8 And then by corollary you have to
9 identify when you're going to call it undisturbed.
10 Because if you're managing caps, there has to be a
11 path for something that was disturbed to come off
12 the disturbance list and free up capped space.

13 So we're going to get together early next
14 month with the BLM and get something on the table,
15 and we will run that by the cooperating agency
16 process.

17 MR. JARMAN: Why did Wyoming pick the 5
18 percent, do you have any idea?

19 MR. CAGNEY: That was an interpretation
20 of 1 per 640.

21 MR. JARMAN: So the 1 per 640, what I'm
22 hearing you say is one disturbance per 640 equals
23 anywhere between 3 and 5 percent should be okay per
24 section.

25 MR. CAGNEY: Something like that.

1 MR. JARMAN: Which is like 19.2 to 23
2 acres, I guess.

3 MR. CAGNEY: Is that what it is?

4 MR. JARMAN: Yeah, per section. But
5 you're saying the BLM is looking at a different
6 area to apply the cap than per section.

7 MR. CAGNEY: Yes. And just for
8 conversation sake, the White River Resource
9 Management Amendment, I mean that assumes that a
10 well, you know, including the access road, is only
11 12 acres. And that's at its moose acute point.

12 And then as you scale it back and -- you
13 know, because you have both disturbance and
14 disruptive features. So when you're actually
15 drilling the well, then you have a disruptive
16 imprint right there, too.

17 So then you've got to buffer it because
18 of the noise and the activity and that type of
19 thing. But then when you finish a well and it's
20 just in production and, you know, the interim
21 reclamation takes place, then you can bring that
22 back, and that's how things become undisturbed. So
23 we have to have something like that.

24 And I don't want to get into a
25 pre-decisional thing here, but count on us trying

1 to not reinvent the stuff that was already been
2 thought through in that White River Resource
3 Management Plan Amendment.

4 MR. BOYD: Which is just available online
5 on Wednesday, taking the BLM Colorado site plan,
6 that White River filed office oil and gas
7 amendment.

8 COMMISSIONER JANKOVSKY: And we were a
9 cooperating agency in that.

10 MR. JARMAN: Let's go back and get a
11 better slide here.

12 Okay. So back to the issue of the 3
13 percent, this is stuff that you've heard, is what
14 you're telling me, but is there science that we can
15 look to?

16 Is there hard science that says yeah, the
17 3 percent -- or this one disturbance per 640, is
18 there something that you can send us shows, Fred,
19 here, look at this, this is what we're saying
20 because that would be very interesting to see.

21 MR. CAGNEY: I'm sure I can, but I'm sure
22 those citations are in the NTT report.

23 MR. PETERSON: I can get you the
24 citations and those citations offer -- they're all
25 with regards to leks from drilling activity. And

1 so we were kind of having to make a pretty -- not a
2 huge jump, but a jump from like, well, so if we're
3 going to look at, you know, studies that look at
4 lek impacts from drilling, where's the -- you know,
5 is it a model? You know, what was the mechanism to
6 go from those type of studies to the caps, the
7 surface area impact caps.

8 And the way it's cited in NTT is kind of
9 like, well, you know, based on professional opinion
10 from reviewing all these papers, we're going with 3
11 percent. And I think that it's -- you know,
12 everyone's starting to picknit (sic), so...

13 UNIDENTIFIED SPEAKER: Everyone's
14 starting to what?

15 MR. PETERSON: Everyone is picking nit.
16 So we're like, well, okay, we've looked at these
17 studies, but none of these studies say 3 percent
18 or, you know, have these caps spelled out in the
19 studies.

20 So then it's you know if we wanted to try
21 to get a little bit more information you know is
22 there something more concrete you know. Is there a
23 study that does have looks at surface impacts and
24 not just impacts from like a drill rig and then lek
25 attendance, you know, based on buffers.

1 MR. JARMAN: Jim, if you had something,
2 could you forward it to us, something that's more
3 specific on the 3 percent? That would be great.

4 COMMISSIONER JANKOVSKY: Yeah, maybe we
5 can talk to some of the scientists advertises
6 that -- or biologists that put
7 the NTT report together, talk to them directly.

8 Fred, if you'd go back to the slide, it
9 just shows a number of wells in the area of the --
10 and, you know what, you can see that, you know,
11 it's almost highly industrialized in that area, the
12 PPR report is.

13 I know in Uintah County they were able to
14 pull out -- in Utah in general they were able to
15 pull out some areas and say: Look, these are
16 already -- they're highly industrialized, they were
17 able to separate them from the mapping and so forth
18 because they were so industrialized.

19 And I guess then to add to that is from
20 what I've read, there are 300 -- low end, 180,000
21 Sage Grouse in the United States to 360,000 Sage
22 Grouse.

23 Those are the information that I've seen
24 anyway, which is a lot of Sage Grouse. And so I
25 guess it's not for me to question if it should be

1 listed or not.

2 But in our area we are at about 500
3 Sage Grouse. And you can see from the leks and so
4 forth, we've got leks, they've got wells on them,
5 proposed wells on them and everything else and
6 we're going to find out from the state how well
7 the -- that population is doing.

8 But I just -- I just look at this and go:
9 Oh, we are so industrialized in this area that I
10 mean should this even be part of the overall plan
11 or should this just be pulled out and saying:
12 Look, you guys already got a lot of wells, a lot of
13 roads, a lot of activity going in there.

14 Is the PPR -- really, is it -- does it
15 have the same criteria as other sections where
16 there's not as much disturbance? And I know you go
17 up into -- I think in Colorado there's not a lot of
18 birds, but I think we're somewhere around 9,000 or
19 so birds, 6 to 9,000, with the majority of them
20 being in Moffat and Jackson County.

21 So I think when you get into an area
22 that's this industrialized already, we have -- we
23 definitely have ongoing conservation for the bird
24 with our PPR plan.

25 But if you come back in with these kind

1 of restrictions or so forth that are in the --
2 potentially in the NTT report, in the EIS, is it
3 going to have any effect on the population here.

4 And I guess that's a question and like
5 Utah, can certain areas be pulled back out where
6 there's already a lot of industrial activity.

7 MR. CAGNEY: I'm working with the
8 Governor's map, so I would argue that that map is
9 more to do with you than it is to me.

10 COMMISSIONER JANKOVSKY: So the state of
11 Colorado is who that -- who we'd need to direct
12 that question to?

13 MR. CAGNEY: That's right. If you're
14 suggesting that just by taking a little bit of
15 habitat you could remove several billion dollars
16 worth of natural gas from the table, I noticed
17 that.

18 The other issue becomes if we finish
19 these density calculations, are we going to have
20 some areas where the Grouse population appears to
21 be doing okay, but we're already in excess of the
22 cap? I'll be anxious to see that.

23 COMMISSIONER JANKOVSKY: That gets us
24 back to socio-economic studies, you know, you're
25 right. Several billion dollars worth of natural

1 gas and millions of dollars back to the County in
2 property taxes.

3 So there is a socio-economic factor there
4 that may not be anywhere else in this State of
5 Colorado to this scale.

6 And the interesting thing is, in looking
7 at the PPR report, the majority of the leks are in
8 the southern half of the PPR, not the northern
9 half, but the majority of the well activity's in
10 the southern half of the PPR plan.

11 MR. CAGNEY: I would argue that's only
12 because of the deferrals based on Roan and the
13 White River RMP, but that's probably true right
14 now.

15 MR. JARMAN: I had a question, Chairman,
16 sort of along the same lines. You know, as I read
17 the NTT, there's not much in there in the way of
18 seasonal restrictions or seasonal stipulations.

19 But the PPR does talk about timing
20 restrictions and how that might be applied so that
21 both disturbance could happen, as long as it
22 happens outside of the particular time frames,
23 whether it's March to May, you know, some of these
24 different types of time frames that are required
25 for nesting for the bird.

1 Can you tell us -- that is a suggestion
2 in the PPR. Why couldn't that work in the EIS?
3 Have you thought about that?

4 MR. CAGNEY: Every population is
5 different. That would work in a lot of different
6 places. I mean there was a lot of birds where if
7 you did a timing limitation right by the lek and a
8 4-mile buffer around that, you would have 80
9 percent nesting success, which I think most people
10 would argue would be adequate.

11 Then you also have populations where
12 there's a pretty substantial movement between
13 winter range and summer range. And they're moving
14 far more, you know, with the chicks after they're
15 old enough to get around.

16 And if you get blockages in between
17 winter range and summer range, then you extricate
18 that group and nobody knows which group is what
19 right now. And we are starting to get some
20 instances on that with telemetry data, but we don't
21 have that sorted out.

22 COMMISSION JANKOVSKY: And again, in
23 Moffat County they are -- you know, they're showing
24 that the bird will sometimes travel 60 miles or so
25 forth, but I don't know if this particular

1 population is.

2 And it would be interesting to see if
3 there they're connecting with the birds back up
4 north. If there is connectivity or not, that would
5 be important to us.

6 MR. CAGNEY: They're wintering, they're
7 lekking and they're nesting way down in the desert
8 and then they're summering on -- not high mountain
9 meadows, but, you know, foothills like Perry and
10 stuff.

11 COMMISSIONER JANKOVSKY: And the other
12 thing is that the habitat. I mean even though we
13 have a lot of activity here, I we believe our
14 habitat's actually pretty good habitat.

15 The sagebrush is pretty good. We don't
16 have a lot after cheat grass and that type of
17 thing. So I kind of remember from our last meeting
18 you said the habitat in Colorado was pretty good
19 for Sage Grouse.

20 MR. CAGNEY: Certainly compared to
21 southern Idaho.

22 MR. JARMAN: That's all I have I think
23 for right now.

24 COMMISSIONER SAMSON: Okay. Did we get
25 A, B, C taken care of?

1 MR. JARMAN: Yes.

2 COMMISSIONER SAMSON: All right.

3 Socio-economic analysis. We did talk about the
4 4-mile buffer, but I guess you want to talk about
5 that in regards to multiple use?

6 COMMISSIONER JANKOVSKY: Well, you know,
7 again, we are going to do our own socio-economic
8 study and we would like to have that be part of the
9 socio-economic study that's going to be done by the
10 BLM, have those numbers included.

11 There are -- I mean oil and gas
12 development's very important for our County, very
13 important for jobs, very important for taxes.

14 It's a big part of the western side of
15 our County, so we definitely would like to be able
16 to work with your socio-economic people that are
17 doing the report for the EIS and have at least our
18 study looked at.

19 COMMISSIONER SAMSON: There won't be any
20 problem with that, will there, Jim?

21 MR. CAGNEY: No, I don't think so.

22 COMMISSIONER JANKOVSKY: I guess kind of
23 where we're headed is that we want to continue to
24 coordinate with the BLM. We are going to meet with
25 the Colorado Parks and Wildlife and work with the

1 Governor's report.

2 The Governor and the State of Colorado
3 are real important in this process. We will be
4 bringing on the same -- have the same message there
5 on the Governor's group and the state report, and
6 that is what you've seen here as far as how the
7 geography is very important.

8 The number of wells and so forth that are
9 in this area, how important they are for our County
10 and for our citizens, and just the whole message
11 that you kind of heard from us today is we're going
12 to do that with the Governor.

13 We'd also like to -- and we'll see how
14 well we're received by Fish and Wildlife, have some
15 sit-down meetings with Fish and Wildlife as well to
16 talk about some of this.

17 Because you guys are doing habitat, Fish
18 and Wildlife and the State of Colorado are managing
19 the bird, and so we have to somehow pull all that
20 together so it makes sense for our County. And for
21 the bird, for that matter, so...

22 COMMISSIONER SAMSON: Did you have
23 something else, Fred?

24 MR. JARMAN: No.

25 COMMISSIONER SAMSON: Last call.

1 COMMISSIONER JANKOVSKY: I would like to
2 set another meeting date. It may not be -- maybe
3 we're -- and we have missed the last couple
4 cooperating agency meetings, and that's been
5 primarily because of our schedules. We've just had
6 conflicts with our schedules.

7 The one on the 13th of July that was
8 called, it was a short call on that. We had
9 conflicts. And then on August 9th we were -- had
10 an employee appreciation day where we were all
11 here. Maybe it was later in August. It was just a
12 couple weeks ago. But we do plan to participate.
13 We are definitely involved, very closely with the
14 other counties in Colorado.

15 We have had some discussion with some of
16 the counties in Utah as well concerning
17 Sage Grouse.

18 But I would like to set another meeting
19 date. Maybe it's not a -- maybe it's later in
20 October because we would like to meet with the
21 State of Colorado, and if we can, start some
22 preliminary meetings with Fish and Wildlife.

23 So we would like to be able to talk to
24 the scientists that are coming up with this
25 information and get more information for ourselves

1 so we can become better educated and move forward,
2 but I would like that.

3 The one question there, which is when we
4 had -- is this particular area, the PPR, is it so
5 industrialized already that it may not be need to
6 be part of the overall plan for Sage Grouse
7 protection.

8 And maybe we go the direction of where we
9 work with our voluntary plan and so forth and move
10 forward with that, because it is highly
11 industrialized and the birds are working right now
12 within what's going on.

13 We showed some growth last year and the
14 number of birds that were there the year before,
15 but sometimes you wonder was there growth or was
16 that just -- were they counted better, all those
17 things because it's not easy to get out there and
18 count those birds on the ground.

19 MR. CAGNEY: Well, if you're successful
20 in altering that map or anything like that, then I
21 say good on you, but that's not my walking orders
22 right now, is to argue about that map.

23 COMMISSIONER JANKOVSKY: And you feel
24 that's more from the State than it is from Fish and
25 Wildlife?

1 MR. CAGNEY: It's not my place in this
2 process to argue about that map. You know, I've
3 got to have some (inaudible) from where I'm going,
4 and I can't make progress forward if I'm arguing
5 about all the steps that happened backwards.

6 Now, if you've got a different take on
7 something and you're successful in making a change
8 on that, then that's fine with me.

9 MR. BOYD: But the map was generated by
10 the state.

11 MR. CAGNEY: I mean BLM biologists looked
12 at that map and gave some input, but that's a state
13 map. In terms of skipping industrial areas like,
14 you know, the (inaudible) field, Wyoming cut those
15 out in their (inaudible) area program.

16 UNIDENTIFIED SPEAKER: Right.

17 MR. CAGNEY: But I've got to tell you,
18 they did that over the course of years and years
19 while they were working on that. And trying to do
20 that if you 11th hour now is -- I wish you the very
21 best on that.

22 MR. GORGEY: Jim, if I could ask you just
23 one more question about trying to reconcile the
24 local plans. And you talked about a timeline and
25 that at one point May of 2012 was the target.

1 That deadline's passed. And one of the
2 goals that we're trying to do is to avail ourselves
3 of any right we have under federal law to
4 coordinate with you as to the specifics of our plan
5 and how it impacts our swatch of the County here or
6 our County and our little swatch of the overall
7 area.

8 And when we talked about this last -- in
9 July, there was some goal -- my recollection was
10 there was a goal that in order to not slow anything
11 down that the individual plans that you have would
12 be considered within -- they would actually be
13 looked at individually.

14 And so to give an individual treatment --
15 and I do not want to give you -- get you into sort
16 of a pre-decisional posture here, but we are trying
17 to get a sense for how long it will take to
18 consider these individual plans going forward.

19 And we're trying to get some target date
20 so that we will know how much time we have to get
21 done the things we're trying to get done.

22 MR. CAGNEY: I don't have an update from
23 that schedule.

24 MR. GORGEY: Okay.

25 COMMISSIONER JANKOVSKY: When could we

1 get an update on that?

2 MR. CAGNEY: As soon as I have it. I
3 mean the main issue is I've got to get some
4 preliminary work done on working on that
5 disturbances. And I've got to see how that goes.

6 That's really important for both
7 describing affected environment and doing the
8 impact analysis. And, really, we can argue 3
9 percent, 5 percent until the -- you know,
10 indefinitely, but if we don't have a clear
11 understanding of how we're going to calculate that,
12 then that's really pretty wide open.

13 So I have to do that next. And when
14 we've got that done, then we can put together a
15 schedule where we can actually see it.

16 I mean I consider that to be the main
17 event right now, is figuring out how we're going to
18 manage those disturbances and how we're going to
19 calculate it and how we're going to manage the cap,
20 those kind of ground rules. That's the main event
21 right now.

22 I got to tell you, Drew, I've got a
23 completely different recollection of our
24 conversation about that plan.

25 We had a long conversation about how I

1 tried to incorporate five local BLM plans and how
2 that didn't work. And I said, what I thought
3 really clearly, is that I couldn't redo that
4 process with all the local working group plans in
5 that --

6 MR. GORGEY: Right.

7 MR. CAGNEY: -- and that we were going to
8 get together and we were going to reconcile that
9 through the cooperating agency process.

10 That was my only chance to do that, and
11 that's what I thought I said, and that's not what's
12 in that letter that you sent.

13 MR. GORGEY: Well, but that is the
14 answer, right? I mean you're saying that you would
15 reconcile them through the cooperating agency
16 process.

17 MR. CAGNEY: Right, and I have to have --
18 you know, and if you look at BLM land use planning
19 document, you have those tables where you can
20 compare point to point what the difference between
21 the alternatives are.

22 UNIDENTIFIED SPEAKER: Yes.

23 MR. CAGNEY: And I can't have many
24 different alternatives differences put together in
25 wildly different formats and then expect the public

1 to understand the difference. I have to have a
2 role by role analysis of those alternatives.

3 MR. JARMAN: Jim, and that's what you
4 referred to as the sub-regional alternative?

5 MR. CAGNEY: Yes.

6 MR. GORGEY: Okay. In terms of
7 scheduling a follow-up meeting to this meeting, the
8 commissioners generally meet -- the reason you're
9 here today is commissioners have their standing
10 meetings the first three Mondays of the month,
11 leaving the fourth Monday open. So the next two
12 dates that fit that are September 24 and October
13 22.

14 (Scheduling discussion was discussed.)

15 COMMISSIONER SAMSON: All right. Is
16 there anything else?

17 COMMISSIONER JANKOVSKY: No, I would like
18 to say, you know, I understand where you're coming
19 from, Jim, and there's a lot of work that you guys
20 are having to do on this.

21 And it's mandated to you, it's not
22 something that you guys probably would have done on
23 your own, but at the same time we feel strongly
24 about the geographical issues that we've presented
25 and questions on the 4-mile buffer and 3 percent

1 disturbance, and also the importance of this
2 landscape to our County from a socio-economic
3 standpoint.

4 And we need to continue these meetings
5 for those reasons, because it's very important to
6 our County and I understand the questions about the
7 bird being listed, but again, when I go back to
8 there's -- I mean the numbers are huge, 180,000 to
9 360,000, I just question that the bird should be
10 listed. But that's not mine to say. That goes
11 back to the Fish and Wildlife and to some extent
12 the judicial system.

13 MR. CAGNEY: As long as they don't get
14 listed because I didn't get my job done. That's
15 the one thing that I really, really care about in
16 terms of, you know, me second-guessing the listing
17 decision.

18 Nobody cares about that. I want to make
19 sure that I don't cause that to happen because I
20 didn't get this matter dealt with.

21 COMMISSIONER SAMSON: Fair enough.

22 COMMISSIONER JANKOVSKY: I don't disagree
23 with that. There is a big picture, which is
24 habitat which you're dealing with. Actually the
25 actual taking care of the bird and which is Fish

1 and Wildlife's and Parks and Wildlife, they're in
2 charge of the species itself and the care of that
3 species.

4 So there's some moving parts to that
5 entire piece, which Garfield County -- at least in
6 Garfield County can help with because we with work
7 with all three agencies.

8 COMMISSIONER SAMSON: Last call.
9 Anything?

10 MR. GORGEY: No.

11 COMMISSIONER SAMSON: Carey, are you
12 sure?

13 All right. Jim, I'll let you have the
14 last word. You're our guest.

15 MR. CAGNEY: No, I don't have anything
16 profound.

17 COMMISSIONER SAMSON: Okay. Well, thank
18 you once again for coming.

19 UNIDENTIFIED SPEAKER: All right.
20 Appreciate it.

21 COMMISSIONER SAMSON: And we will look
22 forward to seeing on Tuesday, the 23rd of October,
23 at 1:00 p.m. Thank you very much.

24 (The hearing was concluded.)

25

