



April 18, 2014

Jim Cagney
District Manager, NW Colorado BLM
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

Re: Comments to BLM on Final BLM "Colorado Alternative" Revisions

Dear Jim,

Garfield County appreciates the BLM's continued efforts to work with the State of Colorado and local governments to craft an alternative that better acknowledges our concerns that are appropriate for NW Colorado. We offer the following primary comments in response to the latest revisions presented at the Coordination Agency held on April 10, 2014 for your consideration.

- 1) Leasing Strategy with Variable Buffers: The County supports the BLM's current approach to provide more flexibility in what activity may occur inside the 4-mile buffer from an active lek. In this way, decisions can be made on a site-specific basis using criteria that contemplate variations in vegetation, terrain, and design features which are especially important in areas within Colorado Management Zone 17 due to wildly varying landscapes and habitat found in Garfield and Rio Blanco Counties. We concur with this approach and find it to be more of a "lek focused" approach rather than a blanket / broad PPH approach and therefore more biologically appropriate.

However, we are concerned this approach unnecessarily prohibits subsurface access to oil and gas minerals deeply contained under the 1-mile NSO because of an arbitrary NSO (prohibition) in the Mile 2 ring forcing all surface activity to locate at least 2 miles away

without exception despite the BLM's newly developed criteria for development in miles 3 and 4 from the lek. We believe there are certain circumstances such as steep terrain and absence of habitat altogether that will occur within the 2nd mile ring specifically in Garfield and Rio Blanco Counties that should be accommodated. To exclude this as a possibility despite exception criteria appears to be an arbitrary policy.

As mentioned to you in the Cooperating Agency meeting, there are several oil and gas development companies currently operating in Garfield County (and other counties in NW Colorado) that have drilled very successful horizontal wells that could reach resources (such as valid existing leases) under the lek itself from two miles away and thousands of feet below the surface. If the impacts on the surface are minimized and or mitigated with the criteria, activity should be able to occur just outside of the 1 mile NSO.

We are also concerned at the seemingly arbitrary nature of the varied (multi-ring) buffer approach that lacks any basis in science. This approach reinforces the County's long held and unwavering concern that there is an enormous void of science that exists to support current prescriptions / policies being implemented for the protection of the species and its habitat. This varied buffer approach is a precise example of an arbitrary policy that has no basis or foundation in science and cannot be supported by the County. So, ironically, while the approach is certainly more favorable in terms of providing flexibility away from a hard 4-mile buffer proposed in the NTT report, the County is concerned that the USFWS will categorically dismiss it due to a lack of scientific support.

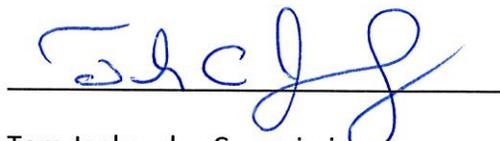
- 2) 3% Disturbance Cap Program: The County is concerned that the revised Plan continues to include and count disturbance on private property where there is no federal nexus and where the BLM has no authority. The County recommends that approach be taken out.
- 3) Valid Existing Leases: The County is concerned with the Plan's approach to apply these current proposed prescriptions to valid existing leases already purchased years ago. The net result will render many of these leases undevelopable (despite their value at time of purchase) and therefore will dramatically reduce their value and ability to be developed.
- 4) 1 Disruption per 640 acre: The proposed language remains vague and provides little direction as to how this will be managed. For example, how big can a disruption be? How does this encourage 'cluster-type' development? This also (arbitrarily) assumes the area is all habitat in a 640 acre block. Again, this appears to be an arbitrary

policy approach with no basis or relationship to actual habitat characteristics on the ground.

- 5) NSO Exception, Modification & Waiver Criteria: The County supports the BLM's approach to provide opportunities to allow activity in areas within the 4-mile buffer so long as objective criteria are used that acknowledge site-specific issues such as vegetation, terrain and design features on the ground. However, the Plan should better define or eliminate the use of terms such as "extraordinary circumstances" as a qualifier for when it grants exceptions. That is to say, what is extraordinary to one person may not be to another. This provides little to no regulatory certainty. We believe there are certain circumstances such as steep terrain and absence of habitat altogether that will occur within the 2nd mile ring specifically in Garfield and Rio Blanco Counties that should be accommodated. To exclude this as a possibility is arbitrary.
- 6) Habitat Mapping in Garfield County: We continue to request that the BLM use the County's recently adopted habitat mapping as the basis for applying the Plan's policies. More than ever, the new BLM approaches suggested in this most recent revision appear to be more lek focused and acknowledge that site specific analysis is critical to better protection for the species rather than a blind and arbitrary on-size-fits-all approach.

Again, thank you for providing Garfield County with the opportunity to participate and offer comments on your revised Plan. Please do not hesitate to contact me if you have any questions.

Very truly yours,



Tom Jankovsky, Commissioner

Cc Garfield County Board of County Commissioners
Fred Jarman, Director, Garfield County Community Development Department
Frank Hutfless, Garfield County Attorney