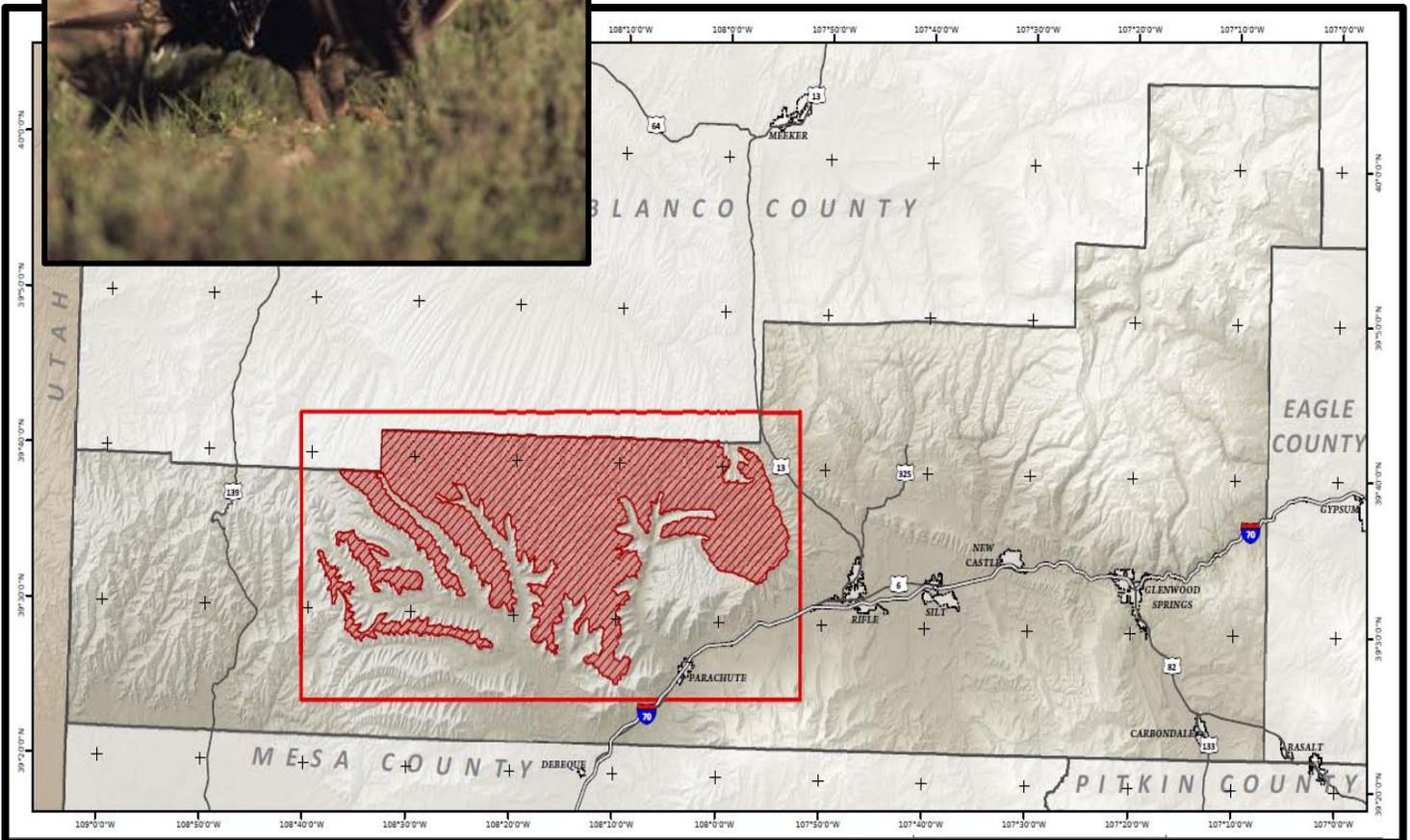




Comments on the BLM's NW Colorado Greater Sage Grouse Draft Resource Management Plan and Draft Environmental Impact Statement

December 2, 2013



Submitted by:

Garfield County Board of County Commissioners

John Martin, Chairman

Mike Samson

Tom Jankovsky



December 2, 2013

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

Re: Garfield County Comments concerning the BLM's Northwest Colorado Greater Sage Grouse Draft Resource Management Plan and Draft Environmental Impact Statement

Dear Mr. Cagney,

Under cover of this letter you will find specific comments (attached as ***Exhibits A through Q***) prepared by Garfield County (the County) concerning the Bureau of Land Management's (BLM) Northwest Colorado Greater Sage Grouse Draft Resource Management Plan and Draft Environmental Impact Statement (DEIS). Garfield County appreciates the ability to provide these formal comments to the BLM on such an important issue. All of the attached exhibits are considered specific critical comments in the DEIS including scientific analyses, socio-economic analyses, reports, regulatory compliance analyses, letters from concerned special districts, and technical mapping documents and letters. All of these documents combined comprise Garfield County's formal response to the BLM's DEIS.

As you are aware, the County participated as a Cooperating Agency as the BLM crafted the four alternatives prior to its public release. Additionally, the County hosted five Coordination meetings with a variety of state and federal agencies including the BLM in order to provide a forum to attempt to point out and resolve inconsistencies between the BLM's planning efforts and local efforts by Garfield County. Unfortunately, despite the County's sincere efforts to work closely with the BLM, these inconsistencies between the BLM's DEIS and the County's Greater Sage Grouse Conservation Plan remain unresolved.

The County has performed an in-depth review of the DEIS including not only an analysis of the proposed alternatives and the associated GSG habitat maps but also a thorough review of the socio-economic impact analysis. As a result of this review and as a general comment, the County finds the DEIS has failed to meet its legal obligation to provide a reasonable range of alternatives by

excluding County's Greater Sage Grouse Conservation Plan within the range of alternatives and has not adequately identified the socio-economic impacts to our communities in Garfield County.

If, in fact, the goal of the preferred alternative in the DEIS is to provide the US Fish and Wildlife Service (USFWS) with enough 'regulatory assurance' so that a determination can be made to list (or not) the species as threatened or endangered as has been portrayed by the BLM in multiple Cooperation Agency meetings and Coordination meetings, then the County asserts the DEIS has soundly missed that objective. As a cursory sample regarding some of these issues that are discussed more fully within the body of the County's comments, we offer the following significant failures of the DEIS.

A. Inability to Adequately Define GSG Habitat

The DEIS contains a host of contradictory statements on what is habitat, how it will be quantified, and who will make that determination. It introduces a vague and ambiguous management strategy which significantly impacts activities on private lands outside of the regulatory authority of the BLM. As demonstrated in a letter to Mike King, Executive Director of the Colorado Department of Natural Resources (**Exhibit D**), CPW admitted that the Preliminary Priority Habitat map (PPH) was based on their own Sensitive Wildlife Habitat (SWH) map which was used as a tool for consultation created at a 50,000-foot level and not specifically identifying actual habitat types. Unfortunately, the DEIS continues to use that very broad map as a basis for specific 'on the ground' land management policies assuming it accurately defines habitat for the Greater Sage Grouse (GSG); however, the DEIS contains significant and wildly contradictory statements such as the following:

- Pg. 226: "*GRSG are considered a sagebrush ecosystem obligate species. Obligate species are those species that are restricted to certain habitats or to limited conditions during one or more seasons of the year to fulfill their life requirements. GRSG are only found where species of sagebrush exist.*"
- Pg. 245: "*As is the case with the North Eagle/Southern Routt population on the east side of the CRVFO, the Roan Plateau is at the southernmost part of the range for this species. It is incorporated in the Parachute-Piceance-Roan population. Although the area is mapped as preliminary general habitat (PGH), it does not contain large contiguous sagebrush stands.*"
- Pg. 256: "*Adding to this vulnerability, the Parachute-Piceance-Roan population is distributed in clusters across the Piceance Basin and Roan Plateau...Although CPW monitoring of telemetered birds has established that there is regular, but infrequent, interchange among these groups, the large interval of land separating these subgroups (about 9 miles) is relatively devoid of suitable habitat...Habitat potentially suited for use by Parachute-Piceance-Roan GRS G comprises only 16 percent of the mapped overall range.*"
- Pg. 507: "*Not all habitats within mapped priority and general GRS ranges are capable of supporting GRS populations.*"

As you also know, the County provided a much more refined habitat map (attached as **Exhibit B**) that conflicts with the BLM's PPH / PGH map which is contained in the County's GSG Conservation Plan and as Appendix D of the DEIS and attached to our comments; yet the BLM has not resolved the conflicts between the two mapping efforts to date despite the enormous contradiction in literature citations and CPW's revised position that the PPH map is a consultation tool and contains large areas of non-habitat. As a simple visual illustration, consider the following photos that contrast the Pinedale, WY region (purported to represent the best available science as stated in the NTT report and basis for BLM's management policies) versus the landscape in Garfield County which was described in the literature and quoted above from the DEIS as having **only 16% habitat**, etc., despite the current mapping in the DEIS:

Pinedale Wyoming
Example of Priority
Habitat cited as
basis for the NTT
Report →



← Example local
landscape in
Garfield County
mapped as "Priority
Habitat"

B. Lack of Regulatory Assurance

The DEIS fails to meet the **Purpose and Need** of protecting sage-grouse and its habitat, as it allows numerous loop-holes regarding measuring habitat, measuring habitat impacts, and who will

conduct such monitoring. It introduces numerous occasions where the "authorized officer" may introduce their own opinion on the social merit of a project with a BLM nexus regardless of the impact to sage-grouse habitat. To achieve the 'regulatory assurance' the BLM is hopeful for, the DEIS should accurately define what is habitat, where it is, and how it would be managed. Currently, because the DEIS is so vague and misleading, it is difficult to either navigate a process to conduct activities in PPH/PGH areas, or be assured that 'real' habitats would actually be protected. For example, see the following excerpt from Page F-3 of the DEIS:

The initial calculations and the analysis in this document are based on sagebrush maps created using the Regional GAP Analysis Project data, but implementation would be based on site-specific information wherever it is useful. Areas currently dominated by sagebrush, or specially identified by CPW as contributing to the health of GRSG populations (emphasis added), ***would be included in the analysis and calculations, independent of ecological site maps.***

This statement introduces regulatory uncertainty to any applicant or agency staff in managing sage-grouse habitats. This statement diverges from previous statements where "***The reference to ecological sites supporting sagebrush is intended to focus disturbance cap management on the most preferred sagebrush habitat***" (pg. F-1). The inclusion of this statement and others such as "***...or specially identified by CPW as contributing to the health of GRSG populations***" affords great discretion to an authorized officer in determining the areas that are managed under the disturbance cap management program; this allows for areas to be managed under the program that are deemed suitable habitat based solely on the judgment of BLM. Accepting the statement on page 226 of the main DEIS as true, "***GRSG are only found where species of sagebrush exist.***" The County continues to question why would other vegetation communities be proposed to be managed under the disturbance cap management program? This remains a fundamental problem in how the DEIS has attempted to attach poorly crafted specific local land use policies to a very broad 'habitat' map produced by CPW.

C. Implementation of the Alternatives

The County is concerned about actual implementation of the alternatives contained within the DEIS. For example and related to the points made directly above, what entity would be responsible for providing site-specific information regarding what is truly habitat? If CPW or the BLM, would they re-map habitats? Would a project proponent be responsible to collect site-specific information? Who would determine what is habitat? Would it be data from the WAFWA report or ReGAP or the PPH/PGH maps? If a project proponent expends significant time and resources to provide site-specific data, would CPW/BLM accept this information even through CPW did not "specifically identify" the site-specific information? This places a significant burden on project proponents, with no or at least very vague guidance on how site-specific information would be collected, who would review it, and what the definition of effective GRSG habitat actually is, given the DEIS utilizes multiple maps showing significant differences in what habitat really is, but all maps claim to be "defining" habitat. How is the USFWS able to judge protection of habitat if no one really knows what habitat is?

D. Lack of Basis for Stable & Healthy Population

The County finds the DEIS fails to substantiate the **Purpose and Need** for Colorado GSG populations. The DEIS states "**The need for this LUPA is to establish regulatory mechanisms in BLM and USFS LUPs to respond to the recent "warranted, but precluded" ESA listing petition decision from USFWS**" (pg. xxvi). Multiple evidence presented in the DEIS establishes that the GSG populations in Colorado are at minimum stable, and more likely, increasing as directly quoted in the DEIS:

- Pg. 252: *"The overall results indicated that lek size has decreased, but populations have increased in Colorado."*
- Pg. 253: *"Populations in the late 1960s and early 1970s were approximately 0.7 to 1.6 times the current populations (see diagram 3.3, Change in the Population Index for GRSG in Colorado, 1965-2003 (Connelly et al. 2004)) with relatively large population fluctuations."*
- Pg. 253: *"Although GRSG populations have definitely declined nationwide, the GRSG in Colorado have been increasing for about the last 17 years, and breeding populations have not declined for the last 39 years."*

As has been established above, the DEIS fails to identify or determine what habitat types benefit the bird versus what types does not. To correct this, the DEIS should have developed a specific GSG habitat definition so that readers can actually understand what characteristics birds seek out for utilization and so that potential developers can understand what to look for, avoid and protect. Along the same lines, if the primary objective is to maintain a healthy and stable GSG population, then the DEIS also needs to quantify what constitutes a healthy population. Most recently, CPW hosted a meeting in Rifle, Colorado on 11/20/13 in which Dr. Brett Walker specifically stated that CPW does not know what the base population is of GSG in the Parachute-Piceance-Roan (PPR) area despite their work on lek locations, etc. To date, while CPW appears to understand the 'high male lek count', there is no information in the DEIS that defines a healthy and stable population in NW Colorado.

E. Socio-Economic Impacts

One of the most critical flaws in the DEIS is its failure to properly characterize and identify the socio-economic impacts to communities in NW Colorado for each alternative. Perhaps the most single key concern is the fact that the DEIS does not recognize that oil and gas development occurs across multiple jurisdictional boundaries (public lands, split-estate, and fee simple lands) and does not fit neatly into lands only managed only by the BLM. The result is that the DEIS has ignored an enormous amount of oil and gas development activity on private lands due to the nature of their development (projects with a federal nexus, etc.) that are clearly subject to management policies contained in each of the action alternatives. As such, the alternatives are either silent on or severely underestimate the resulting impacts which directly impact communities in NW Colorado.

Of equal importance is the effect the alternatives will have on tax revenue attributable to oil and gas development to local governments. The DEIS simply states (pages 906-907), "...the largest

impact of management alternatives on county fiscal revenues would be through taxes paid by the oil and gas sector.” The County agrees with that statement; however, after making that statement, there is no further discussion about the impacts of the alternatives on County revenues and no comparison of the effects of the alternatives. While the DEIS is silent beyond making this statement on impacts to counties, it also does not address the impacts on other service districts that support communities such as fire districts, school districts, and hospital districts to name a few. (Please refer to **Exhibits E – L** which comprise letters from concerned municipalities and special districts in Garfield County.)

In comments prepared by BBC Research and Consulting (attached as **Exhibit C**) on behalf of the County for the review of this DEIS, they note that *“Impacts on county revenues, particularly property taxes, are a major concern for the oil and gas producing counties, where oil and gas properties can be the largest source of county revenues. On a proportional basis (relative to overall sources of revenue) these effects would be much larger for the affected counties than the changes in state severance tax revenues or federal royalties (which are estimated in this section) would be to the State of Colorado or the federal government. Some effort to quantify these effects on county revenues is crucial in the interest of disclosing the socioeconomic effects of the alternatives.”*

“To further emphasize the importance of this issue, the Garfield County Assessor’s office recently examined the current contribution of oil and gas properties to the local tax base. That analysis revealed that more than 70 percent of the tax base (assessed property value) for the County government and the RE-2 school district was attributable to oil and gas properties, while more than 90 percent of the tax base for School District 16 was attributable to oil and gas. The analysis also identified a number of fire and hospital districts that rely on oil and gas properties for at least 75 percent of their assessed value. All told, oil and gas-related property tax revenues contributed a total of over \$90 million in 2012 to the County and at least 10 other local government jurisdictions in Garfield County.” However, the DEIS is silent on the impact the action alternatives will have on these revenues. It is estimated conservatively that approximately \$218 Billion of oil and gas reserves in the Piceance Basin in Garfield County will be directly impacted by the action alternatives in the DEIS; as a result, the County and other special districts (school, fire and hospital) stand to lose significant revenues from gas production tax over the next 25 years. Note this does not provide an anticipated loss to the special districts and their ability to continue to provide services even though they depend almost exclusively (in some cases near 95%) on tax revenues directly attributable to oil and gas development in their districts. It is the services (education, fire protection and medical services, etc.) they provide to our community which is at stake in the DEIS.

To amplify these issues and to point out the shortcomings of the DEIS, BBC Research and Consulting prepared a report (attached as **Exhibit C**) whose objective is to demonstrate the potential economic consequences for Garfield County of BLM’s implementation of the proposed Sage-Grouse habitat preservation plans and thus restricting the development of natural gas reserves in the Piceance Basin. Further, this report is not meant as a substitute analysis for the BLM’s study, but rather a simple demonstration of the order of magnitude economic impacts to Garfield County that were not documented or revealed in the EIS. It is hoped that representation presented here can illuminate the EIS’s shortcomings and the magnitude of the document’s missing information.

F. Failure to Consider a Reasonable Alternative

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan. This plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the eleven state ranges of the grouse. The county also developed this plan so that there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species.

NEPA regulations require your agency to “study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County.

The plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County plan, the County could continue to operate from current funds derived from oil and gas exploration and production well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse. This plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed.

Rigorous analysis and comparison of the Garfield County plan would have helped to sharply define the issues, “providing a clear basis of choice among options by the decision makers and the public,” (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other.

They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles.

There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse. However, you failed to analyze or consider this a reasonable and preferable alternative.

Section 2.6.2 points out that “The alternative is presented in Appendix D...but has not been analyzed in detail primarily because it is contained within the existing range of alternatives...Consequently, the public is asked to review the Garfield County alternative and provide comments.” A closer review of the action alternatives revealed that none of the Garfield County policies in the Garfield County Plan were incorporated within the range of alternatives.

Moreover, the BLM shirked its NEPA required responsibilities to thoroughly analyze the County's Plan and, instead, shifted that duty to the public contrary to its federal requirements.

G. Summary of Fundamental Concerns regarding the DEIS

- 1) The BLM and USFS should make it clear to the DEIS readers including USFWS, that the existing RMP and LUP provide a plethora of regulatory mechanisms to manage and protect GRSG habitat as well as other multiple use objectives. This remains a fundamental failure of the DEIS by refusing to disclose this in the No Action Alternative.
- 2) The DEIS contains a great deal of opinion that is not backed up by any demonstrated scientific results. More concerning is the fact that the DEIS authors appear to have extrapolated science from other areas and arbitrarily applied it to NW Colorado and the PPR region. This is a constant theme throughout the DEIS. For example, there is virtually zero evidence provided in the literature that clearly demonstrates oil and gas activity is an actual threat in the overall range, NW Colorado, or Garfield County; rather, it appears that it is unfounded opinion not justified by science.
- 3) The scientific justification for requiring 4-mile buffers and surface disturbance caps (whether they are 1, 3, or 5%) is entirely based on the opinions of selected authors (some of whom were NTT members) and the erroneous assumption that a local and temporary displacement of sage grouse from an area of development means that a population decline has occurred. However, none of the cited studies actually ever documented a population decline. (Please refer to **Exhibit M** entitled "How the National Technical Team Report Changes the Way the BLM Operates" which is a compilation of internal BLM emails obtained through a Freedom of Information Act (FOIA) request that points out the internal BLM's own concern over lack of scientific data to support claims in the NTT report which is the very basis for the action alternatives in the DEIS.)
- 4) Neither the DEIS or the NTT Report acknowledge that that there has been no population-level decline reported in any of the cited studies, only decreased lek attendance in affected areas. The DEIS needs to be revised to explicitly acknowledge these facts and alternative hypotheses that are consistent with the data.
- 5) The DEIS provides little in the way of actual "regulatory assurance" sought by the USFWS for protections of habitat; rather the alternatives provide total discretion to "authorized officers" in the field without any published or publically available clear standards or criteria to make decisions. A thorough weighing of existing rules and regulations currently at the command of the BLM may, in fact, provide sufficient regulatory assurance sought by the USFWS; however, the BLM ignored providing this information in the No Action Alternative.
- 6) The DEIS does not provide habitat mapping that addresses "local ecological site variability" for the areas in Garfield County and NW Colorado that was required by the BLM Director in the Instructional Memorandum 2012-044. Garfield County provided a plan that specifically addressed local ecological site variability which was ignored by the BLM.

- 7) The DEIS, despite recent sound scientific studies, as pointed out in **Exhibit Q** by Dr. Ramey II attached hereto, has neglected to address one of the most the significant issues: **Predation**. This issue was continuously raised by many of the Cooperating Agencies during the scoping of the DEIS, but was summarily dismissed by the BLM as an issue that belonged to CPW and not the BLM as part of the DEIS.
- 8) The DEIS failed to consider and properly analyze the Garfield County GSG Conservation Plan as required by NEPA in the set of alternatives.
- 9) The current set of proposed action alternatives (B-D) do not provide a wide set of policy alternatives; rather they are only slight variations of the NTT report.
- 10) The DEIS does not provide a basis or define what a “healthy and stable” population is in the PPR region in Garfield County; as a result, there no established population baselines or goals to reach. This was recently reiterated by CPW’s Dr. Brett Walker in their meeting held in Rifle on 11/20/13 where he explained that CPW does not know what the population is the PPR region.
- 11) The PPH / PGH habitat maps provided by CPW map large areas of non-habitat in Garfield County despite cited literature and specific text in the DEIS that directly contradict the mapping. This results in CPW erroneously mapping 160,000 acres of non-habitat as “habitat.” Recent mapping completed by CPW (Dr. Brett Walker) appears to be very consistent with Garfield County’s mapping which revealed large areas of non-habitat that are currently in the PPH / PGH maps.
- 12) The DEIS erroneously applies specific local landscape management policies in the action alternatives to a broadly crafted and coarse 50,000-foot view consultation map provided by CPW resulting in policies applying directly to non-habitat.
- 13) As a practical matter, the DEIS action alternatives provide virtually no information on how or who implements the specifics of the policies.
- 14) The socio-economic impact analysis fails to accurately characterize fundamental socio-economic components of each alternative and therefore significantly underestimates impacts to our region, county and cities and towns.
- 15) The DEIS glosses over (1 page in 1,000) one of the most critical socio-economic impact issues concerning financial impacts to taxing entities that provide services to our local communities. Tax revenues from natural gas development directly fund and improve our community by directly funding education, fire protection, medical services, county road infrastructure improvements, etc. for residents in Garfield County, yet the BLM did not coordinate with these local governments as required by NEPA and FLPMA. The impacts of their current alternatives will have devastating effects on these services.
- 16) Because the socio-economic impact analysis was so deficient, BBC Research and Consulting produced a Supplement Report (**Exhibit C**) with the objective to...

Demonstrate the potential economic consequences for Garfield County of BLM's implementation of the proposed Sage-Grouse habitat preservation plans and thus restricting the development of natural gas reserves in the Piceance Basin. Further, this report is not meant as a substitute analysis for the BLM's study, but rather a simple demonstration of the order of magnitude economic impacts to Garfield County that were not documented or revealed in the EIS. It is hoped that representation presented here can illuminate the EIS's shortcomings and the magnitude of the document's missing information.

- 17) Despite our efforts as a Cooperating Agency and through our sincere attempts to coordinate with the BLM, the BLM refused to follow NEPA and include the County Plan as an Alternative in the DEIS.
- 18) The BLM's DEIS attempts to assert its management authority on private lands through the Disturbance Cap Management program; this directly impacts activities on 1/4 of privately held lands in Garfield County without the legal authority to do so. If the BLM believes it has the legal authority to implement this program, it should disclose its legal arguments in the DEIS.

H. Summary

In summary, for all these reasons above as well as the very detailed comments contained in all the exhibits attached to this letter, Garfield County specifically requests that a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with Garfield County and other local governments for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation Plan.

If implemented, the proposed action, the action alternatives (based from the NTT report) would represent a violation of BLM's multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority. Just as it is the BLM's mission to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations," it is our mission to protect the health, safety and welfare of our citizens.

To amplify the significance of the impacts that will result from the draft policies contained in the DEIS, even BLM Staff admits (in box below) in an email exchange between BLM's Jim Perry, Senior Natural Resource Specialist, and other BLM Staffers (see **Exhibit M**) as to the ultimate significance of the policies as contained in the NTT:

Overall, the NTT Report conservation measures are complete game-changers for any actions within the Priority Habitats where there are valid existing rights and showstoppers for those actions where there are no valid existing rights.

The BLM's failure to coordinate this DEIS with Garfield County has placed the County in a very difficult situation should you not consider our needs given the extraordinary impacts that will result

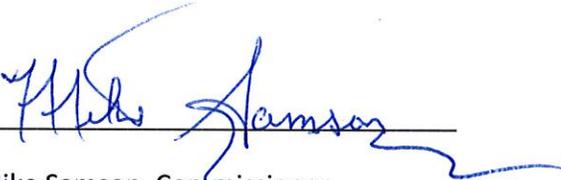
from the policies in the DEIS as noted by the BLM in the email excerpt above. We implore the BLM to delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account. These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS as those are contained in the documents attached hereto. We look forward to be able to meaningfully coordinate with the BLM to resolve inconsistencies in the DEIS with Garfield County's local land use policies.

Very truly yours,

[Absent from meeting - A second signed letter will follow w/ signature.]

John Martin, Chairman *(Absent)*

Board of County Commissioners


Mike Samson, Commissioner


Tom Jankovsky, Commissioner

- cc: The Honorable John Hickenlooper, Governor, State of Colorado
The Honorable Mark Udall, U.S. Senate
The Honorable Michael Bennet, U.S. Senate
The Honorable Scott Tipton, U.S. House of Representatives
The Honorable Bob Rankin, State House of Representatives
Neil Kornze, Acting Director, Bureau of Land Management
Tom Tidwell, Chief, U.S. Forest Service
John Mehlhoff, Acting State Director, BLM, Colorado
Mike King, Executive Director, Colorado Department of Natural Resources
Robert Broscheid, Director, Colorado Parks & Wildlife

Exhibits

- A: Specific and detailed Comments to the BLM DEIS

- B: Garfield County Greater Sage Grouse Suitable Habitat Map
- C: Economic Impacts of Sage Grouse Management: Supplemental Report
- D: Letter from Garfield County Commissioners to Mike King dated October 21, 2013
- E: Letter to BLM from the Colorado River Fire Rescue District
- F: Letter to BLM from Grand River Hospital District
- G: Letter to BLM from the Town of Parachute
- H: Letter to BLM from the RE-16 School District
- I: Resolution from the Town of Silt, Colorado
- J: Letter to BLM from the De Beque Fire Protection District
- K: Letter to BLM from the Grand Valley Fire Protection District (Anticipated)
- L: Letter to BLM from the City of Rifle
- M: How the NTT Report Changes the Way the BLM Operates (Internal BLM emails obtained through FOIA)
- N: NW Colorado Sage Grouse Joint Letter dated 11/26/13
- O: Deficiencies in the Northwest Colorado Greater Sage-Grouse Draft Environmental Impact Statement and Draft Resource Management Plan Amendment
- P: Analysis of Compliance of the BLM's DEIS with National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ), and the BLM's own Policies and Procedures
- Q: Memorandum from Dr. Rob Ramey II containing comments on the DEIS



November 26, 2013

John Mehlhoff
Acting State Director, Colorado
Bureau of Land Management
2850 Youngfield Street
Lakewood, Colorado 80215

Dan Jirón
Regional Forester, Rocky Mountain Region
U.S. Forest Service
740 Simms Street
Golden, Colorado 80401

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Mehlhoff and Mr. Jirón:

The undersigned organizations write to express our concerns with the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (DLUPA/EIS). This comment letter does not replace but is in addition to detailed technical comments that may be submitted by the individual undersigned organizations to the Bureau of Land Management and U.S. Forest Service (the agencies) on this matter. Our constituents represent a diverse group of stakeholders that drive and rely on economic development in northwest Colorado, utilize public lands for myriad multiple-use activities, and play a significant role in the protection and conservation of plant and wildlife species, including the Greater Sage-Grouse (GSG), and its habitat. We therefore have a direct and vested interest in the proposed management decisions in the DLUPA/EIS.

We believe there have been significant efforts undertaken in northwest Colorado to conserve GSG and we support the agencies' efforts to craft additional management procedures to conserve and protect the species and its habitat in order to demonstrate to the U.S. Fish & Wildlife Service (FWS) that a listing under the Endangered Species Act (ESA) is unnecessary. Nonetheless, after reviewing the DLUPA/EIS we have identified several issues with the document that, if implemented, will have a number of inequitable socioeconomic consequences in northwest Colorado. Furthermore, we have concluded that the proposed management procedures in the DLUPA/EIS far exceed what is needed to demonstrate to FWS that the regulatory mechanisms needed to conserve GSG and its habitat will exist in the planning area.

The signatories of this letter are seriously concerned about many facets of the DLUPA/EIS that will adversely affect our respective constituencies. We collectively believe that the document has been rendered fundamentally flawed due to the following reasons:

1. The document does not contain an adequate range of alternatives as required under the National Environmental Policy Act (NEPA)
2. The analysis and recommendations in the document rely heavily on the BLM National Technical Team's Report (NTT) Report, which failed to include recent scientific and commercial data and would severely limit the ability of the agencies to meet their multiple-use mandates
3. The agencies have proposed overly broad and rigid management restrictions in mapped habitat areas
4. The analysis underestimates the negative socioeconomic impact of the proposed management of GSG in the planning area
5. The disturbance cap methodology proposed in the DLUPA/EIS is not clearly defined and lacks scientific justification
6. The document does not adequately explain the proposed mitigation strategy or the context for its use.

Because the management policies resulting from this planning effort will significantly affect northwest Colorado and the future economic vitality of local communities within the planning area, the agencies must rectify these issues before preparing the final LUPA/EIS and issuing a Record of Decision.

Inadequate Range of Alternatives

NEPA and Council on Environmental Quality (CEQ) regulations require agencies to consider a well-defined range of management alternatives and have a clear basis for choosing among the options. While the agencies claim they "will consider a range of reasonable alternatives, including appropriate management prescriptions,"¹ the DLUPA/EIS does not include an alternative that would protect GSG and its habitat while also meeting the traditional multiple-use concepts required under the Multiple-Use Sustained Yield Act of 1960, the Federal Lands Policy and Management Act of 1976 (FLPMA), and the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976. Alternatives carried forward for analysis must be reasonable and meet existing land use objectives and mandates.

Instead, the preferred alternative (Alternative D) largely represents a mixture of the elements of Alternatives B and C, one of which relies on non-site specific recommendations from the NTT report, and another that employs impractical restrictions developed by special-interest environmental groups. As currently proposed, it is unclear how the BLM would implement any of the proposed alternatives and still be able to meet their multiple-use mandate.

¹ DLUPA/EIS at 25

During scoping, the agencies received input from local and state governments that have been recognized as cooperating agencies in this process. During these meetings, the cooperating agencies offered substantive input that would provide a fourth alternative usually reserved for cooperating agency guidance. Unfortunately, those suggestions were not factored into the formulation of alternatives.

To ameliorate this dilemma, we urge the agencies to draw upon the materials submitted by the cooperating agencies that foster GSG conservation as well as a range of public land uses and incorporate those elements into the preferred alternative in the final LUPA/EIS. Taking this step will help ensure that the final LUPA/EIS actually balances economic development with GSG protection in the planning area and that the agencies have considered a broader range of management alternatives as required under NEPA and CEQ regulations.

Overreliance on the NTT Report

We question the reliance on many cited sources in the DLUPA/EIS, particularly the NTT Report. Some recommendations from the NTT report are directly included in the preferred alternative, and it appears the report serves as the basis of many of the proposed management restrictions.

The use of the NTT report is problematic as it contains overly burdensome recommendations that are not based on local conditions in northwest Colorado. An independent review of the report shows that it contains many methodological and technical errors, selectively presents scientific information to justify recommended conservation measures, and was disproportionately influenced by a small group of specialist advocates.² As such, the NTT report does not adequately represent a comprehensive and complete review of the best scientific and commercial data available and is inappropriate for use as the primary basis of many of the proposed management restrictions.

Overly Broad Application of Restrictions in Habitat Areas

We question the proposal to impose rigid, uniform management restrictions without consideration of local conditions in habitat areas that were mapped by Colorado Parks & Wildlife. The agencies have proposed to prohibit surface occupancy or disturbance within four miles of a lek in Preliminary Priority Habitat (PPH) during nesting, lekking, and early brood-rearing periods. The four-mile buffer around leks does not address the variations in habitat quality or use and given the topography of the planning area there is substantial acreage within four miles of leks that may not actually be GSG habitat.

The map of "Ecological Sites Supporting Sagebrush" fails to differentiate between sagebrush habitat quality or use by GSG. As a result, the agencies may be arbitrarily expanding areas subject to the management restrictions outlined in the DLUPA/EIS to areas that do not actually contain active leks or GSG habitat. In addition, there is no scientific evidence that enforcing rigid, uniform restrictions across thousands of acres will actually benefit the species and its habitat, which is counter to the

² Rob Roy Ramey, *Review of Data Quality Issues in a Report on National Sage-Grouse Conservation Measures Produced by the BLM National Technical Team (NTT)*, (September 19, 2013).

agencies' objectives for this planning process. These factors undercut the agencies' ability to work with users of public lands to identify site-specific plans that allow for development while protecting the GSG and high-quality habitat.

Furthermore, the agencies have not provided a mechanism to ground-truth the habitat areas on a project-specific basis before imposing restrictions, or to monitor its quality or use in the future. Without ground-truthing and future monitoring, the agencies will likely preclude multiple-use activities in areas that do not actually support GSG habitat or active leks, unnecessarily preventing economic activities without commensurate benefit to GSG populations and habitat.

Inadequate Socioeconomic Analysis

Users of public lands in northwest Colorado pump millions of dollars of into the national, state and local economies and provide thousands of high-paying jobs within the planning area. The management restrictions and closures in the DLUPA/EIS will undeniably have a direct impact on these users and will have a negative impact on the future viability of coal and hard rock mining, oil and natural gas development, agricultural production, grazing and ranching activities, and power generation in the planning area and beyond. As a result, crucial tax revenue and other economic benefits from these activities will decline.

Unfortunately, the agencies underestimate and consequently underreport this negative impact. The socioeconomic analysis is biased in favor of non-market valuation methods which by the agencies' own admission "are not directly comparable to regional economic indicators commonly used to describe how natural resources on public lands contribute to the regional economic indicators such as output/sales, labor income, and employment."³ Due to this bias, the agencies have overestimated non-market valuations and underestimated the negative economic impact on local communities and the State of Colorado.

The agencies portray the socioeconomic impacts on the entire planning area but do not delineate the effects that would result from the proposed management restrictions on specific areas, including counties. A more specific portrayal of the projected impacts which was proposed by many cooperating agencies during the scoping process would help those impacted to fully understand the varying levels of socioeconomic impacts that will result from the DLUPA/EIS.

Disturbance Cap Methodology

Limiting surface disturbance in the 21 management zones using a cap is a central component of the management of GSG as proposed in the DLUPA/EIS. The methodology proposed for implementing a cap in the DLUPA/EIS is not clearly defined, lacks scientific justification, and no evidence exists that it will result in sustaining or increasing sage grouse populations.

The agencies have not adequately elucidated several critical details about the functionality and application of the cap concept. For example, the DLUPA/EIS does not clearly explain the scientific

³ DLUPA/EIS at M-13

data or the sources for that data that is being used to establish the cap; how the disturbance database would be managed and updated and by whom; if or how disturbance percentages will capture reclamation or habitat enhancements; whether and how temporary anthropogenic disturbances will be treated differently than permanent disturbances; and whether and how GSG populations will be actively monitored in each zone and by whom. Because a cap tool, like the one proposed in the DLUPA/EIS, presents myriad challenges that may inhibit consistent and clear implementation, the basis and functionality of the tool must be clearly thought out and presented to entities that will be impacted by its use.

The agencies have not presented information adequately demonstrating that limiting total disturbance to less than 30% in a particular management zone is actually achievable, scientifically defensible, and would result in stable populations in the management zones. Habitat disturbance should be managed according to more localized considerations including habitat quality and habitat distribution, as well the nature and variability of multiple use activities and their associated mitigation.

We are similarly concerned that the cap approach affords the agencies the unprecedented discretion to halt projects on public lands in order to compensate for disturbances on private land. While the agencies state they will not inventory private lands or monitor the activities of private landowners, they will track and account for large projects on private lands and apply them against disturbance caps.⁴ This approach represents a broad overreach of the agencies' authority and is inappropriate.

Mitigation Strategy and Context for Use

Throughout the DLUPA/EIS, the agencies reference the notion of utilizing mitigation strategies but have not adequately defined the basis or context when mitigation might be used. While BLM has adopted an interim offsite mitigation policy, the DLUPA/EIS lacks the specificity necessary to implement approaches that would meet the parameters of this policy, much less give adequate direction to BLM Field Offices that mitigation is a viable option.

Colorado, through a diverse stakeholder process, has under development a mitigation approach called the *Colorado Habitat Exchange* that would meet, if not exceed, BLM's mitigation policy. We request that the agencies develop a more meaningful strategy for mitigation and further define the means by which mitigation might be used in the context of the alternatives in the DLUP/EIS with special attention paid toward the efforts underway in the State around the *Colorado Habitat Exchange*.

⁴ DLUPA/EIS at F-3

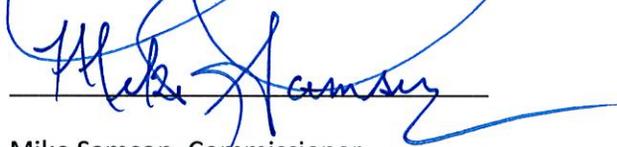
Conclusion

We respectfully request that the agencies rectify the issues identified above before preparing the final LUPA/EIS and issuing a Record of Decision. As written, the DLUPA/EIS does not represent a balanced approach to the future conservation of GSG and economic development in the planning area and its implementation may ultimately preclude the agencies from carrying out their respective multiple-use mandates. It also far exceeds what is needed to demonstrate to FWS that a federal listing of the GSG is unnecessary. The undersigned organizations appreciate the agencies' consideration of these concerns and are fully willing to further discuss these comments and recommendations with you in more detail.

Sincerely,



John Martin, Chairman
Board of County Commissioners



Mike Samson, Commissioner



Tom Jankovsky, Commissioner

Other Signatures include:

Associated Governments of Northwest Colorado
Moffat County Commissioners
American Petroleum Institute
Bord Gulch Ranch
Colorado Cattlemen's Association
Colorado Farm Bureau
Colorado First Conservation District
Colorado Mining Association
Colorado Public Lands Council
Colorado Woolgrowers Association

Douglas County Conservation District
Independent Petroleum Association of America
Public Lands Advocacy
Rio Blanco County Commission
West Slope Colorado Oil and Gas Association
Western Energy Alliance
White River Conservation District

cc: The Honorable John Hickenlooper, Governor, State of Colorado
The Honorable Mark Udall, U.S. Senate
The Honorable Michael Bennet, U.S. Senate
The Honorable Scott Tipton, U.S. House of Representatives
Tom Tidwell, Chief, U.S. Forest Service
Neil Kornze, Acting Director, Bureau of Land Management
Jim Cagney, Northwest Colorado District Manager, Bureau of Land Management
Mike King, Executive Director, Colorado Department of Natural Resources
Robert Broscheid, Director, Colorado Parks & Wildlife



The following comprises the comments prepared by Garfield County in response to the Bureau of Land Management’s Northwest Colorado Greater Sage Grouse Draft Resource Management Plan and Draft Environmental Impact Statement (DEIS)

Date: December 2, 2013

[The following comments are formatted such that they are meant to address specific portions of the DEIS in a linear fashion from the beginning of the document. For the ease of the reader, a page number and actual text from the DEIS for reference will be provided in ***bold italics*** followed by a comment on that section.]

Main Document

Pg. xxxii: “No PPH, PGH, or linkage/connectivity habitat would be delineated under Alternative A. Goals and objectives for BLM-administered and National Forest System lands and mineral estate would not change. Appropriate and allowable uses and restrictions pertaining to such activities as mineral leasing and development, recreation, utility corridor construction, and livestock grazing would also remain the same. The BLM/USFS would not modify existing or establish additional criteria to guide the identification of site-specific use levels for implementation.”

- Add the requirements already listed in BLM Manual 6840 and USFWS Manual 2600 which require special management of candidate species habitat.
- The DEIS fails to acknowledge the fact that there are existing laws, regulations and policies that mandate the BLM and USFS manage habitat for candidate, sensitive, threatened, endangered and other special species designations.
- Add the fact that existing goals and objectives include managing candidate species so that they do not become listed, thus the No Action alternative is compatible with GRSG conservation.
- Change to state that the BLM/USFS are mandated by existing laws, regulations and policies to modify existing uses to protect candidate species and the GSG.

- Add a section to explain that USFWS did not direct BLM and USFS to rewrite RMPs and LUPs. Instead, USFWS merely pointed out that they did not have the ability to assess regulatory mechanisms because of how the information was being reported. As stated by USFWS at 75 FR 13976 – “the BLM...reported information at a different scale than was used for their landscape mapping. Therefore, we lack the information necessary to assess how this regulatory mechanism effects sage-grouse conservation...” USFWS was not looking for new regulatory mechanisms. It seems clear from the Warranted but Precluded determination that the agency was seeking evidence that the current regulatory mechanisms would be implemented and documentation of the effectiveness of those mechanisms.
- After reviewing the exact language of the Warranted but Precluded determination, BLM and USFW need to rewrite the No Action Alternative to clearly explain existing regulatory mechanisms in place as well as the authority under existing laws, regulations and policies, to protect and conserve sage-grouse habitat.

Executive Summary

ES.5 (Page xxix) Planning Criteria

- In direct conflict with the legal requirements, the BLM did not develop the Planning Criteria with Garfield County as a local Cooperating Agency. The draft policies contained DEIS do not meet the Planning Criteria as proposed by the BLM.

ES.1 (Page xxiii): “The planning area incorporates the PPH, PGH, and linkage/connectivity habitat. Though the planning area includes private lands, decisions are made only for BLM and USFS federal surface and federal minerals in this LUPA. Management direction and actions outlined in this LUPA apply only to these BLM-administered and Routt National Forest lands within the planning area and to federal mineral estate under BLM administration that may lie beneath other surface ownership; this is defined as the decision area.”

- This statement is misleading at best because the BLM has chosen to delineate Management Zones that include large areas of private land (private minerals and surface) and proposes to manage a disturbance cap program on those lands. The disturbance cap program, by design, will have an indirect impact on private land activities / disturbance by effectively holding cap space hostage on public lands hostage while cap space is consumed on private lands. The BLM states here that the “management direction and actions outlined in this LUPA apply only to BLM-administered lands”, yet the BLM specifically states in Appendix F that it will inventory disturbance on private lands in the cap management program which is a direct contradiction. (Please refer to Section II, page 6 of Exhibit C to the County’s comments that identifies a major concern regarding impacts to existing leaseholders in contrast to how the BLM proposes its disturbance cap management program.)

ES.1 (Page xxii): “This LUPA addresses GRSG habitat within northwest Colorado. The BLM’s Northwest Colorado District office has mapped this habitat preliminarily, in coordination with the Colorado Department of Natural Resources, Parks and Wildlife (CPW). GRSG habitat falls into one of the three following categories:

- **Preliminary Priority Habitat (PPH) - Areas that have been identified as having the highest conservation value to maintaining sustainable GRSG populations; include breeding, late brood-rearing, and winter concentration areas.**
- **Preliminary General Habitat (PGH) - Areas of seasonal or year-round habitat outside of priority habitat**
- **Linkage/Connectivity Habitat - Areas that have been identified as broader regions of connectivity important to facilitate the movement of GRSG and to maintain ecological processes**

PPH and PGH are considered preliminary until a decision on this document is made, at which point they would become Priority Habitat and General Habitat. Collectively, PPH, PGH, and linkage/connectivity habitat are referred to as all designated habitat (ADH).”

- The BLM uses maps in this EIS provided to them by CPW for the PPH, PGH, and ADH. These maps are currently defined by the BLM as “habitat” maps; however, in coordination meetings hosted by Garfield County as well as with Mike King, Executive Director of DNR and CPW, CPW explains that these maps are based on CPW’s Sensitive Wildlife Habitat map that is actually designed and used by CPW as a tool to require consultation only rather than a map that explicitly defines habitat as suggested by the BLM. (Please refer to Exhibit D, Letter to Mike King dated October 21, 2013.)
- This meeting reaffirmed that CPW developed and uses two maps regarding the management of GSG in Colorado which include the Sensitive Wildlife Habitat (SWH) map and the Restricted Surface Occupancy (RSO) map. It was made clear that the SWH map does not accurately delineate actual habitat; rather, it is used as a reference tool intended to require consultation for potential development within its boundaries and should not be construed as a map depicting any form of a “No Surface Occupancy” (NSO) policy. Additionally, the RSO map is intended to define a 0.6 mile buffer round an active lek with the purpose of prohibiting development activity. We also understand that the SWH map has been sent to the BLM in the form of the Preliminary Priority Habitat (PPH) map for use in their EIS. Further, CPW intends to adjust this Preliminary Priority Habitat (PPH) map with recent data collected by Dr. Brett Walker which is anticipated to more accurately define the PPH boundaries. Once this has occurred, Garfield County requests CPW to resubmit that revised map to the BLM for use in the EIS. (CPW staff also reaffirmed that the acceptable margin of error for distance from plotted bird locations was no greater than 50 meters.)
- There appears to be a fundamental disconnect between how CPW designed and uses the SWH map as a basis for consultation versus how the BLM is using the PPH map for project-specific land management policies and “in-the-field” decisions. As explained specifically to the County by

CPW staff on September 5, 2012 in a County Coordination meeting, this BLM - PPH map (which is CPW's SWH map) was generated at a 50,000-foot level not intended for specific "on-the-ground" land use management. Again, the County urges CPW and DNR (**Exhibit D**) to continue to provide that comment and direction to the BLM on the draft EIS. In effect, it should be made clear that the BLM - PPH map (based on CPW's SWH map) should be better defined as a Wildlife Consult Map that should not be confused with actual habitat for which the BLM is to manage for the survival of the bird.

- The County has analyzed CPW's SWH map and found it to be problematic if it is used for localized land use decisions. First, the habitat model designed by Dr. Mindy Rice et al. 2013 was done so using data on a moving 1-kilometer scale (0.6 mile grid cells). In doing so, it inaccurately typed large areas that do not include habitats known to support GSG such as pinyon-juniper, mixed conifer forest, and aspen groves. Furthermore, numerous other criteria that are known to directly influence suitable greater sage-grouse habitats were, admittedly by design, excluded from the habitat model, including slope parameters, relevant landforms, percent canopy cover, etc. Again, this model approach is too coarse to be used as an effective local habitat management tool which Dr. Rice specifically notes in her paper.
- In the design of the SWH map, CPW has applied an arbitrary four-mile buffer (eight-mile diameter) around active leks. (The four mile distance is believed to be the distance from the lek where 80% of the hens will nest.) However, this distance also assumes the birds will be nesting in their commonly understood habitat as is commonly found to be true in large expanses of gently rolling sage brush communities in Wyoming, Montana, etc. Garfield County does not have these same expanses of rolling sage brush communities; conversely, the habitat is severely fragmented in a scattered patchwork of sage brush on hill tops intermixed with large areas of non-habitat vegetation communities such as aspen, conifer, pinyon-juniper, etc. Moreover, the area in Garfield County also contains large areas of slopes (in excess of 30%) that are not known to support GSG. So, the County opposes an arbitrary application of a four-mile buffer around an active lek which captures thousands of acres of non-habitat where other land uses and activity could occur without requiring involvement from government agency oversight for the management of the GSG.
- Prohibition on surface disturbance within 4 miles of a lek in PPH, including during the lekking and early brood-rearing period when there is no specific cause and effect mechanism cited and the prohibition is solely based upon the subjective opinion of the NTT and opinions expressed in selected reports and publications. The DEIS effectively proposes "protecting" large areas (~50 square miles) of non-habitat and marginal habitat surrounding each lek without any demonstrable benefit to sage grouse populations, ignoring more appropriate conservation actions suited to local ecological conditions, and basing the presumed benefits of this recommendation upon speculation. (Please refer to **Exhibit M**: "How the NTT Report Changes the Way the BLM Operates" which contains internal BLM emails obtained through FOIA that underscore the BLM's own concern for lack of scientific citations and data to support opinions rather than actual science used in the NTT Report.)
- The scientific justification for requiring 4-mile buffers and surface disturbance caps (whether they are 1, 3, or 5%) is entirely based on the opinions of selected authors (some of whom were NTT members) and the erroneous assumption that a local and temporary displacement of sage grouse from an area of development means that a population decline has occurred. However,

none of the cited studies actually ever documented a population decline. One of the most frequently cited studies, the unpublished dissertation by Holloran (2005), was wrong in all of its predicted population declines. To the contrary, recent data from the state of Wyoming has documented that the sage grouse population in Pinedale actually experienced an overall increase from 1990 to 2012. Throughout that time period, it has consistently been above statewide averages and has the highest density of sage grouse in the state. (Please refer to **Exhibit M**: “How the NTT Report Changes the Way the BLM Operates” which contains internal BLM emails obtained through FOIA that underscore the BLM’s own concern for lack of scientific citations and data to support opinions rather than actual science used in the NTT Report.)

- CPW’s SWH map (which is used by the BLM as the PPH map) is also based on the agency’s “Occupied Range” map which appears to be an internal map maintained primarily by research staff and updated based on field-observations over time. This is problematic because the data used to inform this map is specific to individual professional opinion which may vary from time to time depending on individual field personnel and is not reproducible. In recent discussions with CPW staff, it became apparent that these opinions stray far from data that is cited in the literature from CPW biologists as to the accepted criteria for what defines habitat and where the GSG are commonly located within that habitat. The DEIS needs to disclose and clarify how changes in “occupied range” will be managed over time to address unoccupied habitats and newly discovered habitats.
- The County recently spent considerable resources to produce a highly accurate Suitable Habitat Map which is attached as **Exhibit B** to this packet of information. This map is a result of creating two distinct models (a weighted overlay model and a fuzzy overlay model). These models were driven by criteria developed from an exhaustive literature review using CPW’s own occupied habitat driven criteria (including slope, distance to forest, canopy cover, landforms and vegetation community). In addition, the Garfield County habitat model utilized a vegetation dataset with a much higher degree of accuracy, based on performing a supervised image classification process on 2-meter cell resolution color-infrared photography. Moreover, in recent meetings with CPW to validate our mapping, it became clear that our mapping had a high degree of correlation to relevant / recent bird location data points collected by CPW’s Dr. Brett Walker. In doing so, our model captured 92 percent of the bird locations within 100 meters of our habitat model. An important additional correlation is made with a high degree of accuracy when CPW’s lek data is overlaid on Garfield County’s Suitable Habitat map which is attached as Exhibit B to this letter. It should also be understood; the County’s Suitable Habitat map was created with a transparent process and is reproducible. To the contrary, after considerable effort, we found that the PPH / PGH map is not reproducible and is based on data that the BLM refuses to release to the public in order that it is verified.
- The net result proved that the PPH / PGH map in the DEIS has inaccurately mapped large areas of non-habitat (pinion-juniper, fir, and aspen groves) on the Roan Plateau in Garfield County as priority habitat. As understood in terms of acres, while BLM’s PPH map has mapped approximately 220,000 acres as priority habitat in their PPH map, Garfield County’s Suitable Habitat map identifies only 59,093 acres of suitable habitat. This is a 73% reduction in habitat in Garfield County. Put another way, the PPH / PGH map was developed with such a broad brush approach, it erroneously captured approximately 160,907 acres of land that does not have GSG habitat characteristics supported by relevant peer-reviewed literature and ‘data-verified’ field

observations. By doing so, it will have the practical effect of requiring a land owner to consult with CPW and BLM on projects that are clearly cited in areas of non-habitat.

- The DNR and CPW made it clear that the SWH map (PPH / PGH / ADH maps in the DEIS) is intended to be used as a tool for consultation only for projects within its borders and not specifically designed as an actual 'habitat' map to be interpreted as any form of NSO or otherwise by the BLM in developing land use policy. The County has urged CPW and DNR to continue to provide that direction in their comments to the BLM on the draft DEIS. In effect, it should be made clear that the BLM - PPH map (based on CPW's SWH map) should be better defined as a wildlife consult map that should not be confused with defining actual priority or general habitat for which the BLM is required to manage for the survival of the bird. The net result is that, to date, the BLM has yet to provide an actual habitat map in the DEIS upon which it intends to apply its land use policies in a selected alternative.
- The direction provided in the IM 2012-044 is as follows: *"Through the land use planning process, the BLM will refine Preliminary Priority Habitat and Preliminary General Habitat data (defined below) to: (1) identify Priority Habitat and analyze actions within Priority Habitat Areas to conserve Greater Sage-Grouse habitat functionality, or where possible, improve habitat functionality, and (2) identify General Habitat Areas and analyze actions within General Habitat Areas that provide for major life history function (e.g., breeding, migration, or winter survival) in order to maintain genetic diversity needed for sustainable Greater Sage-Grouse populations."* Despite this direction, the BLM has incorporated CPW's 50,000 foot view consultation maps for the basis for applying policy in the EIS rather than actual habitat maps that acknowledge local site variability in Garfield County such as the suitable habitat map contained in the Garfield County GSG Conservation Plan. The BLM's planning process which included multiple cooperator agency meetings did not provide any discussion on habitat mapping as to its origin or intent of use as specifically testified to by Jim Cagney in a Garfield County Coordination meeting despite the BLM Director's direction in IM-044 to consider new mapping information.

This has effectively resulted in cooperating agencies not having an accurate picture of what the purpose and need of the DEIS is, when on the one hand CPW has indicated that there are large areas of non-habitat captured in PPH/PGH, but then BLM is indicating that policy will be made solely for the protection of GRSG habitats on federal lands. The mapping and policy linkage process is confusing at best, and misleading for cooperating agencies and the public. Further, with the inclusion of habitat cap management maps, the whole issue of what is habitat, what the jurisdictional reach of the BLM will be, and the ability of the public to adequately assess the scope of the DEIS is significantly flawed. We request that the BLM fix the mapping issue in order to cooperating agencies and the public to accurately comment on the DEIS and proposed alternatives.

ES.2 (Page xxvi): "Purpose and Need for the Land Use Plan Amendments"

- This section seems to selectively mention portions of the Instructional Memorandum 2012-044 while omitting other provisions. For example, it fails to mention the following directive from the IM: *"While these conservation measures are range-wide in scale, it is expected that at the regional and sub-regional planning scales there may be some adjustments of these conservation*

measures in order to address local ecological site variability.” The DEIS does not comply with FLPMA’s requirement that there be coordination with local plans in order to resolve inconsistencies between plans. To date, the BLM has refused to resolve the inconsistencies between the policies in the DEIS and Garfield County’s Greater Sage Grouse Conservation Plan and CPW research publications which does address local ecological site variability. We request that the DEIS fully cite IM 2013-044 and not just select sections which limit the public’s ability to accurately assess and comment on the DEIS and alternatives. Further, the DEIS does little to acknowledge or discuss how local information will be incorporated into conservation measures, and we believe this is a fatal flaw of the DEIS.

ES.5: (Page xxx) “Planning Criteria”: “The BLM and USFS will coordinate with state, local, and tribal governments to ensure that the BLM and USFS consider provisions of pertinent plans, seeks to resolve inconsistencies between state, local, and tribal plans, and provides ample opportunities for state, local, and tribal governments to comment on the development of amendments.”

- Garfield County held five (5) coordination meetings with the BLM and CPW staff in order to present and discuss Garfield County’s concerns as well as work through inconsistencies between the BLM’s DEIS process and address “local ecological site variability”. While the BLM has incorporated the County’s Plan in the DEIS as a standalone appendix (Appendix D), it has not sought to resolve inconsistencies between the plan and the DEIS; rather, the BLM shifts that responsibility to the public to provide comment on the County’s plan rather than comply with their legally required responsibility. Specifically, the BLM states in Section 2.6.2 of Chapter 2 the following:

“The alternative is presented in Appendix C, Garfield County Greater Sage-Grouse Conservation Plan, but has not been analyzed in detail primarily because it is contained within the existing range of alternatives. The Garfield County alternative is more restrictive and more focused regarding “modeled suitable habitat” than Alternative A. The alternative is less restrictive and identifies less PPH than Alternatives B, C, and D. Given the Garfield County alternative’s position within the range of alternatives, the conservation measures contained could be selected, in whole or in part, pending detailed analysis in the final EIS. Consequently, the public is asked to review the Garfield County alternative and provide comments.”

- Garfield County has not identified how or where, as stated above, its plan is incorporated within the existing range of alternatives. BLM admits to not providing a detailed analysis of the plan. Further, the BLM shirks its responsibility and direction provided in IM 2012-044 requiring the following: “The BLM must consider all applicable conservation measures when revising or amending its RMPs in Greater Sage Grouse habitat. The conservation measures developed by the NTT and contained in Attachment 1 must be considered and analyzed, as appropriate, through the land use planning process by all BLM State and Field Offices that contain occupied Greater Sage-Grouse habitat. While these conservation measures are range-wide in scale, it is expected that at the regional and sub-regional planning scales there may be some adjustments of these conservation measures in order to address local ecological site variability. Regardless, these conservation measures must be subjected to a hard look analysis (emphasis added) as part of the planning and NEPA processes.” The net result is this DEIS has not provided a hard look analysis of the County’s plan as an alternative or as information towards local ecological site variability, and thus has directly ignored the direction provided in IM 2012-044. We request

the DEIS be re-done to follow IM 2012-044 and allow the public to reassess the impacts of implementation of the alternatives.

- Ignores the substance of local conservation plans, especially the Garfield County sage grouse plan, in favor of one-size fits all restrictions in its alternatives, in clear contrast to the stated position of the BLM. The DEIS lacks a comprehensive and objectively informative analysis of locally-appropriate conservation alternatives that could be used to guide management of BLM lands, while addressing specific threats to sage grouse. The DEIS is deficient in that it does not include conservation strategy for analyzing threats or their specific cause and effect mechanisms, and then mitigating the mechanisms that underlie each threat within the BLM's adaptive management framework. That approach for sage grouse was clearly articulated in the publication by Ramey, Brown, and Blackgoat (2011). (See **Exhibit Q.**)

Chapter 1: Introduction

Introduction – Overview 1.1.1 (Page 4): “The report drafted by the NTT, A Report on National Greater Sage-Grouse Conservation Measures (NTT 2011) provides the latest science and best biological judgment to assist in making management decisions relating to the GRSG.”

- In the field of science when the observations do not match the predictions of a hypothesis or theory, the hypothesis is falsified (i.e., it is wrong). The BLM cannot rely on research that has been found to be wrong. Holloran (2005) is one of the most widely cited studies in the DEIS, yet his predictions have been unfounded. (See **Exhibit Q.**)
- Furthermore, the BLM cannot rely on research whose authors relied on belief to reach their conclusions when the results lacked any statistical significance. One of the key studies cited in the NTT Report did exactly that: Lyon and Anderson (2003) erroneously characterized oil and gas development as having a negative effect on sage grouse nest initiation rates. That unsupported opinion, clearly contrary to the available data and analysis, has subsequently been cited by the BLM as a scientifically valid conclusion in the NTT Report, which portrays all oil and gas development in a negative light. The DEIS (page 516) then cites the NTT Report in support of its statements that negative effects have been reported 4-miles from oil and gas development: *“Recent studies have consistently demonstrated that oil and gas development and its infrastructure influence GRSG behavior and demographics at distances of up to 4 miles (NTT 2011). This prompts declines in lek persistence and male attendance, yearling and adult hen survival, and nest initiation rates. It also elicits strong avoidance response in yearling age classes, nesting/brooding hens, and wintering birds.”* However, as the following quotation indicates, the study by Lyon and Anderson (2003) relied on belief (rather than statistically significant results) to reach their conclusions: *“Finally, even though nest initiation between disturbed and undisturbed hens was not statistically significant, we believe lower initiation rates for disturbed hens were biologically significant and could result in lower overall sage grouse productivity.”* Additionally, Holloran (2005) reported that nest success that was virtually identical and not significantly different between disturbed and undisturbed areas, using a much larger sample size compared to Lyon and Anderson (i.e., n=213 used by Holloran vs. n=77 used by Lyon and Anderson). The BLM cannot base its management decisions on the basis of belief and opinion, while disregarding contrary results. (See **Exhibit Q.**)

- The DEIS needs to acknowledge the alternative hypothesis that sage grouse, like other animals, may be disturbed by human activity and will sometimes move away from it but that does not mean that they suffer a population decline. The birds may have simply responded by relocating, or coexisting with human activity (i.e. habituation). Neither the DEIS or the NTT Report acknowledge that that there has been no population-level decline reported in any of the cited studies, only decreased lek attendance in affected areas. The DEIS needs to be revised to explicitly acknowledge these facts and alternative hypotheses that are consistent with the data.
- The DEIS and the NTT Report do not acknowledge that Holloran (2005) reported results that the probability of sage grouse survival was higher (61.5 +6.4%) in disturbed areas compared to less impacted areas (29.6 +18.1%), or control areas (48.5 +14.4%). These results refute Holloran's (2005) own statements regarding population impacts. Furthermore, neither the DEIS or the NTT Report acknowledge that Holloran's (2005) predicted sage grouse population declines in the Pinedale area, of -8.7 to -24-4% annually, have not occurred. Instead, publicly available lek count data from the State of Wyoming show the population has been steadily increasing. (See **Exhibit Q.**)
- The Information Quality Act (IQA) requires that information used by agencies, including the BLM, be based upon verifiable data and reproducible results, and not based upon opinion. Moreover, the NTT Report cannot selectively use results from Lyon and Anderson (2003), or Holloran (2005) to support its recommendations, while failing to state that they were statistically insignificant and/or contrary to more recent and comprehensive data. And finally, Holloran (2005) did not use any hypothesis testing in his research. Instead, Holloran (2005) relied upon interpretation of data and results (rather than hypothesis testing), speculated on potential mechanisms that could cause a population decline, and did not provide any data that a population decline had actually occurred in the population in the Pinedale area. (See **Exhibit Q.**)
- The following two excerpts from Holloran (2005) best illustrate these issues (the underlining added for emphasis is ours):

"The results from this study suggest that dispersal from developed areas could be contributing to population declines. Although the proportion of potentially displaced adult and yearling males and yearling females breeding and nesting in areas removed from gas field infrastructure is unknown, offsite populations could be artificially enhanced by gas development. Because of potential density-dependent influences on breeding and nesting success probabilities (LaMontagne et al. 2002, Holloran and Anderson 2005), maintenance of these enhanced populations could require increasing the carrying capacity of offsite habitats." And, "adult male displacement and low juvenile male recruitment appear to contribute to declines in the number of breeding males on impacted leks. Additionally, avoidance of gas field development by predators could be responsible for decreased male survival probabilities on leks situated near the edges of developing fields (i.e., lightly impacted leks). Although site-tenacious adult females did not engage in breeding dispersal in response to increased levels of gas development, subsequent generations avoided gas fields, as suggested by the temporal shift in nesting habitat selection and differences in habitat selection by yearling and adult females. This suggests that the nesting population response is delayed avoidance of natural gas

development. The results suggest that male and female greater sage-grouse displacement from developing natural gas fields contributes to breeding population declines."

- Rather than being as conclusive as suggested by the DEIS and the NTT Report, this study was speculative (note use of the terms could, suggested, and potentially) and assumed that hypothetical worst-case scenarios would occur. The BLM cannot rely on the speculative opinion of Holloran (2005) as the basis for its DEIS. (Please refer to **Exhibit M**: "How the NTT Report Changes the Way the BLM Operates" which contains internal BLM emails obtained through FOIA that underscore the BLM's own concern for lack of scientific citations and data to support opinions rather than actual science used in the NTT Report.)

(Pg. xxix: "The BLM/USFS will use will use the Western Association of Fish and Wildlife Agencies Conservation Assessment of Greater Sage-Grouse and Sagebrush Habitats (Connelly et al. 2004) and any other appropriate resources (e.g., GRSG scientific literature) to identify GRSG habitat requirements and best management practices (BMPs)."

Pg. 24: "The BLM and USFS will use the WAFWA Conservation Assessment of Greater Sage-Grouse and Sagebrush Habitats (Connelly et al. 2004), and any other appropriate resources, to identify GRSG habitat requirements and best management practices (BMPs)."

- The discrepancy between stating that habitat descriptions and BMPs would come from the NTT report, when apparently they will also rely on WAFWA, yet curiously omit other very relevant and contemporary reports that provide additional parameters for habitat descriptions and potential BMPs.
- Relying on those reports as the only basis for habitat descriptions would technically exclude the PPR from having viable habitat as it doesn't meet the minimum patch sizes described, as well as other factors.
- There are many other reports that indicate other factors that influence habitat selection, primarily items like slope, landforms etc. There is also other information that have proven to be highly influential in local populations habitat selection; for example, Dr. Walkers work determined that distance from forested stands was an enormous factor in selection for the PPR population. To the point, while a wealth of information exists to better describe habitat selection, it was not utilized by CPW in their development of the PPH/PGH data set. Ultimately, the PPH/PGH data set conflicts with what is stated in the DEIS and furthermore were aware of much more information specific to NW CO populations that could better delineate habitats.

Pg. 25: "For BLM-administered lands, all activities and uses within GRSG habitats will follow existing BLM Colorado Public Land Health Standards. Standards and guidelines for livestock grazing and other programs that have developed standards and guidelines will be applicable to all alternatives for BLM lands."

- The DEIS does not evaluate how the current BLM Colorado Public Land Health Standards and other laws, regulations and policies address regulatory mechanisms to protect sage-grouse habitat.

Pg. 26: “The most current approved BLM and USFS corporate spatial data will be supported by current metadata and will be used to ascertain GRSG habitat extent and quality. Data will be consistent with the principles of the Information Quality Act of 2000.”

- The BLM needs to make the data used to develop the PPH and PGH maps available to be consistent with the Information Quality Act of 2000. The County has attempted to obtain spatial data and metadata through the use of the Colorado Open Records Act for the purposes of verification of our own mapping efforts and to understand the data behind actual bird locations. Unfortunately, the County’s request was denied by the BLM and CPW, and the DEIS is not compliant with the Information Quality Act of 2000. Mapping information should be made available to the public for review.
- The BLM should have a clear and full understanding of the data and maps being provided by CPW as it is one of the most critical components of the DEIS because it is those areas which will be subject to the implementation of the BLM’s policies. As an example of why this is critically important, in Grand County, the County had GRSG habitat re-mapped and validated with CPW bird location data. This exercise revealed three GRSG radio-telemetry points occurring in open waters in William’s Fork Reservoir approximately 280 meters from shore at the farthest point. This contradicts CPW’s assertion that their data have a maximum of 50-meter horizontal imprecision, or the alternative is that GRSG have now begun to select large water bodies as habitat and are swimmers. Ultimately, this is why having a clear knowledge of why birds are in certain locations is critical to understanding the meaning of the location data; the simple presence of a bird does not imply habitat. Unfortunately, the County (and the public) was denied this information as it was not provided despite public requests, nor was this data provided in the DEIS.

Chapter 2: Alternatives

The following comments are offered here as they apply to how the alternatives were derived and treat certain uses. Consider the following:

- 1) The DEIS lacks a comprehensive and objectively informative analysis of locally-appropriate conservation alternatives that could be used to guide management of BLM lands, while addressing specific threats to sage grouse. By ignoring the substance of local conservation plans, especially Garfield County’s Greater Sage Grouse Conservation Plan as an alternative, in favor of one-size fits all restrictions, the DEIS elevates speculative benefits of one-size fits all management prescriptions for sage grouse (recommended by the NTT and conservation groups) above other land use activities, in clear violation of the BLM’s multiple use mandate. The DEIS is deficient in that it does not include conservation strategy (like that in the Garfield County sage grouse plan) for analyzing threats, their specific cause and effect mechanisms, and then mitigating each threat within the BLM’s adaptive management framework.

- 2) The DEIS relies on recommendations in the NTT Report but does not acknowledge that these recommendations were influenced by special-interest litigants involved in settlement negotiations with the BLM. Publicly available records, including e-mails obtained under FOIA from the State of Idaho (excerpt below from a December 13, 2011 e-mail from the NTT lead for the BLM) reveal that special interest influence, rather than a transparent, inclusive, and scientifically defensible public process, was used in producing the NTT Report's recommendations:

*"Our timeframe is to complete the "updated" draft NTT report by COB tomorrow so I can ship it back to DC. Due to concerns by solicitors in DC the NTT report will look different. However the content is generally the same and due to the science review we did make changes to the Goals and Objectives section, some conservation measure in fluid minerals have been updated (i.e. 2.5% has been changed to 3% with rationale). The Policy recommendation change has undergone significant clarification again based on solicitor concerns in DC. **The solicitor concerns with the Policy recommendation piece stems from ongoing litigation discussions they currently having with litigants over BLM's recently completed LUPs.**" (See **Exhibit M.**)*

The BLM cannot rely on such tainted sources as a basis for its analysis and alternatives in the DEIS.

- 3) The DEIS presents a negative view of virtually all oil and gas development and is biased in its presentation of outdated information. The DEIS and its cited supporting studies failed to mention the existence of the following:
- a. Up to date information on the extensive mitigation and restoration efforts in the Pinedale Planning Area and elsewhere (see <http://www.wy.blm.gov/jio-papo/index.htm>);
 - b. Advances in technology and efficiency available on the BLM's own website and in the BLM presentations to the NTT ("Managing Oil and Gas" and "Best Management Practices" available in Appendix 5, pp 48-55 of the August 29 to September 2, 2011 NTT meeting summary);
 - c. More efficient operations and mitigation efforts further documented in Ramey, Brown, and Blackgoat (2011).
 - d. Neither the DEIS nor the NTT Report that the DEIS it relies upon, acknowledges that nearly all of these measures have been implemented in the years since Holloran's (2005) data gathering occurred (from 1997 to 2003). The BLM cannot rely on a selective presentation of outdated information as the basis of its DEIS alternatives. It must rely on data and information that is current. (See **Exhibit Q.**)
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Pg. 38-39: – No Action Alternative – “Goals and objectives for BLM-administered lands and mineral estate would not change. Appropriate and allowable uses and restrictions pertaining to activities such as mineral leasing and development, recreation, construction of utility corridors, and livestock grazing would also remain the same. The BLM would not modify existing or establish additional criteria to guide the identification of site-specific use levels for implementation activities.”

- Change to state that goals and objectives already include protecting candidate species including sage-grouse, such that they do not become listed as threatened or endangered.
- Change to explain that under existing law, regulations and policies, appropriate and allowable uses and restrictions may need to be adjusted to assure the habitat conditions for sage-grouse are considered.
- Change to state that BLM has the authority under existing laws, regulations and policies to modify existing and establish additional criteria to guide identification of site-specific use levels for implementation activities.
- Add statement regarding the BLM Colorado's Standards and Guideline - *Standard 4*. Special Status, Threatened, and Endangered Species (state and federal) – BLM is already legally mandated to manage lands to maintain or enhance GRS by sustaining healthy, native plant and animal communities.

Pg. 73: No Action Alternative: “Colorado River Valley RMP: Make adjustments to grazing management (e.g., AUMs, periods of use, allotments, class of livestock, distribution) based on monitoring. Grand Junction RMP: Manage vegetation to meet BLM Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado while taking in to account site potential as determined by ecological site inventories, Range/Ecological Site Descriptions, Soils, completed Land Health Assessments, and site-specific management objectives. Implement changes in livestock use through allotment management plans, grazing use agreements, and terms and conditions on grazing permits for priority allotments based on the current prioritization process and/or land health issues.”

- Throughout the DEIS, add thorough and honest discussions of what regulatory authority the agencies have under the No Action Alternative. As stated above, BLM and USFS are currently making adjustments to grazing based on monitoring of sage-grouse habitat.
- In addition, the DEIS fails to mention successes that have been achieved under existing regulations. For instance, there is evidence that GSG populations in NW Colorado (Moffat County) are at least stable if not increasing under current regulations.

Pg. 74-75: No Action Alternative – “Revise or implement allotment management plans/grazing use agreements to resolve conflicts between grazing and management of soils, riparian, and water resources. Kremmling RMP: Standard Operating Procedure (Required by Colorado Public Land Health Standard #4). Little Snake RMP: Identify and initiate restoration and rehabilitation of sagebrush habitat while maintaining a mosaic of canopy cover and seral stages. Special status, threatened and endangered species, and other plants and animals officially designated by the BLM and their habitats

are maintained and enhanced by sustaining healthy, native plant and animal communities Guidelines for Livestock Grazing Management A-3, #7, "Natural occurrences...should be combined with livestock management practices to move toward the sustainability of biological diversity across the landscape, including the maintenance, restoration, or enhancement of habitat to promote and assist recovery and conservation of threatened, endangered, or other special status species by helping provide natural vegetation patterns, a mosaic of successional stages, and vegetation corridors thus minimizing habitat fragmentation." Roan Plateau RMP: Ensure that Land Health Standards are being met through Land Health assessments, and application of the GSFO (CRVFO) Monitoring Plan. Use a combination of administrative solutions (season of use revisions, livestock exclusion, and stocking level adjustments) and rangeland projects (fences, ponds, etc.) to direct livestock use to meet resource objectives and Land Health Standards. White River RMP: Standard Operating Procedure (Required by Colorado Public Land Health Standard #4). Routt National Forest: Manage forage for livestock and wildlife based on specific habitat area objectives identified during allotment management plan revision (Management Area Prescription for 5.11, 5.12, 5.13, p. 2-40, p. 2-43, 2-45). Design livestock grazing prescriptions to include achievement of wildlife goals for deer and elk winter range (Management Area Prescription 5.41, p. 2-48)."

- As discussed above, the BLM and USFS should make it clear to the DEIS readers including USFWS, that the existing RMP and LUP provide a plethora of regulatory mechanisms to manage and protect GRSG habitat as well as other multiple use objectives. This remains a fundamental failure of the DEIS.
- With the implementation of the No Action alternative, GRSG can be effectively protected and their habitats maintained. Currently the DEIS provides only a biased assessment of effects, and presents a skewed position that one of the action alternatives must be selected in order for GRSG to be protected. We request the BLM re-assess the No Action alternative and incorporate the actual laws and regulations it currently is required to operate under.

Pg. 75 – 77: No Action Alternative - Colorado River Valley RMP: "Make adjustments to grazing management (e.g., AUMs, periods of use, allotments, class of livestock, distribution) based on monitoring. Grand Junction RMP: Manage vegetation to meet BLM Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado while taking in to account site potential as determined by ecological site inventories, Range/Ecological Site Descriptions, Soils, completed Land Health Assessments, and site-specific management objectives. Implement changes in livestock use through allotment management plans, grazing use agreements, and terms and conditions on grazing permits for priority allotments based on the current prioritization process and/or land health issues. Revise or implement allotment management plans/grazing use agreements to resolve conflicts between grazing and management of soils, riparian, and water resources. Kremmling RMP: No similar action. Little Snake RMP: Sustain the integrity of the sagebrush biome to maintain viable populations of GRSG...consistent with local conservation plans. Identify and initiate restoration and rehabilitation of sagebrush habitat while maintaining a mosaic of canopy cover and seral stages. Roan Plateau RMP: Ensure that Land Health Standards are being met through Land Health surveys, and application of the GSFO Monitoring Plan. Use a combination of administrative solutions (season of use revisions, livestock exclusion, and stocking level adjustments) and rangeland projects (fences, ponds, etc.) to direct livestock use to meet resource objectives and Land Health Standards. White River RMP: Monitor, evaluate, and adjust livestock management practices to meet resource objectives. Routt National Forest: Develop site-specific vegetation utilization and residue

guidelines during rangeland planning, and document them in allotment management plans. In the absence of updated planning or an approved allotment management plan, apply the utilization and residue guidelines in Tables 1-2 and 1-3 (Range Guideline, p. 1-9). Table 1-2. Allowable Use Guidelines Table 1-3. Riparian Vegetation Residue Allowances Season of Use and Existing Rangeland Condition • Spring Use Pasture: Satisfactory=4 Inches, Unsatisfactory=6 inches. • Summer and Fall Use Pasture: Satisfactory=6 Inches and Unsatisfactory=6 Inches Manage forage for livestock and wildlife based on specific habitat area objectives identified during allotment management plan revision (Management Area Prescription for 5.11, 5.12, 5.13, p. 2-40, p. 2-43, 2-45). Design livestock grazing prescriptions to include achievement of wildlife goals for deer and elk winter range (Management Area Prescription 5.41, p. 2-48). Ecological Site Descriptions have not been developed for the Routt National Forest and we are not currently using them in NEPA or Allotment Management Plan revisions. The Routt National Forest completes Rangeland Health Assessments based on the R2 Rangeland Analysis and Management Training Guide (US Department of Agriculture, Rocky Mountain Region 1996) in NEPA and Allotment Management Plan revisions.”

- As discussed above the explanation of the No Action Alternative needs to be rewritten to explain every law, regulation, policy, plan and other regulatory mechanism already in place that allows the agencies to adjust livestock grazing and other resource management actions to protect and conserve GRS habitat. The above statement is one of many that prove the agencies already have all necessary tools. Alternatives B, C and D are unnecessary.

Pg. 75: Alternative B - (ADH) “Work cooperatively on integrated ranch planning within GRS habitat so operations with deeded/BLM and/or USFS allotments can be planned as single units.”

- Existing laws, regulations and policies allow this.
- Add this regulatory measure to the No Action Alternative and do it for both GRS habitat and non GRS habitat because it is good land management.

Pg. 77: Alternative B – “(PPH) Prioritize completion of land health assessments (USFS may use other analyses) and processing grazing permits within GRS PPH areas. Focus this process on allotments that have the best opportunities for conserving, enhancing or restoring habitat for GRS. Utilize BLM Ecological Site Descriptions (USFS may use other methods) to conduct land health assessments to determine if standards of range-land health are being met.”

- Add information to the No Action Alternative explaining that existing RMPs, LUPs, laws, regulations and policies already permit these prioritization and assessments.

Pg. 78: No Action Alternative – “a) the PNC, high seral and healthy mid-seral; b) sagebrush rangelands with a high to mid-seral plant community providing suitable habitat for deer winter range, GRS, and antelope. 2) Improve the present plant species composition on unhealthy or at risk rangelands to a healthy plant community within 10 years on all areas with a mid-seral and within 20 years on all areas with a low-seral plant community. Routt National Forest: Manage forage for livestock and wildlife based on specific habitat area objectives identified during allotment management plan revision

(Management Area Prescription for 5.11, 5.12, 5.13, p. 2-40, p. 2-43, 2-45). Design livestock grazing prescriptions to include achievement of wildlife goals for deer and elk winter range (Management Area Prescription 5.41, p. 2-48). Ecological Site Descriptions have not been developed for the Routt National Forest and we are not currently using them in NEPA or Allotment Management Plan revisions. The Routt National Forest completes Rangeland Health Assessments based on the R2 Rangeland Analysis and Management Training Guide (US Department of Agriculture, Rocky Mountain Region 1996) in NEPA and Allotment Management Plan revisions.”

- Add explanation regarding the fact that BLM has the regulatory authority to accelerate the rangeland improvement under the No Action (Current Management) Alternative and the USFS has the regulatory authority to redesign livestock grazing prescriptions to include achievement of wildlife goals for GRSG.

Pg. 79 – 80: No Action Alternative – “Colorado River Valley RMP: Make adjustments to grazing management (e.g., AUMs, periods of use, allotments, class of livestock, distribution) based on monitoring. Grand Junction RMP: Manage vegetation to meet BLM Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado while taking in to account site potential as determined by ecological site inventories, Range/Ecological Site Descriptions, Soils, completed Land Health Assessments, and site-specific management objectives. Implement changes in livestock use through allotment management plans, grazing use agreements, and terms and conditions on grazing permits for priority allotments based on the current prioritization process and/or land health issues. Revise or implement allotment management plans/grazing use agreements to resolve conflicts between grazing and management of soils, riparian, and water resources. Kremmling RMP: Common to all -Interpreting Indicators of Rangeland Health Tech Ref 1734-6. Little Snake RMP: Overall habitat goals for the sagebrush biome and GRSG established. Roan Plateau RMP: Ensure that Land Health Standards are being met through Land Health surveys, and application of the GSFO (CRVFO) Monitoring Plan. Use a combination of administrative solutions (season of use revisions, livestock exclusion, and stocking level adjustments) and rangeland projects (fences, ponds, etc.) to direct livestock use to meet resource objectives and Land Health Standards. White River RMP: Livestock and big game management techniques will be used to retain ~50 percent herbaceous growth by weight through September 15, on GRSG brood and nest habitats. Routt National Forest: Manage forage for livestock and wildlife based on specific habitat area objectives identified during allotment management plan revision (Management Area Prescription for 5.11, 5.12, 5.13, p. 2-40, p. 2-43, 2-45). Design livestock grazing prescriptions to include achievement of wildlife goals for deer and elk winter range (Management Area Prescription 5.41, p. 2-48). Ecological Site Descriptions have not been developed for the Routt National Forest and we are not currently using them in NEPA or Allotment Management Plan revisions. The Routt National Forest completes Rangeland Health Assessments based on the R2 Rangeland Analysis and Management Training Guide (US Department of Agriculture, Rocky Mountain Region 1996) in NEPA and Allotment Management Plan revisions.”

- Add the fact that both agencies already have regulatory authority under BLM Colorado Public Lands Health Standards, BLM Manual 640 and FSM 2600 to design livestock grazing prescriptions to protect and conserve GRSG habitat.

Pg. 79: Alternative B – “(ADH) Conduct land health assessments that include (at a minimum) indicators and measurements of structure/condition/composition of vegetation specific to achieving GRSG habitat objectives (Doherty et al. 2011). If local/state seasonal habitat objectives are not available, use GRSG habitat recommendations from Connelly et al. 2000b and Hagen et al. 2007.”

- We recommend adding this guidance to Alternative A after correcting the reference to Connelly et al. 2000b. According to the references listed on Page 999 of the DEIS, Connelly et al. 2000b refers to a publication titled “Effects of predation and hunting on adult sage-grouse *Centrocercus urophasianus* in Idaho. *Wildlife Biology* 6:227-32.” A thorough reading of that publication did not reveal GRSG habitat recommendations. As a result, the DEIS has misapplied this citation to the DEIS and should be removed.
- To assist the reader in understanding the DEIS recommendation, add: Hagen et al 2007 agreed with the GRSG management guidelines for breeding habitats published by Connelly et al. (2000), recommending 15-25% sagebrush cover, 10% forb cover, 15% grass cover and 18-cm grass height. However, per Hagen et al (2007), citing Bates et al. 2004, because “these measurements are generally recorded over relatively small scales (30 m), identifying the appropriate proportions of these vegetative characteristics in a larger landscape is paramount.”

Pg. 80-82: No Action Alternative – “Colorado River Valley RMP: Assess vegetation attributes within grazing allotments to ensure that BLM Colorado Standards for Public Land Health and Guidelines for Livestock Grazing Management are met per established protocols and technical references. Grand Junction RMP: Manage vegetation to meet BLM Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado while taking in to account site potential as determined by ecological site inventories, Range/Ecological Site Descriptions, Soils, completed Land Health Assessments, and site-specific management objectives. Implement changes in livestock use through allotment management plans, grazing use agreements, and terms and conditions on grazing permits for priority allotments based on the current prioritization process and/or land health issues. Revise or implement allotment management plans/grazing use agreements to resolve conflicts between grazing and management of soils, riparian, and water resources. Kremmling RMP: No similar action.

Little Snake RMP: Manage for a diversity of seral stages within plant communities. Restore natural disturbance regimes, such as fire, and vegetation treatments to accomplish biodiversity objectives. Establish desired plant communities in coordination with stakeholders across the LSFO. Restore a diversity of seral stages within sagebrush communities. Maintain large patches of high - quality sagebrush habitats, consistent with the natural range of variability for sagebrush communities in northwest Colorado. Roan Plateau RMP: Ensure that Land Health Standards are being met through Land Health surveys, and application of the GSFO Monitoring Plan. Use a combination of administrative solutions (season of use revisions, livestock exclusion, and stocking level adjustments) and rangeland projects (fences, ponds, etc.) to direct livestock use to meet resource objectives and Land Health Standards. White River RMP: Acceptable desired plant communities will be managed in an ecological status of high-seral or healthy mid-seral for all rangeland plant communities. An exception may be provided for wildlife habitat -areas where specific cover types are needed. The required cover type in those wildlife habitat areas will be the desired plant communities. The ecological status of a desired plant community in specified wildlife habitat areas could be lower than high seral. In which case, the desired plant communities will be managed, at a minimum, to maintain an at-risk rating (Table 2-6 of Appendix D [of the White River RMP]) and have a stable to improving

trend in ecological status. Routt National Forest: Develop site-specific vegetation utilization and residue guidelines during rangeland planning, and document them in allotment management plans. In the absence of updated planning or an approved allotment management plan, apply the utilization and residue guidelines in Tables 1-2 and 1-3 (Range Guideline, p. 1-9) as described above.”

- As discussed above, the No Action Alternative clearly has regulatory mechanisms in place to protect and conserve GRS habitat, as demonstrated by the above information as well as the litany of other BLM and FS laws, regulations, policies and manual direction.
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Pg. 80: Alternative B – “(ADH) Develop specific objectives to conserve, enhance or restore GRS PPH based on BLM Ecological Site Descriptions (USFS may use other methods) and assessments (including within wetlands and riparian areas). If an effective grazing system that meets GRS habitat requirements is not already in place, analyze at least one alternative that conserves, restores or enhances GRS habitat in the NEPA document prepared for the permit renewal (Doherty et al. 2011b; Williams et al. 2011).”

- Since these tools are available under the No Action Alternative, the DEIS needs to be rewritten to fully define the No Action Alternative. After the No Action Alternative is rewritten, the agencies should be able to conclude that existing RMPs and LUPs have adequate regulatory mechanisms in place necessary to protect and conserve GRS habitat.
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Pg. 82: No Action Alternative - ...

- To avoid further repetition, please see above and incorporate those comments into the entirety of Tables 2-3 and 2-4.
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Pg. 80: Alternative B – “(ADH) Develop specific objectives to conserve, enhance or restore GRS PPH based on BLM Ecological Site Descriptions (USFS may use other methods) and assessments (including within wetlands and riparian areas). If an effective grazing system that meets GRS habitat requirements is not already in place, analyze at least one alternative that conserves, restores or enhances GRS habitat in the NEPA document prepared for the permit renewal (Doherty et al. 2011b; Williams et al. 2011).”

- Since these tools are available under the No Action Alternative, the DEIS needs to be rewritten to fully define the No Action Alternative. After the No Action Alternative is written, the agencies should be able to conclude that existing RMPs and LUPs have adequate regulatory mechanisms in place necessary to protect and conserve GRS habitat.
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Pg. 130, 132 etc.: Alternative C – “Some bird species prefer to nest in undisturbed cover. In areas where these species are a primary consideration, manage livestock grazing to avoid adverse impacts to nesting habitat.”

- Delete this statement throughout the DEIS. Insert - Manage livestock grazing to attain GRSG goals for percent vegetation (sagebrush, other shrubs, grasses and forbs) necessary for shelter, feeding and breeding.
 - The use of the word “Some” bird species....is not helpful in reaching any conclusions. Which bird species is the DEIS specifically referring to? What is the objective foundation for this conclusion? (Please refer to **Exhibit M**: “How the NTT Report Changes the Way the BLM Operates” which contains internal BLM emails obtained through FOIA that underscore the BLM’s own concern for lack of scientific citations and data to support opinions rather than actual science used in the NTT Report.)
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Pg. 132: Alternative C. – “Hold project proponents, including livestock operators, ROWs holders, and other permittees deemed necessary by the Authorized Officer, responsible for monitoring and controlling noxious weeds that result from any new facilities, improvements or other surface disturbances authorized on BLM land (e.g. roads, communication sites, pipelines, stock ponds, fences). Little Snake RMP: Monitor, prioritize, and treat noxious weeds.”

- The RMP should not include provisions that are impossible to implement and enforce. How would the requirement be enforced? Wouldn’t it take more time to monitor and enforce the provision than to leave land management agencies in charge of noxious weed control? Would some noxious weed treatments require cultural resource or threatened and endangered species surveys prior to implementation? How would ranchers and others know when these surveys are triggered? Roads, pipelines, fences, etc benefit many users. How would the work be split up? Does the BLM want to make the project proponents responsible and waive sovereign immunity to hold them accountable?
-

Pg. 133: No Action Alternative – “Require the use of weed free hay and feed for livestock. Require weed control actions for all disturbances, including hose less than 1 acre in size. “

- We suggest the weed free hay statement be deleted as unnecessary. The Colorado BLM and Colorado Forest Service already require weed free hay and feed for livestock.
 - Change “hose” to “those”
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Pg. 136: Alternative B – “(PPH) During fuels management project design, consider the utility of using livestock to strategically reduce fine fuels (Diamond at al. 2009), and implement grazing management that will accomplish this objective (Davies et al. 2011; Launchbaugh et al 2007). Consult with ecologists to minimize impacts to native perennial grasses consistent with the objectives and conservation measures of the grazing section.”

- Add this measure to all alternatives.
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Pg. 154: Alternative C - “(ADH) Authorize no new water developments for diversion from spring or seep sources within GRSG habitat.”

- In general, Alternative C has too many fatal flaws to go into great detail about each one. However, a few comments will be included in this review. The statement above is one of many examples of why Alternative C is not reasonable. Saying “no” to anything perceived as unnatural is not good natural resources management. There are times and places when the authorization of new water development for diversion from spring or seep sources within GRSG habitat will benefit GRSG. As an example, a new water development that diverts water from a badly trampled wild horse spring or seep and uses that water to irrigate a meadow to increase herbaceous vegetation near GRSG nesting habitat could benefit GRSG chicks as well as other wildlife resources.

Pg. 154: Alternative C – “(ADH) Avoid grazing and trailing within lekking, nesting, brood-rearing, and winter habitats during periods of the year when these habitats are utilized by GRSG.”

- As discussed above, Alternative C is fatally flawed – natural is not realistic nor is it the best management practice in many cases. Avoiding grazing within leks, nesting, brood-rearing, and winter habitats when GRSG are present goes against science.
- As noted by sage-grouse biologists Gary Back and Donald Klebenow, sage-grouse tend to be found where cattle are present in meadows. Sage-grouse avoid ungrazed meadows. Dense, grassy meadows that are grazed lightly or moderately are attractive to sage grouse. Oakleaf (1971) indicated that grouse seemed to avoid meadows where dense stands of grass or grasslike species were dominant. Controlled grazing was recommended as a tool to prevent grass stands from becoming too dense. Essentially, the logic goes like this: if the DEIS eliminates ranchers, then there is no grazing which then leads to no GSG. Is that the desire of the DEIS?
- Scientific data demonstrate the positive correlation of livestock grazing and sage-grouse habitat health (See Davies, Back, McAdoo, Klebenow, Back, Burkhardt, etc).
- There is a risk in discontinuing livestock grazing during periods when sage-grouse are present if the current GRSG populations are currently healthy. The unintended consequences of this action include driving more ranchers out of business, which results in subdivision of ranchland which increases fire danger, noxious weeds, predators, non-native vegetation, and other factors that could result in harm to existing sage-grouse populations that are acclimated to current conditions.

Pg. 155: Alternative D – “Sagebrush or 15 percent canopy cover of Mountain Sagebrush. Manage for a total disturbance cap of less than 30 percent, to include all loss of sagebrush from all causes including anthropogenic disturbance, wildfire, plowed field agriculture, and vegetation treatments. This cap is applied to PPH that supports sagebrush ecosites in the Colorado MZ. Sites capable of supporting

sagebrush habitat will count against the cap until they have recovered to at least 12 percent canopy cover in Wyoming big sagebrush and 15 percent in mountain big sagebrush dominated areas (Bohne et al. 2007)."

- The DEIS is unclear or completely omits the studies that specifically support the BLM's use of "thresholds" such as 15% sagebrush canopy cover and 30% disturbance cap. Without specific citations from scientific studies, these provisions appear to be completely arbitrary. The DEIS needs to provide information about how and where these thresholds were determined, how they relate to Colorado, and re-evaluate the impacts they will have on other resources in the planning area as well as the socioeconomic impact they will have on the planning area, or else the Final EIS documents will not likely withstand legal or scientific scrutiny. Moreover, we find the DEIS to be arbitrary in that it appears to simply extrapolate the science from one area and apply to another.

Pg. 161:

GRSG PPH NSO-46d. Apply NSO stipulation for fluid mineral leasing in PPH.

- The DEIS states that areas within PPH and PGH "does not contain large continuous sagebrush stands" (Pg 245), and on Pg 256 the DEIS states "Hagen (1999) found GRSG distribution in Piceance Basin to be highly clustered, implying that the availability of suitable habitat was, therefore, also clustered." Also, the DEIS states "Habitat potentially suited for use by Parachute-Piceance-Roan GRSG comprises only 16 percent of the mapped overall range. Although this pattern moderates at lower elevations where ridgeline habitats broaden, bird distribution tends to be confined to higher elevations (greater than 7,400 feet in the east, greater than 7,700 feet in the west) and modeled habitat at lower elevations supports few birds."

Based on these facts, applying NSO's within non-habitats is essentially disallowing multi-use activities to occur which do not impact sage-grouse habitats. The DEIS indicates that only 16% of the PPR area actually supports GRSG habitat. The use of the PPH and PGH maps in areas of non-habitat is not accurate and unduly burdens non-habitats. Please explain what the intent of the PPH and PGH maps are, if within the PPR area, they encompass is 84% non-habitat. (See Page 256 of the DEIS.)

GRSG ADH NSO-46d. Apply NSO stipulation for fluid mineral leasing in ADH within a minimum distance of 0.6-mile from active leks.

- How often will lek data be updated? Who will update the lek data, and how will this data be made available to the public?

GRSG ADH TL-46d. Within ADH, prohibit surface occupancy within a minimum of 4 miles from active leks during lekking, nesting, and early brood rearing.

- Is this NSO only for suitable GRSG habitats, or does this include non-GRSG habitats?

Pg. 166:

GRSG PPH Notice to Lessees-54d. Within PPH, complete Master Development Plans instead of single-well Applications for Permit to Drill for all but exploratory wells.

- As the DEIS fully discloses that within the Roan Plateau area around 84% of the area mapped as PPH is actually non-habitat, please explain why a MDP is necessary if activities avoid GRSG habitats.
-

Pg. 186: Alternative C – “(ADH) Avoid sagebrush reduction/treatments to increase livestock or big game forage in occupied habitat and include plans to restore high-quality habitat in areas with invasive species.”

- This measure is illogical. GRSG need mosaics of sagebrush, grass and forbs. It vegetative management that increases livestock or game forage also improves GRSG habitat, it should be promoted.
-

Pg. 189 – Alternative C – “Areas closed to grazing 1,702,800 acres”

- This measure is illogical. What is the rationale for concluding that sage-grouse will benefit from elimination of livestock grazing on over 1.7 million acres? The elimination of grazing would most likely increase the potential for catastrophic fire; which in turn would increase the potential for the spread of invasive species, which would then take decades to restore sagebrush ecosystems after wildfires.
- As detailed in “Saving the sagebrush sea: An ecosystem conservation plan for big sagebrush plant communities’ Davies et al (2011) state that “In contrast to heavy grazing, moderate levels of grazing with periods of rest and/or growing season deferment do not negatively impact sagebrush plant communities (West et al., 1984; Courtois et al., 2004; Manier and Hobbs, 2006). Properly managed livestock grazing can also decrease risk, size, and severity of wildfires (Diamond et al., 2009; Davies et al., 2010a) and thereby decrease the risk of post-fire exotic annual grass invasion (Davies et al., 2009). Though appropriately managed grazing is critical to protecting the sagebrush ecosystem, livestock grazing per se is not a stressor threatening the sustainability of the ecosystem. Thus, cessation of livestock grazing will not conserve the sagebrush ecosystem.”

Chapter 3: Affected Environment

Pg. 211: “Uncontrolled livestock grazing in riparian areas and degradation of willow shrub riparian systems may adversely affect” Wilson’s warbler.

- This statement is purely speculative as it uses the word “may”. If the DEIS is unable to state that uncontrolled grazing will actually have an adverse impact, then the argument for limited grazing fails.

- By definition, livestock grazing on BLM and USFS lands is “controlled.” This statement needs to be qualified or deleted. Where is there “uncontrolled livestock grazing” within the planning area? Why is there “uncontrolled livestock grazing”? What is “uncontrolled livestock grazing”?
- Later in the DEIS, on pages 334 – 335, authors do recognize that all livestock grazing on BLM lands is controlled: “Active grazing use authorization, management actions, and long term rangeland health in each allotment are monitored and evaluated, based on existing data. Adjustments are made by agreement or decision in accordance with legislation, regulations, and policy to ensure that public land resources are maintained or improved for future commodity and non-commodity values. Resource specialists use a variety of tools to monitor rangeland health including a series of rangeland health indicators that help them make determinations regarding the relationship between livestock grazing and the Colorado Standards for Public Land Health (see **Appendix K**, BLM Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado).
- Later in the DEIS, on pages 336, authors also recognize that livestock grazing on USFS lands is controlled: “All allotments on the Routt National Forest are managed under allotment management plans and annual operation instructions that implement livestock grazing standards and guidelines of the Routt National Forest Revised Forest Plan ROD (USFS 1998).”

Pg. 226: “GRSG are considered a sagebrush ecosystem obligate species. Obligate species are those species that are restricted to certain habitats or to limited conditions during one or more seasons of the year to fulfill their life requirements. GRSG are only found where species of sagebrush exist.”

- This statement is contradicted throughout the document. While asserting above that GrSG are only found where sagebrush exists, the document implies the utilization of other habitats by GrSG not considered sagebrush communities. The cap management program describes the potential for other habitat types to be managed similarly if CPW determines the habitat to contribute to the health of the GrSG population, with no explanation of other habitat types that may support the GrSG. If the GSG is actually not a sagebrush obligate, provide the scientific basis that supports its use of other habitat.

Pg. 242: “As a result, the 156 million acres of sagebrush that existed historically were reduced to 119 million acres by 2004 (Connelly et al. 2004). Currently, sagebrush communities and GRSG are at risk from multiple sources across multiple scales (BLM 2004b). About 56 percent of the potential pre-settlement distribution of habitat is currently occupied by GRSG (Connelly et al. 2004).”

- Connelly (2004) used a hypothetical “pre-European sage grouse distribution” but provides no data or evidence of historic sage grouse habitat or populations. The Final EIS must be based on science, not speculation.
- Connelly’s 2004 monograph relies on extensive GIS analysis to translate speculative habitat conditions into theoretical historical habitat, which is then compared to current potential sage grouse habitat. The theoretical habitat loss since European settlement is calculated through this exercise. Areas known to be historically occupied by sage grouse were not included, and areas

where there is no data of sage grouse occupancy are included. Speculative models are substituted for lack of historic data on sagebrush extent and sage grouse distribution, and are the basis of a mere guess at what was historic habitat. Thus, Connelly (2004) information is misleading, as are the subsequent analyses BLM and USFS use in reliance on Connelly (2004).

- This DEIS is for NW Colorado. The DEIS does not provide Colorado specific science that establishes the historic range of the GSG. It appears that the authors extrapolate unfounded opinions from Connelly's 2004 monograph and apply them to Colorado without scientific foundation.

Pg. 245: "As is the case with the North Eagle/Southern Routt population on the east side of the CRVFO, the Roan Plateau is at the southernmost part of the range for this species. It is incorporated in the Parachute-Piceance-Roan population. Although the area is mapped as preliminary general habitat (PGH), it does not contain large contiguous sagebrush stands. GRSG habitat use studies are ongoing on the Roan Plateau. Currently, the BLM's only data comes from global positioning system monitoring by the CPW where some use was noted in the Anvil Points area. Overall habitat use by GRSG is most likely transitory in nature."

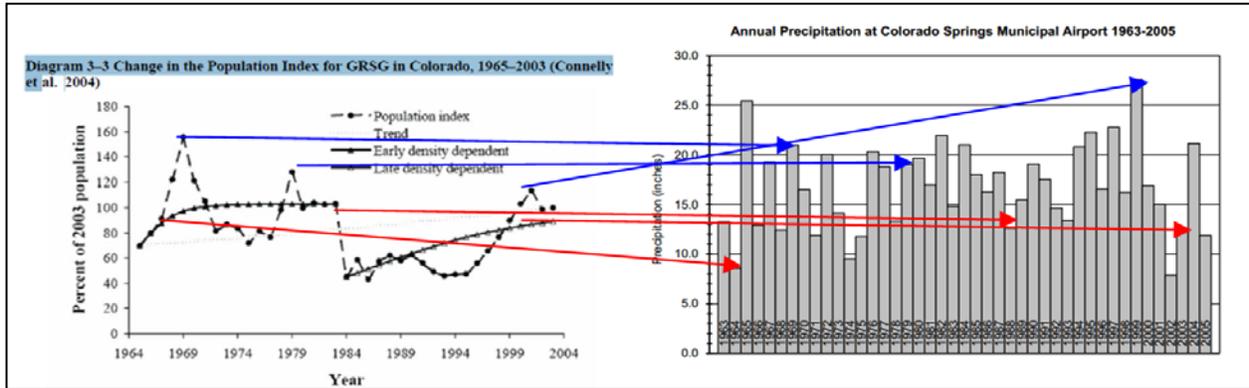
- Referring to the statement "Although the area is mapped as preliminary general habitat (PGH),...", the statement is false and unfounded based on the current CPW PPH/PGH dataset that delineates priority and general habitats. In fact, within the PPR population which totals approximately 365,052 acres, only 144,567 acres (40%) are mapped as general habitat (PGH), while the remaining 220,485 acres (60%) are mapped as priority habitat (PPH). It appears the authors are confusing a small portion of the "Roan" (aka Naval Oil Shale Reserve) in this statement; instead, the "Roan" is actually the entire area encompassed in the PPR mapped area as stated above consistent with the PPR planning area.
- The last statement of the paragraph reads "Overall habitat use by GRSG is most likely transitory in nature.", which suggests that the PPR population is not permanent in nature. If that is the case, by what means are modeled population results measured to ascertain baseline numbers? In addition, if the very nature of the population is unstable due to the 'transitory' use, how is the stability of future populations measured?

Pg. 246: "WAFWA Management Zone II has the largest regional extent and highest breeding density of GRSG in the western US, with several important populations in the Wyoming Basin, including Jackson and Routt Counties, Colorado. Livestock grazing is ubiquitous across these sagebrush ranges, which also have seasonal importance for native ungulates and wild horses (Manier et al. 2013). Changes in land cover and land use are contributing to population declines in this region (Manier et al. 2013)."

- Where did the Manier get the wording for the statement that livestock grazing is ubiquitous? Did the authors of this DEIS examine anything they cut and pasted to see where it came from? The federal agencies and their consultants appear to have stopped thinking and started cutting and pasting words that seem to fit the subject matter, whether they are true and relevant or not. The best we can determine, the statement comes from the 2008 WildEarth Guardians'

Sagebrush Sea Campaign, which was a nonscientific movement by a special interest group. If assumed to be true where livestock grazing is actually ubiquitous in Colorado, then Colorado livestock have begun mountain climbing.

Pg. 254 – Diagram 3-3 (Figure displayed on the left below)



- Did Connelly (Diagram 3-3) and the authors of the DEIS examine GRSG populations in relation to precipitation (figure in the right above)? See <http://geosurvey.state.co.us/water> - for the precipitation example above.
- As shown above, low GRSG population years (1964, 1983, and 2003) in the DEIS figure on the left and high GRSG population years (1969, 1979, and 1999) from precipitation data, directly correlate low and high GSG years with corresponding low and high annual precipitation years.
- Though this in only one example and we were unable to determine exactly where in Colorado Connelly's data was collected in relation to the precipitation data, the point is that more information is needed prior to concluding anthropomorphic changes are causing all or most GRSG population fluctuations. Both natural and anthropomorphic factors need to be examined in relation to GRSG populations.
- Predators are known to be cyclic. Predator population numbers in relation to sage-grouse population fluctuations should be included in the NEPA analysis. All data and graphs used in the EIS should be examined to determine whether the author of the publication used unbiased data. BLM and USFS are responsible for the content of the document. Cutting and pasting information does not constitute adequate NEPA analysis.
- Instead of creating broad sweeping policies that adversely affect the nation, the Department of Interior and Department of Agriculture need to start over and determine the veracity of the data they are using in NEPA documents. The DEIS is fatally flawed.

Pg. 256: "Hagen (1999) found GRSG distribution in Piceance Basin to be highly clustered, implying that the availability of suitable habitat was, therefore, also clustered."

“Due to the peculiar configuration of habitat associated with the Parachute-Piceance-Roan population, these GRSG are believed to be particularly vulnerable to development and habitat-related effects. The characteristic pattern of GRSG habitats in the Parachute-Piceance-Roan are such that each parcel of ridgeline habitat (generally 400 to 1,000 feet in width) is separated from adjacent ridgeline habitats by 1,000-to 3,000-foot intervals of habitat unsuited for occupation or ground movement. Habitat potentially suited for use by Parachute-Piceance-Roan GRSG comprises only 16 percent of the mapped overall range. Although this pattern moderates at lower elevations where ridgeline habitats broaden, bird distribution tends to be confined to higher elevations (greater than 7,400 feet in the east, greater than 7,700 feet in the west) and modeled habitat at lower elevations supports few birds.”

- Both statements above seem to acknowledge the very fragmented nature of suitable habitat areas currently present within the PPR region and even describe the suitable habitat as areas occurring on the broader ridgelines where sagebrush communities exist. While the distinction between suitable habitats in the PPR region is made in the text, it does not appear to be reflected in the PPH/PGH map, as all areas are considered some degree of suitable habitat per the PPH/PGH delineations. Please provide a rationale why PPH/PGH maps, if so inaccurate, are being used to delineate NSO areas, MDP areas operator required BMPs, but then cap management uses ReGAP data to delineate actual habitats. This places significant burdens on the public and operators to plan and negotiate with the BLM and CPW for activities in non-habitats. Please explain this rationale.
- “...habitat unsuited for occupation or ground movement.” This statement seems contradictory; areas that are not suitable for occupation and/or movements should be identified as ‘non-habitat’.

Pg. 421: “In addition, various trends threaten the economic viability of livestock grazing and ranching, and the number and size of ranches is decreasing in parts of the Socioeconomic Study Area, especially in Garfield, Grand, and Routt Counties (BLM 2011a, 2011b).”

As before, many residents expressed concerns that constraints on energy development, mining, and ranching might create economic hardship within their communities. Additionally, some argued that constraints on livestock grazing would exacerbate existing trends of conversion of ranch lands to agricultural and residential uses, perhaps with the unintended consequence of decreasing available GRSG habitat.”

- Garfield County has been uniquely affected by BLM and USFS management actions that continue to decrease the economic viability of ranching, energy development, and mining within the County. (Refer to ***Exhibit D.***)
- We request the DEIS clearly identify benefits livestock grazing provide to GRSG including but not limited to reducing fuel loads, maintaining large expanses of open space that might otherwise be subdivided, increasing vigor of meadows and riparian habitat, etc.

Page 432-434+ – 2007... 2010...2011....2012...

- The economic data for farm, nonfarm, crop and livestock is inconsistent and NOT the “best available science” though the DEIS states on Page 458 that the “best available information pertinent to the decisions to be made was used in developing the LUPA.”
 - The best available scientific data for socioeconomic analysis is 2012 data. The next version of the DEIS should update all socioeconomic data to 2012.
-

Environmental Justice (Page 442 – 443) – 1996 and 1998 economic data from BLM and USFS

- It is particularly egregious to state the DEIS contains the best available data, then use BLM and Forest Service wage data that is 17 years old.
 - The next version of the DEIS must be updated with the real federal salary data from at least 2012.
-

Page 446 – “The placement of salt and mineral supplements could lead to cattle concentration in terrestrial wildlife species habitats. This could displace species, cause nests to be trampled, and reduce habitat quality. Impacts could be both short term and long term and could range from minor to major, depending on the grazing intensity, duration, season of use, and local climate”

- Salt and mineral blocks can be placed away from leks. This livestock management strategy is already in Colorado and other western states. Salt and mineral blocks are a tool for encouraging livestock to concentrate in certain areas. Thus, under the No Action Alternative, the impact, if found, can readily be alleviated.
-

Page 468-469 - “In areas that are available for livestock grazing, there could be more impacts on terrestrial wildlife than in areas where livestock grazing is excluded. The impacts resulting from livestock grazing on wildlife habitat include competition for forage and water and habitat use. Grazing, invariably, reduces the height and ground cover of plants, at least temporarily. This would reduce the cover wildlife species need for protection, escape, feeding (including the availability of prey populations), roosting, breeding, and nesting. Inappropriate grazing, or overgrazing, could change habitat effectiveness and the connectivity of wildlife habitats by changing the structure, composition, or diversity of vegetation. The placement of salt and mineral supplements could lead to cattle concentration in terrestrial wildlife species habitats. This could displace species, cause nests to be trampled, and reduce habitat quality. Impacts could be both short term and long term and could range from minor to major, depending on the grazing intensity, duration, season of use, and local climate.”

- These statements are arbitrary and not based on science. A range conservationist with expertise in livestock grazing and sage-grouse needs to rewrite this section. The paragraph demonstrates lack of knowledge and biased instead of the best available science.

- Before stating that there are impacts from grazing due to “competition for forage and water and habitat use” there needs to be the science that demonstrates that any of these factors are limiting to the sage grouse.
 - The DEIS needs to explain what sage-grouse eat. They eat a variety of foods including sagebrush, forbs and insects. Of these items, cattle really only have the potential to compete for forbs. Why? Because sagebrush is not nutritious for cattle or other livestock: its characteristic aroma comes from chemicals evolved to poison herbivores. Cattle will eat sagebrush if they have to, but enough of it will make them sick, kill off their gut bacteria, and generally cause them to lose vigor. Livestock don’t eat insects so here is no competition there, though there is science to prove livestock increase insect production and benefit sage-grouse chicks. Unless water can be shown to be a limiting factor for sage-grouse in portions of Colorado, this impact is also misstated.
-

Page 469 – “Alternative A would allow livestock grazing, with no restrictions in place to protect GRSG habitat specifically and therefore would have the greatest impact on terrestrial wildlife.”

- This sentence needs to be rewritten as follows: Alternative A requires federal land management agencies to manage livestock and other resources to protect GRSG habitat. BLM and USFS laws, regulations, policy and manual direction make the protection of GRSG habitat mandatory so as not to lead to listing of this or any other candidate or special status species. Under the No Action Alternative, livestock grazing would continue to be managed and monitored to assure GRSG habitat is conserved and maintained such that the GRSG does not need to be listed.
-

Page 469 – “Alternative B would have the same areas available for livestock grazing as Alternative A; however, more restrictions would be in place to protect GRSG habitat, so it would have fewer impacts on terrestrial wildlife.”

- Rewrite to state – Alternative B would have the same areas available for livestock grazing as Alternative A; however, more restrictions would be in place to protect GRSG habitat, so it would have greater adverse impacts on the livestock industry and economy.
-

Page 469 - “Alternative C would have no areas available for livestock grazing within ADH and therefore would have the fewest impacts on terrestrial wildlife.”

- Rewrite to state - Alternative C would have no areas available for livestock grazing within ADH and therefore would violate FLPMA. This alternative would also cause irretrievable and irreversible impacts to ranchers, the local economy and the national economy. As with the timber industry, once it is shut down, the skilled worker base and industry infrastructure deteriorate. This alternative would trigger ranches to be sold, subdivisions to be built, open space to be lost, noxious weeds to increase, catastrophic fires to increase, and the irreversible loss of GRGS and their habitat.”

Page 469 – “Alternative D is similar to Alternative B but would be slightly more restrictive. This is because GRSG habitat objectives within grazing allotments would be applied to ADH and not just PPH. This alternative would have fewer impacts than Alternative A and would have greater impacts than Alternative C.”

- Rewrite to state - Alternative D is similar to Alternative B but would be slightly more restrictive. This is because GRSG habitat objectives within grazing allotments would be applied to ADH and not just PPH. This alternative would have more adverse impacts to GRSG than Alternative A and would have greater impacts than Alternative C. The alternative would violate FLPMA and create the most significant adverse irretrievable and irreversible impacts to ranchers, the local economy and the national economy. This alternative would cause the greatest irreversible loss of GRGS and their habitat.

Page 493 – “Impacts are most likely to occur in site-specific areas where improper grazing is occurring. Improper livestock grazing could result in direct adverse impacts at site-specific locations to select streams containing sediment-intolerant aquatic species.”

- Where is “improper grazing” occurring and why? Under the No Action Alternative, if there is “improper grazing”, both BLM and USFS have the ability to correct the problem.

Page 493 – “Livestock grazing could lead to changes in vegetation plant species and functional group composition through vegetation removal, disturbance, and trampling and increased potential for weed introduction and spread. Livestock and wildlife grazing in riparian areas can prevent regeneration of woody and herbaceous riparian vegetation necessary to stabilize stream banks. Grazing can also reduce litter and fine fuel loading, which could alter fire size and severity.

Livestock often use riparian areas for water and shade, which may cause greater impacts on these areas by concentrating livestock use. Livestock could cause impacts by altering stream functionality and vegetation structural diversity. Livestock could also contribute to the spread of invasive species in riparian areas.

Livestock grazing can increase sediment load in streams from animal concentration areas, collapsing banks, stream-channel alteration, and vegetation removal in riparian areas. Increased sediment in streams, rivers, and reservoirs decreases the potential for wild fish to reproduce, fills in pools, leads to channel degradation, and increases stream temperatures. Changes in water temperature also would result from changes in the amount of vegetative cover. Changes in the aquatic habitat would lead fish to alter their uses of the stream, moving to different areas for feeding and spawning, depending on habitat conditions.

Livestock near aquatic systems could change coldwater aquatic habitat quality through nutrient inputs from manure (Larsen et al. 1994). In addition, livestock grazing could change aquatic habitat connectivity when they are allowed next to or within aquatic systems; grazing could alter bank stabilization and water quality and thus alter habitat conditions in certain areas. Water developments near tributary creeks could affect the hydrologic regime of these systems by withdrawing water.”

- Rewrite as: Though there are numerous examples of riparian areas being historically overgrazed, federal and state agencies have enacted laws, regulations and policies to stop this practice. In particular, in 1997 Colorado has enacted the BLM Colorado Public Land Health Standards to ensure proper livestock management. Sixteen years later, many grazing management strategies are being used to restore riparian systems in Colorado. Recent experience has shown that with proper grazing, livestock can be present while stream systems are improving.
- Managed livestock grazing could lead to changes in vegetation plant species and functional group composition by maintaining vegetation at a healthier, early seral stage. Livestock and wildlife grazing in riparian areas can prevent degradation and decadence of woody and herbaceous riparian vegetation and stabilize stream banks. Grazing can also reduce litter and fine fuel loading, which could reduce fire size and severity.

Page 494 - "In areas that are available for livestock grazing, there would be more impacts on aquatic wildlife from vegetation management activities and range improvements than in areas where livestock grazing is excluded."

- Rewrite to state: In areas that are available for livestock grazing, there would be more beneficial impacts on aquatic wildlife from vegetation management activities and range improvements than in areas where livestock grazing is excluded. Where livestock are excluded, riparian vegetation can peak at a climax stage that results in low diversity, low palatability and decadent grass and forbs. Fires burn hotter in ungrazed habitat and significant losses of GRSG habitat could occur.

Page 494 - "Areas available for livestock grazing would primarily be associated with vegetation management and range improvements, such as fencing, water developments, weed treatments, chemical, biological, or mechanical vegetation treatments, burning, and seeding of disturbed areas or weed-treated areas. The primary impacts from rangeland vegetation management are habitat alteration and increased sediment loading and turbidity. Where treatments are occurring in watersheds containing occupied habitats of sediment-intolerant species (e.g., trout, sculpin species, and mountain whitefish), there is an increased risk of the identified impacts to occur because these species require cold, clear, well-oxygenated water in which to thrive."

- Rewrite to state that "Areas available for livestock grazing would primarily be associated with vegetation management and range improvements, such as fencing, water developments, weed treatments, chemical, biological, or mechanical vegetation treatments, burning, and seeding of disturbed areas or weed-treated areas. The primary impacts from rangeland vegetation management are short term habitat alteration and increased sediment loading and turbidity followed by long term habitat improvements and decreases in sediment loading and turbidity as vegetative management strategies take hold. Where treatments are occurring in watersheds containing occupied habitats of sediment-intolerant species (e.g., trout, sculpin species, and mountain whitefish), both BLM and USFS laws, regulations and policies require additional best

management practices are used to avoid adverse impacts to species requiring cold, clear, well-oxygenated water in which to thrive.”

Page 494 – 496 – To avoid being repetitive, the impact section on livestock grazing needs to be rewritten. Old literature and cut and paste of irrelevant, antiquated statements about all of the negative effects of livestock grazing need to be rewritten by professional range specialists that are knowledgeable about the current state of livestock grazing in Colorado. The old rhetoric needs to be discarded. An honest, objective analysis of livestock grazing, under current laws and regulations is needed.

Page 496 – “In areas that are available for livestock grazing, there would be more impacts on aquatic wildlife from water depletions than in areas where livestock grazing is excluded.”

- The entire section on water depletion needs to be rewritten. Unless water is a limiting factor in a certain area, the analysis lacks validity.
- How much water do GRSG need? When? How often?

Chapter 4: Environmental Consequences

Pg. 507: “Not all habitats within mapped priority and general GRSG ranges are capable of supporting GRSG populations.”

- The above statement acknowledges that many ecological sites capable of supporting sagebrush present within the mapped priority and general GrSG ranges are not capable of supporting GrSG populations. This seems to imply that the mere presence of sagebrush communities does not, in and of itself, determine suitable habitat for the GrSG. Accepting that statement, will a distinction be made between effective and ineffective ecological sites capable of supporting sagebrush? If so, how will the distinction be made and applied? Will the ineffective sites be a component of the cap management disturbance program? If so, why, if the areas are essentially determined to be of no habitat value to the species?

Page 512 – 513 – Delete the following outdated information, much of which is not data from Colorado:

~~In areas that are available for livestock grazing, there could be more impacts on GRSG than in areas where livestock grazing is excluded.~~

~~Potential impacts of herbivory (plant eating) on GRSG habitat include long term impacts of historic overgrazing on sagebrush habitat and GRSG habitat changes due to herbivory (Beck and Mitchell 2000).~~

~~By altering habitat components necessary for GRSG habitats, livestock grazing can impact the suitability and extent of GRSG habitats (Wyoming Sage Grouse Working Group 2003). Holloran et al. (2005) suggest that annual livestock grazing in GRSG nesting habitats may adversely impact the next year’s nesting success.~~

Start the section with “Important objectives in managing livestock grazing are”

Page 513 and 514 – Comparison of Alternatives –

- To avoid being redundant in these comments, we refer you to comments we made regarding Page 469 comparison of alternatives and we recommend a similar rewrite here.
 - Remainder of DEIS – Livestock section is speculative and needs to be updated to reflect current conditions and laws including the BLM Colorado Public Land Health Standards. The antiquated cut and paste analysis perpetuates false claims and an invalid analysis.
-

Pg. 622: “Operators need predictable continuity of operations before acquiring or developing a lease”

- Understanding that the development/implementation season for many areas of northwestern Colorado is ultimately constrained by weather, particularly at higher elevations, how does adding additional timing stipulations that encumber huge portions of developable land during a very constrained implementation season satisfy the assumption that operators need predictable continuity of operations?
-

Pg. 897: Table 4.14. One Year Impact of Management Actions Affecting Grazing on Output, Employment, and Earnings by Alternative

- There should not be dollar signs (\$) in the rows for employment (Alternative B and Alternative D).
-

Pg. 898, second paragraph. [Referring to grazing impacts under Alternative C] “The impact of Alternative C may also be greater than estimated, if the closure of federal lands makes some grazing operations no longer viable.”

- This is an important observation, which also applies to the other alternatives. Grazing on public lands is an essential component for many ranching operations in western Colorado that would not be financially viable without it. Since grazing on public lands typically occurs during about four months out of the year (which is the component included in the economic impact estimates in the EIS), if the loss of grazing access makes those ranches no longer viable, the actual economic impact could be about three times the figures provided in the EIS.
 - Similarly, the same observation should be offered for oil and gas development. The core oil and gas reserves are located in areas that are interwoven public and private lands. Prohibitions on public lands will influence the viability of development on private lands and vice versa.
-

Pg. 902: Table 4.16. Average Annual Impact of Management Actions Affecting Oil and Gas on Output, Employment, and Earnings by Alternative

- We were able to essentially replicate the employment estimates provided in this table based on the assumed total employment impact per well for drilling (13.1 jobs) and completion (8.2 jobs) provided in Table M.21 of Appendix M, and the projected number of wells drilled on the Federal Surface provided in Table M.17 over the 20 year period. Our calculations are within one percent of the numbers provided in Table 4.16.
- The main document (Page 902) notes that “only new wells projected for the future 20 horizon were considered” and “Existing wells would not be impacted ...” It should also note, however, that the employment totals do not include projected new wells on State and Fee Surface, which were evidently also assumed to not be impacted by the management alternatives. However, the text in other areas (such as grazing, on page 896) notes that “although [grazing] on private lands could also be impacted by access restrictions, they are not included in the quantitative estimates but rather discussed qualitatively.” The same would seem to apply to oil and gas wells, but this issue is not noted in the text.
- As noted above, Appendix M (Table M.21) provided the employment to well ratios for drilling and completion that appear to have been used to generate Table 4.16. However, Appendix M also provides estimates of the employment associated with ongoing well production (Table M.22). Since we were able to replicate the employment estimates in Table 4.16 based only on the employment ratios for drilling and completion, it appears that the employment associated with ongoing production from the wells was not included in Table 4.16. This would likely be a substantial number of jobs, particularly as the number of operating wells accumulates over the 20 year period. We calculated the annual oil and gas production jobs based on the employment to production ratios provided in Table M.22 and the projected production volumes from Federal Surface wells provided in Table M.18 (after dividing the volumes by 20 to annualize them). That calculation indicates the difference in average annual production jobs between Alternative A and Alternative C could be another 5,325 jobs. Further, these production jobs are high paying, essentially permanent positions in the community.

Pg. 903, third paragraph. “Alternative C-Management under Alternative C ...”

- In this section related to effects on oil and gas, the paragraphs for Alternative A, Alternative B and Alternative D each begin with a sentence describing why the alternative would affect oil and gas production. The same type of introduction should be included for Alternative C.

Pgs. 906-907, “Impacts on Tax Revenues and Payments to States and Counties”

- As noted in the first paragraph of this section, “the largest impact of management alternatives on county fiscal revenues would be through taxes paid by the oil and gas sector.” However, after making that statement, there is no further discussion about the impacts of the alternatives on county revenues and no comparison of the effects of the alternatives.
- Impacts on county revenues, particularly property taxes, are a major concern for the oil and gas producing counties, where oil and gas properties can be the largest source of county revenues.

On a proportional basis (relative to overall sources of revenue) these effects would be much larger for the affected counties than the changes in state severance tax revenues or federal royalties (which are estimated in this section) would be to the State of Colorado or the federal government. Some effort to quantify these effects on county revenues is crucial in the interest of disclosing the socioeconomic effects of the alternatives.

- To further emphasize the importance of this issue, the Garfield County Assessor’s office recently examined the current contribution of oil and gas properties to the local tax base. That analysis revealed that more than 70 percent of the tax base (assessed property value) for the County government and the RE-2 school district was attributable to oil and gas properties, while more than 90 percent of the tax base for School District 16 was attributable to oil and gas. The analysis also identified a number of fire and hospital districts that rely on oil and gas properties for at least 75 percent of their assessed value. All told, oil and gas-related property tax revenues contributed a total of over \$90 million in 2012 to the County and at least 10 other local government jurisdictions in Garfield County.
- Consider the graph below to illustrate the tax revenues that almost exclusively support towns and special districts in Garfield County that are not considered in the DEIS socio-economic impact analysis. Despite the fact that the BLM did not coordinate with the special districts and towns listed below in the formation of the alternatives in the DEIS, the analysis itself ignores the tax implications of the proposed alternatives to their districts in terms of property tax revenues that maintain their ability to provide services to the district and citizens.

Taxing Entity	2013 Estimated % of			
	2012% of Assessed value Attributable to Oil and Gas	2012 Revenue Attributable to Oil and Gas	Assessed Value Attributable to Oil and Gas	2013 Revenue Attributable to Oil and Gas (Estimated)
Garfield County	73.03%	\$ 39,202,342	70.20%	\$ 27,766,900
Town of Parachute	27.84%	\$ 111,630	22.00%	\$ 76,244
City of Rifle	0.16%	\$ 1,059	0.49%	\$ 2,520
Town of Silt	0.00%	\$ -	0.00%	\$ -
RE-2 School District	78.80%	\$ 16,845,974	76.36%	\$ 11,723,957
School District 16	93.73%	\$ 8,429,264	92.64%	\$ 5,644,774
Burning Mtn Fire Protection District	77.25%	\$ 3,025,665	77.84%	\$ 2,472,041
Debeque Fire Protection District	94.52%	\$ 1,548,867	94.38%	\$ 1,326,773
Grand Valley Fire Protection District	93.89%	\$ 4,220,698	92.72%	\$ 2,801,262
Rifle Fire Protection District	77.71%	\$ 3,856,212	72.19%	\$ 2,317,445
Grand River Hospital District	88.41%	\$ 15,892,975	86.83%	\$ 11,287,653
Totals		\$ 93,134,686		\$ 65,419,569

Pg. 909, third row of initial paragraph. “This 2.95 percent one year impact of Alternative C with respect to Alternative A compares with an average annual employment growth of 1.39 percent in the nine years between 2001 and 2010 ...”

- This text is misleading in several ways. First, the difference in employment between Alternative A and Alternative C is not a one year impact, but is the average annual difference throughout the 20 year period.
- The comparison of the employment effects with average annual employment growth over the previous decade also fails to portray an accurate picture of current socioeconomic realities in western Colorado. Year end 2012 data from the Quarterly Census of Employment and Wages published by Colorado Labor Market information shows that the socioeconomic study area has actually lost more than 14,000 jobs and \$252 million in annual wage earnings since 2007. This corresponds to an annual average decrease in employment of 1.9% per year and average annual decrease in wage earnings of 0.9% per year over the most recent five year period.

Pg. 911, fourth paragraph. “Alternative A -Current management ...”

- The two sentences in this paragraph completely contradict one another. The paragraph needs to be rewritten.

Pg. 912, third paragraph. “Specific communities will also not be impacted in the same way by the management alternatives.”

- This is an important point. The rest of this paragraph focuses on the impacts of changes in grazing for the Town of Walden and Jackson County. While this is a valid example, the largest economic impacts associated with the management alternatives relate to oil and ~~gas~~ ^{gas} related employment. Small and medium sized communities heavily dependent on oil and gas employment and activity, including DeBeque, Parachute, Silt, Rifle, Rangely, Meeker and Craig may also be disproportionately affected. Even Grand Junction, though much larger, could be substantially affected since it is the main service center for the oil and gas industry in western Colorado.

Pg. 914-916, Environmental Justice Impacts

- This section again notes concern about potential disproportionate impacts on Walden and Jackson County, citing a commenter from the Economic Strategies Workshop in 2012. However, the quantitative evaluation of potential environmental justice concerns focuses entirely on county level data for the study area. As suggested in the preceding comment, there are specific and identifiable communities within the study area that may be particularly affected due the large role of the oil and gas industry in their economies. A quick review of 2007-2011 data from the American Community Survey indicates that Craig, DeBeque, Glenwood Springs, Grand

Junction and Walden all have poverty rates above the state average. The most important example of a potential environmental justice impact, however, is probably the Town of Parachute. Based on the ACS data, over 39 percent of the residents in Parachute live below the poverty level, more than three times the state average. In summary, the environmental justice analysis should include identification and evaluation of impacts on disadvantaged communities by place of residence, not just county of residence.

Appendix F: Disturbance Cap Management

General fundamental failure of the DEIS regarding the Disturbance Cap Management Program:

The presumed need for a 3% disturbance cap originated with opinion expressed by Walker et al. (2007) in the discussion of their paper. They stated, "...we believe the conservation strategy most likely to meet the objective of maintaining or increasing sage-grouse distribution and abundance is to exclude energy development and other large scale disturbances from priority habitats, and where valid existing rights exist, minimize those impacts by keeping disturbances to 1 per section with direct surface disturbance impacts held to 3% of the area or less." However, Walker et al. (2007), like Holloran (2005), who had previously proposed a restriction of one well per section, never actually tested the effectiveness of these disturbance caps. Instead they modeled sage grouse response in lek attendance in terms of distance(s) from potential sources of disturbance. Therefore, the need for a 3% disturbance cap (or 1% or 5% caps, and one-well per section) in the NTT Report and DEIS, represents nothing more than the opinions of Holloran (2005) and Walker et al. (2007) that were stated in the conclusions of their papers, and by the NTT members, at least one of whom was an author of the NTT report. The BLM cannot rely on such untested opinion as a basis for its alternatives in DEIS. If it does, it will have effectively replaced the scientific method in implementation of the NEPA (i.e., data, hypothesis testing, and reproducible results) with the opinions expressed by the authors of the cited studies, especially when those opinions are erroneously represented by the BLM as if they were rigorously tested against the data. **(Please refer to Exhibit M: "How the NTT Report Changes the Way the BLM Operates" which contains internal BLM emails obtained through FOIA that underscore the BLM's own concern for lack of scientific citations and data to support opinions rather than actual science used in the NTT Report. This exhibit points directly to BLM's own concerns over a lack of science to support a percentage cap, etc.)**

Pg. F-1: "This cap management approach does not suggest that GRSg use only the most preferred sagebrush habitat."

- This statement (and those quoted below) directly contradicts the statement on page 226 of the main DEIS as true, "*GRSG are considered a sagebrush ecosystem obligate species. Obligate species are those species that are restricted to certain habitats or to limited conditions during one or more seasons of the year to fulfill their life requirements. GRSg are only found where species of sagebrush exist.*"
- Page 245 of the main DEIS: "*As is the case with the North Eagle/Southern Routt population on the east side of the CRVFO, the Roan Plateau is at the southernmost part of the range for this species. It is incorporated in the Parachute-Piceance-Roan population. Although the area is*

mapped as preliminary general habitat (PGH), it does not contain large contiguous sagebrush stands."

- Page 256: "Hagen (1999) found GRSG distribution in Piceance Basin to be highly clustered, implying that the availability of suitable habitat was, therefore, also clustered."
- Page 256: "The characteristic pattern of GRSG habitats in the Parachute-Piceance-Roan are such that each parcel of ridgeline habitat (generally 400 to 1,000 feet in width) is separated from adjacent ridgeline habitats by 1,000-to 3,000-foot intervals of habitat unsuited for occupation or ground movement."
- Page 256: "Adding to this vulnerability, the Parachute-Piceance-Roan population is distributed in clusters across the Piceance Basin and Roan Plateau. The birds' primary distribution across the Cathedral Bluffs and Roan Plateau is divided into two relatively distinct subcomplexes: the Figure Four area to the west and the Barnes Ridge area to the east. Although CPW monitoring of telemetered birds has established that there is regular, but infrequent, interchange among these groups, the large interval of land separating these subgroups (about 9 miles) is relatively devoid of suitable habitat."
- Page 507: "Not all habitats within mapped priority and general GRSG ranges are capable of supporting GRSG populations."

Pg. F-1: (Lines 22-27, Page F-1) "This cap management approach does not suggest that GRSG use only the most preferred sagebrush habitat. Consequently, the Northwest Colorado habitat map does not attempt to make this localized distinction, and most of the provisions of Alternative D apply to habitat designations on the Colorado map without reference to specific ecological sites. However, under Alternative D, management of the disturbance cap is restricted to this preferred sagebrush habitat."

- This directly conflicts with the direction provided to the BLM in the Instructional Memorandum (IM) 2012-044 which requires the BLM to address local ecological site variability. Specifically: "While these conservation measures are range-wide in scale, it is expected that at the regional and sub-regional planning scales there may be some adjustments of these conservation measures in order to address local ecological site variability." As a result, the BLM directly ignored this direction.
- This is further underscored in the IM which states that habitat maps can be refined as new information becomes available. Specifically: "PPH and PGH data and maps have been/are being developed by the BLM through a collaborative effort between the BLM and the respective state wildlife agency, and are stored at the National Operations Center (NOC). These science-based maps were developed using the best available data and may change as new information becomes available. Such changes would be science-based and coordinated with the state wildlife agencies so that the resulting delimitation of PPH and PGH provides for sustainable populations." Garfield County has provided this information to BLM numerous times but CPW and the BLM have refused to acknowledge and incorporate the County's habitat mapping despite the fact that it is based on best available data and is science-based.

- The first sentence states: *“This cap management approach does not suggest that GRSG use only the most preferred sagebrush habitat.”* This seems to say the GSG use more than what has been defined as “most preferred habitat.” However, the last sentence states: *“However, under Alternative D, management of the disturbance cap is restricted to this preferred sagebrush habitat.”* This last sentence seems to say the GSG uses only “preferred sagebrush habitat.” To the reader, these two sentences seem to contradict each other. It appears the BLM does not actually know which type of habitat is truly important in applying the disturbance cap management approach. Recall, the DEIS states that areas within PPH and PGH “do not contain large continuous sagebrush stands” (Pg 245), and on Pg. 256 the DEIS states *“Hagen (1999) found GRSG distribution in Piceance Basin to be highly clustered, implying that the availability of suitable habitat was, therefore, also clustered.”* Also, the DEIS states *“Habitat potentially suited for use by Parachute-Piceance-Roan GRSG comprises only 16 percent of the mapped overall range. Although this pattern moderates at lower elevations where ridgeline habitats broaden, bird distribution tends to be confined to higher elevations (greater than 7,400 feet in the east, greater than 7,700 feet in the west) and modeled habitat at lower elevations supports few birds.”* It would seem that the cap program, if used, should be retooled to be consistent with the data cited in the DEIS.

Pg. F-3: “The initial calculations and the analysis in this document are based on sagebrush maps created using the Regional GAP Analysis Project data, but implementation would be based on site-specific information wherever it is useful. Areas currently dominated by sagebrush, or specially identified by CPW as contributing to the health of GRSG populations, would be included in the analysis and calculations, independent of ecological site maps.”

- This statement appears to stray from previous statement of “The reference to ecological sites supporting sagebrush is intended to focus disturbance cap management on the most preferred sagebrush habitat.” (pg. F-1). The inclusion of the statement, “...or specially identified by CPW as contributing to the health of GRSG populations...” seems to afford great discretion in determining the areas that are managed under the cap management disturbance program, allowing for areas to be managed under the program that are deemed suitable habitat based solely on the judgment of CPW. Accepting the statement on page 226 of the main DEIS as true, *“GRSG are only found where species of sagebrush exist.”*, why would other vegetation communities be proposed to be managed under the cap management disturbance program?
- Who would be responsible for providing site-specific information regarding what is truly habitat? If CPW or the BLM, would they re-map habitats? Would a project proponent be responsible to collect site-specific information? Who would determine what is habitat? Would it be data from the WAFWA report? ReGAP? PPH/PGH maps? If a project proponent expends significant time and resources to provide site-specific data, would CPW/BLM accept this information even through CPW did not “specifically identify” the site-specific information? This places a significant burden on project proponents, with no or at least very vague guidance on how site-specific information would be collected, who would review it, and what the definition of effective GRSG habitat actually is, given the DEIS utilizes multiple maps showing significant differences in what habitat really is, but all maps claim to be “defining” habitat.

- The Cap Management program states that implementation of the cap program would be based on Ecological Sites Supporting Sagebrush in PPH maps (Re-GAP data) as well as site-specific information wherever it is useful. Additionally, the same section goes on to say: *“Areas currently dominated by sagebrush, or specially identified by CPW as contributing to the health of GSG populations, would be included in the analysis and calculations, independent of ecological site maps.”* As one reads these two passages, it essentially says that more than a map will be considered. However, no criteria or standards are offered or defined for those other opinions leaving total and unchecked discretion to CPW or some unidentified authorized officer to make those decisions which is arbitrary. Ultimately this means that while there is a new map delineating specific areas of sagebrush that would be used as the basis for the cap management program, the BLM and CPW will also include other undefined discretionary information at their whim in the field that has not been evaluated, and there is no method proposed for how these areas of non-habitat would also be tracked in the cap management program.
- As noted in Exhibit P, the map of “Ecological Sites Supporting Sagebrush” fails to differentiate between sagebrush habitat quality or use by GSG. As a result, the agencies may be arbitrarily expanding areas subject to the management restrictions outlined in the DLUPA/EIS to areas that do not actually contain active leks or GSG habitat. In addition, there is no scientific evidence that enforcing rigid, uniform restrictions across thousands of acres will actually benefit the species and its habitat, which is counter to the agencies’ objectives for this planning process. These factors undercut the agencies’ ability to work with users of public lands to identify site-specific plans that allow for development while protecting the GSG and high-quality habitat.

Pg. F-3 and 4: “The BLM would not inventory private lands, nor does the BLM intend to monitor the activities of private landowners.”...“Known disturbance on private surface would be considered using air photos as appropriate and included in disturbance cap calculations.”

- The second sentence directly contradicts the first. Merriam-Webster defines the term inventory as “the act or process of making a complete list of the things that are in a place”. If the BLM intends to utilize publicly available aerial photography to map and quantify public land disturbance, thereby creating a list of private land disturbances that are subsequently stored and utilized in a database, then by definition, an inventory has been created. Regarding the statement, “...nor does the BLM intend to monitor the activities of private landowners.”, how would private land disturbances be tracked in the cap management disturbance program if not monitored?
 - Who would be responsible for identifying known disturbances on private surface? Would the BLM conduct the inventory, or would a project proponent be responsible to collect this information? How far out from a project would a proponent or the BLM be looking at activities on private lands? Would this data be available to other project proponents within that area? Who would track the disturbance cap calculations, if different entities are looking at different activities on private lands?
-

Pg. F-4: Mitigation

- There is no formal “cap and trade” program associated with this EIS; it is left up to individual “authorized officers” to negotiate with operators on a case-by-case basis at their discretion.
- In-direct Mitigation: The EIS does suggest that there can be “indirect” mitigation such as conservation easements or research projects on private land; however these efforts would not positively affect (add back to) the cap. The EIS goes on to say that these types of efforts “may” warrant approval of projects that use cap space. So, even through a private land owner places their land in a permanent conservation easement to preserve sagebrush (removing the possibility for other beneficial uses forever) the BLM refuses to let it count against creating cap space. Moreover, the BLM states that if you do those things, there is no guarantee that you will receive any benefit and that it is left to the unchecked discretion of some “authorized officer” to make that decision.
- Juniper/Pinyon Encroachment Counts Against the Cap: The natural process of JP Encroachment counts against the cap on both public and private land. It is unclear what measures the BLM will take to do their part in treating this encroachment on BLM to create cap space. The County might suggest the BLM must meet or exceed (in equal acreage) JP treatments on BLM as is completed on private and split-estate...in other words, the BLM must match what the private land owners does to create cap space for JP removal.

Pg. F-4: (Lines 6-19) Management of valid existing rights would be similar to the management of private land. The BLM has no authority to deny valid existing rights; consequently, decisions made by entities with valid existing rights would affect what the BLM can authorize for other potential users of land it administers in the management zone.

- This EIS states it will honor valid existing rights on BLM Land or split-estate; however, those existing rights as they are developed (read: disturbed) will count against the cap even if located on private land within the Management Zone. So, as valid existing rights on private land are developed, those will also count against the cap. So, in effect, even through the BLM has already leased valid rights for anticipated development, they will count the resulting disturbance towards the cap in addition to any ‘new’ leases rights. In this way, the BLM will retroactively apply the provisions of this EIS against already existing valid leases.

Pg. F-4: “Easements on private lands that preserve sagebrush and funding of research are examples of mitigation that would not affect disturbance cap calculations but may warrant approval of projects that use cap space.”

- Why are private lands conservation efforts not considered as credits to the cap management disturbance program, yet disturbances occurring on private lands are counted against the program? Considering the fact that enormous portions of effective habitat coincide with private

lands, does the exclusion of private lands not greatly skew the ability to understand forecasted population dynamics as well as habitat quality? In determining potential impacts to GrSG habitats, it is explicitly stated that private lands will be included in the cap management program with the reasoning that animal species do not respect arbitrary legal/political boundaries and that the end goal is conservation of the specie's entire habitat. To that end, it should stand to reason that any objective assessment in managing and understanding future population and habitat dynamics should be inclusive of private land conservation efforts as well, since they will be highly utilized by the GrSG and are an important source of effective habitat to the species.

Pg F-5: "The authorized officer may authorize disturbance in excess of the 5-percent disturbance cap without requiring additional mitigation with concurrence from CPW under the following scenario: Where data-based documentation is available to warrant a conclusion that GRSg populations in the applicable Colorado GRSg MZ are healthy and stable at objective levels, or increasing, and that a specific proposal for development would not adversely affect GRSg populations due to habitat loss or disruptive activities.

This exception standard has been designed to ensure that sufficient data is in place to warrant the exception. In most cases this exception could require project proponents to fund studies necessary to secure the data-based documentation requirement. These contrasts with a standard where data would be required to prove a proposal would adversely affect GRSg. If the authorized officer finds that the data available is insufficient or inclusive, the exception would not be granted."

- Regarding the potential for project proponents required to fund studies to demonstrate current and future population dynamics, how would this be accomplished? It would seem that this requirement encumbers the project proponent with meeting an objective that is not well, if at all, defined. By what threshold are the populations determined to be 'healthy and stable'? What level of population density is required to achieve a 'healthy and stable' population? At what point would population levels exceed the ability of surrounding habitats to support the population, thereby degrading the health of the existing GrSG population? If the population proposed to be studied is predominately transitory in nature, as has been suggested for the PPR population, what is the baseline population by which future populations should be compared? Would the project proponent be required to fund CPW to perform the studies, or would they have the option of consulting with a third-party independent biologist? If the latter, will a defined framework/method exist to guide the biologist in projecting future population numbers, or will the biologist have the freedom to analyze population dynamics by the method of their choice? Would the populations study be applicable to the entire population of a management zone, or to a restricted sub-population?
- How long or how large of an area would need to be studied? An entire Management Zone? Would funding be used to study GRSg off of public lands? Would studies be available to other entities? If so, then one project proponent may end up funding a large study, which others would benefit from? Or would CPW have the ability to extract funds from multiple project proponents? Would the data from studies be available to the general public? What criteria would the authorized officer use to determine if data is insufficient or inclusive? Who would establish what a sufficient study is? Would the public be able to comment or review a proposed study, or would a study be proprietary as CPW currently adheres to?

- If the BLM is going to pass the burden of funding studies for collecting GRSG data on to project proponents, this “unfunded mandate” needs to be better clarified so that a project proponent can determine what financial, time and administrative burdens they will be faced with for a activity which may be related to mineral extraction, recreation, grazing or other activity on public lands.
- Reliance on archaic and statistically invalid lek-count data collection to estimate sage grouse population trends as a basis for management. The lack of resolution in these data, their non-random sampling, and fact that sage grouse populations are known to fluctuate, means that it would be impossible to discern any pattern in the data that could be used to guide management actions in a timely manner, or that would be scientifically defensible. This would result in a virtual state of paralysis imposed on almost all land use activities.
- The BLM’s approach is to rely on an undefined assessment of whether sage grouse populations are healthy, stable, or increasing. As an example, none of the population trend diagrams in the DEIS contain any confidence intervals around population estimates. This renders the interpretation of any trends derived from those data as meaningless.
- The DEIS relies on an archaic and statistically invalid lek-count data collection system to estimate sage grouse population trends as a basis for management. The DEIS, under Adaptive Management and Monitoring (page 193), describes an “effectiveness monitoring component” to *“identify any changes in habitat conditions related to the goals and objectives of the plan and other range-wide conservation strategies (U.S. Department of the Interior 2004; Stiver et al. 2006; U.S. Fish and Wildlife Service 2013). When available from WAFWA and/or state wildlife agencies, information about population trends will be considered with effectiveness monitoring data (taking into consideration the lag effect response of populations to habitat changes [Garton et al. 2011]). The information collected through the Monitoring Framework Plan outlined in Appendix J will be used by the BLM/FS to determine when adaptive management hard and soft triggers (discussed below) are met.”* However, what the DEIS does not acknowledge is that male lek count data is not randomly sampled and is a statistically invalid measure of population trends, and that the 95% confidence intervals surrounding the estimates are generally larger than the estimates themselves (WAFWA 2008; Ramey et al. *in press*). Therefore, the adaptive management strategy proposed in the DEIS cannot be based upon these statistically invalid measures. (See **Exhibit Q.**)
- Receiving any mitigation credit is also virtually impossible because it is impossible to produce scientifically defensible trend estimates. Case in point, the DEIS (on page 258) states, *“The populations naturally fluctuate, so it is difficult to determine at any given time if a population is increasing, decreasing, or staying stable.”* With this being acknowledged, it is virtually guaranteed that no mitigation credit will be given by the BLM in implementation of the DEIS. Therefore, the DEIS must award mitigation credit based upon the type and extent of mitigation implemented (i.e., see Ramey, Brown, and Blackgoat). (See **Exhibit Q.**)

- The DEIS adaptive management strategy must take into account the fact that any statistically valid and scientifically defensible trend estimate must also take into account the fact that sage grouse populations naturally fluctuate (i.e., the data must be normalized to account for regional fluctuations). (See **Exhibit Q.**)
 - And finally, the DEIS provides no reproducible, quantitative definition for what is determined to be a “healthy, stable, or increasing” population. This lack of definitional basis puts the BLM squarely in violation of the Information Quality Act and its management decisions under the DEIS are outside the realm of science. (See **Exhibit Q.**)
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Pg. F-5: “A key provision of Alternative D is to limit disturbance in any management zone to less than 5 percent.”

- Is this provision applicable to PPH only, or ADH?
 - Does this include private lands within a Management Zone? Who would be tasked with collecting surface impact data on private lands? Who would manage a “Management Zone” impact database?
-

Pg. F-6: “The authorized officer may consider the relative value to society in terms of employment, tax revenue, and project need versus the potential for impacts on GRSG.”

- How are defined financial metrics (e.g. employment, tax revenues) and relative assessments (i.e. project need) compared to potential impacts on GrSG? What defines potential impacts? Fragmentation of habitat? Seasonal disruptions? Projected population declines? Is there a dollar value applied to individual birds and/or effective habitats to evaluate the financial benefits of a project compared to the financial loss of impacting GrSG?
 - Would each project need to provide a socio-economic report so that an authorized officer can weigh the societal benefits? Is there a threshold at which a project is beneficial to the public? Please explain how this would work.
-

Pg. F-6: “Proposals that appear to make a disproportionate adverse impact on GRSG, compared to the relative value to society, may be deferred or rejected because the authorized officer determines through environmental documentation that the project is not a prudent use of cap space.”

- In the sentence above, the term ‘prudent’ appears to exist solely at the discretion of the approving officer. What relative assurance exists for project proponents if ultimately the project could be denied not by exceeding proposed cap thresholds or negatively impacting GrSG populations, but solely at the personal opinion of the approving officer who may be biased towards conservation efforts or resource development?
- *This seems to be very arbitrary, could you please provide additional information on how an authorized office would weigh a benefit to society vs. a “disproportionate” impact to GRSG.*

Stated objective of Alternative D:

Pg. F-6: "Independent of the surface disturbance caps, the intent of Alternative D is to avoid, minimize, and mitigate surface-disturbing and disruptive activities that could adversely affect GRSG habitat or the ability of GRSG to use it."

Minimizing surface disturbance is achieved through the use of the surface disturbance cap management program:

Pg. F-1: "Alternative D limits anthropogenic disturbance in PPH to less than 5 percent of ecological sites capable of supporting 12 percent canopy cover of Wyoming sagebrush, or 15 percent canopy cover of mountain sagebrush."

Pg. F-2: "Consequently, the BLM would manage a total disturbance cap of less than 30 percent, to include all loss of sagebrush from all causes, including anthropogenic disturbance, wildfire, plowed field agriculture including upland hay, and vegetation treatments. This cap would be applied to all designated habitat in the entire management zone."

The cap management disturbance program is restricted to ecological sites capable of supporting sagebrush as identified through REGAP:

Pg. F-1: "However, under Alternative D, management of the disturbance cap is restricted to this preferred sagebrush habitat."

The cap management disturbance program may also include areas not dominated by sagebrush, but that may provide benefit to the health of GrSG populations, at the discretion of CPW:

Pg. F-3: "The initial calculations and the analysis in this document are based on sagebrush maps created using the Regional GAP Analysis Project data, but implementation would be based on site-specific information wherever it is useful. Areas currently dominated by sagebrush, or specially identified by CPW as contributing to the health of GRSG populations, would be included in the analysis and calculations, independent of ecological site maps."

The 5% cap threshold may be exceeded under specific conditions:

Pg. F-5: "The authorized officer may authorize disturbance in excess of the 5-percent disturbance cap without requiring additional mitigation with concurrence from CPW under the following scenario: Where data-based documentation is available to warrant a conclusion that GRSG populations in the applicable Colorado GRSG MZ are healthy and stable at objective levels, or increasing, and that a specific proposal for development would not adversely affect GRSG populations due to habitat loss or disruptive activities."

A project should be approved so long as proposed activities do not exceed defined thresholds and not negatively impact GrSG populations:

Pg. F-6: "Surface-disturbing activities that do not exceed the disturbance caps would be approved, subject to program-specific provisions found in Alternative D, with the following stipulation: as long as

there is a reasonable presumption that the proposal and disturbance would not entail a decline of GRSG populations due to habitat loss or disruptive activities.”

A potential secondary condition of approval may consider the relative value of the project to society compared to potential impacts of the GrSG population:

Pg. F-6: “The authorized officer may consider the relative value to society in terms of employment, tax revenue, and project need versus the potential for impacts on GRSG. Proposals that appear to make a disproportionate adverse impact on GRSG, compared to the relative value to society, may be deferred or rejected because the authorized officer determines through environmental documentation that the project is not a prudent use of cap space.”

Ultimately, the project will be considered by the BLM, in conjunction with all other managed resources, lending preference to GrSG habitats:

Pg. F-6: “In order to preclude unintended consequences, Alternative D uses the following guideline to assign an appropriate priority to GRSG issues: Consider GRSG habitat requirements in conjunction with all resource values managed by the BLM, and give preference to GRSG habitat unless site-specific circumstances warrant an exemption.”

- As a project proponent, it would appear the following steps would be necessary to determine if a proposed project will be accepted and approved by the BLM:
 1. *Determine if the proposed project falls within delineated PPH or PGH, regardless if the project is actually within GRSG habitat as defined by WAFWA, or if the project is within “preferred sagebrush habitat”.*
 2. *If project occurs within PPH, determine the net amount of project surface disturbance that results from implementation and mitigation within ReGAP mapped ecological sites, and apply to overall cap disturbance to ensure surface disturbance remains below 5% within ecological sites capable of supporting sagebrush within the entire Management Zone. If the Management Zone has not been inventoried for existing disturbances, the project proponent would have to fund someone to inventory the Management Zone, however, it is not specified who would ensure this is accurately tracked, if this work would be accepted by BLM or CPW, or if this information would be available to other project proponents. At this point there is still no validation process for inaccurate ReGAP mapping. If project occurs within PGH, determine the net amount of project surface disturbance that results from implementation and mitigation, and apply to overall cap disturbance to ensure surface disturbance remains below 30% within ecological sites capable of supporting sagebrush, regardless of mapping accuracy.*
 3. *Have site inspected for other potential habitats that may provide benefit to the GrSG population based on CPW consultation. If other suitable habitats are determined to be present, then deduct from cap management program. However, beneficial conservation activities on private lands do not count towards cap management.*

4. *If the project does not exceed the authorized cap threshold of 5%, then the project should be approved, provided that it does not negatively affect GrSG populations through habitat fragmentation or disruption, or at the discretion of a CPW reviewer.*
 5. *If the project exceeds the authorized cap threshold of 5%, then the project may still be considered and approved provided that the project proponent proves that the proposed activities would not adversely affect GrSG populations. The burden of proof would likely be achieved by funding studies of GrSG populations, presumably across the entire Management Zone, with no specified time limit or funding limit, or approved based on mitigation (i.e., funding) additional studies for CPW to conduct.*
 6. *Lastly, as a final condition of approval, the BLM authorized officer may weigh the relative value of the proposed project to potential impacts to GrSG populations, giving preference to the GrSG habitats.*
- Based on the steps outlined above that would be required of all project proponents, at what point would the proponent have assurance that the project would be accepted? It would appear as though there are a set of fairly defined metrics in terms of surface disturbance allowances; however, they are subsequently obscured by the amount of discretion employed at all steps in the alternative in not only evaluating impacts to GrSG habitats, but also the amount of discretion employed in determining what actually is effective habitat, what amount of fragmentation/disruption may be allowed to occur before being deemed impactful, as well as the discretion employed in assessing the relative value of the proposed project to society. Furthermore, at the BLM's and CPW's discretion, it may be deemed necessary to perform a study that demonstrates the continued stability of the GrSG population, without providing a framework for doing so nor indicating the extent of the population required to be studied. Ultimately, it seems as though a project proponent could stay within the defined surface disturbance cap thresholds and still be denied approval based on discretion in determining impacts to the health of GrSG populations; likewise, it appears a project proponent could exceed the stated cap thresholds and still be approved based on discretion of the BLM. With the amount of discretion available to the BLM to approve or deny proposed projects under Alternative D, what assurances exist that GrSG habitats and populations will be conserved and persist?

This framework for assessing potential impacts and approving/disapproving projects does not provide assurances that either: a). a project that does not impact habitat would be approved, or b). actual GRSg habitats would be protected. All it assures is that any recreational, agricultural, mineral, or other activity within the PPH/PGH areas would have to go through a lengthy, expensive, and arduous process. The only assurance is that private landowners, a project proponent, or industry would have to significantly fund third party consultants or CPW to conduct large GRSg studies for an indeterminate amount of time or costs, at the discretion of CPW and BLM, with no assurance of the permitting process. The only assurance from the BLM and CPW that they would be reasonable in the application of this process is "trust us". Given the financial implications and time involved to conduct such studies, the BLM needs to provide a clearer process.

- How is the surface disturbance cap management program implemented and maintained? How are the necessary hardware, software and employee resources funded? How current would the

program be maintained to accurately reflect on-the-ground conditions? Will the public, or project proponents, have access to the database? How would the cap management program contribute to understanding the current and projected health and viability of GrSG populations?

- How would the BLM handle areas that do not support sagebrush, but are mapped by ReGAP as being an “ecological site supporting sagebrush”? What is the process for validating the ReGAP mapping?
- Please define “preferred sagebrush habitat”, as we now have PPH/PGH, ReGAP ecological sites, site-specific validation, and WAFWA definitions of habitat. And evidently this is all up to further interpretation from CPW or the authorized officer.
- Please provide concrete information on how the CPW will identify habitats “contributing to the health of GRSg populations”. Who at CPW would be authorized to make this determination? Are their determinations based on facts and data, or are they a matter of opinion based on an on-site visit?
- Reliance on disturbance caps that have no demonstrable conservation benefit to sage grouse, do not mitigate the cause and effect mechanisms of purported threats, and are based upon opinion rather than data, whether these disturbance caps are 1, 3, or 5%, or one well per section.

Pg. 41: “Birds in this population have been documented to use atypical habitat, including sagebrush/mixed shrub communities where the mountain shrub component is greater than 10 percent (Apa 2010). PPH mapped by CPW has incorporated known seasonal bird movements and habitat use within this population.”

- While Apa (2010) and other CPW staff (Walker pers comm. 2013) indicate that GSG utilize sagebrush habitats with mixed mountain shrub communities components with greater than 10% foliar cover; the incorporation of large, contiguous stands of mixed mountain shrublands, Gambel oak woodlands, aspen and coniferous forests, and pinyon/juniper habitats is not consistent with Apa or CPW’s work in the area. While it is recognized that this population is different from the national range in how they use habitats, the PPH/PGH maps do not reflect GSG habitats or what GSG actually utilize. Drawing huge “red blobs” around the PPR area does not accurately reflect GSG habitats and does not reflect the best, more recent available science from CPW’s own research staff. Further, it ignores numerous studies produced by CPW (CPW 2008, Apa 2010, Walker 2010), and we fail to see how the PPH/PGH maps actually reflect the use of “best available science”
- The statement that PPH have captured "known seasonal bird movements" does not provide evidence that GSG utilize non-habitat types, and does not justify the incorporation of large, continuous stands of aspen, conifer, gamble oak

Pg. 256: “The characteristic pattern of GRSg habitats in the Parachute-Piceance-Roan are such that each parcel of ridgeline habitat (generally 400 to 1,000 feet in width) is separated from adjacent

ridgeline habitats by 1,000-to 3,000-foot intervals of habitat unsuited for occupation or ground movement.”

- This statement acknowledges that the non-habitat areas captured by mapped PPH areas are not utilized for overland movements, directly contradicting previous statements, and introduces ambiguity and multiple confounding baseline conditions which the EIS is based on. We believe that with such conflicting definitions of habitat, the impact analysis in the EIS is flawed at best, and unusable at worst. We request the EIS impact assessment be re-done using an assessment process that accurately identifies suitable GSG habitat, and the likely impacts to actual habitat.
-

Pg. 256: “Adding to this vulnerability, the Parachute-Piceance-Roan population is distributed in clusters across the Piceance Basin and Roan Plateau. The birds’ primary distribution across the Cathedral Bluffs and Roan Plateau is divided into two relatively distinct subcomplexes: the Figure Four area to the west and the Barnes Ridge area to the east. Although CPW monitoring of telemetered birds has established that there is regular, but infrequent, interchange among these groups, the large interval of land separating these subgroups (about 9 miles) is relatively devoid of suitable habitat.”

- If this is true, then why is such a large area mapped as PPH/PGH and potentially subject to regulations that would unnecessarily encumber operators? The statement above indicates that these areas are not utilized for ground movement; if the areas are not suitable habitat and not utilized for seasonal movements, why are they included at all?
-

Pg. 201: “Preclude new surface occupancy on existing leases within PPH.”

- The document acknowledges that there are vast areas of non-habitat are captured within mapped PPH (see pg. 256). Will these non-habitat areas also preclude surface occupancy even though these areas provide no substantive benefit for the health and population of the birds? How would precluding surface occupancy in these existing leased areas within non-habitat help GSG if there is admittedly no habitat and no effective GSG use of these areas? How will the BLM compensate leasees who have purchased leases in areas which are being changed to NSO areas? This stipulation introduces significant “takings” of previously leased areas, while not actually protecting GSG or their habitats. This shows that the EIS is definitely flawed in its analysis and application of conservation techniques.
- The idea of limiting surface disturbances (presumably roads and pad sites) to one per section seems to have the unintended consequence of promoting further fragmentation of habitat. Furthermore, the 3 to 5% cap may have the unintended consequence of extending development than typical. As a disturbance cap is reached in an area, operators may have to stop and wait until some areas become reclaimed, and then once an area is reclaimed, operators would then be able to proceed with other operations. This assumes that keeping an area as 95% habitat with much longer periods of ongoing human activities in an area is a greater benefit to GSG. Accepting this, wouldn't a timeline of development that is lengthened be more harmful to the local population given the longer period of displacement? Applying a 3-5% blanket disturbance cap may be over-simplifying the issue, and we request that the BLM do a better job of analyzing

the indirect impacts of applying blanket disturbance caps, and incorporate a better understanding of mineral resource development.

Pg. 201: "If the lease is entirely within PPH, do not allow surface occupancy of any portion within 4 miles around the lek and limit permitted disturbances to one per section with no more than 3 percent surface disturbance in that section."

Pg. 201: " If the entire lease is within the 4-mile lek perimeter, limit permitted disturbances to one per section with no more than 3 percent surface disturbance in that section. Require any development to be placed at the most distal part of the lease from the lek, or depending on topography and other habitat aspects, in an area that is demonstrably less harmful to GRSg, such as based on topography or vegetation."

- States that permitted disturbances should be limited to one per section. One what? One pad, one acre? One continuous area of disturbance regardless of size? What if the disturbance is within one of the "expansive areas of non-habitat"? Please explain how keeping development out of non-habitat areas would benefit GSG, and outweighs the financial and operational impacts to existing leasees?
-

Pg. 246: "In Grand County, there is a high risk of habitat fragmentation and loss due to urban development and related infrastructure, especially at the east end of the county."

- This is speculation. What evidence supports this statement? There appears only be minimal risks to GSG habitat due to development in the eastern side of the County, where very limited habitat has been mapped. So how did the BLM come up with an assumption of a "high risk" from urban development? Existing human populations near larger GSG blocks of habitats are at a very low density, and are within private lands. Is the BLM suggesting that they should regulate private land developments in the County, as there is a "high risk" of potential impacts on private lands?
-

Pg. 252: "The overall results indicated that lek size has decreased, but populations have increased in Colorado."

- Does this statement not completely undermine the entire Purpose and Need of the document? Why would an entire environmental analysis be performed to determine appropriate conservation measures on a species whose population is increasing? Given the well documented amount of development (both mineral and exurban) that has occurred in western CO over the last few decades, how do you explain the population growth if development and related disturbances are repeatedly cited as being one of the primary factors contributing to decline in GrSG health and populations?
-

Pg. 253: "Populations in the late 1960s and early 1970s were approximately 0.7 to 1.6 times the current populations (see diagram 3.3, Change in the Population Index for GRSG in Colorado, 1965-2003 (Connelly et al. 2004)) with relatively large population fluctuations."

- Again, this sentence demonstrates that the CO population has increased over the last several decades, or at least suggests that the whole need for this EIS is in question. During the time period cited (60's and 70's) there was lower population densities and yet the extent of development and related disturbances in western Colorado was lower. Excluding those influences, what explains the large fluctuations in population when those primary threats were absent? If these basic biological issues are unknown, then what confidence does the BLM have that issuing such overarching and financially burdensome stipulations would actually help GSG, given the massive potential impact to western Colorado's financial stability?

Pg. 253: "Although GRSG populations have definitely declined nationwide, the GRSG in Colorado have been increasing for about the last 17 years, and breeding populations have not declined for the last 39 years (see Figure 3-5, Greater Sage Grouse Breeding Bird Density, for current densities in the planning area). However, Braun (1995) reported a long-term decline in GRSG distribution and abundance. Similarly, Connelly and Braun (1997) indicated that GRSG breeding populations declined by 31 percent and production declined by 10 percent when they compared the long-term average of males/lek to the average obtained from the 1985 to 1994 data."

- The last two sentences directly contradict the first, please explain what populations in Colorado are actually doing. Further, how can the impact analysis be done when the BLM doesn't know if populations are increasing or decreasing? What baseline assumptions were used to establish your existing conditions?
- Utilizing lek count data during the time period specified as a means of comparison seems faulty; the next page discusses the inconsistencies and limitations of the data collected by CPW prior to implementing consistent protocols prior to 1998.

Pg. 255: Top Graph - By including 0 counts (presumably years where counts were not collected), the trend is inaccurately shifted down.

Pg. 255: "The present emphasis on developing natural gas reserves on these ranges has the potential to impinge heavily on GRSG habitats and behaviors and contribute substantially to declining trends."

- Yet very intense development has already occurred in the time period graphed above; in spite of the intense development, lek and population counts have increased. How then is the notion that additional development of equal intensity would somehow "contribute substantially to declining trends"? Furthermore, the graph above seems to defy the notion of declining trends within the PPR population.

- The literature used as a basis of impact from natural gas development comes from high-density natural gas and oil fields in Wyoming, where pad density is around one pad per 10 acres. Please provide an analysis of why using this literature is relevant in Colorado, given the extremely low pad densities in many areas of GSG habitat. This is speculation. (See *Exhibit Q.*)
-

Pg. 256: “Due to the peculiar configuration of habitat associated with the Parachute-Piceance-Roan population, these GRSG are believed to be particularly vulnerable to development and habitat-related effects.”

- This statement should not be accepted as it is asserting an opinion that is directly contradicted by the data shown on the previous page. The statement is speculative and completely unsupported. (See *Exhibit Q.*)
 - The statement indicates that habitats within the PPR area are not likely as extensive as the PPH/PGH mapping suggests, and further introduces confusion into the habitat issue within the PPR.
 - The DEIS needs to acknowledge the alternative hypothesis that sage grouse, like other animals, may be disturbed by human activity and will sometimes move away from it but that does not mean that they suffer a population decline. The birds may have simply responded by relocating, or coexisting with human activity (i.e. habituation). Neither the DEIS or the NTT Report acknowledge that that there has been no population-level decline reported in any of the cited studies, only decreased lek attendance in affected areas. The DEIS needs to be revised to explicitly acknowledge these facts and alternative hypotheses that are consistent with the data. (See *Exhibit Q.*)
 - Connelly (2004) used a hypothetical “pre-European sage grouse distribution” but provides no data or evidence of historic sage grouse habitat or populations. The Final EIS must be based on science, not speculation.
 - Connelly’s 2004 monograph relies on extensive GIS analysis to translate speculative habitat conditions into theoretical historical habitat, which is then compared to current potential sage grouse habitat. The theoretical habitat loss since European settlement is calculated through this exercise. Areas known to be historically occupied by sage grouse were not included, and areas where there is no data of sage grouse occupancy are included. Speculative models are substituted for lack of historic data on sagebrush extent and sage grouse distribution, and are the basis of a mere guess at what was historic habitat. Thus, Connelly (2004) information is misleading, as are the subsequent analyses BLM and USFS use in reliance on Connelly (2004).
-

Pg. 253: “Population trends based on counts of male GRSG at leks decreased over the assessment period, regardless of the parameter used, with a significant decline in males per lek; see diagram 3–2 below.”

Pg. 253: “A decline in lek size was also reflected in the distribution of leks among size classes, with medium and large leks each comprising over 30 percent of the leks sampled from 1965 through 1979, but for the remainder of the period, the proportion of medium and especially small leks increased.”

- The graph referenced on pg. 253 (Diagram 3-2) shows a significant population decline since 1964 based on inferring population trends by male lek counts. However, there is no indication that the data are accounting for potential dispersal to other leks. In fact, the very next bulleted point (directly above) indicates that while the number of large leks decreased, the number of small and medium-sized leks increased, supporting the idea that the birds were dispersing to other leks, and not necessarily supporting the notion of a declining population.
-

Pg. 258: “GRSG populations have fluctuated greatly since 1984 in both Middle Park and North Park. The CPW counted GRSG males on strutting grounds consistently and reliably since the 1970s in North Park and the 1990s in Middle Park. According to these counts, 1984 GRSG populations were at their lowest levels recorded between 1984 and 1997 in North Park. GRSG males counted in 1984 totaled 466. From 2000 to 2005, counts in North Park were above 1,000 male GRSG. Currently, the 3-year running average for North Park (2010 to 2012) is 755 males. Lek count effort has been fairly consistent in North Park since 1973, and the entire data set was used to generate the North Park Population MZ in the Colorado GRSG Conservation Plan (2008). Diagram 3–6, Annual Male High Count for the North Park GRSG Population, illustrates that the annual male high count for the North Park GRSG population has fluctuated through time, but the population has remained fairly stable for the past 40 years. The 2010 to 2012 3-year average is close to the long-term median (1973 to 2012) for the population and well within the North Park Population MZ (639 to 1,214) recommended in the Colorado GRSG Conservation Plan (2008).”

- Do the lek counts account for potential dispersal to other leks during lower years? If the birds dispersed to other leks during lower years then the high counts at leks may decline at some leks while increasing at other leks. The stability of the long term trend at 800 males seems to support this notion.
-

Pg. 258-259: “The Middle Park population has fluctuated around and within the population MZ recommendations (185 to 286) provided in the Colorado GRSG Conservation Plan (2008) and could be considered stable.”

- Again, if the population is demonstrated as being stable and meeting existing population objectives, why are additional conservation measures being considered?
-

Pg. 266: “There are no pending land acquisitions within the planning area.”

- Please provide documentation that this statement is accurate, as given a review of BLM NEPA reviews for potential land exchanges, this statement appears to be inaccurate.

NTT Report Comments

The DEIS relies on recommendations in the NTT Report but does not acknowledge that these recommendations were influenced by special-interest litigants involved in settlement negotiations with the BLM. Publicly available records, including e-mails obtained under FOIA from the State of Idaho (excerpt below from a December 13, 2011 e-mail from the NTT lead for the BLM) reveal that special interest influence, rather than a transparent, inclusive, and scientifically defensible public process, was used in producing the NTT Report's recommendations:

*"Our timeframe is to complete the "updated" draft NTT report by COB tomorrow so I can ship it back to DC. Due to concerns by solicitors in DC the NTT report will look different. However the content is generally the same and due to the science review we did make changes to the Goals and Objectives section, some conservation measure in fluid minerals have been updated (i.e. 2.5% has been changed to 3% with rationale). The Policy recommendation change has undergone significant clarification again based on solicitor concerns in DC. **The solicitor concerns with the Policy recommendation piece stems from ongoing litigation discussions they currently having with litigants over BLM's recently completed LUPs.**"*

Clearly, the BLM cannot rely on such tainted sources as a basis for its analysis and alternatives in the DEIS.

Pg. 227: "With respect to maintaining viability of GrSG populations in the presence of oil and natural gas extraction, we conclude that the impacts of well-field development and production are most effectively mitigated by, in order of decreasing efficacy,

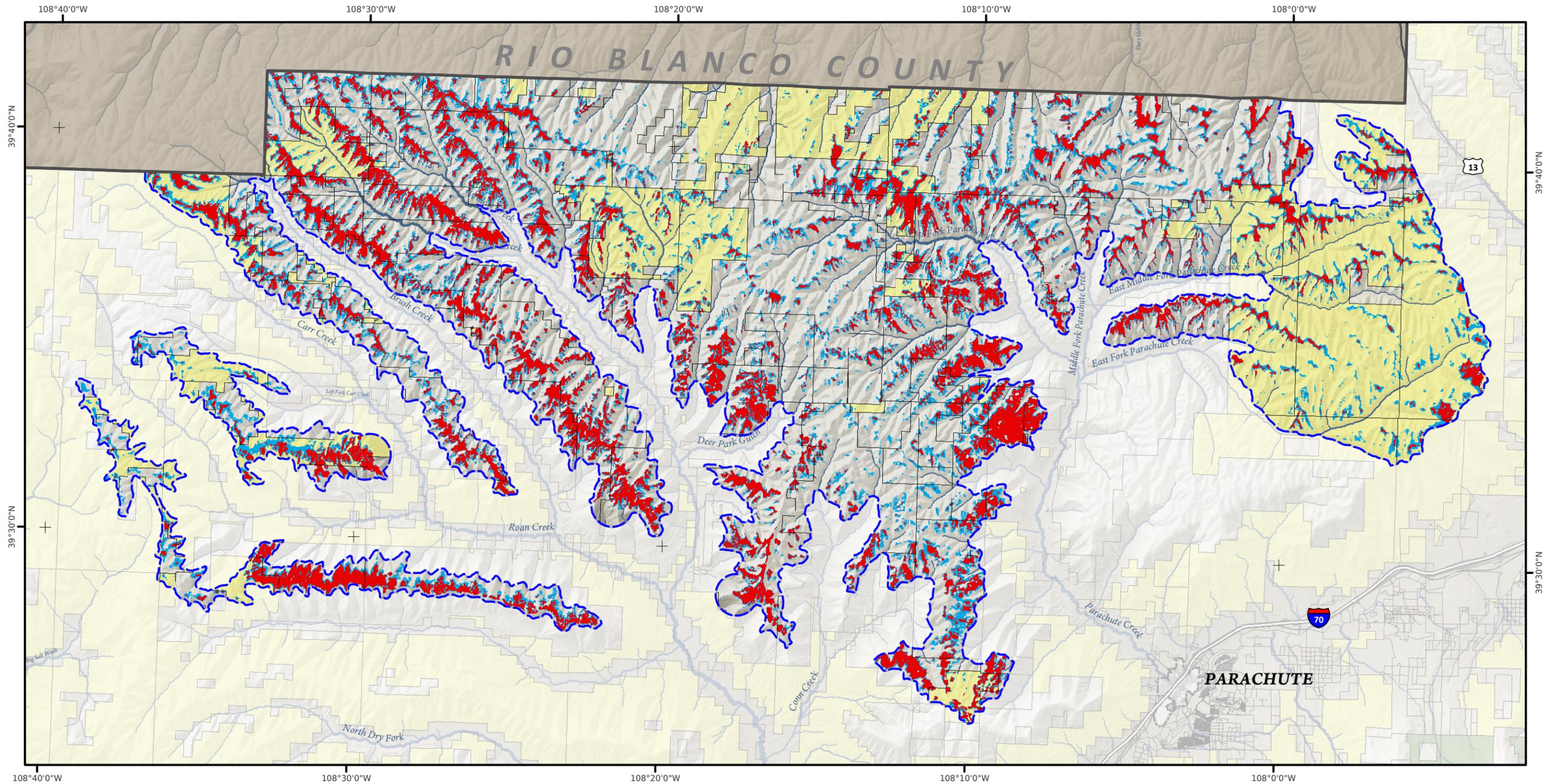
- ***Maximizing the extent of sage-grouse demographic recovery to near levels observed before the onset of well-field development;***
 - ***Minimizing the time period of maximum demographic impact (D);***
 - ***Minimizing the time period over which demography recovery is achieved (T2)."***
- Regarding the first bullet, CPW has indicated that across much of Colorado, GSG populations are increasing, or at least are stable. How would the BLM force operators and applicants to comply with this recommendation?
 - The last two bullet points regarding effective mitigation certainly seem reasonable, essentially implying that minimizing the duration of the development phase for gas infrastructure minimizes impacts on local bird populations. However, applying an arbitrary annual surface disturbance cap (e.g. the 3-5% surface disturbance cap) seems to run contrary to that idea, effectively forcing the development phase to be extended and prolonged. To illustrate, let's assume that "ABC Gas Company" has just approved an MDP for a 30,000 acre unit proposed to have 80 pads at build out. In the first year, ABC would like to implement an aggressive construction schedule and build 16 of the pads that are linked together along a common gathering system and road network to utilize resources efficiently and ultimately reduce costs. However, the amount of surface disturbance that would be caused by the development effort would exceed the allowable surface disturbance cap amount, thereby limiting the operator's ability to proceed with those plans. So, what are the consequences? Most obviously, the disturbance phase required to construct those 16 pads is prolonged, not due to technical

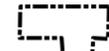
constraints or lack of resources, but rather due the arbitrary surface disturbance cap. This directly contradicts the bullet points above. Secondly, the operator is forced to incur greater development costs as the implementation effort would be required to occur over a much longer duration. Stipulations should allow for a case-by-case analysis of potential impacts to GSG habitats, as some situations may prove to be less impactful to GSG and their habitats, rather than simply applying disturbance caps.

Predation

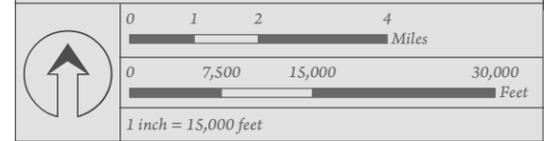
- The DEIS Ignores predation as the primary demonstrable source of mortality to sage grouse, in favor of an approach that relies on a series of land use setbacks, disturbance caps, and restrictions based around speculative benefits to sage grouse that have not been shown to be effective by any data. (See *Exhibit Q*.)
- The DEIS ignores management of raven predation on sage grouse eggs and broods as a conservation strategy despite the fact that predation has been shown to be a major issue for sage grouse and that the State of Wyoming, in collaboration with the USDA-APHIS, has recently undertaken a major raven management program. (See *Exhibit Q*.)
- Sage grouse eggs are preyed upon by a wide variety of predators including red foxes, coyotes, badgers, black-billed magpies, and ravens. Juvenile and adult sage grouse predators include golden eagles, prairie falcons, coyotes, badgers, and bobcats. Sage grouse broods are preyed to ravens, red foxes, raptors, ground squirrels, snakes, and weasels. However, of the predators above, ravens are the most ubiquitous. Research (Coates 2007; Coates and Delehanty. 2004; Coates et al. 2008; Coates and Delehanty 2010; Christiansen 2011) and more recent data gathered by the USDA, has shown that ravens have the greatest impact on sage grouse and that their numbers are far in excess of historic levels (Christiansen 2011). (See *Exhibit Q*.)
- The DEIS and NTT Report ignore the management of ravens as a conservation priority to reduce predation on sage grouse eggs and broods (and thereby a viable management strategy to increase overall survivorship and recruitment of sage grouse). The only mention of ravens in these documents is that their numbers are the result of human activities, and that transmission lines and tanks provide predator roosting opportunities (and therefore sage grouse avoid these structures.) There is an implicit assumption that ravens can be managed indirectly through the regulation of human activities. This is an unproven strategy and is unlikely to be effective at reducing raven predation on sage grouse unless coupled with active / lethal control of ravens to reduce the size their populations (Coates and Delehanty 2010). There is abundant research on raven predation on sage grouse and other species, yet the DEIS all but ignores the importance of this threat (Boarman 1993; Boarman 2003; Boarman et al. 1995; Boarman and Heinrich 1999; Boarman et al. 2006; Bedrosian and Craighead 2010; Bui 2009; Cagney et al. 2010; Coates 2007; Coates and Delehanty 2004; Coates et al. 2008; Coates and Delehanty 2010; Conover et al. 2010; Cote and Sutherland 1997; DeLong 1995; Gregg et al. 1994; Heinrich et al. 1994; Moynahan et al. 2007; Preston 2005; Ramey, Brown, and Blackgoat 2011; Schroeder and Baydack 2001; Snyder et al. 1986, Sovada et al. 1995; Watters et al. 2002; and Webb et al. 2009). The DEIS must include in each alternative a raven management program such as the one undertaken by the USDA-APHIS Animal Damage Control at landfills across southern Wyoming at the request of the

Wyoming Game and Fish Dept. (Wyoming Game and Fish 2012, USDA/APHIS/Wildlife Services 2013). (See **Exhibit Q**.)



- | | | | | | | |
|---|------------------------|-------------|---|---------------|---|--------------------|
|  | Analysis Area Boundary | 220,967 Ac. |  | BLM Lands |  | Municipal Boundary |
|  | Priority Habitat | 31,070 Ac. |  | USFS Lands |  | County Boundary |
|  | General Habitat | 28,023 Ac. |  | Private Lands |  | Interstate |
| | | | | |  | State Highway |

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Date: July 2013
PENDO Solutions



**Modeled Habitats
 for Greater Sage Grouse**

Suitable Habitat Results
 [Model v1: Revised Vegetation]

Economic Impacts of Sage-Grouse Management: Supplemental Report

Piceance Basin Development Analysis

Prepared for

Garfield County Community Development Department
108 8th Street, Suite 401
Glenwood Springs, CO 81601

Prepared by

BBC Research & Consulting
1999 Broadway, Suite 2200
Denver, Colorado 80202-9750



SECTION I.

Background & Objectives

This report is a supplement to BBC Research & Consulting’s detailed comments on the specific economic assumptions and calculations presented in The Northwest Colorado Greater Sage-Grouse Draft Land Use Plan and EIS (Sage-Grouse EIS), published in August 2013.

The objective of this report is to demonstrate the potential economic consequences for Garfield County of BLM’s implementing the proposed Sage-Grouse habitat preservation plan and thus restricting the development of natural gas reserves in the Piceance Basin.

This presentation is not meant as a substitute analysis for the BLM’s study, but rather a demonstration of the order of magnitude economic impacts to Garfield County that were not documented or revealed in the EIS.

It is hoped that representation presented here can illuminate the EIS’s shortcomings and the magnitude of the document’s missing information.

The Garfield County Commissioners, independent observers and consultants reviewing the Sage-Grouse EIS, have raised concerns about the reliability of the EIS document’s economic impact assessment given the lack of clarity on how oil and gas extraction—and to a lesser degree grazing and recreation—might be affected by these new management systems. The failure to acknowledge and reveal the significant consequences to Garfield County is a notable shortcoming of this document.

SECTION II.

Sage-Grouse EIS Background and Issues

This section summarizes the economic impact findings within the Greater Sage-Grouse EIS and associated issues raised by Garfield County reviewers.

The Northwest Colorado Greater Sage-Grouse Draft Land Use Plan and EIS

The Northwest Colorado Greater Sage-Grouse Draft Land Use Plan and EIS (Sage-Grouse EIS) identifies the environmental and socioeconomic impacts of alternative management strategies for preserving habitat and species population for the Greater Sage-Grouse (GRSG).

The Sage-Grouse EIS document was published in August, 2013 and covers a planning area of approximately 15 million acres of public and private property across 10 counties in northwest Colorado. The Planning area is approximately 57 percent public lands. According to the document this area includes approximately 1.7 million acres of BLM-administered and National Forest System lands, and approximately 2.8 million acres of BLM-administered subsurface federal mineral estate that may lie beneath other surface ownership¹.

Habitat designations. The Sage-Grouse EIS identifies areas of Greater Sage-Grouse habitat in northwest Colorado along a long spectrum of habitat suitability². Designations include:

- 2.4 million acres of designated **Preliminary Priority Habitat** (PPH): areas identified as having the highest conservation value, including breeding, late brood-rearing, and winter concentration areas;
- 1.5 million acres of **Preliminary General Habitat** (PGH): seasonal or year-round habitat outside of priority habitat;
- 295,800 acres of **Linkage/Connectivity Habitat**: areas that have been identified as broader regions of connectivity important to facilitate the movement of GRSG and maintain ecological processes.

NEPA regulations require that the BLM/USFS formulate a reasonable range of alternatives for accomplishing habitat protection and managing use of the subject BLM properties. In the Sage-Grouse EIS, the BLM offers four alternatives, A-D, which include a continuation of current management alternative (Alternative A).

Garfield County has approximately 148,000 acres of PPH property, 72,000 of PGH property, and about 7,600 acres of linkage habitat.

¹ Sage-Grouse EIS Section 1.3.1 page 6.

² Acreage figures for subsurface federal mineral estate include public and private surface ownership.

Alternatives and management practices. NEPA regulations require the BLM to formulate a reasonable range of alternatives that offer feasible and distinct management options. In this instance, the BLM Planning Team developed one no action alternative (A) and three action alternatives (B, C, and D). Each of the action alternatives includes a collection of management strategies designed to protect Sage-Grouse habitat and the broader mission of BLM property management.

Five specific Sage-Grouse management measures were identified as potentially reducing economic use of BLM lands and subsurface resources managed by BLM. These management strategies are:

- Closure of Federal Mineral Estate Lands to Leasing;
- No Surface Occupancy (NSO) Stipulations on All or Parts of New Leases;
- Right of Way (ROW) Exclusions on Lands Needed for Road and Utility Access;
- Restrictions on Amount or Location of Surface-Disturbing Activities (Well Pads, Access Roads, Pipelines, Power Lines) on New or Existing Leases; and
- Seasonal Closures, Undergrounding of Electric Distribution Lines, Noise Abatement, Visual Screening, Higher Reclamation Costs, Specialized Fencing.

The BLM contemplates managing resources under a *disturbance cap* concept that would allow more stringent controls as habitat losses exceed certain threshold levels for identified zones of activity. This strategy would place a 5 percent cap on human disturbances on ecological sites that support sagebrush. The disturbance calculations would apply to both public and private lands, such that reduction of habitat on private property could trigger the more stringent regulatory efforts on public lands. New projects would generally not be approved if a disturbance cap for a particular zone has been exceeded. How such caps would be measured, monitored, and imposed is characterized but not specifically detailed in the EIS document.

Acreages affected. The Sage-Grouse EIS states that although the planning area includes private and public lands, management decisions would only apply to BLM-administered surface properties and BLM-administered federal mineral estate that may lie beneath other surface ownership within designations PPH, PGH, and linkage/connectivity habitat.

The following Figure II-1 (derived from Section 2 of the Sage-Grouse EIS) shows the acreage of habitat by designation category and the acreage closed to Fluid Mineral leasing under each Alternative. The Sage-Grouse EIS acknowledges significant economic effects associated with Sage-Grouse management strategies, principally stemming from reduced recreation, grazing, and mineral extraction activity. Under the most restrictive scenario, the anticipated effect of these actions will be to close a significant amount of public lands to fluid mineral leasing.

**Figure II-1
Comparative Summary of Alternative (Acres)**

Resource or Resource Use	Alternative A	Alternative B	Alternative C	Alternative D
GRSG Habitat Areas*				
Preliminary Priority (PPH)	0	1,576,900	1,576,900	1,576,900
Preliminary General (PGH)	0	1,134,800	1,134,800	1,134,800
Linkage/Connectivity	0	181,900	181,900	181,900
Fluid Mineral Leasing				
Closed to Fluid Mineral Leasing	100,200	1,347,400	2,473,000	100,200

Note: *BLM/USFS surface and federal mineral estate, including coal.

Source: Table 2.2, page 42, Sage-Grouse EIS.

Other economic use of these properties for grazing, recreation, or other mineral extraction would also be restricted.

Current federal oil and gas leases comprise 653,700 acres, or 26 percent, of the total subsurface federal mineral estate in the planning area. Unleased subsurface federal mineral estate within areas of high potential for oil and gas comprises an additional 521,600 acres, or 19 percent, of the total federal mineral estate within the planning area.

Oil and gas drilling reductions. Figure II-2 shows the number of anticipated oil and gas wells (20 years) completed in the Socioeconomic Planning Area for each alternative. Alternative A is a baseline scenario that assumes a continuation of current leasing and regulatory practices. Alternative A anticipates 34,694 wells, or approximately 1,734 wells per year, will be completed in the multi-county Planning Area.

**Figure II-2.
Oil and Gas Well Numbers: 20-Year
Forecast**

Source: Elaborated by BLM staff based on field office Reasonable Foreseeable Development Scenarios and available information. Sage-Grouse EIS, Appendix M page 35; Table M-17.

Federal, State, and Fee Surface	Anticipated Wells in Primary Study Area
Alternative A - Completed Wells	34,694
Alternative B - Completed Wells	33,091
Alternative C - Completed Wells	28,704
Alternative D - Completed Wells	33,893

Alternative C, which is the most comprehensive habitat preservation alternative, still anticipates 28,704 wells. This is a reduction of about 6,000 wells over a 20-year period in comparison with Alternative A.

Mineral production. Similarly, Table II-3 shows expectations of the projected quantity of oil and gas production over the 20-year forecast period on federal surface and on federal, state, and fee surface.

Figure II-3.
Projected Oil and Gas Production, 20-Year Period

Alternative A		Alternative B		Alternative C		Alternative D	
Gas (BCF)	Oil (MMBO)	Gas (BCF)	Oil (MMBO)	Gas (BCF)	Oil (MMBO)	Gas (BCF)	Oil (MMBO)
Federal Surface							
52,650	17,424	38,994	15,702	27,069	12,478	45,822	16,563
Federal, State, and Fee Surface							
96,211	36,108	82,556	34,386	70,631	31,162	89,384	35,247

Source: Sage-Grouse EIS Table M.17

These production forecasts by alternative anticipate impacts to oil and gas production over time in similar proportions to the drilling effects shown in prior Figure II-2.

Economic Impact. The economic analysis published as part of the Sage-Grouse EIS (Figure II-4) offers a summary of the economic effects associated with oil and gas operations under each management scenario. Alternative A is a continuation of current practices. Alternatives B, C, and D reflect variations of increased regulation for Sage-Grouse management objectives.

As noted below, the Sage-Grouse EIS authors anticipate \$2.974 billion of oil and gas output and 19,073 jobs will be supported by oil and gas activities (average annual over 20-year forecast period) in the primary study area under current management practices (Alternative A). Under the most stringent Sage-Grouse habitat practices, the corresponding figures are \$2.108 billion in output and 13,532 jobs. This represents a loss of \$866 million in economic output and 5,541 jobs on an average annual basis.

Table II-4
Average Annual Impact of Management Actions Affecting Oil and Gas on Output, Employment, and Earnings by Alternative

	Alternative A	Alternative B	Alternative C, Primary Study Area	Alternative D
Output (2011)	\$2,974,932,481	\$2,683,008,735	\$2,108,789,332	\$2,828,970,608
Employment	19,073	17,215	13,532	18,144
Earnings (2011)	\$1,078,265,304	\$973,088,057	\$764,866,305	\$1,025,676,680
Average Earnings per Job (2011)	\$56,533	\$56,526	\$56,522	\$56,529

Source: Greater Sage-Grouse EIS; Table 4.16 Calculated using the IMPLAN model as explained in the text and in Appendix M, Socioeconomics.

Based on known reserves and worker commuting patterns, most of this impact would occur in Garfield County. This job loss happens against an assumed backdrop of robust oil and gas development. These losses do not appear to include the lost jobs associated with operating wells. Although the Methodological Appendix M includes an explanation of the operating employment calculation process, it does not appear that the final projections are included in the EIS impact projections (see BBC specific comments).

Similarly proportioned, but more modest, economic losses are associated with grazing, recreation, and other activities restricted from access to federal lands.

EIS Conclusions

In essence, the Sage-Grouse EIS suggests that even under the most aggressive habitat management option, gas production will be diminished by only about 300 wells per year, causing a reduction in employment of about 5,500 jobs (annual average). Presumably, economic losses would be largely, but not exclusively, in Garfield County.

Conceptual Issues Underlying Calculations of Economic Impacts

The Draft Sage-Grouse EIS describes habitat management philosophy and general approach under each alternative, but lacks detail on how the collective management strategies contemplated would be measured, monitored, and implemented. Economic impacts are largely determined by these detailed management determinations. The Garfield County Commissioners, local officials, industry representatives, and the planning staff working on the review of the Sage-Grouse EIS have expressed concerns about the validity of the document's economic impact calculations given the lack of clarity on how oil and gas—and to a lesser degree, grazing and recreation—might be affected.

BBC has identified a number of technical issues with the Sage-Grouse economic impact analysis that have been detailed and forwarded to the BLM separately. From the broadest approach perspective, Garfield County's concerns regarding the EIS's representation of economic effects fall into four areas:

Concentration of effects. The Sage-Grouse EIS covers a very large geographic area and a sizeable and diverse economic base. The economic impact analysis does not recognize the concentration of effects in smaller areas within this region. The great majority of northwest Colorado oil and gas activity anticipated in the coming years will occur in the Roan Plateau area and the broader Piceance Basin, which is primarily in Garfield and Rio Blanco counties. The effects of a diminished oil and gas industry will not be spread over a large planning area as represented in the Sage-Grouse EIS analysis, but instead will be sharply focused on Garfield County and to a lesser degree Rio Blanco and Mesa counties.

Impacts on private lands. The BLM analysis states that only new mineral leases on public lands, or on split estates with minerals managed by BLM, will face additional regulatory constraints with more pervasive Sage-Grouse habitat management. In this area of the country, it is very common to have federal land interspersed with private lands, and for energy companies to pursue leases that have both public and private lands. Even if private lands are not the target of new regulations, in many instances it may be impossible to use these properties without crossing federal lands or using federal lands for staging and piping. While the BLM does not have the authority to restrict development on private land, they could preclude or limit project authorizations on public lands in order to compensate for habitat disturbances on private land. Consequently, decisions made on private lands might affect what the BLM can authorize on public lands. The EIS shows a

misunderstanding of the realities of public land management and its impact on private land uses.

Impacts to existing leaseholders. While the Sage-Grouse EIS acknowledges valid existing leaseholder rights, habitat management restrictions could in practicality undermine the development of existing leaseholds. For example, the disturbance cap concept proposed by BLM could result in the denial of projects simply because other disturbances have decreased available cap space, ultimately denying valid existing lease rights. Or conversely, activity on existing leases may quickly exceed the disturbance caps and effectively preclude development on remaining federal lands subject to Grouse management efforts.

On split-estate lands with federal minerals and private surface, BLM would apply disturbance cap restrictions to federal mineral leaseholders as lease terms and conditions of approval (COAs), regardless of ownership or lease rights on the surface property.

Impacts on financial viability of drilling activity. Seemingly minor changes in drilling requirements can fundamentally alter the economic viability of pursuing resource reserves. Investments in Piceance Basin are generally large scale projects that are planned and executed over many years, often decades, and typically incorporate state and federal and private lands in large multi-year drilling units. The cost of getting rigs into the area and efficiently pursuing the resource requires some predictability and flexibility so that long term operating efficiencies can be realized. Vague standards for drilling practices can be as punitive as complete prohibitions against activity. Many properties will very likely face significant new barriers to resource development, such as limitations on seasonal activities, pipeline locations, road access or changes in accepted drilling practices, any of which that will effectively reduce or eliminate drilling viability on a wide range of private and non-BLM properties.

In sum, the cumulative impact of the closures and designations in the DEIS could effectively preclude or significantly diminish energy resource development on hundreds of thousands of acres across northwest Colorado, greatly reducing the development potential of the Piceance Basin reserves, one of the major natural gas reserves areas in the country. The extent of these prospective impacts is not disclosed in the EIS document.

The following section offers an economic analysis that demonstrates the potential losses of jobs, investment and assessed value, assuming the practical impacts of the proposed new management regulations have a more restrictive combined effect than suggested or represented in the Sage-Grouse EIS.

SECTION III.

Illustrative Example: Economic Impacts of Reduced Oil and Gas Development on Garfield County

Some of the most promising gas resources in Colorado and in the nation as a whole are in and around the Roan Plateau and adjoining portions of the Piceance Basin, north and west of the Roan Plateau. This area also contains prime and secondary Grouse habitat subject to BLM management proposals, although the extent of such habitat is uncertain. The area contains a patchwork of private, public, and federal fee lands and contains many existing drilling leases.

This section examines the oil and gas development prospects in Garfield County and the potential property value and jobs at risk with the proposed BLM Sage-Grouse habitat management plans.

Example of Garfield County Development Prospects

By way of example, BBC has developed an illustrative economic impact analysis that focuses on Garfield County, but uses many of the production, employment, and valuation assumptions underlying the Sage-Grouse EIS report.

The objective of this exercise is to demonstrate the order of magnitude of economic development opportunities associated with development of the Piceance Basin and thus the potential economic value jeopardized if habitat management limits the development of these reserves.

Summary of impacts. The results of this process are summarized in Figure III-1. Additional details on assumptions underlying these projections are provided in the accompanying text or in attached Appendix A.

Over a 20-year development period, approximately 25,000 wells are reasonably foreseeable in Garfield County—about 70 percent of the 34,700 wells that are projected in the Sage-Grouse EIS for northwest Colorado. Based on Sage-Grouse EIS multipliers, this level of development in year 20 would result in over \$12.3 billion in annual resource production value, 48,000 annual jobs, and nearly \$10 billion in new county assessed value. The county's current mill levy (13.66 mills) would produce over \$130 million in annual county general fund tax revenue by year 20. Applicable school, fire and special districts would have similar outsized revenue benefits.

This is the level of economic activity is put at risk by the proposed Sage-Grouse habitat management plans, a concern that is not disclosed or discussed in the Final Draft Sage-Grouse EIS.

Figure III-1 shows annual and cumulative economic impacts associated with Piceance Basin resource development. The assumptions underlying Figure III-1 are largely drawn from the EIS and described in the remainder of this report.

**Figure III-1.
Potential Oil and Gas Development in the Piceance Basin and Resultant Economic Effects**

	Year 1	Year 5	Year 10	Year 15	Year 20	Cumulative
Number of Wells						
Annual New Wells in NW Colorado	1,750	1,750	1,750	1,750	1,750	35,000
Annual New Wells in Garfield County	<u>1,250</u>	<u>1,250</u>	<u>1,250</u>	<u>1,250</u>	<u>1,250</u>	25,000
Cumulative Wells in Garfield County	1,250	6,250	12,500	18,750	25,000	
Production Value in Garfield County						
Annual Value from Wells (\$millions)	\$1,409	\$5,769	\$9,176	\$11,187	\$12,375	\$170,380
Assessed Value (\$millions)	\$1,127	\$4,615	\$7,341	\$8,950	\$9,900	\$136,304
Annual County Property Tax (\$millions)	\$15	\$63	\$100	\$122	\$135	\$1,861
Employment from Garfield Co Wells						
BLM DEIS-based						
Annual Drilling and Completion	26,625	26,625	26,625	26,625	26,625	N/A
Annual Operating Jobs	<u>2,520</u>	<u>10,320</u>	<u>16,414</u>	<u>20,013</u>	<u>22,138</u>	N/A
Total Annual Jobs	29,145	36,945	43,039	46,638	48,763	N/A
Leeds Statewide-based						
Annual Drilling and Completion	15,998	15,998	15,998	15,998	15,998	N/A
Annual Operating Jobs	<u>2,662</u>	<u>10,902</u>	<u>17,339</u>	<u>21,140</u>	<u>23,385</u>	N/A
Total Annual Jobs	18,661	26,900	33,337	37,139	39,383	N/A
2008 AGNC Study-based						
Annual Drilling and Completion	8,387	8,387	8,387	8,387	8,387	N/A
Annual Operating Jobs	<u>516</u>	<u>2,581</u>	<u>5,161</u>	<u>7,742</u>	<u>10,322</u>	N/A
Total Annual Jobs	8,903	10,968	13,548	16,129	18,709	N/A

Source: BLM Sage-Grouse EIS; BBC Research & Consulting, 2013. Note: three sources of job multipliers are shown to demonstrate variations in multipliers; see text. All job estimates are by place of work (wells in Garfield County) a share of these workers will live outside the county, most likely in Mesa County.

The current value of all Garfield natural resource properties is about \$2.0 billion. The above data indicate new energy resource assessed valuations in the country could rise to nearly \$10 billion with development of the Piceance reserves. At this level of assessed value, the Garfield County general fund mill levy would produce over \$130 million per year in property tax receipts. Local school, fire and hospital districts would witness similar proportional increases.

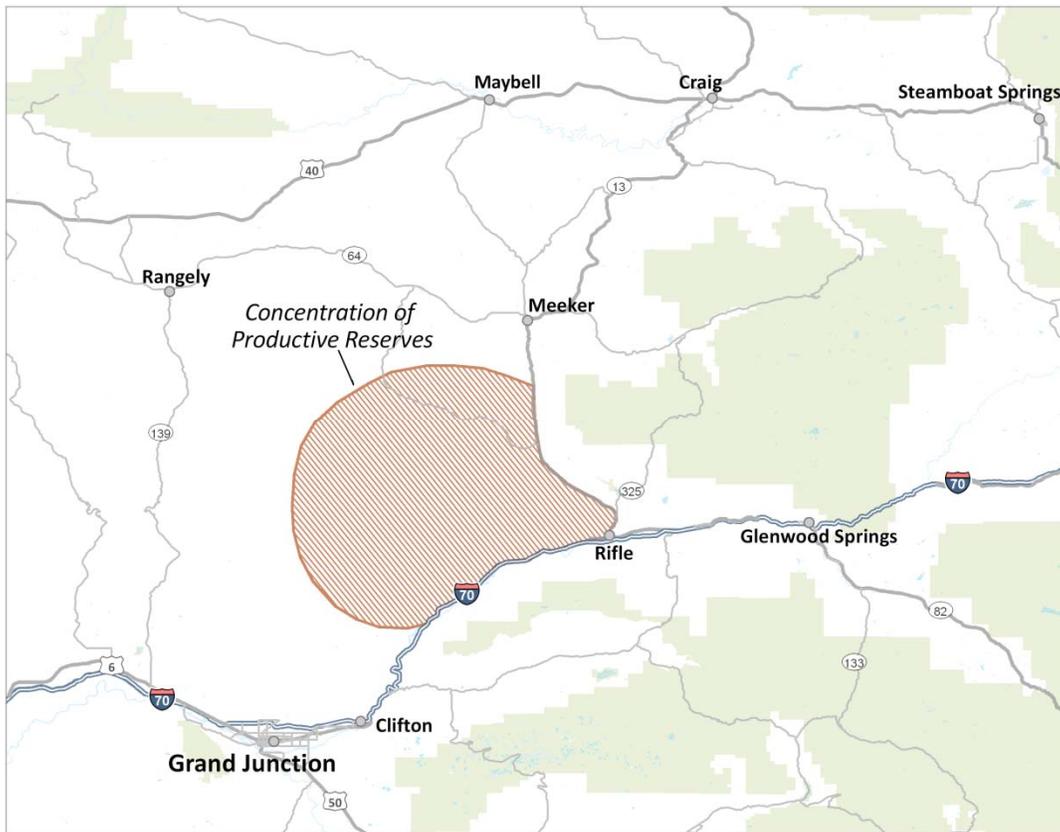
These jobs and tax consequences, or some significant share of these estimates, are in jeopardy under all of the action scenarios in the Sage-Grouse EIS. This is the type of economic impact that the EIS is required to analyze and reveal.

Modeling Approach

The following offers more detail on the modeling approach and assumptions underlying the prior Figure III-1.

Drilling activity. Figure III-2 shows the general location of the most promising gas development prospects. The pace of future development of the region's oil and gas reserves is uncertain. Exploration and production will ultimately depend on competitive influences, regulatory practices, and natural gas prices. The projections presented here are based entirely on the drilling expectations in the Sage-Grouse EIS.

Figure III-2.
Piceance Basin Area of High Oil and Gas Production Prospects



Source: BBC Research & Consulting

A large share of the productive mineral resource in the Piceance Basin is owned by the federal government, either as federal lands or federal mineral rights below private surface rights. Private property is interspersed throughout the area. There are multiple existing lease holders in the area, including Encana Corporation, Bill Barrett Corporation, and WPX. Private property owners in this area include Chevron, Shell, and Exxon.

Reserves. The amount of natural gas reserves in the Piceance Basin is uncertain. Estimates vary widely but significant reserves have been proven and are currently in development. The following are recent estimates (with references):

- 300 trillion cubic feet of natural gas in the basin (<http://oilshalegas.com/piceancebasin.html>)
- Estimates from the central part of the basin, where reserves are greatest, range from 60 to 120 billion cubic feet per square mile, decreasing nearer the edges of the basin.

(<http://gvinsider.com/2011/understanding-the-geology-of-piceance-basin-natural-gas/>).

- 200 to 300 trillion cubic feet within the basin
(http://www.api.org/~media/Files/Policy/Exploration/Energy-Resources/SER_PiceanceBasin.pdf)
- 300 trillion cubic feet of natural gas in the basin
(<http://www.energyandcapital.com/articles/investing-in-the-piceance-basin/3752>)

Development expectations. Estimate of likely gas production in the Piceance Basin and related development activity are derived from the Sage-Grouse EIS estimates.

- According to the Sage-Grouse EIS, estimates of the number of wells drilled and the number of wells completed under the No Action Alternative (Alternative A) were based on the *number of wells expected to be drilled and completed* per year in each BLM field office's current reasonably foreseeable development scenario (Appendix M, page 34).
- As noted previously, the Sage-Grouse EIS anticipates 34,694 completed wells on "Federal State and Fee Surface" properties over the next 20 years in the full Sage-Grouse Planning Area. Approximately 70-80 percent of this activity is expected to be concentrated in Garfield and Rio Blanco counties and the Piceance Basin, suggesting about 25,000 new wells on public lands and federal fee properties in these counties. It appears that the Sage-Grouse projections do not include private lands with private minerals, but it is unclear what is intended. The Sage-Grouse EIS indicates that private lands would be subject to the development caps.
- These estimates may be conservative. There are three known levels of natural gas reserves in the Piceance Basin. Most wells have been drilled into the Mesaverde formation, but recent exploration has shown very high productivity from the deeper Upper Mancos formation, which could provide many decades of additional gas production.
- One example of the industry's interest in this area, which corroborates this level of likely drilling activity, involves Encana Corporation and Nucor Steel Company, who have entered an agreement for a joint natural gas drilling program on leased lands known as the Big Jimmy. According to the Oil and Gas Journal³, if allowed to proceed, the partners are committed to spend over \$3.6 billion, producing 3,500 wells on about 55,000 acres. This project alone could produce over 34 billion in resource value over a 20-25 year period.

For the purposes of this exercise, BBC has used the EIS projection of wells in northwest Colorado and modeled 1,250 wells per year in the primary drilling area within the Piceance Basin, which is subject to the prospective BLM restrictions. Additional wells will occur elsewhere in the

³ Confirmed by communication with Jason Oates, Group Leader Regulatory, South Rockies Business Unit Encana Oil and Gas, October, 2013.

county. This pace of well development is conservative, less than the drilling level that occurred in 2007/2008 period in Garfield County.

Production costs and value. Sage-Grouse EIS Appendix M, Table M-19 indicates \$2.7 million per well for drilling and completion costs. BBC has used these estimates and assumed that each well will produce about 2.5 billion cubic feet over a 20-year period, slightly less than the expectations used in the EIS. We have incorporated a production decay curve that mirrors the very high, early years' productivity and the diminishing production over time that characterizes shale gas wells. This productivity curve explains the flattening of production in later years. By year 20, the Piceance could be producing over \$12.0 billion in the market value of gas production.

Employment. The authors of the Sage-Grouse EIS rely on a commonly used economic impact model (IMPLAN) to forecast economic activity associated with this level of resource recovery investment and development. The Sage-Grouse EIS assumes 11.7 direct construction jobs per well and 9.6 indirect and induced jobs per well (drilling and completion but not operations) or about 21 jobs per well drilled (Appendix M, Table M21). It does not appear that the production workers were actually included in the Sage-Grouse EIS modeling.

The multipliers used in the EIS produce very high employment estimates, forecasts that strain credibility. As a check against these estimates, BBC derived additional employment ratios from the 2013 *Assessment of Colorado Oil and Gas Industry—Industrial and Fiscal Contributions in Colorado*, conducted by the Business Research Division, Leeds School of Business at the University of Colorado, 2013. In addition, BBC used its own calculations that were developed in the 2008 Energy Study for the Associated Governments of Northwest Colorado. This later study relied largely on traditional horizontal wells and likely produces lower estimates than more recent analyses that use more current information. By year 20, this new gas production could readily employ over 30,000 workers, or as many as 48,700 according to the EIS calculations

State & federal revenues. Oil and gas activity produces revenues accruing to the federal government (from mineral leasing on federal lands) and state government (from severance taxes and state sharing of federal lease revenues). For local governments, property taxes are the most important source of ongoing tax receipts although there are other share back provisions from federal and state resources.

The EIS takes a very broad brush approach to lost tax revenues. Property taxes in particular are unspecified by location.

Property taxes. Property tax revenues reflect a property's taxable assessed value and applicable tax rates. An oil and gas property's taxable assessed value is based on its production. The prior year's primary production values are assessed at 87.5 percent. Equipment, buildings, fixtures, and leasehold improvements are assessed at the commercial property assessment ratio (29% of actual value). The appropriate tax rates (mill levies) are then applied to the assessed property value.

BBC has employed the same methodology used in the EIS to calculate production related assessed valuation (annual production X market value X assessment ratio in %). We have

reduced the EIS assessment ratio for 87.6 % to 80% to reflect various allowed value adjustments. Results are shown in prior the prior Summary Table III-1 and the following Figure III-3.

The importance of property taxes to Garfield County and related service providers is readily documented below. In 2013, despite lower gas values and reduced assessed values, the energy industry represented over 70 percent of the county’s assessed value base and even higher proportions of the county’s two associated school districts and the Grand River Hospital District. Current levels of assessed value for Garfield County and oil and gas affected districts is shown in Figure III-3.

Garfield County currently has more than \$2.0 billion of assessed mineral value, but this value will diminish as well production slows. BBC’s analysis indicates that Piceance Basin drilling activity alone would push that assessed value to about \$9.9 billion.

The location of drilling versus individual district boundaries will ultimately determine which districts are beneficiaries of this increased value of Garfield County. Some districts are also subject to the Tabor Amendment, which limits realized increases in tax revenues. Property taxes from resource development are substantial. As noted above, the increase in mineral assessed value projected for this area is far in excess of the entire valuation of the existing county.

**Figure III-3.
Current Garfield County Assessed Value**

Taxing Entity	2012 Mill Levy	2013 Oil & Gas Assessed Value	2013 Total Assessed Value	% Assessed Value Attributable to Oil & Gas	2013 Estimated Revenue Attributable to Oil and Gas
Garfield County	13.66	\$2,033,460,260.00	\$2,896,661,540.00	70.20%	\$27,766,899.85
RE-2 School District	13.76	\$851,907,900.00	\$1,115,636,270.00	76.36%	\$11,723,956.52
School District 16	6.77	\$834,285,190.00	\$900,613,910.00	92.64%	\$5,644,773.60
Town of Parachute	13.56	\$5,621,910.00	\$25,548,360.00	22.00%	\$76,244.34
City of Rifle	5.26	\$478,960.00	\$98,516,850.00	0.49%	\$2,519.81
Town of Silt	8.97	\$0.00	\$22,692,110.00	0.00%	\$0.00
Burning Mtn Fire	6.10	\$405,119,870.00	\$520,432,670.00	77.84%	\$2,472,041.45
Debeque Fire	3.93	\$337,601,310.00	\$357,706,100.00	94.38%	\$1,326,773.15
Grand Valley Fire	3.27	\$857,441,670.00	\$924,731,600.00	92.72%	\$2,801,261.94
Rfile Fire	6.10	\$379,784,460.00	\$526,060,910.00	72.19%	\$2,317,444.77
Grand River Hospital	5.60	\$2,016,732,740.00	\$2,322,671,040.00	86.83%	\$11,287,653.15

Source: Garfield County Assessor, 2013 and BBC, 2013

Production in the Piceance Basin offers an opportunity to continue the county’s well funded, low tax rate structure for many decades to come. The county’s oil and gas assessed value has the prospect of rising about five fold above current levels. Similar increases would occur in the school, hospital and fire districts and the affected municipalities.

APPENDIX A.

Piceance Basin Development Assumptions

	Constant Value		Year 1	Year 5	Year 10	Year 15	Year 20
Development							
Annual New Wells in NW Colorado Region by Year	1,750	BLM/BBC	1,750	1,750	1,750	1,750	1,750
% of Wells in Garfield County	71%	BBC					
Annual New Wells in Garfield County			1,250	1,250	1,250	1,250	1,250
Cumulative New Operating Wells in Garfield County			1,250	6,250	12,500	18,750	25,000
Investment per Well	\$2,800,000						
Production & Value							
Production per Well (BCF Over 20-year Life)	2.5	BBC					
Annual Production from Cumulative New Wells (BCF)			355.8	1,456.8	2,317.1	2,825.1	3,125.0
Value per MCF	\$3.96	BLM M.23					
Annual Value of Total Production (in \$millions)			\$1,409	\$5,769	\$9,176	\$11,187	\$12,375
Assessed Value (of Production Value)	80.0%	BLM	\$1,127	\$4,615	\$7,341	\$8,950	\$9,900
Annual County Property Tax (in \$millions)	13.65 Mill Levy		\$15	\$63	\$100	\$122	\$135
Labor Force							
Using BLM DEIS Assumptions							
Drilling and Completion Workers per Well	21.3	BLM	26,625	26,625	26,625	26,625	26,625
Direct	11.7	BLM	14,625	14,625	14,625	14,625	14,625
Indirect and Induced	9.6	BLM	12,000	12,000	12,000	12,000	12,000
Operating Workers per BCF Production	7.08	BLM	2,520	10,320	16,414	20,013	22,138
Direct	0.78	BLM	279	1,142	1,817	2,215	2,450
Indirect and Induced	6.30	BLM	2,241	9,178	14,598	17,798	19,688
Total Employment Effect			29,145	36,945	43,039	46,638	48,763
Using Assumptions Based on 2012 Leeds Study							
Drilling and Completion Workers per Well	12.8	Leeds/BBC	15,998	15,998	15,998	15,998	15,998
Direct	5.2	Leeds/BBC	6,455	6,455	6,455	6,455	6,455
Indirect and Induced	7.6	Leeds/BBC	9,543	9,543	9,543	9,543	9,543
Operating Workers per BCF Production	7.48	Leeds/BBC	2,662	10,902	17,339	21,140	23,385
Direct	3.02	Leeds/BBC	1,074	4,399	6,996	8,530	9,435
Indirect and Induced	4.46	Leeds/BBC	1,588	6,503	10,343	12,611	13,950
Total Employment Effect			18,661	26,900	33,337	37,139	39,383

Source: BBC Research & Consulting, October 2013.



October 21, 2013

Mike King, Executive Director
Colorado Department of Natural Resources
Executive Director's Office
1313 Sherman Street, Room 718
Denver, CO 80203

RE: Meeting held on Monday, September 16th, 2013 regarding the Greater Sage Grouse habitat mapping in Garfield County

Dear Director King,

Thank you for taking the time to meet with myself and members of our team working on behalf of Garfield County regarding Greater Sage Grouse (GSG) habitat mapping and policy issues in Garfield County. We very much appreciate the effort you made in convening key staff from your office as well as from Colorado Parks and Wildlife (CPW) in order to talk candidly about habitat mapping concerns raised by Garfield County. As you can understand, the impact of proposed federal policy via the pending Bureau of Land Management's (BLM) Environmental Impact Statement (EIS) on GSG in Northwest Colorado will have a dramatic, if not crippling socio-economic affect on some counties in NW Colorado. It is critical that local and state government be aligned as much as possible relying on best available and reproducible science to support a realistic response to the US Fish and Wildlife Service (USFWS) as a listing decision hangs in the balance that works for both Garfield County and northwest Colorado. To this latter point, we very much appreciate your willingness to work with Garfield County.

To revisit and memorialize the outcome from our meeting, we understand that CPW has developed and primarily uses two maps regarding the management of Greater Sage Grouse in Colorado which include the Sensitive Wildlife Habitat (SWH) map and the Restricted Surface Occupancy (RSO) map. It was made clear that the SWH map does not accurately delineate

actual habitat; rather, it is used as a reference tool intended to require consultation for potential development within its boundaries and should not be construed as a map depicting any form of a "No Surface Occupancy" (NSO) policy. Additionally, the RSO map is intended to define a 0.6 mile buffer round an active lek with the purpose of prohibiting development activity. We also understand that the SWH map has been sent to the BLM in the form of the Preliminary Priority Habitat (PPH) map for use in their EIS. Further, CPW intends to adjust this Preliminary Priority Habitat (PPH) map with the very recent data collected by Dr. Brett Walker which is anticipated to reduce / shrink the PPH boundaries. Once this has occurred, CPW will resubmit that revised map to the BLM for use in the EIS. (CPW staff also reaffirmed that the acceptable margin of error for distance from plotted bird locations was no greater than 50 meters.)

While the County certainly appreciates the efforts on the part of CPW to continue to refine their mapping, we will continue to advocate for our habitat mapping efforts in our comments 1) to the BLM on the draft EIS on GSG in Northwest Colorado, 2) in our comments to the Colorado Oil and Gas Conservation Commission's (COGCC) rulemaking hearings on wildlife mapping, and 3) in future coordination meetings with the USFWS. As discussed in our meeting, one the County's primary concerns is there appears to be a fundamental disconnect between how CPW designed and uses the SWH map as a basis for consultation versus how the BLM is using the PPH map for project-specific land management policies and "in-the-field" decisions.

As explained to the County by CPW staff on September 5, 2012 in a County Coordination meeting, this BLM - PPH map (which is CPW's SWH map) was generated at a *50,000-foot level* not intended for specific "on-the-ground" land use management. Again, the County urges CPW and DNR to continue to provide that comment and direction to the BLM on the draft EIS. In effect, it should be made clear that the BLM - PPH map (based on CPW's SWH map) should be better defined as a *Wildlife Consult Map* that should not be confused with actual habitat for which the BLM is to manage for the survival of the bird.

As a matter of background and in the context of the BLM's EIS, the County has analyzed CPW's SWH map and found it to be problematic if it is used for localized land use decisions. First, the habitat model designed by Dr. Mindy Rice was done so using vegetation data on a 1-kilometer scale (0.6 mile grid cells). In doing so, it inaccurately typed large amounts of vegetation that do not include any vegetation communities known to support Greater Sage Grouse such as pinion-juniper, fir, and aspen groves. Furthermore, numerous other criteria that are known to directly influence suitable greater sage-grouse habitats were, admittedly by design, excluded from the habitat model, including slope parameters, relevant landforms, percent canopy cover, etc. Again, this model approach is too coarse to be used as an effective local habitat management tool which Dr. Rice specifically notes in her paper.

Second, in the design of the SWH map, CPW has applied an arbitrary four-mile buffer (eight-mile diameter) around active leks. (The four mile distance is believed to be the distance from the lek where 80% of the hens will nest.) However, this distance also assumes the birds will be nesting in their commonly understood habitat as is commonly found to be true in large expanses of gently rolling sage brush communities in Wyoming, Montana, etc. Garfield County does not have these same expanses of rolling sage brush communities; conversely, the habitat is severely fragmented in a scattered patchwork of sage brush on hill tops intermixed with large areas of non-habitat vegetation communities such as aspen, conifer, pinion-juniper, etc. Moreover, the area in Garfield County also contains large areas of slopes (in excess of 30%) that are not known to support Greater Sage Grouse. So, the County opposes an arbitrary application of a four-mile buffer around an active lek in this landscape because it captures thousands of acres of non-habitat where development and activity could / should occur without requiring any involvement from government agency oversight.

Third, CPW's SWH map (which is used by the BLM as the PPH map) is based on the agency's "Occupied Range" map which appears to be an internal map maintained primarily by research staff and updated based on field-observations over time. This is problematic because the data used to inform this map is specific to individual professional opinion which may vary from time to time depending on individual field personnel and is not reproducible. In recent discussions with CPW staff, it became apparent that these opinions stray far from data that is cited in the literature from CPW biologists as to the accepted criteria for what defines habitat and where the Greater Sage Grouse are commonly located within that habitat.

In response to this, the County recently spent considerable resources to produce a highly accurate Suitable Habitat Map which is attached as **Exhibit A** to this letter. This map is a result of creating two distinct models (a weighted overlay model and a fuzzy overlay model). These models were driven by criteria developed from an exhaustive literature search using CPW's own researcher criteria (including slope, distance to forest, canopy cover, landforms and vegetation community). In addition, the Garfield County habitat model utilized a vegetation dataset that maps existing vegetation communities with a much higher degree of accuracy, based on performing a supervised image classification process on 2-meter cell resolution color-infrared photography. Moreover, in recent meetings with CPW to validate our mapping, it became clear that our mapping had a high degree of correlation to relevant / recent bird location data points collected by CPW's Dr. Brett Walker. In doing so, our model captured 92 percent of the bird locations within 100 meters of our habitat model. An important additional correlation is made with a high degree of accuracy when CPW's RSO map is overlaid on Garfield County's Suitable Habitat map which is attached as **Exhibit B** to this letter. It should also be understood; the County's Suitable Habitat map was created with a transparent process and is reproducible. To the contrary, after considerable effort, we found that the CPW SWH map is

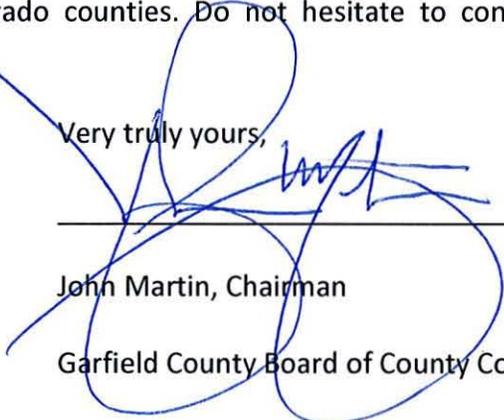
not reproducible and is based on data that the agency refuses to release to the public in order that it is verified.

The net result proved that CPW's proposed SWH map has inaccurately mapped large areas of non-habitat (pinion-juniper, fir, and aspen groves) on the Roan Plateau in Garfield County as priority habitat. As understood in terms of acres, while CPW has mapped approximately 220,000 acres as priority habitat in their PPH map, Garfield County's Suitable Habitat map identifies only 59,093 acres of suitable habitat. This is a 73% reduction in habitat in Garfield County. Put another way, CPW's SWH map was developed with such a broad brush approach, it erroneously captured approximately 160,907 acres of land that does not have Greater Sage Grouse habitat characteristics supported by relevant peer-reviewed literature and 'data-verified' field observations. By doing so, it will have the practical effect of requiring a land owner to consult with CPW on projects that are clearly cited in areas of non-habitat.

We want to thank you for convening staff from both DNR and CPW and taking time to discuss these issues and providing clear direction regarding the intent and use of the Sensitive Wildlife Habitat map (BLM - PPH map) in the BLM's EIS. We appreciate your clarity and direction on how the SWH map is intended to be used as a tool for consultation only for projects within its borders and not specifically designed as an actual 'habitat' map to be interpreted as any form of NSO or otherwise by the BLM in developing land use policy. The County urges CPW and DNR to continue to provide this direction in their comments to the BLM on the draft EIS. In effect, it should be made clear that the BLM - PPH map (based on CPW's SWH map) should be better defined as a wildlife consult map that should not be confused with defining actual priority or general habitat for which the BLM is required to manage for the survival of the bird.

We look forward to continuing to work with you and CPW so that our collective comments to the BLM will be as aligned as possible. It is our hope that these comments are both realistic and effective to ensure protection of the bird and its habitat so that realistic policies are put in place by the BLM that help avoid a listing without severely impacting the socio-economics of northwest Colorado counties. Do not hesitate to contact us if you have any questions or comments.

Very truly yours,



John Martin, Chairman

Garfield County Board of County Commissioners



Mike Samson, Commissioner

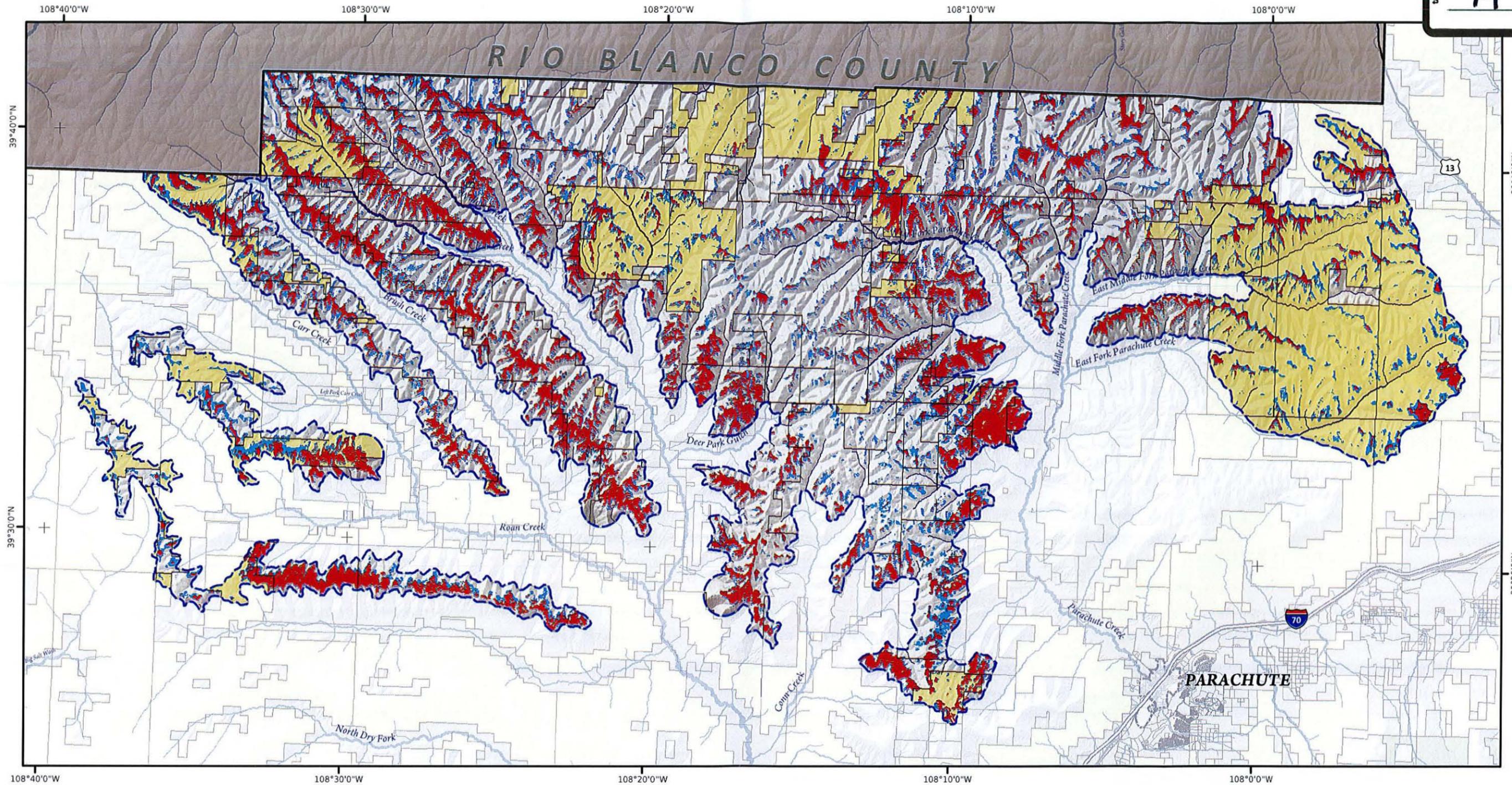
Garfield County Board of County Commissioners



Tom Jankovsky, Commissioner

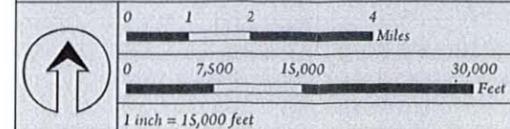
Garfield County Board of County Commissioners

- Cc The Honorable John Hickenlooper, Governor, Colorado
- The Honorable Scott Tipton, US House of Representatives
- Representative Bob Rankin, State House of Representatives, Colorado
- Representative Randy Baumgardner, State House of Representatives, Colorado
- Steve Yamashita, Colorado Parks and Wildlife, Acting Director
- James Cagney, BLM Northwest Colorado District Manager
- Andrew Gorgey, Garfield County Manager
- Frank Hutfless, Garfield County Attorney
- Fred Jarman, Director, Community Development Department



- | | | | | | | |
|--|------------------------|-------------|--|---------------|--|--------------------|
| | Analysis Area Boundary | 220,967 Ac. | | BLM Lands | | Municipal Boundary |
| | Priority Habitat | 31,070 Ac. | | USFS Lands | | County Boundary |
| | General Habitat | 28,023 Ac. | | Private Lands | | Interstate |
| | | | | | | State Highway |

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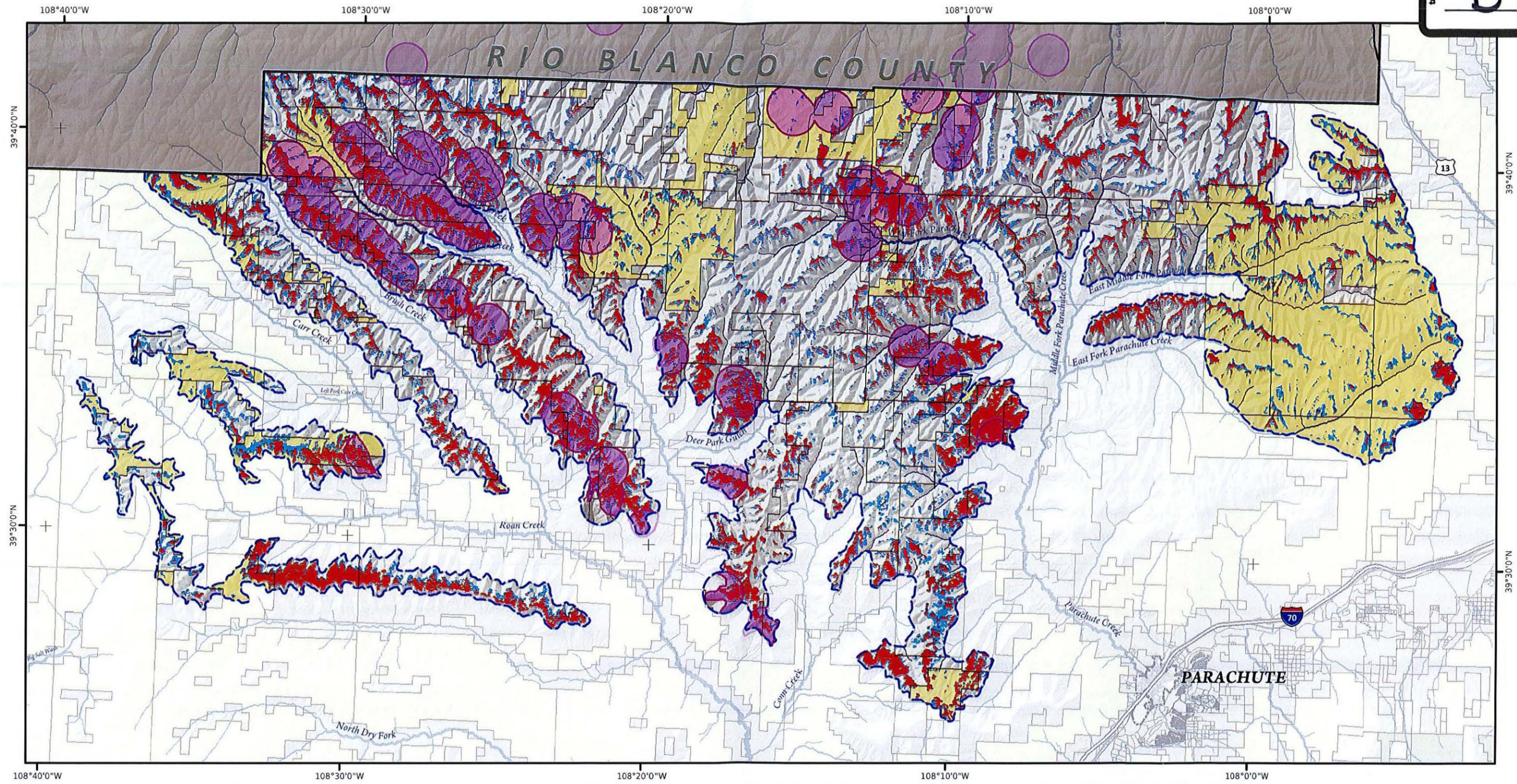


Date: July 2013
PENDO Solutions



**Modeled Habitats
for Greater Sage Grouse**

Suitable Habitat Results
[Model v1: Revised Vegetation]



- | | | | | | | |
|--|---|-------------|--|---------------|--|--------------------|
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| | Greater Sage-grouse
Restricted Surface Occupancy | | | | | State Highway |

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0 1 2 4 Miles
0 7,500 15,000 30,000 Feet
1 inch = 15,000 feet

Date: July 2013

PENDO Solutions

**Modeled Habitats
for Greater Sage Grouse**

Suitable Habitat Results
[Model v1: Revised Vegetation]

Colorado River Fire Rescue

Serving the Communities of New Castle, Rifle & Silt

Telephone (970) 625-1243 • Fax (970) 625-2963 • www.crfr.us
1850 Railroad Avenue • Rifle, Colorado 81650

November 20, 2013

Mr. Jim Cagney
Northwest Colorado Director
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Cagney,

The Colorado River Fire Rescue is a Regional Fire Authority (RFA) established in 2012. The RFA is comprised of the Rifle Fire Protection District, founded in 1976 and Burning Mountains Fire Protection District. We are dedicated to protection life, home and property through leadership, education and partnerships. Safety is our highest priority. One of those partnerships includes the Bureau of Land Management.

We serve approximately 780 square miles in Garfield County from mile marker 81.5 on I-70 to mile marker 108 on I-70, west to east, and County line to County line, not including U.S. Forest Service property in the jurisdiction. However, we do cover EMS calls in those areas North and South, as well as, all Bureau of Land Management (BLM) land within our jurisdiction.

Since December, 2011, the Bureau of Land Management has been preparing a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse to amend and update your Land Use Plan and Land Management Plan. As Title 32 Special Districts for Fire and Rescue created by the Colorado Legislature, we hereby notice the BLM of your failure to coordinate the DEIS with our RFA.

Our charge is to protect the health, safety and welfare of the people, specifically from fire hazards. In order to carry out this charge, we have policies that require human life be prioritized above all other concerns. None of the policies related to wildfire in any of the alternatives carried forward in the DEIS were coordinated with our RFA. As a result, there are unresolved conflicts with our policies that have not been addressed in the document and brought to the public light for further consideration by the public and decision makers. The impacts of these alternatives to human life are devastating, but they

Mission Statement:

**"WE ARE DEDICATED TO PROTECTING LIFE, HOME, AND PROPERTY THROUGH LEADERSHIP, EDUCATION AND PARTNERSHIPS.
SAFETY IS OUR HIGHEST PRIORITY."**

have not been considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this failing, the RFA formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the RFA, indirect and cumulative impacts on our RFA and the health and safety of the people we protect.

Failure to Coordinate:

The Federal Land Policy and Management Act specifically directs your agency to coordinate “planning” with local governments (43 USC 1712(c)(9)). Both Rifle Fire Protection District and Burning Mountains Fire Protection District, which make up the Colorado River Fire Rescue Regional Fire Authority, are political subdivisions of the state of Colorado entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to “improve and coordinate Federal plans, functions, programs and resources.” The RFA is entitled to have its policies considered and resolved by you prior to the release of the now public DEIS.

Your agency’s planning rules require that you coordinate this effort with the RFA as well, making it clear that you have a duty to ensure this coordination takes place with us above and beyond the public process.

“In addition to the public involvement prescribed by Sec. 1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. The objectives of the coordination are for the State Directors and Field Managers to:

- (1) Keep apprised of non-Bureau of Land Management Plans;
- (2) Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;
- (3) Assist in resolving, to the extent practicable, inconsistencies between Federal and non-governmental plans;
- (4) Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands;” (43 CFR 1610.3-1)

Further, in the Federal Register notice initiating the preparation of this environmental impact statement (Vol. 76, No. 237/ Friday, December 9, 2011), your agency is directed to make the proposed conservation measures consistent with our policies:

“As described by law and policy, the BLM and FS will strive to ensure that conservation measures are as consistent as possible with other planning jurisdictions within the planning area boundaries.”

No such effort has been made.

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with our RFA, for the purpose of resolving conflicts with our RFA, to ensure consistency with our policies, and ultimately to ensure that the health, safety and welfare of the public is fully considered in this process, your agency has failed to do so. Yet, we now have a public document issued for review without these critical concerns being considered. For this reason a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health, safety and welfare of the people and in coordination with the Colorado River Fire Rescue Regional Fire Authority.

Failure to Consider Financial Impact to RFA

Our RFA is made up of a combination of federal land and private property, with nearly 77.5 percent of our revenue being directly attributed to oil and gas exploration.

Specifically, should the BLM enact the current alternatives being considered and restrict or prevent oil and gas exploration and/or production in our County and RFA, irreparable harm would come to the RFA and the citizens we serve. All of the action alternatives in the DEIS will severely curtail oil and gas production in our RFA. Even if only half of the production is stopped, our RFA would not be able to survive. If future development of these lands is stopped, our RFA will not survive as current operations have a finite life span. Additional resources must be developed today in order ensure we have sufficient revenue to continue to operate and provide the fire protection and emergency services entitled to our citizens.

Last year, revenue directly attributed from oil and gas production to the RFA was \$6,881,877. As stated above, this was 77.5% of our total revenue. The income we have derived from oil and gas production within our RFA has allowed us to hire 47 fulltime firefighters/employees and 27 part-time employees. In addition, we have 40 “on-call” volunteer firefighters. This level of staffing is necessary to ensure we can protect the lives, homes, lands and wildlife within our 780 square-mile RFA. Without this revenue, we could not properly respond to emergencies and this area would be vulnerable to unforeseen disasters.

Since our inception in 2012, nearly 70 percent of our operations, which include our facilities, fire equipment and salaries, has been funded from oil and gas revenues. For the past 10 years, revenues from oil and gas have funded seven fire stations and over 50 pieces of apparatus and equipment for our RFA. And, just as our RFA has benefited from oil and gas production, so have the BLM and U.S. Forest Service. The fact of the matter is, all of the inter-agency fire fighting resources for both federal agencies are housed in a building owned by the RFA that was built with energy impact grants and local/federal funding from oil and gas revenues.

This equipment makes it possible for us to have the resources necessary to protect our citizens and our land from fires and emergencies. Without these resources, we could not properly respond to emergencies and fulfill our charge from the Legislature.

Our support, however, goes beyond protecting citizens and their private property. It also protects the federal lands and ultimately the greater sage-grouse. Our RFA is the first responder for all emergencies, including fires that are initiated on federal lands as well as private. When we arrive on the scene of a fire emergency, we assess whether it is on private or federal lands. If it is on federal lands, we report this to the BLM. Through our Annual Operating Plan (AOP), we have a mutual aid agreement with the BLM that allows us to extinguish the fire immediately if so authorized by the agency.

Portions of the Roan Plateau, habitat for the greater sage-grouse, are within our jurisdiction. If a single stump fire or any other fire hazard was in this area, we could act immediately to protect the grouse if so authorized by the agency on federal land, rather than losing valuable time waiting for BLM to arrive with its resources.

Additionally, we immediately extinguish fires of private property when we arrive on the scene, which your agency is precluded from doing. As your DEIS points out, much of the greater sage grouse habitat is on private property. Without our continued services, great harm could come to this species. Yet, this was not considered or analyzed in the DEIS.

The Roan Plateau is also where the primary oil and gas production takes place within our RFA. Should production be curtailed, as is being proposed through all the action alternatives, we will not be able to provide the normal emergency services we now provide to the federal government or the people, leaving all fire suppression on federal land to be provided solely by your Agency, and none available to those on private land.

If our budget is diminished as a result of the greater sage-grouse conservation measures, not only will the grouse be harmed, but the people as well since we provide all structural, emergency medical, tech rescue, hazardous material and other responses. No consideration of this impact was discussed in the DEIS. No discussion was made with us as to how you will resolve this conflict. None of this harm has been brought to the attention of the public or decision makers making the DEIS incomplete and fatally flawed. A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our RFA and other Special Fire Districts and how this will jeopardize the health and safety of the people.

Unresolved Conflicts with RFA Policy

The DEIS is required to discuss the environmental consequences of all the alternatives in comparative form so that the public and decision makers can properly weigh the impacts of conserving habitat for the greater sage-grouse. Included in this analysis is “the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources ...” (40 CFR 1502.16).

This includes analysis of the direct effects, indirect effects and cumulative effects. It also specifically directs that this analysis include conflicts with local government objectives.

“Possible conflicts between the proposed action and the objective of Federal, regional, State, and local ... land use plans, policies and controls for the area concerned.” (40 CFR 1502.16(c))

Further, “Where an inconsistency exists, the statement should describe to the extent to which the agency would reconcile its proposed action with the plan or law.” (40 CFR 1506.2(d))

Very concerning to the RFA is the policy being proposed in the DEIS to prioritize fire resources to be pre-positioned for the protection of greater sage-grouse during critical fire weather days. This is found under the “Required Design Features” (Appendix I-14) for Alternative B, which is the National Technical Team (NTT) conservation measures the Secretary of the Department of Interior has mandated be included as an alternative in the analysis. It states that the preferred policy of the DOI is, “On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in GRSg habitat areas.”

This places the sage-grouse above people and is in direct conflict with our RFA’s policies, which places life and property above all other considerations. The preferred alternative D also leaves the door open for this conflict. It requires that the agency “Pre-position fire suppression resources based on all resource values-at-risk.” (Appendix I-14) Alternative D makes protecting the sage-grouse the highest value, giving the species preference over the protection of life and property.

As a practical matter, if the protections under the BLM Plan are put into place to protect the sage grouse, that will minimize, and potentially eliminate, the revenue sources we utilize to extinguish fires in our jurisdiction. This places undue burden on our RFA to protect the life and property of the people if the BLM pre-positions its fire resources in the remote areas that contain grouse habitat.

Currently, we depend on and enjoy a mutually beneficial relationship with the BLM fire operations and our jurisdiction. If a major fire event occurs, we currently call on the BLM’s air drop services and sometimes ground services to help us protect the community. If these resources are pre-positioned in remote areas or simply unavailable to us because they have been pre-designated to protect the sage-grouse, our ability to protect human life from catastrophic fire is severely curtailed.

This consideration was never taken into account in the DEIS, nor was the conflict such policy creates with our RFA ever discussed or resolved. It was through our communication with Garfield County that we were made aware of the BLM’s proposed policies. It is of greatest concern that the local governments most affected by this potential change in policy were not informed directly by the BLM nor coordinated with on this and other issues.

Failure to Consider Reasonable Alternative:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan. This Plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the 11 state ranges of the grouse. The County also developed this Plan so there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our RFA.

NEPA regulations require your agency to “study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County. The Plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County Plan, our RFA could continue to operate fully funded well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse from fire events. The County Plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed.

Rigorous analysis and comparison of the Garfield County Plan would have helped to sharply define the issues, “providing a clear basis of choice among options by the decision makers and the public,” (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other. They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles. There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion.

Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse. However, you failed to analyze or consider this reasonable and preferable alternative.

Summary

For this reason, as well as, the others stated above, a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with our RFA for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation plan.

If implemented, the proposed action would represent a violation of BLM’s multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority. In addition, the exclusion of coordinating with the Colorado River Fire Rescue

Regional Fire Authority and not even considering the restrictions your actions will place on our ability to assist your agency is inconceivable and inexcusable.

Just as it is the BLM's mission to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations," it is our mission to protect the health, safety and welfare of our citizens during emergencies and disasters.

Your failure to coordinate your DEIS with our RFA has placed us in a very difficult and dangerous situation should you not consider our needs. We appreciate how the BLM and our RFA currently work together. However, the proposed action will harm our current working relationship and could be the demise of our RFA, as well as, be the direct cause of potential fire disasters in our jurisdiction. We implore the BLM to delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account.

These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS. Also, please include as a part of our comments those submitted by the Garfield County Board of Commissioners.

Sincerely,



Rex Rhule
Board President



Michael C. Morgan
Fire Chief



HOSPITAL SERVICES | FAMILY MEDICINE | WOMEN'S HEALTH | INTERNAL MEDICINE | SPECIALTY SERVICES
LONG TERM CARE | OCCUPATIONAL HEALTH SERVICES | SCHOOL BASED HEALTH

November 19, 2013

Mr. Jim Cagney
Northwest Colorado Director
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Cagney,

In 1961, voters approved the formation of a special taxing district known today as the Grand River Hospital District (District) to ensure the availability of local healthcare. One year later, the District opened Clagett Memorial Hospital and began serving patients.

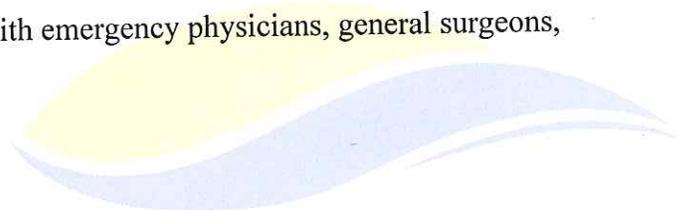
Since that time, our District serves families and citizens in Garfield County through the following facilities:

- Grand River Hospital and Medical Center;
- Grand River Medical Clinics in Rifle;
- Battlement Mesa Medical Center;
- E. Dene Moore Care Center (our long-term care facility in Rifle);
- Grand River Health and Safety Center (our occupational health and physical therapy facility in Battlement Mesa);
- Grand River Student Health Center in Parachute and Rifle servicing local school districts.

Grand River Hospital District serves 27,000+ individuals within our 1,500 square-mile service territory. The District accomplishes this through the dedication of over 300 employees and over 55 affiliated physicians.

The Grand River Hospital District provides:

- Emergency Services as a trauma level IV with emergency physicians, general surgeons, nurses and other medical specialists;



- Acute Care round-the-clock for patients with complex medical conditions or surgical concerns;
- Imaging Services, which include the nation's first revolutionary 3D breast tomosynthesis mammography technology providing diagnostic accuracy for women, x-rays, bone mineral density, ultrasound, echocardiography, CT, MRI and nuclear medicine;
- Laboratory Services, Mayo Clinic affiliated, that provide phlebotomy, histology, blood bank, chemistry, immunochemistry, hematology/urinalysis, coagulation, newborn testing and microbiology;
- Cardiopulmonary Services that provide respiratory specialist in airway management and administer diagnostic, non-invasive tests such as an EKG, pulmonary function test and treadmill stress tests;
- Perioperative Services that perform relevant diagnostic tests prior to any surgical procedure, administer IVs and any required advance medications, and after surgery, provide any Post Anesthesia Care; and
- Pharmacy Services that are patient focused and include medication delivery, therapeutic recommendations and promotion of optimal drug therapy

The District is governed by an elected Board of Directors made up of seven dedicated individuals who care about the well-being of the community.

It has come to our attention that the Bureau of Land Management (BLM) has been preparing a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse to amend and update your Land Use Plan and Land Management Plan since December, 2011. As a political subdivision of the State of Colorado, we hereby notice the BLM of your failure to coordinate the DEIS with our District and our seven-member Board of Directors.

Our charge is to provide the best affordable healthcare to the citizens of this region. In order to carry out this charge given to us by the citizens of this community, we have the responsibility to provide the community we serve with exceptional health care now and into the future that's affordable and efficient.

None of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our District. As a result, the harm that will come to our District as a result of these policies have not been addressed in the document and brought to the public light for further consideration by the public and decision makers. The impacts of these alternatives to human life are devastating, but they have not been considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this failing, the Grand River Hospital District formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on our District and the health and safety of the people we protect.



Failure to Coordinate:

Our District falls squarely within the jurisdictional boundaries of your planning area and we are dependent upon and impacted by the use of federal lands managed by your agency. Therefore, every policy you implement has a direct impact on all the services our District provides.

Your agency is specifically directed through your planning rules to take the impacts to our District into account in your analysis presented in the DEIS.

“The development, approval, maintenance, amendment and revision of resource management plans will provide for public involvement and shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976. Additionally, the impact on local economies and uses of adjacent or nearby non-Federal lands and on non-public land surface over the federally-owned mineral interests shall be considered.” (43 CFR 1601.0-8)

Section 202 of the Federal Land Policy and Management Act includes the statutory direction for your agency to coordinate “planning” with local governments (43 USC 1712(c)(9)). As a political subdivision of the State of Colorado, the Grand River Hospital District is entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to “improve and coordinate Federal plans, functions, programs and resources.” The District is entitled to have its policies and economic effects considered and resolved by you prior to the release of the now public DEIS.

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with the District, for the purpose of resolving conflicts with our District, to ensure consistency with our policies, and ultimately to ensure that the health and welfare of the public is fully considered in this process, your agency has failed to do so.

As a result, the direct, indirect and cumulative impacts the proposed action will have on our District have not been considered, analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason, a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health and welfare of the people of our community in coordination with our District.

This analysis is not something that should be done at a later date when you prepare site specific environmental statements. The policies that will impact our District are being considered now, and will be put into place through this environmental statement. Therefore the harm that will come to the District should be considered in this analysis.

Economic Facts and Impacts You Failed to Consider

In 2012, the Grand River Hospital District received \$15,892,975 in tax revenues attributable to oil and gas production in Garfield County. Land within the jurisdiction of our District had a total assessed value of \$3,211,857,600, of which \$2,839,552,470 was directly attributable to oil and

gas resulting in the percentage of 88.41% or \$15,892,975 of our total District property tax revenues.

This obviously is a major source of our income and any curtailing of oil and gas production in Garfield County will have devastating effects to our District and bring economic destruction to our community and our ability to provide affordable health care.

In fact, revenues to our District, generated by oil and gas production, allowed us to: build the Rifle campus, which includes the hospital, in 2003; build the Medical Office building and conference center in 2009; build our new Medical Office Building currently being constructed in Battlement Mesa; and, create the Occupational Health and Safety Center.

In 2009, Grand River Hospital District attempted to pass a bond issue to build a new care center, but that effort failed. There are plans to go before the voters again in 2017, to attempt to pass another bond issue to build an OB unit, ICU and new care center. Even if the bond issue passes, it would only provide enough revenue for these projects, but only if there is continued oil and gas production activity in the region.

Without that production, any future growth of our medical campus and services available for our community in western Garfield County will greatly depend upon the continued production of oil and gas in our County.

If our budget is diminished as a result of the greater sage-grouse conservation measures, not only will the grouse be harmed, but the people and our District will be irreversibly harmed as well. No consideration of this impact was discussed in the DEIS. No discussion was made with us as to how you will resolve this conflict. None of this harm has been brought to the attention of the public or decision makers making the DEIS incomplete and fatally flawed.

A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our District and how this will jeopardize the health and welfare of our patients and our citizens.

Failure to Consider Reasonable Alternative:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan. This plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the 11 state ranges of the grouse. The county also developed this plan so that there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our District.

NEPA regulations require your agency to "study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County.

The plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County Plan, our District could continue to operate from current funds derived from oil and gas exploration and production well into the future and continue to ensure our patient's health needs, as well as, protect the greater sage-grouse. This plan demonstrates that the grouse and the people can be fully protected without sacrificing human needs and protection. It should have been fully considered and not summarily dismissed.

Rigorous analysis and comparison of the Garfield County plan would have helped to sharply define the issues, "providing a clear basis of choice among options by the decision makers and the public," (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other.

They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles.

There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse.

However, you failed to analyze or consider this reasonable and preferable alternative.

Summary

For this reason, as well as, the others stated above, a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with our District for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered, which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation Plan.

If implemented, the proposed action would represent a violation of BLM's multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority.

In addition, the exclusion of coordinating with the Grand River Hospital District and not even considering the restrictions your actions will place on our ability to provide adequate and quality health needs of our citizenry is inconceivable and inexcusable.



Just as it is the BLM's mission to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations," it is our mission to provide the best healthcare for our citizens at the most reasonable and efficient cost possible.

Your failure to coordinate your DEIS with our District has placed us in a very difficult and dangerous situation should you not consider our needs. We implore the BLM to delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account.

These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS. Also, please include as a part of our comments those submitted by the Garfield County Board of Commissioners.

Sincerely,

A handwritten signature in blue ink, appearing to read "James C. Coombs, Jr.", written in a cursive style.

James C. Coombs, Jr.
Chief Executive Officer



Date November 14, 2013

Mr. Jim Cagney
Northwest Colorado Director
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Cagney,

The Town of Parachute was incorporated in 1908, and is a political subdivision of the State of Colorado. We are a Home Rule Municipality, effective May 18, 2007, and as such, enact and provide for the enforcement of all town ordinances necessary to protect the life, health, safety and property of our citizens.

It has come to our attention that the Bureau of Land Management (BLM) has been preparing a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse to amend and update your Land Use Plan and Land Management Plan since December, 2011. As a political subdivision of the State of Colorado, we hereby notice the BLM of your failure to coordinate the DEIS with our Town and our seven-member Board of Trustees.

Our charge is to protect the health, safety and welfare of the citizens of our Town. In order to carry out this charge, we have policies and ordinances that require human life and economic well-being of our citizens to be prioritized above all other concerns.

None of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our Town. As a result, the harm that will come to our Town as a result of these policies have not been addressed in the document and brought to the public light for further consideration by the public and decision makers. The impacts of these alternatives to human life are devastating, but they have not been considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this failing, the Town of Parachute formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on our Town and the health and safety of the people we protect.

A. The BLM Failed to Coordinate its Planning Efforts and this DEIS with Parachute:

Although the Town of Parachute is not within the jurisdictional boundaries of your planning area, we are dependent upon and impacted by the use of federal lands managed by your agency. Therefore every policy you implement has a direct impact on all the services our Town provides.

Your agency is specifically directed through your planning rules to take the impacts to our town into account in your analysis presented in the DEIS.

“The development, approval, maintenance, amendment and revision of resource management plans will provide for public involvement and shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976. Additionally, the impact on local economies and uses of adjacent or nearby non-Federal lands and on non-public land surface over the federally-owned mineral interests shall be considered.” (43 CFR 1601.0-8)

Section 202 of the Federal Land Policy and Management Act includes the statutory direction for your agency to coordinate “planning” with local governments (43 USC 1712(c)(9)). As a political subdivision of the State of Colorado, the Town of Parachute is entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to “improve and coordinate Federal plans, functions, programs and resources.” The Town of Parachute is entitled to have its policies and economic effects considered and resolved by you prior to the release of the now public DEIS.

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with Parachute, for the purpose of resolving conflicts with Parachute, to ensure consistency with our policies, and ultimately to ensure that the health, safety and welfare of the public is fully considered in this process, your agency has failed to do so.

As a result, the direct, indirect and cumulative impacts the proposed action will have on our Town have not been considered, analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health, safety and welfare of the people and in coordination with our Town.

This analysis is not something that should be done at a later date when you prepare site specific environmental statements. The policies that will impact our town are being considered now, and will be put into place through this environmental statement. Therefore, the harm that will come to our Town should be considered in this analysis.

B. Economic Facts and Impacts You Failed to Consider

1. Direct Effects you Failed to Consider

In 2012, the Town of Parachute received \$111,829 in tax revenues directly attributable to oil and gas production in Garfield County. Land in the Town of Parachute had a total assessed value of \$29,567,220, of which \$8,231,070 was directly attributable to oil and gas resulting in the percentage of 27.84% or \$111,829 of our total Town revenues. The Town of Parachute would not be able to continue to function without these tax revenues.

In 2013, the Town of Parachute received \$117,600 from Federal Mineral Lease and \$144,696 in Severance Tax Direct Distribution for a total of \$322,296.

Under the Federal Mineral Leasing Act, approximately 49 percent of those rentals and royalties from mineral production on federal lands are returned back to the state of origin for planning, construction and maintenance of public facilities in areas socially and economically impacted by the mineral leasing development that occurs on federal lands.

The General Assembly of Colorado has determined that a portion of the state's share of these federal royalty payments are to be directly distributed back to those counties, municipalities and school districts impacted by mineral production on federal lands.

Two factors determine the allocation of federal mineral lease revenue to each county pool for further distribution, of which our Town is a recipient. Those two factors include: 1) the proportion of residents in the county employed in mineral extraction, and 2) the proportion of the moneys credited to the mineral leasing fund generated in the county to the total generated statewide.

From those county "pools," further allocation is determined and our Town receives a proportional share based on: 1) the proportion of residents in the unincorporated areas or municipalities employed in mineral extraction to the total employed in the county; 2) the proportion of population of unincorporated areas or municipalities to the total county population; and 3) the proportion of road miles in unincorporated areas or municipalities to the total road miles in the county.

Severance tax funds are distributed to counties and municipalities based on factors of mining and well permits, mineral production, population and road miles to determine how direct distribution funds are allocated to municipalities and counties.

Fifty percent of the State's receipts from the severance tax on minerals and mineral fuels are credited to the Local Government Severance Tax Fund. The State allocates 70 percent of these funds to local governments through discretionary grants and loans. The remaining 30 percent is placed in a county pool and distributed directly to municipalities and counties economically and socially impacted by mineral production based on similar factors under the Federal Mineral Leasing Act above.

The Town of Parachute receives almost one-third of our annual revenue directly from oil and gas production on the lands within your planning jurisdiction. The conservation measures proposed in the DEIS will either diminish or eliminate this production and correspondingly our revenue and ability to provide sufficient services. While the DEIS attempts to consider this impact at the county level, it fails to even address this impact at the most basic and local level where the people will be directly impact; our town.

2. Indirect Effects You Failed to Consider

Another major portion of our revenue is from the sales tax generated by those who reside and conduct business in our town as a function of servicing the oil and gas industry.

We have hundreds of citizens employed in the energy industry that live and work in Parachute. This not only impacts our tax revenues, but the multiplier effect of their families and spouses who work and shop in our Town bring much more in sales tax revenues that would be lost to our Town if your proposed action were to be approved.

While the DEIS attempts to quantify this impact at the County level, it fails to consider the impact at the local level, specifically as it will harm our Town. However, even at the County level there is no discussion as to “how” the loss of jobs and revenue will impact the community.

For instance, the discussion of the “Impact on Tax Revenues and Payments to States and Counties,” is less than one page in the 1,000 page document. The most robust part of this discussion is the following paragraph:

“Other than fiscal revenues from federal royalties and state severance taxes, other revenue sources such as real property taxes, municipal sales and use taxes, revenues from leases and fees, whether through mining, recreation or grazing activities, would all tend to decrease with the lesser economic activity expected in the study area under Alternatives B, C, and D when compared to Alternative A, with the lease revenues expected under Alternative C.”

We are struggling to see how this discussion conveys the true impact that a 27% reduction in our revenue will have on our police services, utility services, health care services, and many other critical and essential services to our community. This is the pertinent and real impact of the potential action that NEPA calls to be brought forward. The NEPA analysis was not meant to be a useless stack of statistics and data. However, that is what this analysis has become.

3. Cumulative Effects You Failed to Consider

In addition, the Town of Parachute is home to the second largest field office in the U.S. for Encana Oil and Gas (USA) Corporation. Encana is investing billions of dollars into the local economies of Garfield and Rio Blanco Counties, as well as, the Town of Parachute. These investments directly affect our community and our city budget.

Encana figures it will double the number of wells it has on Colorado’s Western Slope during the next several years due to a \$3.64 billion joint venture the company signed in late 2012, with Nucor Energy Holdings, one of the largest steel manufacturers in the nation.

Through this agreement, Encana expects to invest approximately \$542 million over the next three years in new wells in Colorado’s Piceance Basin near Rifle, and about \$3.64 billion over the life of the agreement, estimated to last between 13 and 22 years.

This means more drilling rigs and crews operating in the Piceance Basin, which means more business and families locating in our Town. Currently, Encana has nearly 1,000 employees and contractors working in Colorado, with nearly 25 percent of those living and working in the Town of Parachute.

If the proposed action is approved, the future production Encana is now planning for will be stopped. Not only will we miss the opportunity to improve the quality of our services with a more robust budget, but we will also risk the immediate loss of a potential 250 residents, people who will be forced to leave our town because their job has been killed through your efforts to protect the greater sage-grouse. This is precisely the analysis you should be forthrightly presenting in the DEIS. The true harm that will come to our people should be compared and

weighed with the benefits of saving the grouse. NEPA requires this analysis to be made and specifically directs agencies not to bury or avoid discussing these truths.

No consideration of this impact was discussed in the DEIS. No discussion was made with us as to how you will resolve this conflict. None of this harm has been brought to the attention of the public or decision makers making the DEIS incomplete and fatally flawed.

A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our Town and how this will jeopardize the health and safety of our citizens.

C. Failure to Consider Reasonable Alternative:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan. This plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the eleven state ranges of the grouse. The county also developed this plan so that there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our Town.

NEPA regulations require your agency to “study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County.

The plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County plan, our Town could continue to operate from current funds derived from oil and gas exploration and production well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse. This plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed.

Rigorous analysis and comparison of the Garfield County plan would have helped to sharply define the issues, “providing a clear basis of choice among options by the decision makers and the public,” (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other.

They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles.

There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield

County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse.

However, you failed to analyze or consider this reasonable and preferable alternative.

Summary

For this reason, as well as, the others stated above, a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with our Town for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation plan.

If implemented, the proposed action would represent a violation of BLM's multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority.

In addition, the exclusion of coordinating with the Town of Parachute and not even considering the restrictions your actions will place on our ability to protect our citizens is inconceivable and inexcusable.

Just as it is the BLM's mission to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations," it is our mission to protect the health, safety and welfare of our citizens.

Your failure to coordinate your DEIS with our Town has placed us in a very difficult and dangerous situation should you not consider our needs. We implore the BLM to delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account.

These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS. Also, please include as a part of our comments those submitted by the Garfield County Board of Commissioners.

Sincerely,

Judith Beasley, Mayor
Town of Parachute

A handwritten signature in cursive script that reads "Judith Beasley, Mayor".

Garfield County School District No. 16

0460 Stone Quarry Road

Parachute, CO 81635

Dr. Ken Haptonstall, Superintendent

Brian Berg, Director of Curriculum and Student Achievement

Rose H. Belden, Director of Business Services

(970) 285-5701 FAX: (970) 285-5711

Friday, November 22, 2013

Mr. Jim Cagney
Northwest Colorado Director
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Cagney,

The Garfield County School District No. 16 (District) has been in existence since the early 1900's. The District covers the western portion of Garfield County and provides a nurturing environment to nearly 1,000 students and 175 staff members.

Our mission is to provide the best education so that all students will be successfully prepared for life, in a safe and nurturing environment. The District is governed by an elected Board of Directors made up of five, locally elected individuals who care about the well-being of the community.

Our District covers approximately ___ square miles, of which a considerable amount is Bureau of Land Management land. We do receive a nominal amount of revenue from the federal Payment in Lieu of Taxes (PILT) program, but most of our funding comes from local property tax, which includes business property tax derived from oil and gas production within our District and an offset from the State of Colorado.

Over the past four years, we have lost a total of 390 students representing over 30% of our population primarily due to loss of production in the oil and gas industry. We have also cut over 35% of our staff because of the loss of students. District wide, one-third of our student body is directly tied to the oil and gas industry.

It has come to our attention that the Bureau of Land Management (BLM) has been preparing a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse

Board of Directors: Megan Alstatt, Dr. Kevin Coleman, Cheralea Medina

to amend and update your Land Use Plan and Land Management Plan since December, 2011. As a political subdivision of the State of Colorado, we hereby notice the BLM of your failure to coordinate the DEIS with our District and our five-member Board of Directors.

Our charge is to provide the best affordable education to the children of our District. In order to carry out this charge given to us by the State and citizens of this community, we have policies and the responsibility to provide the community we serve with exceptional educational programs now and into the future that adheres to strict accreditation and performance standards.

None of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our District. As a result, the harm that will come to our District as a result of these policies have not been addressed in the document and brought to the public light for further consideration by the public and decision makers. The impacts of these alternatives to human life are devastating, but they have not been considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this failing, the Garfield County School District No. 16 formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on our District and the welfare of the students we educate.

Failure to Coordinate:

Our District falls squarely within the jurisdictional boundaries of your planning area and we are dependent upon and impacted by the use of federal lands managed by your agency. Therefore, every policy you implement has a direct impact on all the programs and educational services our District provides.

Your agency is specifically directed through your planning rules to take the impacts to our District into account in your analysis presented in the DEIS.

“The development, approval, maintenance, amendment and revision of resource management plans will provide for public involvement and shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976. Additionally, the impact on local economies and uses of adjacent or nearby non-Federal lands and on non-public land surface over the federally-owned mineral interests shall be considered.” (43 CFR 1601.0-8)

Section 202 of the Federal Land Policy and Management Act includes the statutory direction for your agency to coordinate “planning” with local governments (43 USC 1712(c)(9)). As a political subdivision of the State of Colorado, the Garfield County School District No. 16 is entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to “improve and coordinate Federal plans, functions, programs and resources.” The District is entitled to have its policies and economic effects considered and resolved by you prior to the release of the now public DEIS.

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with the District, for the purpose of resolving conflicts with

Board of Directors: Megan Alstatt, Dr. Kevin Coleman, Cheralea Medina

our District, to ensure consistency with our policies, and ultimately to ensure that the welfare of the public is fully considered in this process, your agency has failed to do so. As a result, the direct, indirect and cumulative impacts the proposed action will have on our District have not been considered, analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason, a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the welfare of the people of our community in coordination with our District.

This analysis is not something that should be done at a later date when you prepare site specific environmental statements. The policies that will impact our District are being considered now, and will be put into place through this environmental statement. Therefore, the harm that will come to the District should be considered in this analysis.

Economic Facts and Impacts You Failed to Consider

In 2012, the Garfield County School District No. 16 received \$8,429,264 in tax revenues attributable to oil and gas production in Garfield County. Land within the jurisdiction of our District had a total assessed value of \$1,329,116,570, of which \$1,245,826,770 was directly attributable to oil and gas resulting in the percentage of 93.73% or \$8,429,263 of our total District revenues.

This obviously is a major source of our income and any curtailing of oil and gas production in Garfield County will have devastating effects to our District and bring economic destruction to our community and our ability to provide affordable educational programs.

If our budget is diminished as a result of the greater sage-grouse conservation measures, not only will the grouse be harmed, but our students, parents, teachers and District will be irreversibly harmed as well. No consideration of this impact was discussed in the DEIS. No discussion was made with us as to how you will resolve this conflict. None of this harm has been brought to the attention of the public or decision makers making the DEIS incomplete and fatally flawed.

A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our District and how this will jeopardize the welfare of our students, teachers and parents.

Failure to Consider Reasonable Alternative:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan (Plan). This Plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the 11 state ranges of the grouse. The county also developed this Plan so that there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our District.

NEPA regulations require your agency to “study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County.

Board of Directors: Megan Alstatt, Dr. Kevin Coleman, Cheralea Medina

The Plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County Plan, our District could continue to operate from current funds derived from oil and gas exploration and production well into the future and continue to ensure our students receive the best education possible, as well as, protect the greater sage-grouse.

This Plan demonstrates that the grouse and the people can be fully protected without sacrificing human needs and protection. It should have been fully considered and not summarily dismissed.

Rigorous analysis and comparison of the Garfield County plan would have helped to sharply define the issues, “providing a clear basis of choice among options by the decision makers and the public,” (40 CFR 1502.14) as required under the NEPA rules.

This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other.

They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles.

There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse.

However, you failed to analyze or consider this reasonable and preferable alternative.

Summary

For this reason, as well as, the others stated above, a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with our District for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered, which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation Plan.

If implemented, the proposed action would represent a violation of BLM’s multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority.

In addition, the exclusion of coordinating with the Garfield County School District No. 16 and not considering the restrictions your actions will place on our ability to provide adequate and quality educational programs to our community is inconceivable and inexcusable.

Just as it is the BLM’s mission to “sustain the health, diversity, and productivity of America’s public lands for the use and enjoyment of present and future generations,” it is our mission to provide the best education for our citizens at the most reasonable and efficient cost possible.

Your failure to coordinate your DEIS with our District has placed us in a very difficult and dangerous situation should you not consider our needs. We implore the BLM to

Board of Directors: Megan Alstatt, Dr. Kevin Coleman, Cheralea Medina

delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account.

These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS. Also, please include as a part of our comments those submitted by the Garfield County Board of Commissioners.

Sincerely,

A handwritten signature in black ink that reads "Ken Haptonstall". The signature is written in a cursive style and is partially obscured by a white rectangular redaction box.

Dr. Ken Haptonstall
Superintendent



Board of Directors: Megan Alstatt, Dr. Kevin Coleman, Cheralea Medina

**TOWN OF SILT
RESOLUTION NO. 27
SERIES OF 2013**

**A RESOLUTION TO IMPLEMENT COORDINATION BY THE TOWN OF SILT REGARDING
THE PROPOSED DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE GREATER
SAGE-GROUSE, GARFIELD COUNTY, COLORADO**

WHEREAS, the Town of Silt is a political subdivision under the Constitution and laws of the State of Colorado, and

WHEREAS, it is the responsibility of our Board of Trustees to enact and provide for the enforcement of all town ordinances necessary to protect the life, health, safety and property of our citizens, and

WHEREAS, it has come to our attention that the Bureau of Land Management (BLM) has been preparing a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse to amend and update their Land Use Plan and Land Management Plan since December, 2011, and

WHEREAS, as a political subdivision of the State of Colorado, we hereby notice the BLM of their failure to coordinate the DEIS with our Town and our seven-member Board of Trustees, and

WHEREAS, none of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our city and as a result, the harm that will come to our city as a result of these policies, have not been addressed in the document and brought to the public light for further consideration by the public and decision makers, and

WHEREAS, the Town of Silt lies within the jurisdictional boundaries of BLMs planning area and is dependent upon and impacted by the use of federal lands managed by the BLM and every policy implemented by BLM has a direct impact on all services provided by the Town of Silt, and

WHEREAS, the direct, indirect and cumulative impacts of BLMs proposed Plan have not been taken into consideration or analyzed to determine the benefits or negative effects on our Town, and

WHEREAS, any curtailment of oil and gas production or exploration in Garfield County will bring an economic burden to the Town of Silt, and

WHEREAS, the Town of Silt receives a significant amount of revenue from oil and gas properties through sales tax revenues, much of which is derived from businesses and citizens directly employed with or doing business with the oil and gas industry, and

WHEREAS, many of our citizens are employed in the energy industry who live and work in our Town creating a multiplier effect through their families, spouses, friends and businesses bringing sales tax revenues that potentially will be lost if the BLM implements their current Plan, and

WHEREAS, the Town of Silt has many tourists, rock climbers and Off Highway Vehicle riders who patronize our local businesses and retail shops that all will be detrimentally affected should

restrictions be placed on lands within the BLM areas where they claim Greater Sage-grouse exist, and

WHEREAS, no consideration of these impacts have been discussed in the DEIS and no discussion was made with us as to how the BLM will resolve these conflicts, and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Town of Silt to perform its duties by asserting coordination with federal and state agencies mandated by federal and Colorado law, and

WHEREAS, federal agencies are mandated to coordinate planning and management actions with local government by statutes including the Federal Land Policy and Management Act, 43 U.S.C. §1701 and 43 U.S.C. §1712, the National Forest Management Act, 16 U.S.C. 1604 the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Homeland Security Act, and the Endangered Species Act, by regulations and rules implementing those statutes and by Executive Orders directing intergovernmental cooperation and coordination,

NOW, THEREFORE BE IT RESOLVED that the Town of Silt hereby asserts legal standing as a unit of local government of Colorado to formally assert its coordination status with all federal agencies maintaining jurisdiction over lands and/or resources located within Garfield County and conducting planning and management activities that affect and impact the residents, businesses, and industry of the Town of Silt and surrounding lands within Garfield County affecting the well-being of our citizens,

BE IT FURTHERED RESOLVED that because none of this harm has been brought to the attention of the public or decision makers, the DEIS is incomplete and fatally flawed,

BE IT FURTHERED RESOLVED that the Town of Silt demands a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on our Town and the health and safety of the people we protect

BE IT FURTHER RESOLVED that the Clerk of the Town of Silt shall cause a copy of this Resolution to be transmitted to the proper federal agencies through its local, regional, state or federal offices and to all federal and state elected officials representing the residents and governments of the Town of Silt,

ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT ON THIS THE 25TH DAY OF NOVEMBER, 2013.



TOWN OF SILT

David C. Moore

Mayor, David C. Moore

ATTEST:

Sheila M. McIntyre

Town Clerk, Sheila M. McIntyre, CMC

(11-5-13)

Mr. Jim Cagney
Northwest Colorado Director
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Cagney,

The De Beque Fire Protection District (District) was formed in 2008, to provide emergency medical service and fire support for the I-70 corridor and Roan Plateau located in Garfield and Mesa Counties, Colorado. We cover an 800 square-mile area that serves the City of De Beque and surrounding rural lands, which include federal land and private property.

Since December, 2011, the Bureau of Land Management (BLM) has been preparing a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse to amend and update your Land Use Plan and Land Management Plan. As a Title 32, Special District for Fire and Rescue created by the Colorado Legislature, we hereby notice the BLM of your failure to coordinate the DEIS with our District.

Our charge is to protect the health, safety and welfare of the people, specifically from fire hazards. In order to carry out this charge, we have policies that require human life be prioritized above all other concerns. None of the policies related to wildfire in any of the alternatives carried forward in the DEIS were coordinated with our District. As a result, there are unresolved conflicts with our policies that have not been addressed in the document and brought to the public light for further consideration by the public and decision makers. The impacts of these alternatives to human life are devastating, but they have not been considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this failing, the District formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on our District and the health and safety of the people we protect.

Failure to Coordinate:

The Federal Land Policy and Management Act specifically directs your agency to coordinate “planning” with local governments (43 USC 1712(c)(9)). The De Beque Fire Protection District is a political subdivision of the state of Colorado entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to “improve and coordinate Federal plans, functions, programs and resources.” The De Beque Fire Protection District is entitled to have its policies considered and resolved by you prior to the release of the now public DEIS.

Your agency’s planning rules require that you coordinate this effort with the De Beque Fire Protection District as well, making it clear that you have a duty to ensure this coordination takes place with us above and beyond the public process.

“In addition to the public involvement prescribed by Sec. 1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. The objectives of the coordination are for the State Directors and Field Managers to:

- (1) Keep apprised of non-Bureau of Land Management Plans;
- (2) Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;
- (3) Assist in resolving, to the extent practicable, inconsistencies between Federal and non-governmental plans;
- (4) Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands;” (43 CFR 1610.3-1)

Further, in the Federal Register notice initiating the preparation of this environmental impact statement (Vol. 76, No. 237/ Friday, December 9, 2011), your agency is directed to make the proposed conservation measures consistent with our policies:

“As described by law and policy, the BLM and FS will strive to ensure that conservation measures are as consistent as possible with other planning jurisdictions within the planning area boundaries.”

No such effort has been made.

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with our District, for the purpose of resolving conflicts with our District, to ensure consistency with our policies, and ultimately to ensure that the health, safety and welfare of the public is fully considered in this process, your agency has failed to do so. Yet, we now have a public document issued for review without these critical concerns being considered. For this reason a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health, safety and welfare of the people and in coordination with our District.

Failure to Consider Financial Impact to District:

Our District is made up of a combination of federal BLM land and private property, with nearly 95 percent of our revenue being directly attributed to oil and gas exploration.

Specifically, should the BLM enact the current alternatives being considered and restrict or prevent oil and gas exploration and/or production in our District, irreparable harm would come to our District and the citizens we serve. All of the action alternatives in the DEIS will severely curtail oil and gas production in our District. Even if only half of the production is stopped, our District would not be able to survive. If future development of these lands is stopped, our District will not survive as current operations have a finite life span. Additional resources must be developed today in order ensure we have sufficient revenue to continue to operate and provide the fire protection and emergency services entitled to our citizens.

Last year, revenue directly attributed from oil and gas production to our District was \$1,548,866. As stated above, this was 95% of our total revenue. The income we have derived from oil and gas production within our District has allowed us to hire seven fulltime staff and six part-time "on-call" firefighters. This level of staffing is necessary to ensure we can protect the lives, homes, lands and wildlife within our 800 sq. mile District. Without this revenue, we could not properly respond to emergencies and this area would be vulnerable to unforeseen disasters.

In 2009, utilizing nearly \$4 million from our oil and gas revenue, the De Beque Fire Protection District purchased nine of our 11 fire and rescue vehicles that include: 1) Rescue 81, a 2009 Dodge Ram, 4X4 Light Rescue; 2) Engine 81, a 2009 Spartan metro star chassis with a 1250 gpm pump by Rosenbauer; 3) Engine 82, a 2010 Workstar International chassis with a 1000 gpm pump, Timber wolf by Rosenbauer; 4 & 5) Ambulance 81 & 82, 2009 Ford F450 Chassis Type 1 4X4 ambulance; 6) Brush 83, a 2009 Polaris 700 UTV with a fire, rescue and plow package; 7) Tender 81, a 2009 Navistar International Chassis with a 500 gpm pump and a 3,700 gallon tank; 8) Command, a 2009 Toyota Tacoma command vehicle; and 9) Rescue 82, a 2009 GTD330 International chassis Medium Rescue unit.

These units make it possible for us to have the resources necessary to protect our citizens and our land from fires and emergencies. Without these resources we could not properly respond to emergencies and fulfill our charge.

Our support, however, goes beyond protecting citizens and their private property. It also protects the federal lands and ultimately the greater sage-grouse. Our District is the first responder for all emergencies, including fires that are initiated on federal lands as well as private. When we arrive on the scene of a fire emergency we assess whether it is on private or federal lands. If it is on federal lands we report this to the BLM. Through our Mutual Aide agreement we can extinguish the fire immediately if so authorized by the agency.

The Roan Plateau, habitat for the greater sage-grouse, is within our jurisdiction. If a single stump fire or any other fire hazard was in this area, we could act immediately to protect the grouse if so authorized by the agency on federal land, rather than losing valuable time waiting for BLM to arrive with its resources.

Additionally, we immediately extinguish fires of private property when we arrive on the scene, which your agency is precluded from doing. As your DEIS points out, much of the greater sage grouse habitat is on private property. Without our continued services great harm could come to this species. Yet, this was not considered or analyzed in the DEIS.

The Roan Plateau is also where the primary oil and gas production takes place within our District. Should production be curtailed as is being proposed through all the action alternatives, we will not be able to provide the normal emergency services we now provide to the federal government or the people, leaving all fire suppression on federal land to be provided solely by your Agency, and none available to those on private land.

If our budget is diminished as a result of the greater sage-grouse conservation measures, not only will the grouse be harmed, but the people as well. No consideration of this impact was discussed in the DEIS. No discussion was made with us as to how you will resolve this conflict. None of this harm has been brought to the attention of the public or decision makers making the DEIS incomplete and fatally flawed. A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our District and other Special Districts and how this will jeopardize the health and safety of the people.

Unresolved Conflicts with District Policy:

The DEIS is required to discuss the environmental consequences of all the alternatives in comparative form so that the public and decision makers can properly weigh the impacts of conserving habitat for the greater sage-grouse. Included in this analysis is “the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources ...” (40 CFR 1502.16).

This includes analysis of the direct effects, indirect effects and cumulative effects. It also specifically directs that this analysis include conflicts with local government objectives.

“Possible conflicts between the proposed action and the objective of Federal, regional, State, and local ... land use plans, policies and controls for the area concerned.” (40 CFR 1502.16(c))

Further, “Where an inconsistency exists, the statement should describe to the extent to which the agency would reconcile its proposed action with the plan or law.” (40 CFR 1506.2(d))

Very concerning to the District is the policy being proposed in the DEIS to prioritize fire resources to be pre-positioned for the protection of greater sage-grouse during critical fire weather days. This is found under the “Required Design Features” (Appendix I-14) for Alternative B, which is the National Technical Team (NTT) conservation measures the Secretary of the Department of Interior has mandated be included as an alternative in the analysis. It states that the preferred policy of the DOI is, “On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in GRSG habitat areas.”

This places the sage-grouse above people and is in direct conflict with our Districts policies, which places life and property above all other considerations. The preferred alternative D also leaves the door open for this conflict. It requires that the agency “Pre-position fire suppression resources based on all resource values-at-risk.” (Appendix I-14) Alternative D makes protecting the sage-grouse the highest value, giving the species preference over the protection of life and property.

As a practical matter, this places undue burden on our District to protect the life and property of the people if the BLM pre-positions its fire resources in the remote areas that contain grouse habitat. Currently, we depend on and enjoy a mutually beneficial relationship with the BLM fire operations and our District. If a major fire event occurs, we currently call on the BLM’s air drop services and sometimes ground services to help us protect the community. If these resources are pre-positioned in remote areas or simply unavailable to us because they have been pre-designated to protect the sage-grouse, our ability to protect human life from catastrophic fire is severely curtailed.

This consideration was never taken into account in the DEIS, nor was the conflict such policy creates with our District ever discussed or resolved. It was through our communication with Garfield County that we were made aware of the BLM’s proposed policies. It is of greatest concern that the local governments most affected by this potential change in policy were not informed directly by the BLM nor coordinated with on this and other issues.

Failure to Consider Reasonable Alternative:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan. This plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the 11 state ranges of the grouse. The county also developed this plan so that there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our District.

NEPA regulations require your agency to “study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County. The plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County plan, our District could continue to operate fully funded well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse from fire events. This plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed.

Rigorous analysis and comparison of the Garfield County plan would have helped to sharply define the issues, “providing a clear basis of choice among options by the decision makers and the public,” (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in

the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other. They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles. There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse. However, you failed to analyze or consider this reasonable and preferable alternative.

Summary

For this reason, as well as, the others stated above, a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with our District for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation plan.

If implemented, the proposed action would represent a violation of BLM's multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority. In addition, the exclusion of coordinating with our District and not even considering the restrictions your actions will place on our ability to assist your agency is inconceivable and inexcusable.

Just as it is the BLM's mission to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations," it is our mission to protect the health, safety and welfare of our citizens during emergencies and disasters.

Your failure to coordinate your DEIS with our District has placed us in a very difficult and dangerous situation should you not consider our needs. We appreciate how the BLM and our District currently work together. However, the proposed action will harm our current working relationship and could be the demise of our District, as well as, be the direct cause of potential fire disasters in our District. We implore the BLM to delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account.

These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS. Also, please include as a part of our comments those submitted by the Garfield County Board of Commissioners.

Sincerely,



Nick Marx

De Beque Fire Protection District Chief



GRAND VALLEY FIRE PROTECTION DISTRICT

124 STONE QUARRY ROAD
PARACHUTE, CO 81635
PHONE: 285-9119, FAX (970) 285-9748

November 30, 2013

Mr. Jim Cagney
Northwest Colorado Director
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Cagney,

The Grand Valley Fire Protection District (District) located at 0124 Stone Quarry Road, Parachute, Colorado was formed in 1962, to provide emergency medical service and fire support for a 320 mile-square area in Garfield County, Colorado and a three-quarters of a square mile area located in Mesa County known as the Housetop Mesa Estates Subdivision.

Our District is a mix of populated lands along I-70 and the Colorado River corridor, as well as, mesa tops to the north and south. Over one-half of our District lies to the north of the Parachute Creek Drainage and Roan Plateau areas.

Since December, 2011, the Bureau of Land Management (BLM) has been preparing a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse to amend and update your Land Use Plan and Land Management Plan. As a Title 32, Special District for Fire and Rescue created by the Colorado Legislature, we are a local government and hereby notice the BLM of your failure to coordinate the DEIS with our District.

Our charge is to protect the health, safety and welfare of the people, specifically from fire hazards. In order to carry out this charge, we have policies that require human life be prioritized above all other concerns. None of the policies related to wildfire in any of the alternatives carried forward in the DEIS were coordinated with our District. As a result, there are unresolved conflicts with our policies that have not been addressed in the document and brought to the public light for further consideration by the public and decision makers. The impacts of these alternatives to human life are devastating, but they have not been considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this failing, the District formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by

Mission Statement

We, the members of the Grand Valley Fire Protection District, dedicate our efforts to the protection of the lives, property and environment of the citizens of, and visitors to the Grand Valley Fire Protection District

including the direct, indirect and cumulative impacts on our District and the health and safety of the people we protect.

Failure to Coordinate:

The Federal Land Policy and Management Act specifically directs your agency to coordinate “planning” with local governments (43 USC 1712(c)(9)). The Grand Valley Fire Protection District is a political subdivision of the State of Colorado entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to “improve and coordinate Federal plans, functions, programs and resources.” The Grand Valley Fire Protection District is entitled to have its policies considered and resolved by you prior to the release of the now public DEIS.

Your agency’s planning rules require that you coordinate this effort with the Grand Valley Fire Protection District as well, making it clear that you have a duty to ensure this coordination takes place with us above and beyond the public process.

“In addition to the public involvement prescribed by Sec. 1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. The objectives of the coordination are for the State Directors and Field Managers to:

- (1) Keep apprised of non-Bureau of Land Management Plans;
- (2) Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;
- (3) Assist in resolving, to the extent practicable, inconsistencies between Federal and non-governmental plans;
- (4) Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands;” (43 CFR 1610.3-1)

Further, in the Federal Register notice initiating the preparation of this environmental impact statement (Vol. 76, No. 237/ Friday, December 9, 2011), your agency is directed to make the proposed conservation measures consistent with our policies:

“As described by law and policy, the BLM and FS will strive to ensure that conservation measures are as consistent as possible with other planning jurisdictions within the planning area boundaries.”

No such effort has been made.

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with our District, for the purpose of resolving conflicts with our District, to ensure consistency with our policies, and ultimately to ensure that the health, safety and welfare of the public is fully considered in this process, your agency has failed to do so. Yet, we now

Mission Statement

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have a public document issued for review without these critical concerns being considered. For this reason a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health, safety and welfare of the people and in coordination with our District.

Failure to Consider Financial Impact to District:

Our District is made up of a combination of federal BLM land and private property, with nearly 94 percent of our revenue being directly attributed to oil and gas exploration.

Specifically, should the BLM enact the current alternatives being considered and restrict or prevent oil and gas exploration and/or production in Garfield County, irreparable harm would come to our District and the citizens we serve. All of the action alternatives in the DEIS will severely curtail oil and gas production and harm our District. Even if only half of the production is stopped, our District would not be able to survive. If future development of these lands is stopped, our District will not survive as current operations have a finite life span. Additional resources must be developed today in order ensure we have sufficient revenue to continue to operate and provide the fire protection and emergency services entitled to our citizens.

Last year, revenue directly attributed from oil and gas production to our District was \$4,220,698. As stated above, this was 94% of our total revenue. The income we have derived from oil and gas production has allowed us to hire 15 fulltime personnel, which includes a Fire Chief, a Deputy Fire Chief, one Training Chief on the Administrative staff, three Captains and nine Firefighters divided into three Operational Companies that rotate working 24/7/365.

The remaining 25-member staff is divided into 14 part-time and 11 volunteer personnel. This level of staffing is necessary to ensure we can protect the lives, homes, lands and wildlife within our District. Without this revenue, we could not properly respond to emergencies and this area would be vulnerable to unforeseen disasters.

In 2009, the Battlement Mesa Fire Station opened largely utilizing money derived from our oil and gas revenue. With these funds, we've also purchased: a Brush Truck in 2009; refurbished an engine in 2012; an ambulance and two utility trucks in 2011; the Parachute Training Center and Driver Operator Pad; an Aerial Platform ordered this year; a Remote Area Pumper Tender ordered this year; and the remodel of the Parachute Fire Station allowing us to move staff into it fulltime (24/7) as of the end of 2013.

All of these apparatus and facilities make it possible for us to have the resources necessary to protect our citizens and our land from fires and emergencies. Without these resources, we could not properly respond to emergencies and fulfill our charge. In particular, our District responds to a lot of high mesa responses that are a result of wildfires. These responses take personnel away from the populated areas of the District for long periods of time.

It is because of our ability to maintain four to six persons on a shift, 24/7/365, that we are able to maintain an adequate level of response to our citizens. Our support, however, goes beyond protecting citizens and their private property. It also protects the federal lands and ultimately the greater sage-grouse. Our District, many times, is the first responder for emergencies, including fires that are initiated on federal lands, as well as, private. When we arrive on the scene of a fire

Mission Statement

We, the members of the Grand Valley Fire Protection District, dedicate our efforts to the protection of the lives, property and environment of the citizens of, and visitors to the Grand Valley Fire Protection District

emergency, we assess whether it is on private or federal lands. If it is on federal lands, we report this to the BLM where we still rely on our Mutual Aid Agreement for certain types of calls. Should a federal agency make a mutual aid request, we can extinguish the fire immediately. Our 320 and ¼ square mile area contains habitat for the greater sage-grouse. If a single stump fire or any other fire hazard was in this area, we could act immediately to protect the grouse if so authorized by the agency on federal land, rather than losing valuable time waiting for BLM to arrive with its resources.

Additionally, we immediately extinguish fires of private property when we arrive on the scene, which your agency is precluded from doing. As your DEIS points out, much of the greater sage grouse habitat is on private property. Without our continued services, great harm could come to this species. Yet, this was not considered or analyzed in the DEIS.

Should production be curtailed, as is being proposed through all the action alternatives, we will not be able to provide the normal emergency services we now provide to the federal government or the people, leaving all fire suppression on federal land to be provided solely by your Agency, and none available to those on private land.

If our budget is diminished as a result of the greater sage-grouse conservation measures, not only will the grouse be harmed, but the people as well. No consideration of this impact was discussed in the DEIS. No discussion was made with us as to how you will resolve this conflict. None of this harm has been brought to the attention of the public or decision makers making the DEIS incomplete and fatally flawed. A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our District and other Special Districts and how this will jeopardize the health and safety of the people.

Unresolved Conflicts with District Policy:

The DEIS is required to discuss the environmental consequences of all the alternatives in comparative form so that the public and decision makers can properly weigh the impacts of conserving habitat for the greater sage-grouse. Included in this analysis is “the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources ...” (40 CFR 1502.16).

This includes analysis of the direct effects, indirect effects and cumulative effects. It also specifically directs that this analysis include conflicts with local government objectives.

“Possible conflicts between the proposed action and the objective of Federal, regional, State, and local ... land use plans, policies and controls for the area concerned.” (40 CFR 1502.16(c))

Further, “Where an inconsistency exists, the statement should describe to the extent to which the agency would reconcile its proposed action with the plan or law.” (40 CFR 1506.2(d))

Very concerning to the District is the policy being proposed in the DEIS to prioritize fire resources to be pre-positioned for the protection of greater sage-grouse during critical fire weather days. This is found under the “Required Design Features” (Appendix I-14) for

Mission Statement

We, the members of the Grand Valley Fire Protection District, dedicate our efforts to the protection of the lives, property and environment of the citizens of, and visitors to the Grand Valley Fire Protection District

Alternative B, which is the National Technical Team (NTT) conservation measures the Secretary of the Department of Interior has mandated be included as an alternative in the analysis. It states that the preferred policy of the DOI is, "On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in GRSG habitat areas."

Under these circumstances, we would most like have to have a dedicated crew of two or more persons staged up on the Roan Plateau. And, depending on the areas identified, it may be as many as four to six persons with one crew on the mesa tops on each side of Parachute Creek leaving no one to cover the populated areas of our District where the majority of call for service are generated.

This places the sage-grouse above people and is in direct conflict with our District's policies, which places life and property above all other considerations. The preferred alternative D also leaves the door open for this conflict. It requires that the agency "Pre-position fire suppression resources based on all resource values-at-risk." (Appendix I-14) Alternative D makes protecting the sage-grouse the highest value, giving the species preference over the protection of life and property.

As a practical matter, this places undue burden on our District to protect the life and property of the people if the BLM pre-positions its fire resources in the remote areas that contain grouse habitat. Currently, we depend on and enjoy a mutually beneficial relationship with the BLM fire operations and our District. If a major fire event occurs, we currently call on the BLM's air drop services and sometimes ground services to help us protect the community. If these resources are pre-positioned in remote areas or simply unavailable to us because they have been pre-designated to protect the sage-grouse, our ability to protect human life from catastrophic fire is severely curtailed.

This consideration was never taken into account in the DEIS, nor was the conflict such policy creates with our District every discussed or resolved. It was through our communication with Garfield County that we were made aware of the BLM's proposed policies. It is of greatest concern that the local governments most affected by this potential change in policy were not informed directly by the BLM nor coordinated with on this and other issues.

Failure to Consider Reasonable Alternative:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan (Plan). This Plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the 11 state ranges of the grouse. The county also developed this Plan so that there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our District.

NEPA regulations require your agency to "study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County. The Plan, properly compared with

Mission Statement

We, the members of the Grand Valley Fire Protection District, dedicate our efforts to the protection of the lives, property and environment of the citizens of, and visitors to the Grand Valley Fire Protection District

the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County Plan, our District could continue to operate fully funded well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse from fire events. This Plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed.

Rigorous analysis and comparison of the Garfield County Plan would have helped to sharply define the issues, "providing a clear basis of choice among options by the decision makers and the public," (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other. They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles. There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse. However, you failed to analyze or consider this reasonable and preferable alternative.

Summary

For this reason, as well as, the others stated above, a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with our District for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation Plan.

If implemented, the proposed action would represent a violation of BLM's multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority. In addition, the exclusion of coordinating with our District and not even considering the restrictions your actions will place on our ability to assist your agency is inconceivable and inexcusable.

Just as it is the BLM's mission to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations," it is our mission to protect the health, safety and welfare of our citizens during emergencies and disasters.

Your failure to coordinate your DEIS with our District has placed us in a very difficult and dangerous situation should you not consider our needs. We appreciate how the BLM and our District currently work together. However, the proposed action will harm our current working relationship and could be the demise of our District, as well as, be the direct cause of potential fire disasters in our District. We implore the BLM to delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account.

Mission Statement

We, the members of the Grand Valley Fire Protection District, dedicate our efforts to the protection of the lives, property and environment of the citizens of, and visitors to the Grand Valley Fire Protection District

These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS. Also, please include as a part of our comments those submitted by the Garfield County Board of Commissioners.

On behalf of the Grand Valley Fire Protection District Board of Directors,

A handwritten signature in black ink, appearing to read 'D. Blair', written over a light blue horizontal line.

David A. Blair
Fire Chief

Mission Statement

We, the members of the Grand Valley Fire Protection District, dedicate our efforts to the protection of the lives, property and environment of the citizens of, and visitors to the Grand Valley Fire Protection District



November 20, 2013

Mr. Jim Cagney
Northwest Colorado Director
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Cagney,

The City of Rifle is a political subdivision of the State of Colorado and a Home Rule Municipality located in Garfield County, Colorado. As a Home Rule Municipality, we can enact and provide for the enforcement of all town ordinances necessary to protect the life, health, safety and property of our citizens.

It has come to our attention that the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (DEIS) for the Greater Sage-Grouse to amend and update your Land Use Plan and Land Management Plan. As a political subdivision of the State of Colorado, we hereby notice the BLM of its failure to coordinate the DEIS with our City and our seven-member City Council.

None of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our city and as a result, these conservation measures may cause significant economic harm to our city. The impacts of the proposed alternatives would be devastating and have not been fairly considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this shortfall, the City of Rifle formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on the City of Rifle and the health and safety of the people we serve.

CITY OF RIFLE
202 RAILROAD AVENUE – P. O. BOX 1908 – RIFLE, CO 81650
WWW.RIFLECO.ORG
(970)665-6405 – (970)665-6402

Failure to Coordinate:

Although the City of Rifle is not within the jurisdictional boundaries of your planning area, we are dependent upon and impacted by the use of federal lands managed by the BLM. Therefore every policy the BLM implements, has a direct impact on the services our city provides. Specifically, the BLM is directed through planning rules to take the impacts to our city into account in the analysis presented in the DEIS.

“The development, approval, maintenance, amendment and revision of resource management plans will provide for public involvement and shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976. Additionally, the impact on local economies and uses of adjacent or nearby non-Federal lands and on non-public land surface over the federally-owned mineral interests shall be considered.” (43 CFR 1601.0-8)

Section 202 of the Federal Land Policy and Management Act includes the statutory direction for your agency to coordinate “planning” with local governments (43 USC 1712(c)(9)). As a political subdivision of the State of Colorado, the City of Rifle is entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to “improve and coordinate Federal plans, functions, programs and resources.” The City of Rifle is entitled to have its policies and economic effects considered and resolved by the BLM prior to the release of the now public DEIS.

Even though the laws and policies that direct the BLM to prepare this DEIS require you to do so in coordination with the City of Rifle, for the purpose of resolving conflicts and to ensure consistency with our policies, ultimately to ensure that the health, safety and welfare of the public is fully considered in this process, the BLM has failed to do so.

As a result, the direct, indirect and cumulative impacts the proposed action will have on our city have not been considered and analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health, safety and welfare of the people and in coordination with our city.

This analysis is not something that should be done at a later date when you prepare site specific environmental statements. The policies that will impact our City are being considered now, and will be put into place through this environmental statement. Therefore the harm that will come to the City of Rifle should be considered in this analysis.

Failure to Consider Economic Facts and Impacts to the City of Rifle:

In 2013 the City of Rifle received \$615,417.79 from Federal Mineral Lease and \$498,309.96 in Severance Tax Direct Distribution for a total of \$1,113,727.75, nearly 10 percent of our City’s total revenues. Over the last five years, the City of Rifle has received \$7,848,911.77 from Federal Mineral Lease and Severance Tax dollars. This does not take into account the amount of money the City of Rifle has received from the Garfield County Federal Mineral Lease District or the Colorado Department of Local

Affairs Energy Impact grant program. Both of these funding mechanisms make it possible for the City of Rifle to complete high priority capital projects that protect the health and safety of our community.

Under the Federal Mineral Leasing Act, approximately 49 percent of those rentals and royalties from mineral production on federal lands are returned back to the state of origin for planning, construction and maintenance of public facilities in areas socially and economically impacted by the mineral leasing development that occurs on federal lands.

Two factors determine the allocation of federal mineral lease revenue to each county pool for further distribution, of which our City is a recipient. Those two factors include: 1) the proportion of residents in the county employed in mineral extraction, and 2) the proportion of the moneys credited to the mineral leasing fund generated in the county to the total generated statewide.

From those county "pools," further allocation is determined and our City receives a proportional share based on: 1) the proportion of residents in the unincorporated areas or municipalities employed in mineral extraction to the total employed in the county; 2) the proportion of population of unincorporated areas or municipalities to the total county population; and 3) the proportion of road miles in unincorporated areas or municipalities to the total road miles in the county.

Severance tax funds are distributed to counties and municipalities based on factors of mining and well permits, mineral production, population and road miles to determine how direct distribution funds are allocated to municipalities and counties.

Fifty percent of the State's receipts from the severance tax on minerals and mineral fuels are credited to the Local Government Severance Tax Fund. The State allocates 70 percent of these funds to local governments through discretionary grants and loans. The remaining 30 percent is placed in a county pool and distributed directly to municipalities and counties economically and socially impacted by mineral production based on similar factors under the Federal Mineral Leasing Act above.

The City of Rifle receives a significant amount of revenue from oil and gas properties, and also relies on sales tax revenues, much of which is derived from businesses and citizens directly employed with or doing business with the oil and gas industry.

We have hundreds of citizens employed in the energy industry that live and work in our City. This not only impacts our tax revenues, but the multiplier effect of their families and spouses who work and shop in our City bring much more in sales tax revenues that would be lost to our City should our concerns not be considered in your planning process.

A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our City and how this will jeopardize the health and safety of our citizens.

Failure to Consider Reasonable Alternative:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan. This plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the 11 state ranges of the grouse. The BLM's policy approach is a "one size fits all" and does not acknowledge local conditions.

The county also developed this plan to ensure there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our City.

NEPA regulations require your agency to “study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County.

The plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County plan, our City could continue to operate with current funds derived from oil and gas exploration and production well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse. This plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed. The City of Rifle is also concerned that the BLM is using a seriously flawed habitat map that is not based on the “best available science”.

Rigorous analysis and comparison of the Garfield County plan would have helped to sharply define the issues, “providing a clear basis of choice among options by the decision makers and the public,” (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other and are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles.

There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse.

Summary

For this reason, as well as, the others stated above, a supplemental statement should be prepared to properly consider the local impact of the proposed action on the human and natural environment. This supplemental statement should be prepared in coordination with our City for the purpose of resolving the conflicts with our policies and to ensure all reasonable alternatives are considered which would include a rigorous analysis of the Garfield County Greater Sage-Grouse Conservation plan.

If implemented, the proposed action would represent a violation of BLM’s multiple use mandate and a violation of the public trust in that agency to protect human life and property as its first priority. In addition, the exclusion of coordinating with the City of Rifle and not considering the restrictions the BLM’s actions will place on our ability to protect our citizens is inconceivable.

Just as it is the BLM’s mission to “sustain the health, diversity, and productivity of America’s public lands for the use and enjoyment of present and future generations,” it is our mission to protect the health,

safety and welfare of our citizens. The BLM's failure to coordinate the DEIS with our City has placed us in a very difficult and dangerous situation should our needs not be considered. We implore the BLM to delay approval of the proposed action and instead prepare a supplemental statement which takes these concerns into account.

These comments are only a summary of our concerns and not a complete analysis of the conflicts we find in the DEIS. Also, please include as a part of our comments those submitted by the Garfield County Board of Commissioners.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Winkler". The signature is fluid and cursive, with a large initial "R" and "W".

Randy Winkler
Mayor

How the National Technical Team Report Changes the way the BLM Operates

Fluid Minerals Program

The BLM would preclude fluid mineral development within designated priority sage-grouse habitat. Where the BLM cannot preclude development due to valid existing rights, the BLM would attach moderate to major restrictions to the development and require the use of certain Best Management Practices (BMP) in the form of Conditions of Approval (COA). The following are some of the key points for priority sage-grouse habitat areas:

Unleased Federal Mineral Estate:

- The BLM would halt leasing within priority sage-grouse habitat areas.
- The BLM would halt or heavily restrict geophysical exploration within priority sage-grouse habitat areas.

Leased Federal Mineral Estate:

The BLM would apply the following conservation measures through Resource Management Plan (RMP) implementation decisions. This process will evaluate, among other things, whether the conservation measure is “reasonable” (43 CFR 3101.1-2) with the valid existing rights.

- The BLM would place a 3.1 mile buffer [~30 square miles] around the perimeter of all sage-grouse leks within priority sage-grouse habitat areas, where no disturbance would be authorized [No Surface Occupancy]. *(Formerly this buffer was set to 0.25-0.6 miles, depending on the field office)*
- The BLM would restrict well pad spacing to a maximum of 2.5% disturbance per 640 acres or to no more than 16 acres per square mile within priority sage-grouse habitat areas, unless an equal amount of offsite mitigation is provided.
- The BLM would no longer utilize Categorical Exclusions (CX) including those under the Energy Policy Act of 2005, Section 390 for approval of Applications for Permit to Drill (APD) or Geophysical Exploration in priority sage-grouse habitat. Environmental Assessments (EA) or Environmental Impact Statements (EIS) would be required for these activities in priority sage-grouse habitat due to the potential resource conflicts. The BLM would still have the option of a DNA in the future if referencing the EA or EIS mentioned above.
- The BLM would apply seasonal restrictions to prohibit activity during breeding and brood-rearing seasons.
- The BLM would require unitization to better control the development and restrict development to one operator within priority sage-grouse habitat areas.
- The BLM would require full reclamation bonds for any disturbance within priority sage-grouse habitat areas.
- The BLM would prohibit disturbance within sage-grouse winter concentration areas.
- The BLM would require offsite mitigation.
- The BLM would require operators to submit Master Development Plans for their units as opposed to single APDs.
- The BLM would attach a set of applicable mandatory BMPs to all APDs in priority sage-grouse habitat areas as COAs including such practices as phased development, rolling reclamation, corridor infrastructure, directional/horizontal drilling, closed-loop systems, advanced reclamation techniques, etc.

From: [Fielder, Dwight](#)
To: [Morales, Raul](#)
Subject: RE: Planning IM and NTT Report
Date: Tuesday, December 20, 2011 10:40:26 AM

Let's talk. Are you in Amy's office or are you calling from home?

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Morales, Raul
Sent: Tuesday, December 20, 2011 1:40 PM
To: Fielder, Dwight
Subject: Re: Planning IM and NTT Report

Can you right the forward that will address Jim's cocerns?

From: Fielder, Dwight
Sent: Tuesday, December 20, 2011 09:48 AM
To: Morales, Raul
Subject: FW: Planning IM and NTT Report

fyi

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Roberson, Edwin
Sent: Tuesday, December 20, 2011 11:00 AM
To: Nedd, Michael D
Cc: Perry, Jim; Jackson, Larry P; Kniola, Benjamin E; Martin, Benjamin F; Gewecke, William; Brady, Ray A; Lucero, Lucas J; Spisak, Timothy; Fielder, Dwight; Rubado, Jessica A; Ratcliffe, Robert; Rountree, Carl D; Murphy, Timothy M; Todd, Marci L; Stout, Joseph R; Russell, Gregory
Subject: Re: Planning IM and NTT Report

Michael,

We have been discussing the NTT report and the draft planning instruction memorandum on the national policy team for months. There were minerals and lands staff participating on the national technical team to ensure there was a full discussion of alternative conservation strategies related to all authorized uses. The report and cover letter from Raul Morales make it clear the primary focus of the measures in the final report are for conservation of the sage grouse. It is a discouraging to me that we have not been able to communicate that clearly to all of the folks who have been participating in the process during the last several months.

As the planning instruction memo clearly states these measures are to be considered in planning: "The conservation measures developed by the NTT and contained in Attachment 1 must be considered and analyzed through the land use planning process by all BLM State and Field Offices that contain occupied Greater Sage-grouse habitat. Specifically, these conservation measures must be considered and incorporated, as appropriate, into at least one alternative in the land use planning process."

There is no requirement to select the alternative(s) including the measures in the NTT report. The impacts you and Ray discuss would be addressed in the impact analysis for the alternative including the conservation measures. There will of course be a full range of alternatives in the RMP/EISs developed under the strategy. There will be alternatives with different levels of conservation and development. The public will be able to be aware of the tradeoffs. As you know all this is part of the public decisionmaking process. If we've done a good job our RODs will provide for continued energy development and transmission while precluding the need for listing of the sage grouse. The planning teams are demanding this guidance ASAP so they can conduct plan evaluations and proceed with scoping. So it is urgent that we get it out. We can discuss on the NPT call. Ed

From: Nedd, Michael D
Sent: Tuesday, December 20, 2011 07:05 AM
To: Roberson, Edwin
Cc: Perry, Jim; Jackson, Larry P; Kniola, Benjamin E; Martin, Benjamin F; Gewecke, William; Brady, Ray A; Lucero, Lucas J; Spisak, Timothy
Subject: FW: Planning IM and NTT Report

Ed,

Thank you for the opportunity to review and comment on the proposed NTT Report. Here are our comments and due to time constraint, I'm sending you two NTT report comments document. The "WO320" document with comments is in addition to "Perry" document.

Overall, the NTT Report conservation measures (planning prescriptions) are complete game-changers for any actions within the Priority Habitats where there are valid existing rights and showstoppers for those actions where there are no valid existing rights. We strongly believe the changes we are proposing will ensure the BLM can continue to play a role in helping to meet the nation's energy (both conventional and renewable) demands. It is my understanding that our staff (primarily Jim Perry) are having discussions with your staff on some of the changes and there are some agreements.

The Conservation Measures are focused on identifying all lands within Priority Habitat Areas as "exclusion areas" for rights-of-way and all lands within General Habitat Areas as "avoidance areas" for rights-of-way. The biggest problem with this strategy is if the BLM is going to move designated corridors and right-of-way applications out of the Priority Habitat Areas (exclusion lands), then we must have the ability to designate corridors and site rights-of-way within the General Habitat Areas. Therefore, identifying the General Habitat Areas as avoidance areas (tens of millions of acres) is totally unworkable and may be viewed by some as one more BLM attempt to hinder energy development. We need to allow rights-of-way on these lands with mitigation opportunities

that provide for off-site mitigation to improve habitat in the Priority Habitat Areas.

The NTT Report includes sections on Habitat Restoration and Monitoring of Habitats, however and as an example, the prescriptions for rights-of-way are instead focused on identifying exclusion areas and avoidance areas through planning decisions. The Conservation Measures for rights-of-way should focus instead on opportunities for habitat restoration and monitoring, adaptive management and off-site mitigation. There are outstanding opportunities for significantly improving sage grouse habitats in Priority Habitat Areas by allowing rights-of-way in General Habitat Areas and allowing for off-site mitigation and restoration of lands disturbed to better sage grouse habitats. Many rights-of-way can be restored to better sage brush vegetation than previously existed.

In several places (i.e. page 11) we noticed that there are references to only a few literature citations that attempt to portray the impacts to a program (lands, minerals, etc.) and as far as we know, there really are no studies that have been completed that show this direct correlation. We are not aware of any Before/After/Control/Treatment (BACT) studies that have been completed specifically on linear rights-of-way or even more specifically on wind energy or renewable energy projects. Our proposal will be for the BLM to support efforts for some adaptive management, off-site mitigation and BACT monitoring in General Habitat Areas instead of identifying these lands as avoidance lands.

We look forward to further discussing this policy.

Take care and have a wonderful day! :)

MDN – 202-208-4201

A thought to consider *"Do all the good you can, in all the ways you can, for all the people you can, while you can!"*

From: Nedd, Michael D
Sent: Monday, December 19, 2011 7:18 AM
To: Leverette, Mitchell; Berns Kim M; Brady, Ray A; Shoop, Robyn; Martin, Benjamin F; Lucero, Lucas J; Wells, Steven; Perry, Jim; Kniola, Benjamin E
Subject: Fw: Planning IM and NTT Report

Please review (or have your staff review) and provide your comments to Jim (or Ben K), unless they are both out on leave then I'll ask Steve/Robyn or Mitch/Frank, to id someone to collect the comments and get it to me.

Take care and have a wonderful day! :-)))

MDN - 202-208-4201

A thought to consider *"Do all the good you can, in all the ways you can, for all the people you can, while you can!"*

Jim Perry
Senior Natural Resource Specialist
Bureau of Land Management
Washington, D.C.
202-912-7145 desk
202-251-5017 cell

From: Fielder, Dwight
Sent: Wednesday, December 21, 2011 10:13 AM 2
To: Perry, Jim
Subject: RE: Follow up to Today's NPT call on the NTT report

What did you predict?

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Perry, Jim
Sent: Wednesday, December 21, 2011 11:54 AM)
To: Fielder, Dwight
Subject: Re: Follow up to Today's NPT call on the NTT report

Dwight

I thought we had agreed last night to modify the parts that were contrary to law or regulation...
except for NSO?

We didn't just step backwards did we? Making progress?

(What I predicted last night about NSO is coming true.)

Jim

Jim Perry
Senior Natural Resource Specialist
Bureau of Land Management
Washington, D.C.
202-912-7145 desk
202-251-5017 cell

From: Fielder, Dwight

5

From: Fielder, Dwight
To: Morales, Raul
Subject: FW: Follow up to Today's NPT call on the NTT report
Date: Wednesday, December 21, 2011 9:57:18 AM

Fyi. I think we might need Amy's help on this one.

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Fielder, Dwight
Sent: Wednesday, December 21, 2011 12:56 PM 4
To: Perry, Jim
Subject: RE: Follow up to Today's NPT call on the NTT report

Who is doing the research? I was assuming we probably had a duty to preclude drainage and that this requirement came from the mineral leasing act? I do not think this can be included in the NTT report, because it is a consensus document that included outside scientists. I think we can contextualize the document with the language I offered earlier and Raul can call out the drainage issue specifically in the transmittal memo. I have said all along that we will not have policy folks messing around with the NTT report and I'm afraid we are pushing the limit with the issues we agreed to yesterday.

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Perry, Jim
Sent: Wednesday, December 21, 2011 12:52 PM 3
To: Fielder, Dwight
Subject: Re: Follow up to Today's NPT call on the NTT report

That drainage is a very important issue to people above me, and its prevention is supported by law or regulation, (they are researching it now), and that forces above me will ensure it is adequately addressed. That I would step back from the issue, but others will not. You know.... that stuff.

Here's me stepping back:

If a technical document can prescribe putting utilities in corridors, it can certainly prescribe a form of leasing with virtually zero impact. You can even put "zero" impact in the lease terms.

Almost done with the shoe molding.

From: [Fielder, Dwight](#)
To: [Morales, Raul](#)
Subject: FW: Follow up to Today's NPT call on the NTT report
Date: Wednesday, December 21, 2011 11:01:35 AM

I don't know how to respond to this and am thinking that I shouldn't.

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: pat_deibert@fws.gov [mailto:pat_deibert@fws.gov]
Sent: Wednesday, December 21, 2011 1:56 PM
To: Fielder, Dwight; Morales, Raul; 'dave.naugle@cfc.umt.edu'; Perry, Jim; Goodman, Jonathan D; Stout, Joseph R
Subject: Re: Follow up to Today's NPT call on the NTT report

The NTT is providing the science. That does not change with the laws that BLM works under.

From: "Fielder, Dwight" [dfielder@blm.gov]
Sent: 12/21/2011 10:15 AM MST
To: Pat Deibert; Raul Morales; "dave.naugle@cfc.umt.edu" <dave.naugle@cfc.umt.edu>; Jim Perry; Jonathan Goodman; Joe Stout
Subject: RE: Follow up to Today's NPT call on the NTT report

But, does the NTT really want to recommend something that is blatantly illegal? It seems to me that the caveat provided makes it clear that the NTT document IS a technical document that has not undergone a policy or legal review.

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: pat_deibert@fws.gov [mailto:pat_deibert@fws.gov]
Sent: Wednesday, December 21, 2011 11:59 AM
To: Fielder, Dwight; Morales, Raul; 'dave.naugle@cfc.umt.edu'; Perry, Jim; Goodman, Jonathan D; Stout, Joseph R
Subject: Re: Follow up to Today's NPT call on the NTT report

I would only consider adding this to a cover memo. The report is a science document period.

From: "Fielder, Dwight" [dfielder@blm.gov]
Sent: 12/21/2011 08:55 AM MST
To: Raul Morales; "dave.naugle@cfc.umt.edu" <dave.naugle@cfc.umt.edu>; Jim Perry; Jonathan Goodman; Joe Stout; Pat Deibert
Subject: RE: Follow up to Today's NPT call on the NTT report

To address concerns raised by Jim that some of the NTT recommendations may not be possible under existing law, we are proposing to add the following verbiage (or variation thereof) to the NTT Report introduction, the memo from Raul to the NPT and, possibly, the IM:

"The recommendations in this report have not undergone a full legal review to ensure that they are consistent with the variety of statutes and regulations with which the BLM must comply. Where inconsistencies arise, it is the hope of the NTT that the recommendation(s) may be considered to the fullest extent consistent with the law."

Do you think the NTT would be comfortable with this addition?

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Morales, Raul
Sent: Tuesday, December 20, 2011 3:31 PM
To: 'dave.naugle@cfc.umt.edu'; Perry, Jim; Fielder, Dwight; Goodman, Jonathan D; Stout, Joseph R; Deibert, Pat
Subject: Re: Follow up to Today's NPT call on the NTT report

Ok, we are on for 2:00 Pacific time this afternoon. Thanks everyone.

From: Dave Naugle [mailto:dave.naugle@cfc.umt.edu]
Sent: Tuesday, December 20, 2011 12:59 PM
To: Morales, Raul; Perry, Jim; Fielder, Dwight; Goodman, Jonathan D; Stout, Joseph R; Deibert, Pat
Subject: RE: Follow up to Today's NPT call on the NTT report

Raul,

I'm in and can do it today; was on a conference when you rang. Dave.

From: Morales, Raul [mailto:rmorales@blm.gov]
Sent: Tuesday, December 20, 2011 12:47 PM
To: Perry, Jim; Fielder, Dwight; Goodman, Jonathan D; Stout, Joseph R; Deibert, Pat; Dave Naugle
Subject: Follow up to Today's NPT call on the NTT report

I am trying to pull a call together for 2:00 Pacific time to discuss Jim's comments. I am waiting to hear back from Dr. Naugle and Dr. Tom Remington to see if they can join us. Tom is actually

From: [Goodman, Jonathan D](#)
To: [Fielder, Dwight](#); [Morales, Raul](#); [Stout, Joseph R](#)
Subject: RE: Follow up to Today's NPT call on the NTT report
Date: Wednesday, December 21, 2011 8:04:41 AM
Attachments: [Greater Sage-Grouse National Planning Strategy Draft 12 21 11\(clean\).docx](#)

Clean final copy of the IM attached, pending SOL input.

--

Dave Goodman
Planning & Environmental Analyst
BLM Division of Decision Support, Planning, and NEPA (WO-210)
dave_goodman@blm.gov
(202) 912-7352

From: Fielder, Dwight
Sent: Wednesday, December 21, 2011 10:59 AM
To: Goodman, Jonathan D
Subject: RE: Follow up to Today's NPT call on the NTT report

Fine by me.

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Goodman, Jonathan D
Sent: Wednesday, December 21, 2011 10:58 AM
To: Fielder, Dwight
Subject: RE: Follow up to Today's NPT call on the NTT report

How about this language to include in the IM?

The conservation measures in Attachment 1 have not undergone a full legal review to ensure that they are consistent with the variety of statutes and regulations with which the BLM must comply. Where inconsistencies arise, the BLM should consider the conservation measure(s) to the fullest extent consistent with the law.

Overall, I'd get rid of recommendations and put in conservation measures to be consistent with our language.

--

Dave Goodman
Planning & Environmental Analyst

> 775-861-6464 (p)
>
> From: Morales, Raul
> Sent: Wednesday, December 21, 2011 3:20 PM
> To: Roberson, Edwin; Nedd, Michael D; Walsh, Noreen
> Cc: Fielder, Dwight; Stout, Joseph R; Stout, Joseph R; Goodman, Jonathan D; Rubado, Jessica A
> Subject: NTT Report and Transmittal Letter
>
> The NTT Report and Transmittal letter have been updated to reflect the comments discussed on yesterday's NPT call. Most comments in The NTT report centered in the fluids minerals section and Appendix D and a few in the Travel and Transportation section.
>
> Merry Christmas to all and a Happy New Year.
>
> Raul Morales
> Deputy State Director Resources, Lands and Planning
> Bureau of Land Management
> 775-861-6464 (p)

From: [Perry, Jim](#)
To: [Morales, Raul](#); [Fielder, Dwight](#)
Cc: [Kniola, Benjamin E](#); [Bargsten, Travis D](#); [Wells, Steven](#); [Perry, Jim](#)
Subject: RE: NTT Report and Transmittal Letter
Date: Thursday, December 22, 2011 11:37:36 AM

Raul,

Here are two main points from Dave.... and both statements make sense and are fine with me. **But my question is not answered and my concerns remain. Is the NTT report in error? Please see my recommendation at the bottom.**

Dave said.....

"You have it right...the 50-70% is a minimum acreage of sagebrush habitat necessary over broad scales to maintain a population. "

"Thus the limit of 1 pad per square mile and a 3% cap on additional footprint."

The key words from Dave are "additional footprint"

But here is what the NTT Report actually says in the quotes below. (Rather than 50% - 70% in sagebrush habitat (the minimum needed on a broad scale to maintain a population based on Science), the priority habitat must already, today, have over 97% in sagebrush habitat or else no development is permitted.) $100\% - 3\% = 97\%$

- Manage priority sage-grouse habitats so that discrete anthropogenic disturbances cover less than 3% of the total sage-grouse habitat regardless of ownership.....
 - "In priority habitats where the **3% disturbance threshold is already exceeded from any source, no further anthropogenic disturbances will be permitted by BLM** until enough habitat has been restored to maintain the area under this threshold (subject to valid existing rights)."
 - In this instance, an additional objective will be designated for the priority area to prioritize and reclaim/restore anthropogenic disturbances so that 3% or less of the total priority habitat area is disturbed within 10 years.

I do not understand the logic in this....at least not the way it is worded in the NTT report.

RECOMMENDATION:

The report should say something like, ..."the amount of sagebrush habitat in the priority habitat areas, as of the date of this plan amendment, is a baseline, and additional anthropogenic surface disturbances must not increase the anthropogenic surface footprint by more than 3% "

The NTT bullet points above need to be removed from the report as it conflicts with science.

Jim

From: Morales, Raul
Sent: Thursday, December 22, 2011 1:03 PM
To: Perry, Jim; Fielder, Dwight
Subject: Fw: NTT Report and Transmittal Letter

Jim, your answer to your question this morning.

From: Dave Naugle [<mailto:dave.naugle@cfc.umt.edu>]
Sent: Thursday, December 22, 2011 10:52 AM
To: Morales, Raul
Subject: RE: NTT Report and Transmittal Letter

Raul,

You have it right...the 50-70% is a minimum acreage of sagebrush habitat necessary over broad scales to maintain a population. I'm not a big fan of setting "minimums" because that is then the number everybody tries to achieve. In reality, many cores surpass this 50-70% minimum because they were delineated around the best remaining habitats.

The non-sagebrush sites within cores may be naturally fragmented or the result of past anthropogenic impacts. Regardless, we cannot further litter the cores with additional anthropogenic impacts without expecting impacts to populations.

We got off track on the NSO and drainage issue because some view non-sagebrush habitat inside cores as a throw away developable area. But additional impacts anywhere inside cores increases cumulative impacts beyond the site of the new well pad. Thus the limit of 1 pad per square mile and a 3% cap on additional footprint.

We've progressed in our thinking past individual lek buffers to now delineate whole cores at appropriately large scales that encompass all seasonal habitats necessary to support a population. We will still see impacts from 1 pad per square mile and a 3% cap on new anthropogenic disturbances.

I hope these end up being acceptable losses that still respect valid existing rights. I suspect the NTT Team would be very leery of endorsing any additional impacts inside cores.

The NPT can determine if existing laws or other issues preclude NTT recommendations; but that is a policy issue not a technical one.

Happy holidays Raul,

Dave

From: [Perry, Jim](#)
To: [Morales, Raul](#); [Felder, Dwight](#)
Cc: [Kniola, Benjamin E](#); [Bargsten, Travis D](#); [Perry, Jim](#); [Wells, Steven](#)
Subject: RE: NTT Report and Transmittal Letter
Date: Thursday, December 22, 2011 6:28:14 AM
Attachments: [2011_1221_Final_NTT_Report_edits_made_by_NTT.docx](#)

Raul and Dwight,

Thanks for making those edits and for mentioning NSO in the Transmittal memo to the NPT!

I'm confused why the "Locatable Minerals" BMPs did not get changed to "Solid Minerals" in the Appendix?!?

Last night's edits opens a new, very serious question.... It may be too late to address this in the report, but it is one we will need to address in our outreach to the field....

It appears to me the BLM is being unnecessarily set up for immediate failure across the priority habitats. Nearly all contain roads, pipelines, power lines, homes, farms, well pads, etc.... Science says 30 – 50% in non-sagebrush cover is okay (see quote below), but the NTT Report says 3% in anthropogenic features is the NTT recommended maximum (see quote below).

Am I missing something, is it worded poorly, or is this a misapplication of professional judgment and science?

The report now makes this scientifically-based assertion:

Within priority habitat, a minimum range of **50-70% of the acreage in sagebrush cover** is required for long-term sage-grouse persistence (Aldridge et al. 2008, Doherty et al. 2010, Wisdom et al. 2011).

That leaves an allowance of **30 - 50% in non-sage-brush cover**. So how was the 3% maximum cap on surface anthropogenic features derived based on "professional judgment"? (see footnote) **3% is a long way from 30 – 50%**

Manage priority sage-grouse habitats so that discrete anthropogenic disturbances cover less than 3% of the total sage-grouse habitat **regardless of ownership**. Anthropogenic features include but are not limited to paved highways, graded gravel roads, transmission lines, substations, wind turbines, oil and gas wells, geothermal wells and associated facilities, pipelines, landfills, homes, and mines. ⁱⁱⁱ

ⁱⁱⁱ Professional judgment as derived from Holloran 2005, Walker et al. 2007, Doherty et al. 2008, Doherty et al. 2011, Naugle et al. 2011a,b.

- In priority habitats where the 3% disturbance threshold is already exceeded from any source, no further anthropogenic disturbances will be permitted by BLM until enough habitat has been restored to maintain the area under this threshold (subject to valid existing rights).

From: pat_deibert@fws.gov
To: Morales, Raul
Subject: Re: NTT report
Date: Monday, November 07, 2011 2:49:34 PM
Attachments: [2011_1006 NTT ConservationMeasures PlanningStrategy \(2\).pd.doc](#)

Here you go. All is good except the 12 inch fire stuff. We are stuck as I can't support using that from an ESA standpoint. No amount of bananas will help unless you (or the range folks) can convince me there are absolutely no other treatments available, no matter how hard they are.

stubborn in WY.
Pat

(See attached file: 2011_1006 NTT ConservationMeasures PlanningStrategy (2).pd.doc)

Pat Deibert , PhD.
National Sage-grouse Coordinator
U.S. Fish and Wildlife Service
Wyoming Field Office
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009
307-772-2374, ext. 226
~ "Morales, Raul" <rmorales@blm.gov>

"Morales, Raul"
<rmorales@blm.gov>

To "Deibert, Pat" <pat_deibert@fws.gov>
cc
Subject NTT report

11/07/2011 03:04 PM

Pat, please take a quick look at what I have highlighted in yellow and let me know if you can live with these additions. I would like to send the report to WO today.

Thx.

Raul Morales
Deputy State Director Resources, Lands and Planning
Bureau of Land Management
775-861-6464 (p)

[attachment "2011_1006 NTT ConservationMeasures PlanningStrategy (2).doc" deleted by Pat Deibert/R6/FWS/DOI]

From: [Sell, Robin A](#)
To: [Morales, Raul](#); [Mermejo, Lauren L](#);
Subject: quick review of NTT document
Date: Monday, September 19, 2011 11:51:47 AM
Attachments: [2011_0916_NTT_ConservationMeasures_PlanningStrategy_NTT_ReviewDraft_RAS.doc](#)

Raul et al-

I know you guys have done a lot of good work on the document, and I did a reaaaaallly quick review- (attached).

A couple of quick points from memory- Not sure we can say we did a review of existing literature and I don't think Tony's group embarked on that, they were trying to fill in holes for citations etc. The 'new way' to discuss or calculate surface disturbance has merit, but leaves me with lots of questions as well – not sure you can make changes, 'cause I don't know who worked on it or based on what model.

Did the 1/640 acres density recommendation get dropped? Or did I just go over it too fast?

A few other points – poor sentences or clarity for example, may seem minor at this point- but may aid in thorough review if you can fix.

Thanks, Robin

From: [Wood, David](#)
To: [Morales, Raul](#)
Subject: RE: NTT Report
Date: Monday, November 14, 2011 11:31:26 AM

Hi Raul,

Thanks for the update and glad to see this report heading out to the NPT and others. I am trying to schedule some other sage-grouse planning meetings over the next few weeks so can you give me an idea of if I will be asked to be on the smaller team for the next steps of this and what dates I would need to reserve for that? Thanks!

David Wood
Conservation Biologist
MT/Dakotas BLM State Office
(406) 896-5246

From: Morales, Raul
Sent: Saturday, November 12, 2011 10:32 AM
To: Mermejo, Lauren L; Sell, Robin A; Rinke, Earl T; Wood, David; Rose, Jeffrey A; Pellant, Michael L; Quamen, Frank R; Bargsten, Travis D; Havlina, Douglas W; Figarella, Mary; Beecham, Charlie F; Knick, Steven T.; Deibert, Pat; 'dave.naugle@cfc.umt.edu'; 'sespinosa@ndow.org'; 'jasonrobinson@utah.gov'; 'tony.apa@state.co.us'; 'don.kemner@idfg.idaho.gov'; Perrin, Robert S; 'christian.a.hagen@state.or.us'; '(b) (6)'; 'happlylabs@millec.com'
Cc: 'Adair Muth'; Smurthwaite, Donald S; Fielder, Dwight; Tague, Melvin J; Rubado, Jessica A
Subject: RE: NTT Report

Woops, hit the wrong button!

The rest of the story.

During our several month wait I and others were able to address additional comments I had received from many of you to improve the report. Also, while we were waiting NDOW Director Ken Mayer commissioned an outside review of just the conservation measures by 6 scientist. A small team of NTT members addressed many of these scientist comments and rolled them into our latest draft NTT report (See attachment from Director Ken Mayer and the scientist comments).

The SOL wanted to keep the report as draft and that is why you will see the draft watermark on the plan. Their concern is that they are in negotiations with litigants on a separate lawsuit involving 16 BLM Land Use Plans and they wanted to make sure that our Policy recommendations section did not contradict or mess up these negotiations. As of last Wednesday when the National Policy Team (NPT) received the draft NTT report for the first time the solicitor on the call was feeling positive that our NTT report was not going to impede their negotiations, however, the SOL was waiting from staff comments on the report.

Also, at last Wednesday's NPT call I got another assignment on the NTT report that will involve a small number of NTT members. In the scientist review of our report you will notice one scientist's concern that our report could be challenged (blowback) by outside groups without a stronger

connection between our conservation measures to the available science. I have been tasked to bring the science folks from our NTT team together with an outside scientist to begin strengthening our connections. This will need to be accomplished prior to the publishing of the National Sage Grouse Planning Notice of Intent which is scheduled to be published mid-December. I will be contacting this small group of NTT individuals shortly.

The NPT will be releasing the NTT report to all of the BLM State Director's soon, if it hasn't happened already. The WO will be issuing an Instruction memorandum early this coming week that will direct the rest of the Bureau on how the NTT report will be used in the upcoming planning effort. At this point the NTT report will officially become public knowledge. The NPT has asked that I share with you the latest NTT report and to still keep as a close hold to the NTT team until the WO issues their IM.

I have also been working with Public Affairs to draft some talking points for the NTT report which I hope to finalize very soon.

While a report of this nature will not make everyone completely happy I would say that overall, the report seems to have been favorably received both internally and externally. The next step of strengthening the science in our report will no doubt make this report more robust and will lead to an excellent starting point for BLM's planning effort. Again, I am very proud of all our efforts that week we spent in Denver and afterwards putting the report together.

Please call or send me a note if you have any questions.

Thanks and have a great week.

Raul Morales
Deputy State Director Resources, Lands and Planning
Bureau of Land Management
775-861-6464 (p)

From: Morales, Raúl
Sent: Saturday, November 12, 2011 8:59 AM
To: Morales, Raul; Mermejo, Lauren L; Sell, Robin A; Rinkes, Earl T; Wood, David; Rose, Jeffrey A; Pellant, Michael L; Quamen, Frank R; Bargsten, Travis D; Havlina, Douglas W; Figarelle, Mary; Beecham, Charlie F; Knick, Steven T.; Deibert, Pat; dave.naugle@cfc.umt.edu; sespinosa@ndow.org; jasonrobinson@utah.gov; tony.apa@state.co.us; don.kemner@idfg.idaho.gov; Perrin, Robert S; christian.a.hagen@state.or.us; (b) (6) | happylabs@millelect.com
Cc: Adair Muth
Subject: NTT Report

Hello fellow NTT members!

I want to give you the latest on our NTT report. Washington BLM finally received the Governor's letters that the solicitor's said we needed in order for me to forward our report to DC. The SOL wanted to make sure that there were no FACA issues related to the state agency involvement in our NTT report.

From: [Apa, Tony](#)
To: [Christian Hagen](#); [Knick, Steven T](#); [David Naugle](#); [Deibert, Pat](#)
Cc: [Kemner, Don](#); [Shawn P. Espinosa](#); [JasonRobinson@utah.gov](#); [Morales, Raul](#)
Subject: Citations for NTT product
Date: Monday, September 12, 2011 3:22:16 PM
Attachments: [NTT_ConservationMeasures_PlanningStrategy_0902_2011_draftScience_Citations.docx](#)

Hey Everyone,

I've been putting out other brush fires with regards to my day job and haven't had much time with this. I've tried to identify those biological recommendations that may need a scientific citation. I've taken my hand at highlighting as well and those things I flagged are in grey. I'm working on an introductory part on certainty of conclusions and inference space with regards to science without relating it to any study in particular and run it by everyone. If we don't have the science I'm assuming it will be our best professional judgement.

So, if you could get each of you to take a shot and identify a research citation that supports the biological recommendation along with the full citation I would greatly appreciate the help. Many of you were authors/editors of the SAB and/or an editor of a recent book, so you will have a much better handle on the recent literature than I. I will put together the literature cited and then can incorporate those citations into a more "final document" along with the literature cited.

I would like to get this to Raul before COB Thursday. Thanks in advance.

Tony Apa

Sage-Grouse Research Biologist
Colorado Parks & Wildlife
Northwest Region Service Center
711 Independent Avenue
Grand Junction, CO 81505
970.255.6196 (office)
970.640.1671 (cell)
tony.apa@state.co.us

Do you have some thoughts for me to pass along to Ray?

E. Dwight Fielder, Chief
Division of Fish and Wildlife Conservation
Bureau of Land Management
(202) 912-7230 (Office)
(202) 285-6845 (Cell)

From: Stout, Joseph R
Sent: Tuesday, December 20, 2011 8:35 AM
To: Roberson, Edwin; Fielder, Dwight; Rubado, Jessica A; Todd, Marci L
Cc: Goodman, Jonathan D
Subject: FW: Planning IM and NTT Report

FYI

Joe Stout
Planning and NEPA Branch Chief
Bureau of Land Management
Washington DC
202-912-7275 (w)
202-658-8191 (bb)

From: Brady, Ray A
Sent: Tuesday, December 20, 2011 8:31 AM
To: Perry, Jim; Nedd, Michael D; Leverette, Mitchell; Berns Kim M; Shoop, Robyn; Martin, Benjamin F; Lucero, Lucas J; Wells, Steven; Kniola, Benjamin E
Cc: Goodman, Jonathan D; Stout, Joseph R
Subject: Re: Planning IM and NTT Report

I have reviewed the Planning IM and Conservation Measures for the rights-of-way activities on page 11-12 of the NTT Report. These planning prescriptions will be significant game changers and unworkable in my mind for the linear ROW program, including renewable energy rights-of-way (especially wind energy program).

The Conservation Measures are focused on identifying all lands within Priority Habitat Areas as "exclusion areas" for rights-of-way and all lands within General Habitat Areas as "avoidance areas" for rights-of-way. The biggest problem with this strategy is that if BLM is going to have any ability to move designated corridors and right-of-way applications out of Priority Habitat Areas (exclusion lands), we are going to have to have the ability to designate corridors and site rights-of-way within the General Habitat Areas. Identifying General Habitat Areas as avoidance areas (tens of millions of acres) is totally unworkable. We need to allow rights-of-way on these lands with mitigation opportunities that provide for off-site mitigation to improve habitat in the Priority Habitat Areas.

The NTT Report includes sections on Habitat Restoration and Monitoring of Habitats, however the prescriptions for rights-of-way are instead focused on identifying exclusion areas and avoidance areas thru Planning decisions. The Conservation Measures for rights-of-way should focus instead on opportunities for habitat restoration and monitoring, adaptive management and off-site mitigation. There are outstanding opportunities for significantly improving sage grouse habitats in Priority Habitat Areas by allowing rights-of-way in General Habitat Areas and allowing for off-site mitigation and restoration of lands disturbed to better sage grouse habitats. Many rights-of-way can be restored to better sage brush vegetation than previously existed.

Page 11 makes references to only a few literature citations that attempt to portray the impacts of rights-of-way on sage grouse. There really are no studies that have been completed that show this direct correlation and I am not aware of any Before/After/Control/Treatment (BACT) studies that have been completed specifically on linear rights-of-way or even more specifically on wind energy or renewable energy projects. Let's support efforts for some adaptive management, off-site mitigation and BACT monitoring in General Habitat Areas instead of identifying these lands as avoidance lands.

From: Perry, Jim

Sent: Tuesday, December 20, 2011 05:07 AM

To: Nedd, Michael D; Leverette, Mitchell; Berns Kim M; Brady, Ray A; Shoop, Robyn; Martin, Benjamin F; Lucero, Lucas J; Wells, Steven; Kniola, Benjamin E; Perry, Jim

Cc: Goodman, Jonathan D; Stout, Joseph R

Subject: RE: Planning IM and NTT Report

Mike,

Ben and I completed our review of the Planning IM and NTT Report. We did not receive any additional 300 program input, so we also looked at the ROW and Solids programs. Those programs might want to look through and verify our edits today, but otherwise, this quick review is good to go to Ed Roberson.

There is one really critical change that needs to be made in the Planning IM. I've discussed it with Dave Goodman – a planner and the primary author, and he agrees. Dave now needs to sell it to his team at their meeting today, so I've cc'd Dave.

Overall, the NTT Report conservation measures are complete game-changers for any actions within the Priority Habitats where there are valid existing rights and showstoppers for those actions where there are no valid existing rights.

Jim

From: [Lueders, Amy L](#)
To: [Morales, Raul](#)
Subject: RE: FW: Planning IM and NTT Report
Date: Tuesday, December 20, 2011 8:11:28 AM
Attachments: [image002.png](#)
[image003.png](#)

You were right—I should have gotten the crying out of my system @ FEI. Ray's note makes me want to cry.

From: Morales, Raul
Sent: Tuesday, December 20, 2011 8:02 AM
To: Lueders, Amy L
Subject: Fw: FW: Planning IM and NTT Report

It continues this morning.

From: pat_deibert@fws.gov [mailto:pat_deibert@fws.gov]
Sent: Tuesday, December 20, 2011 08:49 AM
To: Fielder, Dwight
Cc: Morales, Raul
Subject: Re: FW: Planning IM and NTT Report

Dwight -

Avoidance areas are not exclusion areas. It was not the intent to shut-down ROW in general sage-grouse habitats, but rather be extremely judicious in their placement. Pushing them outside of PPH without provisions for general habitats would likely have resulted in lots of ROWs in the general areas, some of which may have been duplicative or unnecessary. That may have diminished the value of the adjacent PPHs, and potentially preclude opportunities for restoration and maintenance of connectivity in general habitats. I don't think there are any expectations that there will be no ROWs in general habitats, and the NTT acknowledges valid existing rights in both PPH and general habitats, and provides provisions. I've copied Raul on this response to make sure I am not mis-interpreting the intent of the NTT.

As for no knowledge on ROWs - we know a lot about roads and the effects on sage-grouse vital rates - particularly breeding activities. We don't know about most renewables, but given the similarities in infrastructure with non-renewables and their known negative impacts on sage-grouse we can use professional judgement to be conservative in planning developments. Research is on-going, and those data - when available - should be used for adaptive management. I would love to restore unneeded ROWs to "better sagebrush vegetation" but am unaware of the ability to do so. Funding and seed sources also seem to be reoccurring concerns with revegetation to sagebrush and the associated native understory.

This is a change in business as usual - no doubt - and it will result in some difficult choices. I don't believe either the IM or the NTT stop valid existing rights, nor was that their intent. I do think they will make us think more creatively about how to honor those rights and conserve sage-grouse. This is also true for new activities. In the end it may come to a choice between conserving grouse or not on these local projects.

From: erinkes@blm.gov
To: pmabie@enviroissues.com; Morales, Raul
Subject: Introduction for NTT Report
Date: Wednesday, September 14, 2011 3:42:03 PM

Penny and Raul.

I have had a discussion about the intro that I proposed with Steve Ellis and our Chief SOL in Boise. I have some suggested wording changes concerning a recommendation that I made last week for the introduction. This involves the second paragraph following the bullet points as to the charge of the NTT team in the introduction. The following is my revised wording for the paragraph:

These policy recommendations and conservation measures were identified and discussed among team members. The recommendations and measures provide the tools to BLM that provides for the greatest potential for success to conserve sage-grouse. The team understands that management will implement these recommendations and conservation measures to the greatest extent practicable and may prioritize actions/amendments over other actions/amendments to achieve the best use of resources and protection of sage-grouse within a region.

Tom

Tom Rinkes, Wildlife Biologist
BLM Idaho State Office
Division of Resources and Science (931)
208.373.4045
208.559.8477(c)

From: [Tague, Melvin J](#)
To: [Morales, Raul](#)
Cc: [Rubado, Jessica A](#)
Subject: FW: sage grouse NTT report
Date: Thursday, November 10, 2011 7:09:03 AM

Raul,

I think you will have to answer this one.

Joe

From: Roberson, Edwin
Sent: Wednesday, November 09, 2011 11:49 AM
To: Brown, George
Cc: Morales, Raul; Tague, Melvin J; Rubado, Jessica A; Perry, Jim; Spisak, Timothy
Subject: Re: sage grouse NTT report

I am not a biologist, George. I have copied folks who can provide you an answer. Thank you. Ed

From: Brown, George
Sent: Wednesday, November 09, 2011 12:34 PM
To: Roberson, Edwin
Subject: sage grouse NTT report

Edwin,

Questions about an item on page 9 of the NTT report.

(1) Each one-mile² analysis section will be managed so that total anthropogenic disturbance does not exceed 2.5%^(e1) %. However, total anthropogenic disturbance is likely to exceed this threshold within an analysis unit with some developments. For example, a sand and gravel mine can result in intensive development of 40 acres, effectively rendering the area unsuitable to sage-grouse. The actual 40-acre disturbance may not push total anthropogenic disturbance to more than 2.5% for the entire priority area, but obviously has a significant local impact. In these situations, 40 acres of off-site mitigation will be necessary to offset this loss of habitat. The priority is to implement off-site mitigation within the priority sage-grouse habitat, followed by general sage-grouse habitat.

-What is the scientific basis/rationale for selecting 2.5% (instead of some other percentage)?

It appears to refer to 2.5% of every section, regardless of the actual size of the priority habitat area, so the limitation would be greater.

For instance, if the priority habitat area is 20 square miles (12,800 acres), 2.5% of that would be 320 acres (20 times 640 acres times 2.5%). But if it pertains to every section, then the limit is 16 acres of disturbance per section (2.5% times 640 acres), or 0.125% of the priority habitat area.

-Given the example and assuming that is what is intended as the limitation, what is the basis for requiring 100% mitigation?

If 2.5% or less disturbance is acceptable (less than 16 acres) if 40 acres is disturbed, why wouldn't the requirement be to provide offsite mitigation for at least 25 acres instead of a flat 40 acres? Is the rationale that "sage-grouse population must be maintained or increased", so zero disturbance is acceptable?

Requiring 100% offsite mitigation implies total destruction of a disturbed area instead of reclamation. Disturbance may persist until reclamation has been accomplished, so there will be a time lag as discussed today.

-Question about what is acceptable "offsite mitigation" specifically for sage grouse? Offsite mitigation is a nice buzzphrase that sounds good, but as the saying goes, the devil is in the details. What exactly would be involved? (since the other area would presumably already be land that was undisturbed suitable habitat). What extra measures would be required specifically for sage grouse (e.g., purchase/acquisition of private fee lands)?

George Brown, CME 0134

Geologist WO320

Washington Office BLM

570-593-8659 (telework phone)

570-593-8659 (telework fax - call first - need to reset settings before sending a fax and be off the phone)

202-912-7118 (voicemail messages only)

202-245-0012 (M St. fax #1)

202-912-7199 (M St. fax #2)

From: [Thomas Remington](#)
To: [Morales, Raul](#)
Subject: Re: NTT Report (2nd Draft)
Date: Monday, December 19, 2011 8:32:36 AM

Raul, thanks, but I didn't see any attachments?

----- Original Message -----

From: [Morales, Raul](#)
To: [Mermejo, Lauren L](#) ; [Sell, Robin A](#) ; [Rinkes, Earl T](#) ; [Wood, David](#) ; [Rose, Jeffrey A](#) ; [Pellant, Michael L](#) ; [Quamen, Frank R](#) ; [Bargsten, Travis D](#) ; [Havlina, Douglas W](#) ; [Figarelle, Mary](#) ; [Beecham, Charlie E](#) ; [Knick, Steven T](#) ; [Deibert, Pat](#) ; dave.naugle@cfc.umt.edu ; sespinosa@ndow.org ; jasonrobinson@utah.gov ; tony.apa@state.co.us ; don.kemner@idfg.idaho.gov ; [Perrin, Robert S](#) ; christian.a.hagen@state.or.us ; [Kniola, Benjamin E](#)
Cc: (b) (6)
Sent: Saturday, December 17, 2011 11:22 AM
Subject: NTT Report (2nd Draft)

Here is the 2nd draft of our NTT report. It is draft because the solicitors (as far as I can tell) like it that way.

There are big changes with the layout of this report as compared to the previous document. Based on comments from the solicitors and the independent science review team this draft reflects those comments. The solicitors were struggling with having a Policy recommendations piece in the NTT report due to ongoing negotiations with current litigants over a lawsuit affecting 16 BLM LUP's. So we removed the Policy recommendation piece from this draft report and instead we addressed those concerns through a letter from me to the NPT (see attachment). Overall the original intent of most of our conservation measures we developed in Denver are still the same. The wording describing some conservation measures is different, again to address solicitors concerns, but the intent is the same.

As a result of our science team review last week in Phoenix, there are a few major changes to the conservation measures from the 1st draft to this draft:

Recreation - removed measure about SRMAs.

Land Tenure - removed from Exception:

- * Seek to acquire state and private lands with intact subsurface mineral estate by donation, purchase or exchange in order to best conserve, enhance or restore sage-grouse habitat.

Range Management - changed, re-ordered and revised several measures to clarify and reduce repetitiveness.

Minerals -

- * Significant introductory discussion and rework of leased fluid mineral estate measures.
- * Coal
 - * deleted - Do not require offsite mitigation when the short-term effects are mitigated by the long-term benefits, for example, phased reclamation, (assuming sage-grouse can be restored [Musil et al. 1993, Reese and Connelly 1997, Baxter et al. 2008] to the area or if offsite mitigation demonstrates sage-grouse will be maintained in the population area).

Habitat Restoration

* deleted - Surface disturbance resulting from wildfires may render a designated priority habitat as unsuitable for continued sage-grouse occupancy. Additional priority habitats may be designated to compensate for lost habitats until such time as the original priority habitats either recover or are restored and sage-grouse populations successfully re-established to pre-disturbance levels.

Monitoring section has been significantly updated.

Yesterday, Washington sent out the draft IM introducing the NTT conservation measures to the National Policy team for their review. The conservation measures were not sent out (solicitors need to review again). Goal is to have the final IM and conservation out to the Bureau during the holiday season.

I really believe this new draft is a significant improvement to our first draft and the science underpinnings for our conservation measures are much stronger. I again want to thank everyone involved in both drafts for their efforts and dedication to this effort. Now the fun is about to really begin as the public scoping meetings begin in early January and we will begin to see what the comments from the public will be!

Merry Christmas and Happy New year to all.

Raul Morales
Deputy State Director Resources, Lands and Planning
Bureau of Land Management
775-861-6464 (p)

From: [Sell, Robin A](#)
To: [Morales, Raul](#)
Subject: NTT Science review
Date: Friday, September 16, 2011 6:33:49 AM

Hi Raul-

I know you are working to pull together a revised NTT document. Tom R mentioned it might be sent out for a quick NTT review before going to the National Policy Team- that would be great! My question, and maybe a suggestion... I don't feel like we really got into (or had time to discuss) the current science out there on SG... so I would like to propose that the researchers and biologists on the NTT – maybe a few other bios if appropriate- meet again in the next few months (maybe Nov/Dec) for about 3 days to have a frank discussion on various studies/papers out there... the good, bad & ugly so to speak. It would not have to hold up the current document we have worked on- the Policy and Regional ID teams can continue to work on their tasks- but a more concentrated and defensible overview of the science (all of it, to our ability) would be great justification for the RMP effort and an invaluable tool for more localized NEPA and project/management implementation. It would also help CO/UT with the upcoming GUSG listing – we will be referencing the same data sources anyway. My thought is, we can pull together the straight science side of things by end of January- do it right- and it will still inform and support 1) ongoing planning in all stages, and 2) cumulative effects report efforts. People can continue to move forward on the other teams, if we find with a more robust review of the science we need to tweak a few recommendations- there should still be time to do so, and I think it will better support and defend criticism down the line.

I will be in the office until at least 1pm today if you want to discuss quickly. The reality, the science folks were not going to have this kind of discussion with program leads in the group, and our timeline did not allow this review and scrutiny. But I think this kind of full disclosure will really benefit the Bureau, FWS, and SG down the road. Let me know what you think.

Robin
303.239.3723

From: [Roberson, Edwin](#)
To: [Lueders, Amy L](#); [Morales, Raul](#)
Subject: Fw: Draft NTT report
Date: Wednesday, November 09, 2011 7:13:02 AM

FYI. SOL feedback.

From: Russell, Gregory
Sent: Wednesday, November 09, 2011 08:09 AM
To: Roberson, Edwin
Subject: RE: Draft NTT report

(b) (5)

From: Russell, Gregory
Sent: Wednesday, November 09, 2011 10:07 AM
To: Roberson, Edwin
Subject: FW: Draft NTT report

From: Morales, Raul
Sent: Monday, November 07, 2011 8:22 PM
To: Roberson, Edwin
Cc: Tague, Melvin J; Fielder, Dwight; Hallett, Hal; Russell, Gregory
Subject: Draft NTT report

Alas, the long awaited NTT report. A small team of us completed changes to the report that reflected some of the review comments made by outside scientist commissioned by NDOW Director, Ken Mayer(see 2nd and 3rd attachments). The outside scientists only reviewed the Conservation Measures section of the report and not the Policy recommendations. Our team also only addressed the quick comments made by the science team. Some of the "longer" term comments made by the science team (i.e. space and time) were not addressed and can be discussed by the National Policy Team at some point to determine the need for our Conservation Measures to address some of the science "short falls" brought up by the science team.

Raul Morales
Deputy State Director Resources, Lands and Planning
Bureau of Land Management
775-861-6464 (p)

From: [Sell, Robin A](#)
To: [Wood, David](#); [Morales, Raul](#)
Cc: [Quamen, Frank R](#); [Mermejo, Lauren L](#)
Subject: RE: BLM Talking Points for the NTT Report
Date: Friday, September 30, 2011 2:08:34 PM

I agree with David's comments, wish I had time to spin off those and add a few more. Bottomline- the range ones in particular seemed way off base, and reflect very narrow interpretations of proposed conservation measures. In fact, in the range section, *most* of the measures proposed should reflect current management – not a new way of doing business. It worries me someone out there is sharing a much different message. If you are still taking comments in a few weeks, I'd be happy to provide my two cents worth.

From: Wood, David
Sent: Friday, September 30, 2011 2:55 PM
To: Morales, Raul
Cc: Sell, Robin A; Quamen, Frank R; Mermejo, Lauren L
Subject: RE: BLM Talking Points for the NTT Report

Hi Raul,

Based on our discussion I tried to provide some ideas and ways to improve these talking points. I think an approach that talks much more about restoring the balance and leads off with a discussion about how ongoing unchecked development has got us into the situation would be useful. Language still needs a lot of cleaning up and not spun to just talk about the negative. Until we can talk about the impacts to our program in a practical and realistic nature, we will not be able to avoid becoming victims of the standard fear mongering approaches taking these days. These are initial thoughts, did not have time to get into it too much more.

David Wood
Conservation Biologist
MT/Dakotas BLM State Office
(406) 896-5246

From: Morales, Raul
Sent: Tuesday, September 27, 2011 6:21 PM
To: Beecham, Charlie F; Bargsten, Travis D; Figarelle, Mary; Havlina, Douglas W; Kniola, Benjamin E; Mermejo, Lauren L; Pellant, Michael L; Perrin, Robert S; Quamen, Frank R; Rinkes, Earl T; Rose, Jeffrey A; Sell, Robin A; Wood, David
Subject: BLM Talking Points for the NTT Report

All, attached is what I have received to date. I have not modified anything, I just cut and pasted into the attached word document. Charlie, do you have any talking point for minerals that you would like to provide? Now that you can see what I have received if anyone would like to add/comment on the talking points please get them to me by the end of the week.



November 26, 2013

John Mehlhoff
Acting State Director, Colorado
Bureau of Land Management
2850 Youngfield Street
Lakewood, Colorado 80215

Dan Jirón
Regional Forester, Rocky Mountain Region
U.S. Forest Service
740 Simms Street
Golden, Colorado 80401

RE: Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement

Dear Mr. Mehlhoff and Mr. Jirón:

The undersigned organizations write to express our concerns with the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (DLUPA/EIS). This comment letter does not replace but is in addition to detailed technical comments that may be submitted by the individual undersigned organizations to the Bureau of Land Management and U.S. Forest Service (the agencies) on this matter. Our constituents represent a diverse group of stakeholders that drive and rely on economic development in northwest Colorado, utilize public lands for myriad multiple-use activities, and play a significant role in the protection and conservation of plant and wildlife species, including the Greater Sage-Grouse (GSG), and its habitat. We therefore have a direct and vested interest in the proposed management decisions in the DLUPA/EIS.

We believe there have been significant efforts undertaken in northwest Colorado to conserve GSG and we support the agencies' efforts to craft additional management procedures to conserve and protect the species and its habitat in order to demonstrate to the U.S. Fish & Wildlife Service (FWS) that a listing under the Endangered Species Act (ESA) is unnecessary. Nonetheless, after reviewing the DLUPA/EIS we have identified several issues with the document that, if implemented, will have a number of inequitable socioeconomic consequences in northwest Colorado. Furthermore, we have concluded that the proposed management procedures in the DLUPA/EIS far exceed what is needed to demonstrate to FWS that the regulatory mechanisms needed to conserve GSG and its habitat will exist in the planning area.

The signatories of this letter are seriously concerned about many facets of the DLUPA/EIS that will adversely affect our respective constituencies. We collectively believe that the document has been rendered fundamentally flawed due to the following reasons:

1. The document does not contain an adequate range of alternatives as required under the National Environmental Policy Act (NEPA)
2. The analysis and recommendations in the document rely heavily on the BLM National Technical Team's Report (NTT) Report, which failed to include recent scientific and commercial data and would severely limit the ability of the agencies to meet their multiple-use mandates
3. The agencies have proposed overly broad and rigid management restrictions in mapped habitat areas
4. The analysis underestimates the negative socioeconomic impact of the proposed management of GSG in the planning area
5. The disturbance cap methodology proposed in the DLUPA/EIS is not clearly defined and lacks scientific justification
6. The document does not adequately explain the proposed mitigation strategy or the context for its use.

Because the management policies resulting from this planning effort will significantly affect northwest Colorado and the future economic vitality of local communities within the planning area, the agencies must rectify these issues before preparing the final LUPA/EIS and issuing a Record of Decision.

Inadequate Range of Alternatives

NEPA and Council on Environmental Quality (CEQ) regulations require agencies to consider a well-defined range of management alternatives and have a clear basis for choosing among the options. While the agencies claim they "will consider a range of reasonable alternatives, including appropriate management prescriptions,"¹ the DLUPA/EIS does not include an alternative that would protect GSG and its habitat while also meeting the traditional multiple-use concepts required under the Multiple-Use Sustained Yield Act of 1960, the Federal Lands Policy and Management Act of 1976 (FLPMA), and the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976. Alternatives carried forward for analysis must be reasonable and meet existing land use objectives and mandates.

Instead, the preferred alternative (Alternative D) largely represents a mixture of the elements of Alternatives B and C, one of which relies on non-site specific recommendations from the NTT report, and another that employs impractical restrictions developed by special-interest environmental groups. As currently proposed, it is unclear how the BLM would implement any of the proposed alternatives and still be able to meet their multiple-use mandate.

¹ DLUPA/EIS at 25

During scoping, the agencies received input from local and state governments that have been recognized as cooperating agencies in this process. During these meetings, the cooperating agencies offered substantive input that would provide a fourth alternative usually reserved for cooperating agency guidance. Unfortunately, those suggestions were not factored into the formulation of alternatives.

To ameliorate this dilemma, we urge the agencies to draw upon the materials submitted by the cooperating agencies that foster GSG conservation as well as a range of public land uses and incorporate those elements into the preferred alternative in the final LUPA/EIS. Taking this step will help ensure that the final LUPA/EIS actually balances economic development with GSG protection in the planning area and that the agencies have considered a broader range of management alternatives as required under NEPA and CEQ regulations.

Overreliance on the NTT Report

We question the reliance on many cited sources in the DLUPA/EIS, particularly the NTT Report. Some recommendations from the NTT report are directly included in the preferred alternative, and it appears the report serves as the basis of many of the proposed management restrictions.

The use of the NTT report is problematic as it contains overly burdensome recommendations that are not based on local conditions in northwest Colorado. An independent review of the report shows that it contains many methodological and technical errors, selectively presents scientific information to justify recommended conservation measures, and was disproportionately influenced by a small group of specialist advocates.² As such, the NTT report does not adequately represent a comprehensive and complete review of the best scientific and commercial data available and is inappropriate for use as the primary basis of many of the proposed management restrictions.

Overly Broad Application of Restrictions in Habitat Areas

We question the proposal to impose rigid, uniform management restrictions without consideration of local conditions in habitat areas that were mapped by Colorado Parks & Wildlife. The agencies have proposed to prohibit surface occupancy or disturbance within four miles of a lek in Preliminary Priority Habitat (PPH) during nesting, lekking, and early brood-rearing periods. The four-mile buffer around leks does not address the variations in habitat quality or use and given the topography of the planning area there is substantial acreage within four miles of leks that may not actually be GSG habitat.

The map of "Ecological Sites Supporting Sagebrush" fails to differentiate between sagebrush habitat quality or use by GSG. As a result, the agencies may be arbitrarily expanding areas subject to the management restrictions outlined in the DLUPA/EIS to areas that do not actually contain active leks or GSG habitat. In addition, there is no scientific evidence that enforcing rigid, uniform restrictions across thousands of acres will actually benefit the species and its habitat, which is counter to the

² Rob Roy Ramey, *Review of Data Quality Issues in a Report on National Sage-Grouse Conservation Measures Produced by the BLM National Technical Team (NTT)*, (September 19, 2013).

agencies' objectives for this planning process. These factors undercut the agencies' ability to work with users of public lands to identify site-specific plans that allow for development while protecting the GSG and high-quality habitat.

Furthermore, the agencies have not provided a mechanism to ground-truth the habitat areas on a project-specific basis before imposing restrictions, or to monitor its quality or use in the future. Without ground-truthing and future monitoring, the agencies will likely preclude multiple-use activities in areas that do not actually support GSG habitat or active leks, unnecessarily preventing economic activities without commensurate benefit to GSG populations and habitat.

Inadequate Socioeconomic Analysis

Users of public lands in northwest Colorado pump millions of dollars of into the national, state and local economies and provide thousands of high-paying jobs within the planning area. The management restrictions and closures in the DLUPA/EIS will undeniably have a direct impact on these users and will have a negative impact on the future viability of coal and hard rock mining, oil and natural gas development, agricultural production, grazing and ranching activities, and power generation in the planning area and beyond. As a result, crucial tax revenue and other economic benefits from these activities will decline.

Unfortunately, the agencies underestimate and consequently underreport this negative impact. The socioeconomic analysis is biased in favor of non-market valuation methods which by the agencies' own admission "are not directly comparable to regional economic indicators commonly used to describe how natural resources on public lands contribute to the regional economic indicators such as output/sales, labor income, and employment."³ Due to this bias, the agencies have overestimated non-market valuations and underestimated the negative economic impact on local communities and the State of Colorado.

The agencies portray the socioeconomic impacts on the entire planning area but do not delineate the effects that would result from the proposed management restrictions on specific areas, including counties. A more specific portrayal of the projected impacts which was proposed by many cooperating agencies during the scoping process would help those impacted to fully understand the varying levels of socioeconomic impacts that will result from the DLUPA/EIS.

Disturbance Cap Methodology

Limiting surface disturbance in the 21 management zones using a cap is a central component of the management of GSG as proposed in the DLUPA/EIS. The methodology proposed for implementing a cap in the DLUPA/EIS is not clearly defined, lacks scientific justification, and no evidence exists that it will result in sustaining or increasing sage grouse populations.

The agencies have not adequately elucidated several critical details about the functionality and application of the cap concept. For example, the DLUPA/EIS does not clearly explain the scientific

³ DLUPA/EIS at M-13

data or the sources for that data that is being used to establish the cap; how the disturbance database would be managed and updated and by whom; if or how disturbance percentages will capture reclamation or habitat enhancements; whether and how temporary anthropogenic disturbances will be treated differently than permanent disturbances; and whether and how GSG populations will be actively monitored in each zone and by whom. Because a cap tool, like the one proposed in the DLUPA/EIS, presents myriad challenges that may inhibit consistent and clear implementation, the basis and functionality of the tool must be clearly thought out and presented to entities that will be impacted by its use.

The agencies have not presented information adequately demonstrating that limiting total disturbance to less than 30% in a particular management zone is actually achievable, scientifically defensible, and would result in stable populations in the management zones. Habitat disturbance should be managed according to more localized considerations including habitat quality and habitat distribution, as well the nature and variability of multiple use activities and their associated mitigation.

We are similarly concerned that the cap approach affords the agencies the unprecedented discretion to halt projects on public lands in order to compensate for disturbances on private land. While the agencies state they will not inventory private lands or monitor the activities of private landowners, they will track and account for large projects on private lands and apply them against disturbance caps.⁴ This approach represents a broad overreach of the agencies' authority and is inappropriate.

Mitigation Strategy and Context for Use

Throughout the DLUPA/EIS, the agencies reference the notion of utilizing mitigation strategies but have not adequately defined the basis or context when mitigation might be used. While BLM has adopted an interim offsite mitigation policy, the DLUPA/EIS lacks the specificity necessary to implement approaches that would meet the parameters of this policy, much less give adequate direction to BLM Field Offices that mitigation is a viable option.

Colorado, through a diverse stakeholder process, has under development a mitigation approach called the *Colorado Habitat Exchange* that would meet, if not exceed, BLM's mitigation policy. We request that the agencies develop a more meaningful strategy for mitigation and further define the means by which mitigation might be used in the context of the alternatives in the DLUP/EIS with special attention paid toward the efforts underway in the State around the *Colorado Habitat Exchange*.

⁴ DLUPA/EIS at F-3

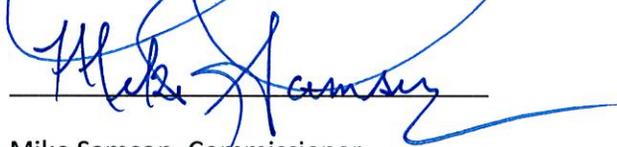
Conclusion

We respectfully request that the agencies rectify the issues identified above before preparing the final LUPA/EIS and issuing a Record of Decision. As written, the DLUPA/EIS does not represent a balanced approach to the future conservation of GSG and economic development in the planning area and its implementation may ultimately preclude the agencies from carrying out their respective multiple-use mandates. It also far exceeds what is needed to demonstrate to FWS that a federal listing of the GSG is unnecessary. The undersigned organizations appreciate the agencies' consideration of these concerns and are fully willing to further discuss these comments and recommendations with you in more detail.

Sincerely,



John Martin, Chairman
Board of County Commissioners



Mike Samson, Commissioner



Tom Jankovsky, Commissioner

Other Signatures include:

Associated Governments of Northwest Colorado
Moffat County Commissioners
American Petroleum Institute
Bord Gulch Ranch
Colorado Cattlemen's Association
Colorado Farm Bureau
Colorado First Conservation District
Colorado Mining Association
Colorado Public Lands Council
Colorado Woolgrowers Association

Douglas County Conservation District
Independent Petroleum Association of America
Public Lands Advocacy
Rio Blanco County Commission
West Slope Colorado Oil and Gas Association
Western Energy Alliance
White River Conservation District

cc: The Honorable John Hickenlooper, Governor, State of Colorado
The Honorable Mark Udall, U.S. Senate
The Honorable Michael Bennet, U.S. Senate
The Honorable Scott Tipton, U.S. House of Representatives
Tom Tidwell, Chief, U.S. Forest Service
Neil Kornze, Acting Director, Bureau of Land Management
Jim Cagney, Northwest Colorado District Manager, Bureau of Land Management
Mike King, Executive Director, Colorado Department of Natural Resources
Robert Broscheid, Director, Colorado Parks & Wildlife

**DEFICIENCIES IN THE
NORTHWEST COLORADO GREATER SAGE-GROUSE
DRAFT ENVIRONMENTAL IMPACT STATEMENT AND LAND USE PLAN AMENDMENT**

November 26, 2013

I. Overview

Garfield County finds the Northwest Colorado Greater Sage-Grouse Draft Environmental Impact Statement and Land Use Plan Amendment (DEIS) is deficient in numerous areas and does not comply with the National Environmental Policy Act (NEPA), Council on Environmental Quality Regulations (CEQ Reg.), Federal Land Policy and Management Act (FLPMA), Bureau of Land Management (BLM) NEPA Planning Regulations, BLM Departmental Procedures as well as U.S. Forest Service NEPA planning rules and departmental procedures.

Attached to this memo is an analysis using the NEPA checklist from the BLM Environmental Statement Memorandum that assesses whether the DEIS is compliant with the statutes, rules and procedures that govern the preparation of an environmental impact statement. In making this assessment, major failings of the DEIS have been identified and are being included through these comments for the purpose of providing the BLM and USFS and opportunity to correct the flaws prior to releasing a final statement. We find that the document needs to be redrafted to include the missing information and correct critical errors, and a supplemental statement should be prepared to carry forward the local plan alternative.

II. Analysis

A. Failure to Rigorously Analyze and Consider All Reasonable Alternatives

Selection and discussion of the alternatives in an Environmental Impact Statement are the foundation from which all other analysis and comparisons are made to complete a proper statement. In fact, CEQ regulations describe the alternative analysis as “the heart of the environmental impact statement.” (40 CFR 1502.14)

“This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment and the Environmental Consequences, it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public.”

To fulfill this duty, the lead agency is required to “Rigorously explore and objectively evaluate all reasonable alternatives.” (40 CFR 1502.14(a)) The Northwest Colorado Greater Sage-Grouse Draft Environmental Impact Statement (DEIS), fails to provide this analysis. It does this in three primary ways:

(1) By not preparing and carrying forward the local plan alternative that was discussed during scoping, thereby providing the local perspective on how best to conserve the sage-grouse;

(2) By not fully describing, discussing and analyzing the no action alternative with the same context and intensity as the action alternatives; and,

(3) By only carrying forward three similar action alternatives with vary degrees of application of the same conservation measures.

1. Failure to Prepare and Carry Forward the Local Plan Alternative

During the scoping process, the counties within the planning area participated as cooperating agencies, including Garfield County. Appropriately, during this forum, the counties advocated preparing one alternative that represented the local perspective, which would be a combination of five local sage grouse conservation plans that together covered the planning area. Each of the plans took into account the unique local topography and habitat of the different areas, as well as, the unique industries in each area and created policies and conservation measures that matched the local impacts on the greater sage-grouse. The local plans balanced sage-grouse conservation with the productive use of the land and advocated policies which provided for continued use of the land by the people who lived in the communities.

This was a distinctly different approach to sage-grouse conservation than the NTT, top down, eleven-state blanket set of policies mandated to be considered as an alternative by the Department of Interior Secretary. The counties felt that a local alternative should be included in order to ensure that all of the perspectives of the competing interests were appropriately represented in the environmental statement. In this way, the alternatives would be distinct with “sharply defining issues,” “providing a clear basis for choice among options.” Their request was summarily dismissed by the lead agency with little explanation as to why, other than Washington D.C. would not accept the local plan approach.

However, when national pressure was placed on the agency by environmental organizations that advocated complete removal of the productive resource industries, such as livestock and the oil and gas industries, an alternative representing their views was included. This is currently Alternative “C” in the DEIS.

Garfield County initiated coordination with the lead agency and the Bureau of Land Management (BLM) for the purpose of ensuring consistency with the local policies and to gain further explanation as to why the local perspective was not being included in the analysis. The County was told by the Northwest Colorado BLM Director that the reason the plan the County participated in (The Piceance-Parachute-Roan Plan, or PPR) would not work was because it was “voluntary,” and the agency could not implement such a program.

Given that feedback, Garfield County refined the PPR plan for the area within its jurisdiction and developed a series of mandatory policies that were based on the best available science that could be implemented by the BLM. The plan was submitted to the BLM during the scoping process prior to the completion of scoping comments giving the agency sufficient time to consider and include the Garfield Plan as a reasonable alternative for the area within the counties jurisdiction.

The lead agency did not sufficiently analyze or carry forward the Garfield County plan. Instead, it included the Plan and the County's analysis in the DEIS as an appendix for the public to comment. The BLM refused to carry forward the Plan stating that the conservation measures in the County's plan were incorporated into the other alternatives. Nothing could be further from the truth.

None of the alternatives remotely resemble the science-base approach of the Garfield plan, nor the habitat delineation, nor the policies based on local topography. The very appendix the BLM included in the DEIS that provides the County's plan also includes the County's analysis of the numerous inconsistencies between the three action alternatives and the County's plans, none of which have been addressed or resolved. Their statement that the County's policies are included in other alternatives is disputed by the evidence in their own DEIS pointing out the inconsistencies. The BLM's decision not to carry forward the Garfield plan was strictly a policy decision and one that does not comply with the requirements of NEPA.

NEPA requires that when there are unresolved conflicts between local plans and the proposed action that these conflicts be discussed in the Environmental Consequences section of the document. 40 CFR 1502.16 (Environmental Consequences) "It shall include discussions of:

(c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned."

There is no such discussion in the DEIS in the environmental consequences section or any other section of the document.

Further, the agency is required to include an alternative in the analysis that resolves the conflict between the proposed action and the local plans and policies (40 CFR 1501.2).

"Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Each agency shall:

(c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act."

There are considerable and numerous unresolved conflicts between the counties' plans and the proposed action and these were brought to the attention of the BLM repeatedly and at every opportunity throughout the development of the DEIS. But, the counties concerns were ignored. The evidence of this is the DEIS itself, which does not carry forward an alternative that resolves the conflicts with the counties in the planning area, and makes no mention of the action it will take to resolve these conflicts.

Had the BLM been forthcoming with the counties early in the process as to the reasons it would not consider the local plans, and then been willing to work with the counties to develop a local plan alternative that it could implement, then such an alternative could have been carried forward and

available for review by the public and decision makers. That Garfield County was able to refine its plan into an approach that could be adopted and implemented by the agency in just a few short months, demonstrates how easily this could have been done for the entire planning area during the two-year scoping process. However, the BLM was unwilling to carry forward an alternative that truly represented the local perspective. Instead, it slightly modified the NTT Alternative (B) and labeled this the local option (Alternative D) to give the appearance that all viewpoints are represented through the range of alternatives.

Washington D.C.'s perspective to create a single use landscape is clearly represented in Alternative B. The Environmental Organization's agenda to eliminate all use of the land is fully described and analyzed in Alternative C. Alternative D, the so-called local option, varies little from its parent, Alternative B, and differs considerably for the actual local plans already in existence across the planning area.

The DEIS is fatally flawed, as it fails to offer an alternative that represents all the reasonable alternatives by excluding any consideration of a local plan option. A supplemental statement should be prepared that carries forward the local plan alternative.

2. Failure to Fully Describe, Discuss and Analyze the No Action Alternative

Section 40 CFR 1502.14(b) requires that the document "devote substantial treatment to each alternative considered in detail including the proposed action so that reviews may evaluate their comparative merits." This includes the no action alternative. However, in this case, the no action alternative (A) is sparsely described. The side-by-side table analysis shows detailed policies in the three action alternatives, but rarely details the current existing policies. In some cases, the policies detailed in the "action" alternatives are already authorized under current law, but the document fails to note this in the "no action" alternative. This appears to be a deliberate attempt to lead reviewers to believe existing laws do not contain conservation measures sufficient to protect the Greater Sage-Grouse. Nothing could be further from the truth. The DEIS fails to acknowledge that there are existing laws, regulations and policies that mandate the BLM and USFS manage habitat for candidate, sensitive, threatened, endangered and other special species designations.

3. Failure to Sufficiently Distinguish Between Alternatives

The three action alternatives are variations of the NTT policies mandated from Washington D.C. For instance, two key fundamental components that dictate the direction of the conservation policies and restrict the policy options come directly from the NTT report. These are the delineations of habitat and the required design features.

The habitat is delineated into priority, general and linkage habitat in the NTT report and also in all three action alternatives. This type of habitat description may be appropriate in some areas, but not in all as is the case in Garfield County. However, by limiting each alternative through these habitat parameters, it follows that the conservation measures will have few variances.

In contrast, the Garfield County conservation plan defines the habitat areas as “suitable” and “unsuitable” with clear and reproducible parameters that can be verified and modified through ground-truthing. The suitable habitat area is much smaller (by 75%) than the BLM’s “priority” habitat. As a result, Garfield County was able to develop a no surface occupancy policy for these areas knowing that it was not guessing as to whether the habitat truly had the potential to contain sage-grouse, but instead knew the probability of sage-grouse presence was high. In so doing, the County’s policies then did not preclude use of unsuitable habitat.

Compare this to the other three alternatives which take in 75% more land as priority habitat, much of which is unsuitable for the sage-grouse. The path then to develop conservation measures is narrow and must allow flexibility knowing that most of the land within the area will be unsuitable for the sage-grouse. This has led to a suite of conservation measures and design features which are confusing and impractical to implement, regardless of which of the three action alternatives are viewed. Garfield County’s approach offers more regulatory assurances than the BLM’s approach, which takes a flow chart and years of analysis to determine how to implement the policies.

The three action alternatives lead to the same confusion, which caused the U.S. Fish and Wildlife Service to determine that the sage-grouse habitat was threatened because they could not ascertain an adequate assessment of the habitat nor could they acquire adequate information from the BLM on its existing policies.

It seems clear that the BLM is intent on repeating this failure since all three action alternatives are designed using the NTT habitat delineation, which then narrow the options to those dictated through the NTT report.

The required design features for each of the three action alternatives are also from the NTT report. These features are the “means, measures, and practices,” that are to be implemented on the ground. They are what must be implemented, so they are the ultimate on the ground result of the policy. The DEIS states that these design features “were derived from the NTT report.” (DEIS page xxxii) Although it states that these design features vary by alternative, the variances are slight. For instance, the “Required Design Features” (Appendix I-14) for Alternative B on wildfire management is, “On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in GRS habitat areas.” Alternative D requires that the agency “Pre-position fire suppression resources based on all resource values-at-risk.” (Appendix I-14) However, because Alternative D makes protecting the sage-grouse the highest value-at-risk, the two policies are essentially identical as they require the same response; prioritize sage-grouse over people on critical fire warning days.

While the DEIS claims the action alternatives are discrete, the analysis does not match the statement. They all are premised from the perspective that productive use of the land harms the sage-grouse. They all use the same methods and language defined in the NTT report. They all severely lock up the land from productive use compared to what is occurring today.

Not one of the alternatives offers a balanced approach that includes man and his environment working in productive harmony, which is the very essence of the purpose for the NEPA analysis. In fact, Congress declared the following to be our National Environmental Policy when it passed NEPA into law:

*“The Congress, ... recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, **in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.**” (42 USC 4331)(emphasis added)*

Had the local plan alternative been considered and not summarily dismissed, then such an alternative would be available for a meaningful comparison that fulfilled the NEPA mandate to maintain conditions where man and nature exist in productive harmony. Instead, the DEIS fails to consider **all** reasonable alternatives and specifically excludes the one alternative that promises to fulfill our national environmental policy. A supplemental statement should be prepared which corrects this error.

B. Failure to Coordinate the Planning Criteria with Garfield County

BLM rules require that the planning criteria, which are the “standards, rules and factors used as the sideboards to resolve issues and develop alternatives” (DEIS xxix), be developed in coordination with local governments.

“Planning criteria will generally be based upon applicable law, Director and State Director guidance, the results of public participation, and coordination with any cooperating agencies and other Federal agencies, State and local governments, and federally recognized Indian Tribes.” (43 CFR 1610.4-2 (b))

The DEIS states that this was accomplished.

“Criteria also were based on public participation and coordination with cooperating agencies, other federal agencies, state and local governments, and Indian tribes.” (DEIS xxix)

Garfield County attended all but one of the cooperating agency meetings, and reviewed the minutes of the meeting they were absent. Also, the county initiated and held three coordination meetings in which the BLM was directly involved. At no time during any of these meetings was there a discussion of the “planning criteria,” and was Garfield County’s input sought. The DEIS is in error by stating otherwise. The BLM failed to coordinate the planning criteria with Garfield County.

C. Failure to Resolve Inconsistencies with the Garfield County Greater Sage-Grouse Conservation Plan

As has been stated above, NEPA requires that conflicts with local government plans be resolved and when this cannot be achieved, the lead agency shall include an alternative that brings forward this perspective to be compared with the proposed action. This was not fulfilled.

At the very least, the BLM is obligated to explain why it was not able to resolve the conflicts.

*“To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and law (whether or not federally sanctioned). **Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.**” (40 CFR 1506.2(d)) (Emphasis Added)*

The DEIS is completely silent on this element. In Chapter 6, titled “Consultation and Coordination,” section 6.4 “Coordination and Consistency” should address this very issue. Instead it fails to even address how conflicts will be resolved with local plans. The complete section reads as follows:

*“The BLM’s planning regulations (43 CFR 1610) require that its RMPs be consistent with officially approved or adopted resource-related plans of other federal, state, local, and tribal governments, to the extent that those plans are consistent with federal laws and regulations applicable to public lands. Plans formulated by federal, state, local, and tribal governments that relate to management of lands and resources have been reviewed and considered as the LUPA/EIS has been developed. These plans can be found in **Chapter 1, Section 1.7, Relationship to Other Policies, Plans, and Programs.**” (DEIS pg. 988)*

There is no explanation as to what the conflicts are, why they cannot be resolved and how they will be resolved. NEPA requires this resolution be identified and explained in the DEIS so that the public and decision makers can make an informed decision as to the true impact of the proposed action. NEPA does not allow an agency to ignore and hide the conflicts by failing to disclose these in the DEIS. The statement above seems to indicate the BLM is aware of conflicts but will not acknowledge these in the DEIS. This cheats the public of vital information. In fact, we believe that if such conflicts were disclosed, it could change the outcome of the selected alternative because the true environmental impact of the proposed action will have been revealed.

The DEIS does not attempt to resolve any of the inconsistencies between the Garfield County plans and policies and the proposed action, even though the lead agency was aware of the conflicts. The initial analysis of inconsistencies made by the County during the scoping process (found in Appendix D) is still relevant and unresolved. Therefore, the County carries forward these concerns for consideration during this generation of comments and will expect these to be addressed by the agency. A consistency review should be initiated by the agency in coordination with the County to address these and other inconsistencies not specifically identified here.

These conflicts are not insignificant. For example, the County's Sage-Grouse plan requires that all policies rely on the best available science consistent with the standards of the Information Quality Act.

Principle #3: Sage-grouse management decisions shall be made based on the best available scientific information that is applicable to sage-grouse habitat in Garfield County. The scientific information used will be consistent with standards of the Information Quality Act (see definitions of Quality, Objectivity, Utility and Integrity), as determined by the County.

As is repeatedly pointed out in these comments and previous comments, much of the science relied upon to prepare the NTT report, and therefore this DEIS, will not meet the standards of the Information Quality Act (IQA). This includes the 3% disturbance cap, the four (4) mile buffer and the noise disturbance measures, to name a few. Further, the BLM knew the science behind the NTT report was flawed and, in some cases, knew that some of the conservation measures they had written violated the law, which is documented in the NTT email FOIA package.

The planning criteria also require that the science comply with the IQA. This puts the entire DEIS in question because the same agency that required the NTT report be relied upon when developing the alternatives, also knew that the science did not support these measures and did not comply with the IQA. Never the less, they moved forward with the flawed science, crafted a sweeping set of new policies that will fundamentally change the landscape, and placed statements in the DEIS asserting that everything conforms to the standards of the IQA. **This is a deliberate attempt to mislead the public.**

More egregious is that the habitat maps, which delineate the lands to be restricted, are not reproducible and the BLM is aware of this deficiency. The only habitat map that is reproducible is the map they refused to carry forward in the analysis, the Garfield County habitat map. The questionable process used to prepare the BLM's habitat maps, compiled by Colorado Parks and Wildlife (CPW), were revealed in a public coordination meeting attended by CPW and BLM. In this meeting, the CPW acknowledged that the habitat maps they provided to BLM were not reproducible, but rather were compiled making "judgment" calls. With no means to duplicate and verify the information, the BLM has knowingly asked the public to rely on maps that do not comply with the IQA.

It is for this very purpose that Principle 3 of the Garfield County plan exists; to ensure that regardless of which agency is implementing the measures for the conservation of the sage-grouse, it will be based on sound science and verifiable methods. Ultimately, it is the people and the sage-grouse that will be harmed if the BLM fails to disclose these and other conflicts, and correct the fatal flaws.

D. DEIS Prepared to Justify NTT Policy

The CEQ regulations for implementing NEPA set forth the manner in which environmental impact statements are to be prepared. One of these critical requirements is to ensure that statements are prepared to assess the impacts and are not to be prepared to justify a particular policy. The reason for the NEPA process would be irrelevant if Congress had intended the Act to simply become a procedural rubber stamp that would allow the agency to pursue its programs in the manner it preferred, regardless

of the impacts. Rather, the purpose of the Act is to ensure that all the impacts of the proposed action are fairly and thoroughly examined and that all reasonable approaches to implement the action are considered. The Environmental Impact Statement is not intended to be used as a device to justify a certain outcome.

“Environmental Impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.” (40 CFR 1502.2(g))

The preparation of this DEIS was clearly put forward for the purpose of implementing the NTT policies mandated by Washington D.C.

The BLM contends that the NTT report was created to provide the agency with a science-based suit of conservation measures for the protection of the Greater Sage-Grouse. The report was generated in response to the U.S. Fish and Wildlife Service’s (USFWS) determination that listing of the grouse was warranted, but precluded. BLM has stated that a new set of conservation measures were needed across the 11 western states in an effort to preclude a listing.

However, the USFWS did not call for new conservation measures to be put in place. Rather, they found that the data available through the BLM and U.S. Forest Service (USFS) was lacking and incomplete preventing them from making an assessment on the quality of habitat or on the adequacy of existing regulatory measures. It was the agency’s reporting and monitoring activities that were identified as the problem.

“the BLM ... reported information at a different scale than was used for their landscape mapping. Therefore, we lack the information necessary to assess how this regulatory mechanism effects sage-grouse conservation... .” (USFWS Candidate Determination at 75 FR 13976)

“The land use planning process and other regulations available to the USFS give it the authority to adequately address the needs of sage-grouse, although the extent to which they do so varies widely across the range of the species. We do not have information regarding the current land health status of USFS lands in relation to the conservation needs of greater sage-grouse; thus, we cannot assess whether existing conditions adequately meet the species’ habitat needs.” (USFWS Candidate Determination at 75 FR 13980)

The BLM and USFS, therefore, are misleading the public into believing that the USFWS has directed the agency to put in place new conservation measures, when in fact, they have not. These new measures are at the direction of the Secretary of Interior, who is using this opportunity to make significant policy changes that will forever impact the western landscape. Hence, the preparation of the NTT report.

Although the NTT report was to be prepared to provide a scientific basis for new conservation measures, it instead became a vehicle to implement the policy objectives of the current administration. A review of the FOIA NTT emails shows that significant debates were had between the scientists and policy makers, with the policy makers ultimately prevailing. The conclusion then drawn is that the NTT report is ultimately a policy document where scientific citations are added to justify the policy, rather than policies being written based on the science. The following email is from a FOIA response by Department of the Interior, Bureau of Land Management, and Office of the Solicitor to a request by Idaho Governor Otter. (See **Exhibit M** for this and additional internal BLM correspondence on this issue.)

“If we don't have the science I'm assuming it will be our best professional judgment. So, if you could get each of you to take a shot and identify a research citation that supports the biological recommendation along with the full citation I would greatly appreciate the help. Many of you were authors/editors of the SAB and/or an editor of a recent book, so you will have a much better handle on the recent literature than I. I will put together the literature cited and then can incorporate those citations into a more “final document” along with the literature cited. I would like to get this to Raul before COB Thursday. Thanks in advance.

***Tony Apa
Sage-Grouse Research Biologist
Colorado Parks & Wildlife
Northwest Region Service Center”***

Secretary of Interior Salazar then issued an Interim Memorandum (IM 2012-044) directing the BLM to prepare an Environmental Impact Statement for the purpose of amending Resource Management Plans with new Greater Sage Grouse conservation measures. Included in this memorandum was the requirement that at least one of the alternatives considered had to be based on the conservation measures set forth in the NTT Report.

The purpose and need statement of this DEIS directs the agencies to include the NTT conservation measures and policies when preparing the alternatives.

“The purpose of this LUPA is to identify and incorporate appropriate GRSG conservation measures into LUP’s. In compliance with BLM Instruction Memorandum 2012-044, BLM National Greater Sage-Grouse Land Use Planning Strategy (BLM 2012a)(Appendix A), the measures to be considered include appropriate conservation measures developed by the National Technical Team (NTT). (DEIS page xxvi)

So, even if during the scoping process, the BLM determined that the conservation measures developed through the NTT report were not appropriate for Northwest Colorado, they were still required to pursue a pure NTT alternative. More importantly, however, what has resulted is three NTT based action alternatives, as discussed above. There are no alternatives carried forward that are distinctly unique

from the NTT approach. Further, the no action alternative, also not based on the NTT report, was minimally described so as to give the appearance that sufficient conservation measures are not currently in place.

As a result, we now have a DEIS out for public comment that restricts selection of an alternative to one of the three NTT based actions. We believe this was by design. First, the public has been misled into believing that a new suit of conservation measures are necessary to preclude a listing, when existing regulations are sufficient. Second, the NTT report was purported to have been created to provide the scientific basis for new measures, when instead it was created to justify the administration's new policies. Third, the Secretary has insisted that one of the alternatives in all the EIS's for Greater Sage-Grouse conservation be based on the NTT report. And fourth, the resulting document fails to fully disclose and analyze potential alternatives not based on the NTT report. As a result, unless major changes are made in the preparation of this document, the BLM has deliberately narrowed all options left on the table to one that is based on the NTT report.

It is our belief that this DEIS is being prepared to justify a new sweeping policy that will significantly change the western landscape. It is not being prepared for the purpose of providing a reasonable range of options to be equally compared and assessed. This DEIS has been prepared to justify putting into place the policies developed through the NTT report. It violates the very purpose of preparing an environmental impact statement.

III. Summary

Major flaws exist in the DEIS as released to the public exposing the administration to a legal challenge. These deficiencies must be corrected for the public and decision makers to understand the full breadth of impacts that will come as a result of the proposed action, and an alternative needs to be carried forward that represent the perspective of those who will be most directly impacted; local communities. It is the very essence of NEPA to do so. This document either needs to be redrafted in its entirety, or at the very least a supplemental statement prepared that corrects the deficiencies and provides full analysis of the no action alternative while also carrying forward the local plan alternative.

Analysis of Compliance of the BLM’s Northwest Colorado Greater Sage-Grouse Draft LUPA/EIS (DEIS) with National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ), and the BLM’s own Policies and Procedures

November 26, 2013

[Analysis by Mary Darling (Darling Geomatics) in relation to the Draft LUPA/EIS and BLM 2013 Checklist for Use in Preparing National Environmental Policy Act (NEPA) Documents and for Complying with NEPA, Council on Environmental Quality (CEQ), and Departmental Procedures.]

As background, the BLM prepared a January 2013 memorandum to transmit guidance to be used by bureaus and offices to ensure uniform compliance with the policies and procedural requirements of NEPA, the CEQ regulations implementing NEPA, departmental regulations at [43 CFR Part 46](#), and the Departmental Manual at [Part 516 DM, Chapters 1-15](#). This analysis uses the NEPA checklist from the BLM Environmental Statement Memorandum to assess compliance.

1. NEPA Application Considerations

Does the decision involve a “major Federal action” that may have a “significant” impact on the quality of the human environment? ([40 CFR § 1502.3](#))

Analysis – Undisputedly – Yes.

Does the action fall into one of these categories?

A major Federal action does **not** include funding assistance solely in the form of general revenue sharing funds (e.g., funds distributed under the State and Local Fiscal Assistance Act of 1972, 31 USC 1221 et. seq.) with no Federal agency control over the use of the funds. Another example is Payments in Lieu of Taxes (or PILT) which are Federal payments to local governments that help offset losses in property taxes due to nontaxable Federal lands within their boundaries (31 USC 6901, et. seq.) ([40 CFR § 1508.18\(a\)](#)) Is the action one of these types?

2. Circumstances When There is a Major Federal Action, but NEPA Does Not Apply

Does the decision or action qualify as a major Federal action that has been specifically exempted by Congress from the usual compliance with NEPA requirements? (Consult with the Office of the Solicitor)

Analysis - No

3. Initial Development/Internal Scoping

Is there a proposal for a Federal action?

Analysis – Yes

Has the bureau formulated a concise “proposal” and conducted internal scoping to define potential effects and alternatives?

Analysis – Yes

Can the potential effects (impacts) of the proposal, and all feasible alternatives to it, be meaningfully evaluated?

Analysis – Yes

If not, review the proposal to determine the appropriate level of NEPA documentation or develop a better definition of the proposed action.

[\(43 CFR § 46.100\)](#)

Has the bureau or office developed a “purpose and need” statement?

Analysis – Yes

Is the proposal a major Federal action having the potential to significantly affect the quality of the human or natural environment?

Analysis – Not necessarily. The No Action Alternative (Current Management) can continue to be implemented without proposing a new major federal action. The GRSG and its habitat can and should be protected under the No Action Alternative. The EIS was unnecessary.

If so, is an environmental impact statement (EIS) planned?

Analysis – The Draft LUPA/EIS did not need to be planned. The agencies used a top down approach and Washington DC personnel dictated the preparation of new plans, regardless of the adequacy of existing regulatory mechanisms under the No Action Alternative.

When the USFWS attempted to analyze existing regulatory mechanisms to determine whether or not they were adequate to protect GRSG, USFWS did not direct BLM and USFS to create new plans with new regulatory measures. Instead, USFWS merely pointed out that they did not have the ability to assess regulatory mechanisms because of how the information was being reported.

As stated by USFWS at 75 FR 13976 – *“the BLM ... reported information at a different scale than was used for their landscape mapping. Therefore, we lack the information necessary to assess how this*

regulatory mechanism effects sage-grouse conservation... .”

As stated by USFWS at 75 FR 13980 “The land use planning process and other regulations available to the USFS give it the authority to adequately address the needs of sage-grouse, although the extent to which they do so varies widely across the range of the species. We do not have information regarding the current land health status of USFS lands in relation to the conservation needs of greater sage-grouse; thus, we cannot assess whether existing conditions adequately meet the species’ habitat needs.”

It seems clear from the Warranted but Precluded determination quoted above that USFWS was seeking evidence that the current regulatory mechanisms within BLM and USFS would be implemented and that the effectiveness of those mechanisms would be documented.

If not, why not?

Analysis – See above.

Has NEPA compliance already been completed for this action in a previous document?

Analysis – Yes. Both agencies completed previous NEPA documents with decisions that can continue to be implemented under the No Action Alternative.

4. Categorical Exclusions

Analysis – N/A

5. Deciding Between an environmental assessment (EA) or EIS

Analysis – N/A

6. Developing the EA ([43 CFR Subpart D](#))

7. Cooperating Agencies ([40 CFR §§ 1501.5](#) and [1501.6](#). See also [43 CFR § 46.230](#))

Have you invited eligible Federal, state, tribal and local governmental entities to become cooperating agencies (required for an EIS, or you must explain in the EIS why an eligible entity was denied cooperating agency status).

Analysis - Yes

As the lead agency, did you establish a formal cooperating agency/lead agency relationship with a Memorandum of Understanding, Memorandum of Agreement, or other document that formally delineates the commitments and expectations of the lead and cooperating agencies?

Analysis - Yes

8. Public Participation

Has a Notice of Intent to Prepare an Environmental Impact Statement been published in the Federal Register?

Analysis - Yes

Is there an alternative that is supported by the affected community and stakeholders? If so, is this the preferred alternative? ([43 CFR § 46.110](#))

Analysis – The affected community and stakeholders represented by Garfield County support the No Action Alternative. In the alternative to this action, the Garfield County Sage-Grouse Conservation Plan should have been analyzed and carried forward as the preferred alternative for the area within the jurisdiction of Garfield County. An alternative that represented the local perspective could have been developed by combining the locally developed sage-grouse plans into one alternative. However, this idea was rejected during the cooperative agency meetings and later in coordination meetings with Garfield County.

Is staff trained in public participation practices? If not, training should occur before any public meeting is held.

Analysis – No comment.

Has public scoping been planned? Initiated? Completed? If not, what kind of public involvement is anticipated or did occur? ([43 CFR § 46.435](#))

Analysis - Yes

9. Tiered Analysis ([40 CFR §§ 1502.20, 1508.28](#))

Did you consider using tiering from an analysis broader in scope, or from an existing programmatic EIS?

Analysis – No comment.

10. Incorporation by Reference

Did you consider incorporating a comparable analysis from a previous document?

Analysis – No comment.

Is the analysis over 10 years old? If so, is it still relevant? Document the relevance. If not, have you attempted to obtain relevant information that is available at reasonable cost?

Analysis – No comment.

Does the EIS make use of incorporation by reference whenever and wherever it will cut down on bulk without impeding agency and public review of the action?

[\(40 CFR § 1502.21\)](#)

Analysis - Yes

Has the incorporated material been accurately cited in the EIS and its content briefly described?
[\(40 CFR § 1502.21](#) and [43 CFR § 46.135\)](#)

Analysis - Yes

Is the material incorporated by reference reasonably available for inspection by potentially interested persons within the time allowed for comment? ([40 CFR § 1502.21](#))

Analysis – No. Many literature citations are only available online through research library subscriptions that the general public does not have access to. Others are not available unless purchased for considerable sums of money such as \$95 or higher.

Example - <http://sagemap.wr.usgs.gov/monograph.aspx>

“Pre-release of the 25 chapters formerly available on this web site occurred under special arrangements with the authors, the Cooper Ornithological Society, and the University of California Press. Per this agreement, pre-release chapters were removed when the book was published. The book is now available from the University of California Press and many major booksellers.”

So, after being paid once by a federal agency, some federal biologists allowed their publications to be locked in profit centers where the authors, the Cooper Ornithological Society (COS) and University of California Press (UCP) sell the publications for a considerable fee. The public cannot copy any text from the government authors/COS/UCP e-book version nor print any of its contents. This effectively limits distribution and restricts independent review while securing and increasing government authors/COS/UCP profits. Taxpayers paid for the production of almost all the referenced sage-grouse publications. This raises the question of whether the documents are a private product or a U.S. Government product since the taxpayers undoubtedly supported the production and publication that are now being sold online in a read-only format.

11. Incomplete or Unavailable Information ([40 CFR § 1502.22](#) and [43 CFR § 46.125](#)) If a bureau or office has evaluated reasonably foreseeable significant adverse effects on the human environment in an EIS and there is incomplete or unavailable information, has the bureau or office made it clear that the information is lacking?

Analysis – No – The there is a plethora of incomplete data, much of which is available, yet the document does not make it clear that the information is lacking. For example, the agencies used 1996 to 1998 federal wage data. Since there would be significant adverse effects to the socio-economic environment with any of the action alternatives, old economic data is unacceptable. The Draft LUPA/EIS did not discuss this weakness in the analysis.

The Draft LUPA/EIS contains incomplete data on private land and the socio-economic effects of each action alternative as the effects relate to private land and private industries, as well as how the action alternatives affect the local, regional, national and global economies.

The Draft LUPA/EIS contains incomplete information on the full extent of the significant adverse impacts to the local, regional, national and global economy from the loss of oil and gas, food production, jobs, etc.

12. Adopting another Agency's NEPA Document

Can another agency's NEPA document, whether an EA ([43 CFR § 46.320](#)) or an EIS ([40 CFR § 1506.3](#)), be adopted for the proposal under consideration? Does the analysis meet the standards of the CEQ regulations?

Analysis – The BLM and USFS had existing NEPA documents that they could have continued to utilize. The Draft LUPA/EIS was unnecessary. The Draft LUPA/EIS was put together too quickly and fails to analyze the adequacy of the No Action Alternative. Instead, the Draft LUPA/EIS uses a small number of recently written federal publications to make a strong federal case for a series of overly restrictive new federal policies that forsake anything except sage-grouse. The new federal policies ignore existing federal laws, regulations, and policies as well as state and local laws and private property rights. The Draft LUPA/EIS does not meet the standards of the CEQ regulations.

Have you independently reviewed and evaluated the analysis and assumed the responsibility for scope and content of the document?

Analysis – The agencies did NOT review and evaluate the analysis. Instead, BLM and USFS condoned a cut and paste process that allowed for incorporation of only a limited number of publications from certain government agencies. The governmental agency publications including the NTT report started with the end in mind (satisfy the litigious environmental groups by stopping oil, gas, mining, livestock grazing, etc. in eleven western states), then cherry picked any data that fit their “sky is falling” paradigm. This process created a flawed NEPA analysis.

As a case in point, information obtained from a FOIA response by Department of the Interior, Bureau of Land Management, and Office of the Solicitor to a request by Idaho Governor Otter's office (herein referred to as NTT FOIA Package) included an email stating the following:

“If we don't have the science I'm assuming it will be our best professional judgement. So, if you could get each of you to take a shot and identify a research citation that supports the biological recommendation along with the full citation I would greatly appreciate the help. Many of you were authors/editors of the SAB and/or an editor of a recent book, so you will have a much better handle on the recent literature than I. I will put together the literature cited and then can incorporate those citations into a more “final document” along with the literature cited. I would like to get this to Raul before COB Thursday. Thanks in advance.

Tony Apa

Sage-Grouse Research Biologist

Colorado Parks & Wildlife

Northwest Region Service Center”

BLM and USFS presented impacts (i.e. environmental consequences) by resource and alternative in the Draft LUPA/EIS, however the Draft LUPA/EIS fails to include any detailed or meaningful analysis of the

impacts to resources under any of the action alternatives, especially the socioeconomic impacts of withdrawing lands from locatable and saleable mineral development, livestock grazing, ROWs, etc. (See Draft LUPA/EIS Chapter 4).

The Draft LUPA/EIS authors can only speculate impacts because good science does not exist to back up the claims of benefits to GRSG from prohibitions of land uses. The agencies need to slow down and gather data before prohibiting the number of land use activities listed in the action alternatives.

As pointed out in the NTT FOIA Package:

“In several places (i.e. page 11) we noticed that there are references to only a few literature citations that attempt to portray the impacts to a program (lands, minerals, etc.) and as far as we know, there really are no studies that have been completed that show this direct correlation.”

The Draft LUPA/EIS fails to meet NEPA in that the authors do not discuss or analyze impacts the proposed withdrawals, segregations, and restrictions will have on GRSG except to say they will be beneficial. The Draft LUPA/EIS provides no quantitative analysis, data, convincing rationale or evidence of this assertion.

There is no attempt to quantify the impacts whether beneficial or adverse. Instead broad generalizations are used. Garfield County opposes any impact analysis that does not quantify the cumulative impacts the proposed management decisions will have on all uses of public lands, including locatable and saleable minerals exploration and development, livestock grazing, and ROWs. Detailed discussion of the impacts to locatable and saleable mineral operations and development, as well as to other land uses, must be thoroughly analyzed and developed, otherwise the Final LUPA/EIS documents will be vulnerable to legal challenges.

In Chapter 4, the Draft LUPA/EIS states there are numerous short-term negative impacts to GRSG, yet long-benefits. However, the Draft LUPA/EIS authors fail to explain the rationale for concluding that sage-grouse will benefit in the long- term – but certainly not in the short term. As an example, fire suppression and livestock grazing restrictions are likely to increase the potential for catastrophic fires; which would increase the potential for the spread of invasive species, which would then take decades to restore sagebrush ecosystems after wildfires. The impact analysis is fatally flawed and must be revised before the final EIS documents are published.

Alternatives B and D are based on recommendations in the NTT Report. These alternatives lead to an absurd outcome that makes hands-off, complete and full preservation of sagebrush habitat the agencies primary objective – rather than documenting and implementing existing regulatory mechanisms to protect sage- grouse populations and their habitat now and into the future while maintain habitat for other species and allowing multiple use. Garfield County opposes this misguided objective and urges BLM and USFS to recognize that they already have the regulatory measures to conserve GRSG habitat and the opportunity to minimize the likelihood of the USFWS determining it is necessary to list the GRSG as a threatened or endangered species.

The likelihood that USFWS will determine it is necessary to list the GRSG increases significantly if BLM and USFS fail to develop appropriate conservation measures to address the fire and invasive species cycle – one of the main threats to sage-grouse habitat range wide. Unfortunately, the conservation

measures in the NTT Report do not mainly address habitat threats due the wildfire – invasive species cycle and focus inappropriately on restrictions and prohibitions on land uses and the regulated community. Alternative C is especially egregious in that it recommends complete removal for livestock from the land without adequately addressing the increased fuel loads, increased fire risks, and increased noxious weed risks as well as decreased grass and forb vigor, decreased insect production, and ultimate destruction of GRSG habitat.

The assumptions used in the Special Status Species analysis are flawed, partly due to the way in which the NTT Report mischaracterizes other studies in order to support arbitrary habitat and disturbance thresholds. The analysis also contains broad generalizations that the level of disturbance directly correlates to the level of adverse impacts to species (Draft LUPA/EIS Ch. 4), but does not provide data to support that assertion. Based on the above mentioned flaws, the Draft LUPA/EIS is “inadequate as to preclude meaningful analysis” (40 CFR §1502.9(a)); and therefore the BLM and USFS must prepare and re-issue a revised draft which provides the analysis necessary.

Additionally, the CEQ regulation at 40 CFR § 1502.16(c) requires BLM and USFS to include discussion of “[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies, and controls for the area concerned.” Garfield County contends that the surface use restrictions and land withdrawals proposed within sage-grouse habitat under Alternatives B, C and D described in the Draft LUPA/EIS conflict with BLM’s own policy in Manual 6840, USFS’s policies in Manual 2670, the Colorado Public Land Health Standards, the General Mining Law, and BLM’s multiple use mandates under FLPMA. The Draft LUPA/EIS contains fatal flaws which render the document both inadequate and inconsistent with existing laws and policies.

The artificial construct of a monumental conflict between sage-grouse conservation and mineral, oil and gas, livestock grazing and other commodity development in the planning area is merely a ruse. The real issue is land control. Certain environmental groups have lobbied, become politically influential, and are attempting to have their preservationist philosophies implemented via abuses of the Endangered Species Act. Unfortunately, the Draft LUPA/EIS fails to recognize and disclose this conflict.

The Draft LUPA/DEIS fails to adequately address mitigation and new technologies. The oil and gas industry has developed significantly since the original drilling program studies by Holloran (2005) at the Pinedale Anticline in Wyoming. However, the Draft LUPA/DEIS quotes Holloran (2005) over and over as if there is no new data.

Instead they should reference <http://www.pinedaleonline.com/news/2012/10/GreaterSageGrousestu.htm>:

“Unlike the preliminary data presented in the 2008 and 2009 annual reports which suggested that sage-grouse were avoiding habitats near natural gas development with relatively high levels of activity, the 2009-2010 data suggests that well pad density may be a bigger factor than human activity in avoidance of winter habitats by sage-grouse. However, the final report also suggested that collecting liquids related to natural gas development off-site via an LGS may reduce the impact of development to sage-grouse habitat selection. An LGS, which Ultra, Shell and QEP Energy Company proposed and are implementing on the Anticline, is a system of

pipelines used to move condensate and produced water from the well pads to centralized gathering facilities and trunk pipelines. The LGS system largely replaces the trucks that were formerly used to haul fluids.

Matt Holloran, Senior Ecologist for WWC said, "Sage-grouse certainly appear to be avoiding areas with high well pad densities during the winter. However, the results additionally suggest that sage-grouse may be avoiding well pads with decreased human activity to a lesser degree than those with more activity. Given the potential biological importance of decreased functional habitat loss as a result of management actions and the fact that many wells on the study area were converted to LGS during the study—potentially influencing our ability to detect an effect given the strong fidelity to seasonal ranges exhibited by the species—a follow-up investigation of population-level reaction to LGS may be warranted in 5 to 10 years."

"The data from the previous years' studies must be taken into account when looking at the 2009-2010 data in the final report regarding potential benefits to sage-grouse distribution from the use of liquids gathering systems," said Aimee Davison, Senior Regulatory Specialist for Shell. "We are convinced that the previous years' data showing the benefits of the LGS to winter habitat selection by sage-grouse remains important, particularly since the LGS was only recently installed in many of the areas studied. The LGS is in its infancy and the benefits to all wildlife including sage-grouse as a result of the cumulative decrease in human activity must be viewed in the long term."

It is estimated that once the LGS is operational field-wide it will reduce truck traffic by 165,000 trips per year when the field is at maximum production.

Using radio-transmitting collars and data-loggers, sage-grouse presence was recorded at defined habitat patches on the Pinedale Anticline. The study compared habitat containing pads with active winter drilling, pads both with and without LGS, plowed main haul roads, and control areas. Researchers studied the length of time and number of visits sage-grouse made to the distinct habitat patches relative to the level of and type of development activity occurring near these patches."

Detailed discussion of the impacts to each of the resources with respect to the proposed mitigation measures for sage-grouse found throughout the Draft LUPA/EIS must be thoroughly developed and analyzed before the Final LUP/EIS is published.

BLM and USFS have failed to clearly indicate a Preferred Alternative for Garfield County to analyze. Instead, the agencies state that Alternative D is the agencies' preliminary preferred alternative. The Draft LUPA/EIS states that *"Alternative D is not a final agency decision but instead an indication of the agencies' preliminary preference that reflects the best combination of decisions to achieve BLM and USFS goals and policies, meet the purpose and need, address the key planning issues, and consider the recommendations of cooperating agencies and BLM and USFS specialists. The alternatives present a range of management actions to achieve goal of Greater Sage-Grouse conservation for the BLM Colorado Northwest District and the Routt National Forest. Major planning issues addressed include realty actions, oil and gas, minerals, travel management, grazing, and fuels management."* (Draft LUPA/EIS page xv), emphasis added).

Garfield County recognizes that agencies are only required to identify a Preferred Alternative at the

time the final LUPA/EIS is published (40 CFR § 1502.14(e)); however Garfield County contends that if there are any changes to the “Preliminary Preferred Alternative” or if a new alternative is developed, chosen and published at the time of the final NEPA document, public involvement will be precluded and the detailed analysis/disclosure required under NEPA, will not be met. The agencies will not have complied with their procedural obligations under NEPA.

BLM and USFS must provide detailed analysis that supports why the No Action or Preferred Alternative is in the best interest of the agencies as well as the public. BLM’s Land Use Planning Manual and Land Use Planning Handbook, II.A.7, pg. 22 (Rel. 1-1693 03/11/05) provides that BLM must identify how the Preferred Alternative best meets the multiple use and sustained yield requirements of FLPMA. BLM has failed to demonstrate how any of the alternatives best satisfy statutory requirements; balance BLM goals, objectives, and policies; and which alternative represents the best way to satisfy the Purpose and Need, address key issues, and consider cooperating agencies’ recommendations.

The USFS Land Use Planning Manual and Land Use Planning handbook procedures (FSM 1950 and FSH 1909.15) provide that USFS “*must provide an evaluation of alternatives and identification of a preferred alternative to the extent required by NEPA, CEQ regulations, and Forest Service environmental policies.*” As discussed below, the USFS failed to provide adequate evaluation of alternatives and adequately identify the preferred alternative as required by NEPA, CEQ and USFS policies.

Alternatives B, C and D do not satisfy statutory requirements, do not balance BLM and USFS goals, objectives and policies, and are not the best fit for the Purpose and Need. The lack of meaningful analysis contained in the Draft LUPA/EIS constitutes a serious shortcoming that must be addressed. Consequently, the Draft LUPA/EIS is “inadequate as to preclude meaningful analysis” (40 CFR §1502.9(a)); and therefore the BLM and USFS must prepare and re-issue a revised draft which provides the analysis necessary to support each of the alternatives, including identifying the Preferred Alternative.

13. EIS Format and Content

The following format in the prescribed order is recommended. Have you included all of the following components? Does the EIS contain the elements from the list below in the prescribed order? ([40 CFR § 1502.10](#)) Explain any deviation from this format and these elements.

- Cover sheet (not to exceed one page)
- Summary
- Table of contents
- Purpose of and need for action
- Alternatives including proposed action
- Affected environment
- Environmental consequences
- List of preparers
- List of Agencies, Organizations, and persons to whom copies of the statement are sent
 - Index
 - Appendices (if any)

Does the “purpose and need” statement clearly specify the underlying need for why the agency is

initiating the proposed action and the reasons for the choice of alternatives including the proposed action? ([40 CFR § 1502.13](#); [43 CFR § 46.420\(a\)](#)) Does the range of alternatives, to a large extent, meet the objectives of the purpose of and need for the plan? ([40 CFR § 1502.14](#); [43 CFR § 46.420\(c\)](#))

Analysis – Draft LUPA/EIS pages xxvi - xxvii states:

*“The purpose of this LUPA is to identify and incorporate appropriate GRSG conservation measures into LUPs. In compliance with BLM Instruction Memorandum 2012-044, BLM National Greater Sage-Grouse Land Use Planning Strategy (BLM 2012a) (**Appendix A**), the measures to be considered include appropriate conservation measures developed by the National Technical Team (NTT). The BLM and USFS will consider such measures in the context of their multiple-use missions and propose to incorporate measures that will help conserve, enhance, and/or restore GRSG habitat by reducing, eliminating, or minimizing threats to that habitat. For purposes of this planning effort, conservation measures include both restrictions on land uses and programs that affect GRSG and measures to reduce the impacts of BLM/USFS programs or authorized uses. This would be done in concert with the BLM and USFS’s allocation of resources, in accordance with the mandates of FLPMA and NFMA.*

The need for this LUPA is to establish regulatory mechanisms in BLM and USFS LUPs to respond to the recent “warranted, but precluded” ESA listing petition decision from USFWS (75 Federal Register 13910, March 23, 2010). In its finding on the petition to list the GRSG, USFWS identified adequacy of regulatory mechanisms as a major threat. The USFWS also identified the principal regulatory mechanism for the BLM and USFS is conservation measures embedded in LUPs.

In addition, the purpose of this LUPA is as follows:

To reevaluate existing conditions, resources and uses

- To reconsider the mix of resource allocations and management decisions designed to conserve and enhance GRSG habitat and to eliminate, reduce, or minimize threats to GRSG PPH and PGH on BLM-administered and National Forest System lands within the Northwest Colorado District, in accordance with FLPMA, Multiple-Use Sustained-Yield Act of 1960, and applicable laws*
- To resolve multiple-use conflicts or issues between other resource values and resource uses in GRSG habitat; the resulting Northwest Colorado GRSG LUPA will establish consolidated guidance and updated goals, objectives, and management actions for the BLM-administered and National Forest System lands in the GRSG habitat; it also will address issues that have been identified through agency, interagency, and public scoping efforts*
- To disclose and assess the direct, indirect and cumulative impacts of the past, present, and reasonably foreseeable future actions that would result from GRSG management actions, identified in the alternatives, in accordance with the requirements of the National Environmental Policy Act (NEPA), its implementing regulations, and other applicable laws.”*

Garfield County contends that the Draft LUPA/EIS does not clearly specify the underlying need for why the agencies are initiating the proposed action. Both BLM and USFS discarded their own policy manuals including BLM Manual 6840 (effective December 12, 2008) and USFWS Manual 2670 (effective May 3, 2006), which already mandated protection of GRSG and other candidate species. Instead, the agencies arbitrarily and capriciously, without reasonable explanation, impose a

completely new regulatory framework without providing a reasonable explanation for doing so.

BLM did not need to write IM 2012-044 or the NTT Report since BLM Manual 6840 already mandated protections of GRSG:

BLM Manual 6840 states that the “purpose of this manual is to provide policy and guidance for the conservation of BLM special status species and the ecosystems upon which they depend on BLM-administered lands. BLM special status species are: (1) species listed or proposed for listing under the Endangered Species Act (ESA), and (2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA, which are designated as Bureau sensitive by the State Director(s). All Federal candidate species, proposed species, and delisted species in the 5 years following delisting will be conserved as Bureau sensitive species.”

The objectives of BLM Manual 6840 special status species policy are:

“A. To conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species.

B. To initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA.
“

FSM 2670 already requires an analysis for federally listed or proposed species to determine whether the action may affect the species or critical habitat.

“The purpose of this analysis for sensitive species is to determine whether the action will contribute toward federal listing or loss of viability in the Planning Area. As part of the interdisciplinary process of designing alternatives under NEPA, develop design criteria to meet objectives for threatened, endangered, proposed, and sensitive species, and identify any necessary mitigation measures. The analysis must consider direct, indirect, and cumulative effects of the proposed action and any alternatives on the species and its habitat.

Factors that may be considered in the analysis of effects include: the proportion of the species’ total population and range that is in the analysis area or is affected by the action; whether the habitat affected by the action is necessary for critical life functions (for example, feeding, breeding, nesting); timing, frequency and duration of human activity, especially as it relates to significant behavioral modification; any anticipated reductions in numbers or distribution of the species; and the potential of the species to recover from short-term impacts.

Based on the analysis, make a determination of the effects of each of the alternatives on federally listed or proposed species and critical habitat, and on Region 2 sensitive species. Use the appropriate language for each federally listed species, critical habitat, proposed species, proposed critical habitat (FSM 2671.43 through 2671.45), and sensitive species, and summarize the rationale for each.”

The BLM and USFS manuals clearly provide adequate regulatory mechanisms to protect GRSG as well as other sensitive species (defined by both agencies to include candidate species including GRSG).

Have proposals which are related closely enough to be, in effect, a single course of action been analyzed in a single EIS? If not, why not?

Analysis – No comment.

Was scoping initiated early and was it an open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action? ([40 CFR § 1501.7](#))

Analysis – Scoping was initiated early and was open. However, the agencies ignored public input including input provided by Garfield County in written documents and five coordination meetings. Instead, the BLM forced a top-down NTT plan that was put together by a team that prescribed measures that they knew violated the law. As clearly stated in NTT FOIS Package emails between NTT members:

“But, does the NTT really want to recommend something that is blatantly illegal ”

Are the alternatives and the proposed action clearly presented and capable of being compared as to their differing impacts? ([40 CFR § 1502.14](#))

Analysis – No - The alternatives and the proposed action are not clearly presented. Readers and the agency decision makers are not provided adequate information to make an informed decision. The alternatives are not presented in adequate depth to compare impacts. The impact analysis is superficial and meaningless.

Do all alternatives sharply define the issues and show a clear basis for choice among them?

Analysis – No – The three action alternatives fail to define virtually any issue other than agenda driven single species protection at the expense of all else. All three action alternatives are bad choices. The only good choice is the No Action Alternative.

Do the decision maker and the public understand the options based on the comparison made among the alternatives?

Analysis – No – The comparison of alternatives is woefully inadequate. Very few impacts were identified, whether positive or negative. Impacts that were identified were too general in nature. Most impacts were a cut and paste from a variety of irrelevant documents that do not apply to the unique nature of Garfield County and other parts of northwest Colorado.

The analysis failed to use the best available data. For example, the Draft LUPA/EIS used 1996 - 1998 federal wage data in the socio-economic impact section instead of 2012 data. Use of 15-16 year old federal data does not provide the public the ability to understand the options based on a comparison of alternatives.

Have all reasonable alternatives, including, where applicable, alternatives employing adaptive management strategies, been rigorously explored and objectively evaluated? (See [40 CFR § 1502.14](#) and [43 CFR § 46.145](#))

Analysis – No. The Draft LUPA/EIS failed to analyze the No Action alternative adequately. Instead of explaining the large number of existing regulatory mechanism including laws, regulations, and policies available to the agencies under the No Action alternative, the agencies summarily dismissed the alternative. Said dismissal was arbitrary and capricious, in violation of NEPA.

Were any alternatives, identified during the scoping process, eliminated from detailed study? If so, have the reasons been thoroughly explained? ([40 CFR § 1502.14](#))

Analysis – Yes and no. The local plan alternative was rejected during the scoping process, but there is no discussion as to why this was done in the DEIS. Garfield County requested that its sage-grouse plan be included as an alternative for the area within the counties jurisdiction. This plan could have been combined with other similar local plans that together would have covered the entire planning area, creating an alternative with conservation measures designed for each unique habitat, instead of the one-size fits all 11 state plan represented through the other three action alternatives. Although this idea was advocated by the local governments in the cooperative agency meetings and in coordination with Garfield County, it was summarily rejected. Had a local plan alternative that combined the local plans been carried forward, fully discussed and rigorously analyzed, the public and decision makers would have had the opportunity to compare conservation measures significantly different than the other alternatives and therefore compare the restrictions, impacts and benefits. A supplemental statement should be prepared that carries forward this alternative. It is a reasonable alternative that meets all the requirements of the purpose and needs statement and complies with all federal, state and local laws.

Were the alternatives chosen for detailed study awarded sufficient analysis to allow proper evaluation of their comparative merits, including a comparison of potential impacts and environmental consequences?

Analysis – No. Alternatives were inadequately analyzed. Proper evaluation of their comparative merits including potential impacts and environmental consequences was impossible. The Draft LUPA/EIS was quickly put together through a cut and paste process that is occurring across eleven western states. The superficial, general analysis presented throughout the Draft LUPA/EIS fails to comply with NEPA.

Did you include any reasonable alternatives that are not within the jurisdiction of the lead agency? If not, why not? These alternatives, too, should be included.

Analysis – The Draft LUPA/EIS failed to include the Garfield County Greater Sage Grouse Conservation Plan in an alternative. Instead, the agencies merely include the County Plan as an appendix for the public to read. The plan is scientifically based and needs to be included in the next version of the Draft LUPA/EIS.

Did you include a “no action” alternative? (See [40 CFR § 1502.14\(d\)](#) and [43 CFR § 46.30](#)).

Analysis – Though the LUPA/DEIS included a “no action” alternative, as described above, the no action alternative was not seriously considered.

Does the EIS succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration? ([40 CFR § 1502.15](#))

Analysis – No – the socioeconomic environment is not adequately described or analyzed.

Does the environmental consequences section include the environmental impacts of the alternatives and the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented? ([40 CFR § 1502.16](#)) This section should not duplicate discussions in the comparison of alternatives section. (See [40 CFR § 1502.14](#))

Analysis – The sections on unavoidable adverse environmental effects and irreversible and irretrievable commitments of resources is limited to two pages (Draft LUPA/EIS Pages 917-918). The section on unavoidable adverse environmental effects does not discuss the significant unavoidable adverse socioeconomic effects that would occur under any of the action alternatives. The unavoidable adverse environmental effects analysis does not meet NEPA.

The section on irreversible and irretrievable impacts is woefully inadequate in its discussion of socioeconomic impacts and needs to be rewritten to detail the numerous significant socioeconomic impacts that would occur with any of the action alternatives. The irreversible and irretrievable impact analysis does not meet NEPA.

Have you considered and included any needed mitigation? ([40 CFR §§ 1502.14\(f\)](#) and [1508.20](#)) See CEQ's January 14, 2011, memo on [Appropriate Use of Mitigation and Monitoring and Clarifying Appropriate Use of Mitigated Findings of No Significant Impact](#).

Analysis - The Draft LUPA/EIS includes Appendix I - Required Design Features, Preferred Design Features, and Suggested Design Features Regional Mitigation Strategy. The appendix fails to discuss mitigation measures available under the No Action Alternative and lists a litany of overly restrictive prohibitions that would serve to unnecessarily destroy the economy of Garfield Colorado and all NW Colorado.

Is the draft more than 150 pages? ([40 CFR § 1502.7](#)) Why is this length necessary? Is it possible to use tiered analyses? Is it possible to incorporate by reference?

Analysis - The draft includes 1,099 pages in the Draft LUPA/EIS plus 541 pages of appendices. This lengthy 1,640 page document is unnecessary in light of the fact that current management within the No Action Alternative provides adequate regulatory mechanisms to protect GRSG.

Did you make the draft EIS available for public review and invite comments? ([40 CFR §§ 1503.1–1503.3](#))

Analysis – The 1,660 page Draft LUPA/EIS was made available for public review but due to complexities and inadequacies within the document insufficient time was granted to fully assess deficiencies.

Did you allow at least 45 days for public comment? ([40 CFR §§ 1506.10\(c\)](#) and [\(d\)](#)) If not why not (must be a compelling reason)?

Analysis – Though more than 45 days was allowed, it was insufficient due to the large size of the Draft LUPA/EIS.

Did you respond to all substantive comments in your final document? How? Did you revise relevant analyses, introduce new data and findings, or provide the basis for refuting a comment? ([40 CFR § 1503.4](#))

Analysis – Not yet applicable.

Based on the responses to comments, are the changes to the final LUPA/EIS confined to minor corrections? Do the changes warrant preparing an abbreviated final EIS?

Analysis – Not yet applicable.

Does the cover sheet include a list of the responsible agencies including the lead agency and any cooperating agencies? ([40 CFR § 1502.11\(a\)](#))

Analysis – Not yet available.

Does the cover sheet include the title of the proposed action that is the subject of the EIS? If appropriate, the titles of related cooperating agency actions should be included, together with the State(s) and county(ies) (or other jurisdiction, if applicable) where the action is located? ([40 CFR § 1502.11\(b\)](#))

Analysis – Not yet available.

Does the cover sheet contain the name and complete contact information of the person who can supply additional information about the EIS? ([40 CFR § 1502.11\(c\)](#))

Analysis – Not yet available.

Does the cover sheet indicate the designation of the EIS as a draft, final, or draft or final supplement?

Analysis – Not yet available.

Does the cover sheet include a one paragraph abstract of the EIS? ([40 CFR §§ 1502.11\(d\), \(e\)](#))

Analysis – Not yet available.

Does the draft EIS identify the agency's preferred alternative or alternatives, if one or more exists?

Analysis – The Draft LUPA/EIS is vague on whether the "Preliminary Preferred Alternative" will be chosen as the preferred alternative in the Final LUPA/EIS.

Does the final EIS identify such alternative unless another law prohibits the expression of such a preference? ([40 CFR § 1502.14\(e\)](#)) Is there a reason why such an alternative may not have been

identified in either the draft or final EIS?

Analysis – The FEIS is not yet available.

Is the treatment of the environmental consequences scientific and analytical?

Analysis – The treatment of environmental consequences is not scientific and analytical. Instead the agencies choose one overly restrictive alternative from environmental groups and two NTT alternatives. All three action alternative were solely focused on GRSG. The environmental consequences of the no actions alternative were vague, general and biased. The environmental consequences for the action alternatives were a series of cut and paste statements with little true science or analysis.

OLD

NEW

[\(40 CFR § 1502.16\)](#) Does the analysis focus on significant issues and support the comparisons among the alternatives? Can readers make an informed comparison among the alternatives based on the scientific analysis of the environmental consequences associated with each alternative?

Analysis – The only issue addressed in any detail in the Draft LUPA/EIS was the GRSG. The issue is one that was manufactured by environmental groups to stop oil and gas development, livestock grazing, and other land uses. The issue is one of public policy, not biology.

The GRSG is a surrogate for protectionism. The problem is that almost any species in the USA can be used to stop economic development if the Sagebrush Sea / Save the Sage-Grouse Campaign is successful. Every species has cycles – every species has good and bad years. In any given year some subpopulations of the GRSG and every other wild animal in the USA will be stable or increasing, while other subpopulations are declining. For the GRSG, populations are related to predator cycles – as coyotes, ravens, foxes, badgers, and other predators’ peak in their cycle, GRSG decline. As prey species decline, predators decline, then the cycle repeats itself. Droughts, fires, sagebrush decadence, and many other factors influence sage-grouse cycles.

The LUPA/DEIS needs to be rewritten to address adverse consequences to other species if any of the action alternatives are chosen. As written, the DEIS fails to address the environmental and socioeconomic consequences of single species management. What happens to pinyon-juniper dependent species if their habitat is reduced to create more sagebrush habitat, as the Draft LUPA/DEIS proposes? Will the ferruginous hawk be listed as an endangered species because the pinyon-juniper forests that this hawk depends on are bulldozed to provide more sagebrush habitat? The same exact environmental groups that want to stop oil, gas, mining, agriculture, livestock, and other resource management through the GRSG have already petitioned USFWS to list ferruginous hawks.

What happens next year when the environmental groups choose their next campaign? Will the BLM and USFS be absorbed by the National Park system and the United States become a tourist nation with no industry?

The LUPA/DEIS fails to address the consequences of loss of heating fuel for the USA. Where will Colorado and the rest of the USA obtain heating fuels as oil and gas development projects are shut down in eleven western states? The environmental community and EPA have attacked coal. Now there is an attack on natural gas via the GRSG. The LUPA/DEIS must discuss where the USA will get

fuel to heat houses and commercial buildings. What products will need to be imported? What will the effect on global resources be if countries without environmental regulations export heating fuels to the USA?

The EIS will also need to discuss the nationwide consequence of this type of abuse of the Endangered Species Act. The prohibitions proposed in all action alternatives in reaction to the threat of listing the GRSG, a wide spread prey species that fluctuates as broadly in population numbers as rainfall fluctuates, is absurd.

The precedent setting consequences of all action alternatives needs to be addressed. What species will environmental groups choose next if it is this easy to create an artificial crisis based on quoting Holloran (2005) in regard to outdated Wyoming Pinedale Anticline well pad and road data and other site specific examples of old well drilling methods to predict a hypothetical crisis that cannot and will not occur in the future.

Have you properly acknowledged and/or referenced all sources of data and scientific findings used in the analysis?

Analysis: No. See discussion above.

Does the environmental consequences section clearly show the impacts likely to be associated with each of the impact producing factors that would occur from the adoption of any of the studied alternatives? Is there a clear demonstration of cause and effect?

Analysis: No. See discussion above

Is there a clear discussion of any adverse environmental effects which could not be avoided if the proposal or any of the alternatives were implemented? ([40 CFR § 1502.16](#))

Analysis: No. See discussion above

Is there a clear discussion of the relationship between short-term uses of the human and natural environment and the maintenance of long-term productivity? ([40 CFR § 1502.16](#))

Analysis: No. This discussion is absent from the DEIS. The analysis focuses on impacts to the “natural environment,” but fails to consider the impacts to the “human environment.” For instance, no analysis is made of the increased threat to human life and property that will take place if fire fighting resources are placed near priority sage-grouse habitats instead of being prioritized for the protection of human life. This is a major policy sift which will have devastating consequences to the communities that surround and support the sage-grouse habitat. This should have been disclosed and analyzed. This is but one example of the failure of the DEIS to consider and analyze the impact on the human environment, whether this be the direct, indirect or cumulative impacts, or whether this be the short-term use and long term productivity of the human environment. The DEIS completely fails to analyze and disclose the impact on the human environment as defined at 40 CFR 1508.14.

Did you include a necessary discussion of any irreversible or irretrievable commitment of resources which would result if the proposal were implemented? ([40 CFR § 1502.16](#))

Analysis: No. See discussion above.

Do all analyses of the environmental consequences include an even-handed treatment of all alternatives including the proposed action and the “no action” alternative although one or more of the alternatives may be unlikely (or less likely) to be selected?

Analysis. Absolutely not. The no action alternative and conservation measures already authorized to protect the sage-grouse are not described in the same detail as the three action alternatives, and therefore is not analyzed in the same detail. We believe this was a deliberate decision of the lead agency so as to influence the public and decision makers to support the three more restrictive alternatives.

Did you discuss the direct effects, the indirect effects, and the cumulative effects and their significance? ([40 CFR §§ 1502.16, 1508.8](#))

Analysis. No. The direct, indirect and cumulative effects on the “human” and environment specific to the productive use industries and the communities which support these industries were not adequately discussed. Again, we believe this was a deliberate effort to mislead the public and decision makers into believing the impacts of the three action alternatives would be minimal. Had a full and rigorous analysis been done, it is likely the public would not support any of the three action alternatives, and a more balanced alternative, such as the Garfield County SG Plan would be supported, or the no action alternative would have been preferred.

Is there an analysis of the possible conflicts between the proposed action and any objectives of the Federal, regional, State, local or Indian tribal land-use plans, policies, and controls for the area concerned? ([40 CFR § 1502.16\(c\)](#))

Analysis: No. There is no analysis of the possible conflicts between the proposed action and the Garfield County Sage Grouse Plan, nor special districts plans such as the Hospitals, Cities, and Fire Districts. There are numerous conflicts between the proposed action and the local plans, but no effort has been made to resolve or analyze these conflicts. Garfield County pointed out several of these conflicts in their scoping comments which were submitted according to the lead agency deadlines prior to the release of the DEIS. Although the lead agency had specific inconsistencies identified in these comments, they failed to address any of the conflicts in the DEIS. This is a significant flaw in the DEIS. NEPA requires these conflicts to be discussed and analyzed so that the public and decisionmakers can make an object and informed decision about the appropriateness of the action and the differences between alternatives. We believe that this was not an oversight of the lead agency, but a deliberative decision to mislead the public and decision makers about the true impacts of their proposed action.

Is there a discussion of the energy requirements and conservation potential of the various alternatives and mitigation measures? ([40 CFR § 1502.16\(e\)](#))

Analysis: The DEIS fails to properly consider the impact of preventing access to the energy stores, namely oil and gas production, within the sage-grouse habitat. As discussed above, neither the short-term or long-term impact of preventing extraction of these resources has been considered.

Is there a discussion of natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures? ([40 CFR § 1502.16\(f\)](#))

Analysis: No. See discussions above.

Does the EIS discuss urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures? ([40 CFR § 1502.16\(g\)](#))

Analysis: The DEIS fails to discuss and consider the impact on the built environment. See discussion above.

In the analysis, were any mitigation measures not already included in the proposed action or alternatives discussed? Did you include a means to mitigate adverse environmental impacts if not otherwise fully covered elsewhere? ([40 CFR § 1502.16\(h\)](#))

Analysis: No. There is no clear discussion on what mitigation will be utilized to reduce impacts.

Have the mitigation measures beyond those required by applicable Federal, state, and local regulation been described in sufficient detail to allow assessment of their potential effectiveness to reducing any impacts?

Analysis: No. There is limited information available on what mitigation will be used and how this will be employed, who will be making the analysis, i.e. the producer or the regulating agency, how data will be collected to monitor the impacts, among other key questions. Although NEPA requires that the mitigation to be utilized be clearly explained in the DEIS, this analysis fails to provide this information.

Is the EIS a “full disclosure” document? Are all major points of view on the environmental impacts and the alternatives, including the proposed action discussed appropriately?

Analysis: No. Although NEPA requires that the conflicts with local government be identified and resolved, that the analysis of the impacts include those at the local level, not just a regional level, these requirements were not fulfilled. Garfield County attended every cooperating agency meeting except one held to prepare the DEIS and also initiated five coordination meetings with the lead agency and other agencies in an effort to get the local impact of the proposed action considered and analyzed in the DEIS. However, these efforts were rejected and the Northwest Colorado BLM Director stated to Garfield County that he would not be including an alternative that represented the local position. The only representation of the local position has been relegated to an appendix with no analysis. We find this to be a deliberate decision to give the appearance of considering the local position while not providing any true analysis or representation of that position in the alternatives carried forward.

Is it written in plain language? ([40 CFR § 1502.8](#)) Were graphics used to ensure brevity and to enhance analytical adequacy? Were the graphics readily understandable to the general public?

Analysis: No. Data is incomplete, misleading, outdated, and scientifically unsound. While graphs were utilized they provided little relevant information. Even the various maps used in the DEIS to depict habitat are not reproducible.

Did preparation of the EIS use an interdisciplinary approach to insure the integrated use of natural and social sciences and the environmental design arts? ([40 CFR § 1502.6](#))

Analysis – It appears a combination of agency personnel and consultants were utilized. The problem was a top down, Washington DC directive that forced the environmental alternative (Alternative C) and two NTT alternatives to be assessed from a single species management perspective only. Local issues, especially socioeconomic issues, were ignored. The fact that portions of Colorado, including Garfield County, already have Sage-Grouse Plans and healthy GRGS populations was ignored.

The top down approach did not allow the NEPA team time to properly evaluate alternatives. Instead, the time table was so compressed that the multidisciplinary team did very little as a whole. Consultants used a library of EIS language to cut and paste meaningless, irrelevant sentences and paragraphs into the DEIS, to meet a time table instead of meeting NEPA.

Were the disciplines of the preparers appropriate to the scope and issues of the analysis? Was a multidisciplinary team used?

Analysis – The preparers lacked socioeconomic information and expertise. This is common in federal agency documents; however, in the case at hand, due to the compressed time schedule, the lack of data and incomplete analysis is especially egregious. It appears the preparers have no understanding of the socioeconomic impacts; they copied numbers and did not care in the least what the numbers would mean to Colorado and the nation. The socioeconomic analysis showed a combination of lack of understanding and actual contempt for oil, gas, livestock grazing, and other historical uses.

Does the final EIS respond fully, objectively, and completely to the substantive comments submitted on the draft EIS? How? Did you revise relevant analyses, introduce new data and findings, or provide the basis for refuting a comment? ([40 CFR § 1503.4](#))

Analysis – Not yet available.

Are responsible alternatives to scientific inquiry, such as traditional knowledge, which are not discussed in the draft EIS, acknowledged and properly, respectfully, and professionally addressed in the final EIS?

Analysis – Not yet available. The DEIS needs to be redrafted to include a hard look at the No Action (Current Management) Alternative so that an honest, fair and open analysis of all feasible options for GRGS management under the No Action Alternative is rigorously analyzed. There is a strong argument for utilizing existing regulatory mechanisms to protect GRGS and their habitat instead of defaulting to NTT protectionism with utter disregard for existing laws and socioeconomic consequences.

Is your agency's response to the issues raised appropriate and clearly articulated? Did you make a substantial change to the proposed action that is relevant to the environmental concerns that would warrant preparing a supplement to the draft or final EIS? ([40 CFR § 1502.9\(c\)](#))

Analysis – Critical information was not considered in the DEIS as has been discussed above. The document either needs to be redrafted or a supplemental prepared that takes into account the missing impacts on the human environment as well as a complete and rigorous description of the no action alternative. Currently, the following laws have been violated through the preparation of this DEIS.

- NEPA – The overly broad NEPA analysis was merely a cut and paste exercise based on canned sentences from EIS templates.
- The action alternatives and analysis were based on a fatally flawed NTT report.
- FLPMA we violated due to the cessation of multiple use on the majority of public lands
- The DEIS does not comply with the National Forest Management Act (NFMA) of 1976 (P.L. 94-588) that requires alternative land management options to be presented, each of which have potential resource outputs (timber, range, mining, recreation) as well as socio-economic effects on local communities. Instead the DEIS superficially, with very little thought or analysis, threw in outdated irrelevant information including 1996-1998 federal wage data, and pretended to satisfy the NFMA.
- Existing BLM and USFWS sensitive species management direction in existing agency manuals was ignored in lieu of aggressive new protectionism policies.

Are there significant new circumstances or information relevant to the environmental concerns and that bear on the proposed action or its impacts that would warrant such an action, i.e., a supplement to an EIS? Would the purposes of NEPA be served by preparing a supplement? ([40 CFR § 1502.9\(c\)](#))

Analysis – Unless the DEIS is sufficiently revised to provide a detailed and accurate analysis of the socio-economic information relevant to all alternatives, there is a legal and rational basis for triggering a supplement to the EIS. At this time the DEIS glosses over economics as if BLM and USFS are putting a small neighborhood park into a subdivision. In reality, the agencies are proposing virtual national park status for over 1.7 million acres of public lands, most of which are currently under FLPMA with strong multiple use laws and regulations that are completely being discarded in favor of single-species management.

Does your agency have procedures in place for introducing a supplement to an EIS into the formal administrative record? Are these procedures known by bureau and office NEPA practitioners?

Analysis – No comment

If you have the need to supplement an EIS, are you aware that the supplement must be prepared, circulated, and filed with the Environmental Protection Agency in the same fashion (exclusive of scoping) as a draft and final EIS unless alternative procedures are approved by CEQ? ([40 CFR § 1502.9\(c\)\(4\)](#))

Analysis – Not comment

14. Documenting the Decision When the EA or EIS Has Been Completed

The bureau or office decision is separate from the analysis and should not be included as part of the supporting EA or EIS document. Has it been kept separate?

Analysis – Not yet an issue

If the bureau or office has prepared an EA and a FONSI, the FONSI should briefly explain why a proposed action will not have a significant effect on the human environment. ([40 CFR § 1508.13](#)) The responsible official's decision may be documented along with the FONSI or in a separate decision

record. (Note that if an EA has been prepared and the decision is to prepare an EIS or that no further action will be taken on the proposal, a FONSI is not required.) Has such documentation been prepared?

Analysis – Not applicable

If a bureau or office has prepared an EIS, a concise public Record of Decision (ROD) is needed which briefly explains the decision that the bureau or office is making and the NEPA analysis upon which it is based. Does the ROD do this? ([40 CFR § 1505.2](#))

Analysis – Not yet an issue

15. Effective Date of the Decision Based on an EA or an EIS

In the case of an EIS, has a minimum of 90 days passed from the time that EPA has published the Notice of Availability of a draft EIS in the *Federal Register* before a decision based on the EIS has been made? ([40 CFR § 1506.10\(b\)\(1\)](#))

Analysis – Not yet an issue

In the case of an EIS, has a minimum of 30 days passed from the time that EPA has published the Notice of Availability of the Final EIS in the *Federal Register* before a decision based on the EIS has been made? ([40 CFR § 1506.10\(b\) \(2\)](#))

Analysis – Not yet an issue

In the case of an EA prepared for a proposed action that is without precedent, or is similar to one which normally requires the preparation of an environmental impact statement, the finding of no significant impact must be made available for public review for 30 days before the bureau makes its final determination ([40 CFR § 1501.4\(e\)\(2\)](#)). Has sufficient time elapsed?

Analysis – Not applicable

16. Emergencies

The CEQ regulations provide that when an emergency makes it necessary to take an action likely to have significant environmental effects without following the procedures in the regulations, the bureau or office should consult with CEQ about “alternative arrangements.” ([40 CFR § 1506.11](#)) Alternative arrangements do not mean that the bureau or office can forgo any NEPA analysis. Department of the Interior regulations at [43 CFR § 46.150](#) set forth a procedure for taking emergency actions and for consulting with the Office of Environmental Policy and Compliance. Are you proposing to take an emergency action? Have the provisions of the regulations been followed?

17. References for Preparation of NEPA Documents

[The National Environmental Policy Act of 1969, as amended \(42 U.S.C. 4321-4347\)](#)

[Council on Environmental Quality regulations for Implementing the Procedural Provisions of the National Environmental Policy Act \(40 CFR Parts 1500-1508\)](#)

[Council on Environmental Quality Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act regulations \(46 Fed. Reg. 18026 \(March 23, 1981\)\)](#)

[Department of the Interior regulations for Implementation of the National Environmental Policy Act \(NEPA\) of 1969, at 43 CFR Part 46](#)

[Department of the Interior, Departmental Manual \(Part 516 DM, Chapters 1-15\)](#)

Individual bureau and office NEPA handbooks

MEMORANDUM

TO: Garfield County Board of County Commissioners

FROM: Dr. Rob Roy Ramey, Wildlife Science International, Inc.

RE: Issues of fundamental importance to the scientific integrity and data quality of the BLM's Northwest Colorado Greater Sage Grouse Draft Resource Management Plan and Draft Environmental Impact Statement (DEIS)

Date: November 26, 2013

Section I. The following issues above cut across all alternatives in the DEIS.

- 1) Reliance on disturbance caps that have no demonstrable conservation benefit to sage grouse, do not mitigate the cause and effect mechanisms of purported threats, and are based upon opinion rather than data, whether these disturbance caps are 1, 3, or 5%, or one well per section.
- 2) Prohibition on surface disturbance within 4 miles of a lek in PPH, including during the lekking and early brood-rearing period when there is no specific cause and effect mechanism cited and the prohibition is solely based upon the subjective opinion of the NTT and opinions expressed in selected reports and publications. The DEIS effectively proposes "protecting" large areas (~50 square miles) of non-habitat and marginal habitat surrounding each lek without any demonstrable benefit to sage grouse populations, ignoring more appropriate conservation actions suited to local ecological conditions, and basing the presumed benefits of this recommendation upon speculation.
- 3) Ignores predation as the primary demonstrable source of mortality to sage grouse, in favor of an approach that relies on a series of land use setbacks, disturbance caps, and restrictions based around speculative benefits to sage grouse that have not been shown to be effective by any data.
- 4) Reliance on archaic and statistically invalid lek-count data collection to estimate sage grouse population trends as a basis for management. The lack of resolution in these data, their non-random sampling, and fact that sage grouse populations are known to fluctuate, means that it would be impossible to discern any pattern in the data that could be used to guide management actions in a timely manner, or that would be scientifically defensible. This would result in a virtual state of paralysis imposed on almost all land use activities.

The BLM's approach is to rely on an undefined assessment of whether sage grouse populations are healthy, stable, or increasing. As an example, none of the population trend diagrams in the DEIS contain any confidence intervals around population estimates. This renders the interpretation of any trends derived from those data as meaningless.

- 5) Reliance on outdated data and opinion in reports and papers, rather than more current data and information.

- 6) Reliance on recommendations in the NTT that were influenced by special interest groups involved in litigation rather than a transparent and inclusive public process.
- 7) The DEIS elevates speculative benefits of management prescriptions for sage grouse above other land use activities, in clear violation of the BLM's multiple use mandate.
- 8) Ignores the substance of local conservation plans, especially the Garfield County sage grouse plan, in favor of one-size fits all restrictions in its alternatives, in clear contrast to the stated position of the BLM. The DEIS lacks a comprehensive and objectively informative analysis of locally-appropriate conservation alternatives that could be used to guide management of BLM lands, while addressing specific threats to sage grouse.
- 9) The DEIS is deficient in that it does not include conservation strategy for analyzing treats or their specific cause and effect mechanisms, and then mitigating the mechanisms that underlie each threat within the BLM's adaptive management framework. That approach for sage grouse was clearly articulated in the publication by Ramey, Brown, and Blackgoat (2011).

Section II. The following section comprises comments regarding more specific components of the DEIS

1) The BLM's rationale for 4-mile buffers is based on erroneous information.

The scientific justification for requiring 4-mile buffers and surface disturbance caps (whether they are 1, 3, or 5%) is entirely based on the opinions of selected authors (some of whom were NTT members) and the erroneous assumption that a local and temporary displacement of sage grouse from an area of development means that a population decline has occurred. However, none of the cited studies actually ever documented a population decline. One of the most frequently cited studies, the unpublished dissertation by Holloran (2005), was wrong in all of its predicted population declines. To the contrary, recent data from the state of Wyoming has documented that the sage grouse population in Pinedale actually experienced an overall increase from 1990 to 2012. Throughout that time period, it has consistently been above statewide averages and has the highest density of sage grouse in the state.

In the field of science when the observations do not match the predictions of a hypothesis or theory, the hypothesis is falsified (i.e., it is wrong). The BLM cannot rely on research that has been found to be wrong. Holloran (2005) is one of the most widely cited studies in the DEIS, yet his predictions have been unfounded.

Furthermore, the BLM cannot rely on research whose authors relied on belief to reach their conclusions when the results lacked any statistical significance. One of the key studies cited in the NTT Report did exactly that: Lyon and Anderson (2003) erroneously characterized oil and gas development as having a negative effect on sage grouse nest initiation rates. That unsupported opinion, clearly contrary to the available data and analysis, has subsequently been cited by the BLM as a scientifically valid conclusion in the NTT Report, which portrays all oil and gas development in a negative light. The DEIS (page 516) then cites the NTT Report in support of its

statements that negative effects have been reported 4-miles from oil and gas development: "Recent studies have consistently demonstrated that oil and gas development and its infrastructure influence GRSG behavior and demographics at distances of up to 4 miles (NTT 2011). This prompts declines in lek persistence and male attendance, yearling and adult hen survival, and nest initiation rates. It also elicits strong avoidance response in yearling age classes, nesting/brooding hens, and wintering birds." However, as the following quotation indicates, the study by Lyon and Anderson (2003) relied on belief (rather than statistically significant results) to reach their conclusions: *"Finally, even though nest initiation between disturbed and undisturbed hens was not statistically significant, we believe lower initiation rates for disturbed hens were biologically significant and could result in lower overall sage grouse productivity."* Additionally, Holloran (2005) reported that nest success that was virtually identical and not significantly different between disturbed and undisturbed areas, using a much larger sample size compared to Lyon and Anderson (i.e., n=213 used by Holloran vs. n=77 used by Lyon and Anderson). Clearly, the BLM cannot base its management decisions on the basis of belief and opinion, while disregarding contrary results.

The DEIS needs to acknowledge the alternative hypothesis that sage grouse, like other animals, may be disturbed by human activity and will sometimes move away from it but that does not mean that they suffer a populations decline. The birds may have simply responded by relocating, or coexisting with human activity (i.e. habituation). Neither the DEIS or the NTT Report acknowledge that that there has been no population-level decline reported in any of the cited studies, only decreased lek attendance in affected areas. The DEIS needs to be revised to explicitly acknowledge these facts and alternative hypotheses that are consistent with the data.

The DEIS and the NTT Report does not acknowledge that Holloran (2005) reported results that the probability of sage grouse survival was *higher* (61.5 \pm 6.4%) in disturbed areas compared to less impacted areas (29.6 \pm 18.1%), or control areas (48.5 \pm 14.4%). These results refute Holloran's (2005) own statements regarding population impacts. Furthermore, neither the DEIS or the NTT Report acknowledge that Holloran's (2005) predicted sage grouse population declines in the Pinedale area, of -8.7 to -24-4% annually, have not occurred. Instead, publicly available lek count data from the State of Wyoming show the population has been steadily increasing. The BLM rely on a study whose predictions have been so clearly falsified.

The Information Quality Act (IQA) requires that information used by agencies, including the BLM, be based upon verifiable data and reproducible results, and not based upon opinion. Moreover, the NTT Report cannot selectively use results from Lyon and Anderson (2003), or Holloran (2005) to support its recommendations, while failing to state that they were statistically insignificant and/or contrary to more recent and comprehensive data. And finally, Holloran (2005) did not use any hypothesis testing in his research. Instead, Holloran (2005) relied upon interpretation of data and results (rather than hypothesis testing), speculated on potential mechanisms that could cause a population decline, and did not provide any data that a population decline had actually occurred in the population in the Pinedale area.

The following two excerpts from Holloran (2005) best illustrate these issues (the underlining added for emphasis is ours):

"The results from this study suggest that dispersal from developed areas could be contributing to population declines. Although the proportion of potentially displaced

adult and yearling males and yearling females breeding and nesting in areas removed from gas field infrastructure is unknown, offsite populations could be artificially enhanced by gas development. Because of potential density-dependent influences on breeding and nesting success probabilities (LaMontagne et al. 2002, Holloran and Anderson 2005), maintenance of these enhanced populations could require increasing the carrying capacity of offsite habitats." And, "adult male displacement and low juvenile male recruitment appear to contribute to declines in the number of breeding males on impacted leks. Additionally, avoidance of gas field development by predators could be responsible for decreased male survival probabilities on leks situated near the edges of developing fields (i.e., lightly impacted leks). Although site-tenacious adult females did not engage in breeding dispersal in response to increased levels of gas development, subsequent generations avoided gas fields, as suggested by the temporal shift in nesting habitat selection and differences in habitat selection by yearling and adult females. This suggests that the nesting population response is delayed avoidance of natural gas development. The results suggest that male and female greater sage-grouse displacement from developing natural gas fields contributes to breeding population declines."

Rather than being as conclusive as suggested by the DEIS and the NTT Report, this study was speculative (note use of the terms *could*, *suggested*, and *potentially*) and assumed that hypothetical worst-case scenarios would occur. The BLM cannot rely on the speculative opinion of Holloran (2005) as the basis for its DEIS.

2) The supposed need for a 3% anthropogenic disturbance threshold is based upon subjective opinion rather than data.

The presumed need for a 3% disturbance cap originated with opinion expressed by Walker et al. (2007) in the discussion of their paper. They stated, "...we believe the conservation strategy most likely to meet the objective of maintaining or increasing sage-grouse distribution and abundance is to exclude energy development and other large scale disturbances from priority habitats, and where valid existing rights exist, minimize those impacts by keeping disturbances to 1 per section with direct surface disturbance impacts held to 3% of the area or less." However, Walker et al. (2007), like Holloran (2005), who had previously proposed a restriction of one well per section, never actually tested the effectiveness of these disturbance caps. Instead they modeled sage grouse response in lek attendance in terms of distance(s) from potential sources of disturbance. Therefore, the need for a 3% disturbance cap (or 1% or 5% caps, and one-well per section) in the NTT Report and DEIS, represents nothing more than the opinions of Holloran (2005) and Walker et al. (2007) that were stated in the conclusions of their papers, and by the NTT members, at least one of whom was an author of the NTT report. The BLM cannot rely on such untested opinion as a basis for its alternatives in DEIS. If it does, it will have effectively replaced the scientific method in implementation of the NEPA (i.e., data, hypothesis testing, and reproducible results) with the opinions expressed by the authors of the cited studies, especially when those opinions are erroneously represented by the BLM as if they were rigorously tested against the data.

3) The DEIS ignores management of raven predation on sage grouse eggs and broods as a conservation strategy despite the fact that predation has been shown to be a major issue for sage grouse and that the State of Wyoming, in collaboration with the USDA-APHIS, has recently undertaken a major raven management program.

Sage grouse eggs are preyed upon by a wide variety of predators including red foxes, coyotes, badgers, black-billed magpies, and ravens. Juvenile and adult sage grouse predators include golden eagles, prairie falcons, coyotes, badgers, and bobcats. Sage grouse broods are preyed to ravens, red foxes, raptors, ground squirrels, snakes, and weasels. However, of the predators above, ravens are the most ubiquitous. Research (Coates 2007; Coates and Delehanty. 2004; Coates et al. 2008; Coates and Delehanty 2010; Christiansen 2011) and more recent data gathered by the USDA, has shown that ravens have the greatest impact on sage grouse and that their numbers are far in excess of historic levels (Christiansen 2011).

The DEIS and NTT Report ignore the management of ravens as a conservation priority to reduce predation on sage grouse eggs and broods (and thereby a viable management strategy to increase overall survivorship and recruitment of sage grouse). The only mention of ravens in these documents is that their numbers are the result of human activities, and that transmission lines and tanks provide predator roosting opportunities (and therefore sage grouse avoid these structures.) There is an implicit assumption that ravens can be managed indirectly through the regulation of human activities. This is an unproven strategy and is unlikely to be effective at reducing raven predation on sage grouse unless coupled with active / lethal control of ravens to reduce the size their populations (Coates and Delehanty 2010). There is abundant research on raven predation on sage grouse and other species, yet the DEIS all but ignores the importance of this threat (Boarman 1993; Boarman 2003; Boarman et al. 1995; Boarman and Heinrich 1999; Boarman et al. 2006; Bedrosian and Craighead 2010; Bui 2009; Cagney et al. 2010; Coates 2007; Coates and Delehanty 2004; Coates et al. 2008; Coates and Delehanty 2010; Conover et al. 2010; Cote and Sutherland 1997; DeLong 1995; Gregg et al. 1994; Heinrich et al. 1994; Moynahan et al. 2007; Preston 2005; Ramey, Brown, and Blackgoat 2011; Schroeder and Baydack 2001; Snyder et al. 1986, Sovada et al. 1995; Watters et al. 2002; and Webb et al. 2009). The DEIS must include in each alternative a raven management program such as the one undertaken by the USDA-APHIS Animal Damage Control at landfills across southern Wyoming at the request of the Wyoming Game and Fish Dept. (Wyoming Game and Fish 2012, USDA/APHIS/Wildlife Services 2013).

4) The DEIS relies on an archaic and statistically invalid lek-count data collection system to estimate sage grouse population trends as a basis for management.

The DEIS, under Adaptive Management and Monitoring (page 193), describes an “effectiveness monitoring component” to “*identify any changes in habitat conditions related to the goals and objectives of the plan and other range-wide conservation strategies (U.S. Department of the Interior 2004; Stiver et al. 2006; U.S. Fish and Wildlife Service 2013). When available from WAFWA and/or state wildlife agencies, information about population trends will be considered with effectiveness monitoring data (taking into consideration the lag effect response of populations to habitat changes [Garton et al. 2011]). The information collected through the Monitoring Framework Plan outlined in Appendix J will be used by the BLM/FS to determine when adaptive management hard and soft triggers (discussed below) are met.*” However, what the DEIS does not acknowledge is that male lek count data is not randomly sampled and is a

statistically invalid measure of population trends, and that the 95% confidence intervals surrounding the estimates are generally larger than the estimates themselves (WAFWA 2008; Ramey et al. *in press*). Therefore, the adaptive management strategy proposed in the DEIS cannot be based upon these statistically invalid measures.

Receiving any mitigation credit is also virtually impossible because it is impossible to produce scientifically defensible trend estimates. Case in point, the DEIS (on page 258) states, "*The populations naturally fluctuate, so it is difficult to determine at any given time if a population is increasing, decreasing, or staying stable.*" With this being acknowledged, it is virtually guaranteed that no mitigation credit will be given by the BLM in implementation of the DEIS. Therefore, the DEIS must award mitigation credit based upon the type and extent of mitigation implemented (i.e., see Ramey, Brown, and Blackgoat).

The DEIS adaptive management strategy must take into account the fact that any statistically valid and scientifically defensible trend estimate must also take into account the fact that sage grouse populations naturally fluctuate (i.e., the data must be normalized to account for regional fluctuations).

And finally, the DEIS provides no reproducible, quantitative definition for what is determined to be a "healthy, stable, or increasing" population. This lack of definitional basis puts the BLM squarely in violation of the Information Quality Act and its management decisions under the DEIS are outside the realm of science.

5) The DEIS presents a negative view of virtually all oil and gas development and is biased in its presentation of outdated information.

The DEIS and its cited supporting studies failed to mention the existence of: 1) up to date information on the extensive mitigation and restoration efforts in the Pinedale Planning Area and elsewhere (see <http://www.wy.blm.gov/jio-papo/index.htm>); 2) advances in technology and efficiency available on the BLM's own website and in the BLM presentations to the NTT ("Managing Oil and Gas" and "Best Management Practices" available in Appendix 5, pp 48-55 of the August 29 to September 2, 2011 NTT meeting summary); and 3) more efficient operations and mitigation efforts further documented in Ramey, Brown, and Blackgoat (2011). And finally, neither the DEIS nor the NTT Report that it relies upon, acknowledges that nearly all of these measures have been implemented in the years since Holloran's (2005) data gathering occurred (from 1997 to 2003). The BLM cannot rely on a selective presentation of outdated information as the basis of its DEIS alternatives. It must rely on data and information that is current.

6) The DEIS relies on recommendations in the NTT Report but does not acknowledge that these recommendations were influenced by special-interest litigants involved in settlement negotiations with the BLM.

Publicly available records, including e-mails obtained under FOIA from the State of Idaho (excerpt below from a December 13, 2011 e-mail from the NTT lead for the BLM) reveal that special interest influence, rather than a transparent, inclusive, and scientifically defensible public process, was used in producing the NTT Report's recommendations:

*“Our timeframe is to complete the “updated” draft NTT report by COB tomorrow so I can ship it back to DC. Due to concerns by solicitors in DC the NTT report will look different. However the content is generally the same and due to the science review we did make changes to the Goals and Objectives section, some conservation measure in fluid minerals have been updated (i.e. 2.5% has been changed to 3% with rationale). The Policy recommendation change has undergone significant clarification again based on solicitor concerns in DC. **The solicitor concerns with the Policy recommendation piece stems from ongoing litigation discussions they currently having with litigants over BLM’s recently completed LUPs.**”*

Clearly, the BLM cannot rely on such tainted sources as a basis for its analysis and alternatives in the DEIS.

7) The DEIS lacks a comprehensive and objectively informative analysis of locally-appropriate conservation alternatives that could be used to guide management of BLM lands, while addressing specific threats to sage grouse.

By ignoring the substance of local conservation plans, especially Garfield County’s sage grouse plan, in favor of one-size fits all restrictions, the DEIS elevates speculative benefits of one-size fits all management prescriptions for sage grouse (recommended by the NTT and so-called conservation groups) above other land use activities, in clear violation of the BLM’s multiple use mandate.

The DEIS is deficient in that it does not include conservation strategy (like that in the Garfield County sage grouse plan) for analyzing treats, their specific cause and effect mechanisms, and then mitigating each threat within the BLM’s adaptive management framework.

Section III. Key differences that make the Garfield County Greater Sage Grouse Plan a more effective conservation tool than those proposed by federal agencies.

1) High-resolution habitat mapping

The habitat mapping provided by State and Federal agencies in 2012 for Greater Sage-Grouse in the Plan Area was at a landscape level that did not accurately address the unique topography of the Roan Plateau, or provide planning information at resolution accurate enough for County to use in the Plan, and for relevant land-use planning activities potentially occurring within the Plan area, including protection of sage grouse habitat. Because of the significant implications on land use and ongoing land management, the Board of County Commissioners deemed that most accurate delineation of habitat was deemed necessary.

This habitat mapping process followed the latest and most relevant peer-reviewed habitat mapping process available for mapping large and diverse areas, using the highest resolution data available (with a two-meter resolution, as compared to the one kilometer, landscape-level resolution used by the agencies).

The sage-grouse habitat in Garfield County is naturally fragmented, as a result of topography and the patchy nature of sagebrush, non-sagebrush shrubs, meadows, aspen, and conifers in the Plan area.

Expanses of contiguous sagebrush, necessary to support a large stable population (as described by the Fish and Wildlife Service in their 2010 candidate determination notice), do not exist in Garfield County. Additionally, the sage-grouse population inhabiting Garfield County is a peripheral population located on the far southeastern edge of the species range. As a result, the stewardship of the population requires detailed knowledge of local conditions, including accurate mapping of its habitat.

Conservation measures are tailored to local circumstances Rather than rely on one-size-fits-all regulatory prescriptions, such as four mile buffers and three percent anthropogenic disturbance thresholds proposed by the BLM's National Technical Team (NTT), the County has taken a more effective approach: tailoring conservation measures to address specific threats to sage grouse and local circumstances that are unique to Garfield County (i.e. predation and a naturally fragmented habitat). The significance of this strategy to sage grouse conservation is that it allows for a more efficient allocation of conservation effort by focusing on threats that matter most in this sage grouse population.

Voluntary conservation efforts on private land In contrast to the NTT report, where the proposed conservation measures assume that private land management is inferior to federal land management, and requires a regulatory "command and control" approach, the Garfield County Plan recognizes and builds upon the importance of voluntary conservation by private landowners. The importance of voluntary conservation on private land is recognized by many scholars of the Endangered Species Act, including the current Deputy Assistant Secretary of Fish and Wildlife and Parks, Michael Bean, who has authored multiple papers on the subject.

2) Annual Review and adaptive management

Recognizing that local governments can be more nimble than federal agencies, the Garfield County Plan includes a required annual coordination review with the federal and state agencies that have habitat or species responsibilities within the Plan Area. (A review may also be initiated based on important new information.) This review process will evaluate the availability and condition of habitats, direct and indirect impacts, conservation measures, policies and best management practices being implemented by each agency for their effectiveness and applicability to the Plan Area. Also incorporated in this coordination review is any new scientific information and, if warranted, modifications to the best management practices, policies, and conservation incentives within the Plan. The County will also initiate meetings with private property owners in the Plan Area for the purpose of analyzing their conservation efforts and effectiveness, as well as any new scientific data. The annual coordination review will ensure that Plan updates are timely, adaptive, and based on the best available scientific and commercial data.

3) Consistency with the Information Quality Act

The Garfield County Plan ensures that sage-grouse habitat management decisions shall be made based on the best available scientific information that is applicable to sage-grouse habitat in Garfield County. The scientific information used will be consistent with standards of the Information Quality Act (Quality, Objectivity, Utility and Integrity), as determined by the County. In contrast to the interpretation of the Act by some federal agencies, this means that the data collected by state and federal agencies, or used in published scientific research relied upon by those agencies, must be provided to the County.

The Garfield County Plan acknowledges that many of the purported "universal" negative impacts of fluid mineral development, an important economic activity on the Roan Plateau and Piceance Basin, are based upon outdated information and/or overstated. In fact, none of the studies cited in the NTT report can definitively point to an actual population decline rather than temporary displacement of sage grouse from areas immediately affected by current fluid mineral development. Instead, the extraction of fluid minerals in Garfield County (and increasingly elsewhere) is accomplished using increasingly advanced technologies, more efficient operations, avoidance of important habitat, more effective mitigation measures, and interim habitat restoration, than in the past. As a result, surface disturbances that potentially affect sage grouse tend to be minimal and temporary in nature. The fast pace of these technological developments and more efficient operations has meant that the primary literature on the impacts of fluid mineral extraction on sage grouse in Wyoming is inconsistent with current practices used in Garfield County. It is anticipated that the more advanced technologies under development will continue to allow the efficient extraction of resources while further avoiding or minimizing impacts to sage grouse and other species.

A balance of harms approach ensures responsible stewardship of natural and human resources in Garfield County

In contrast to the approach proposed in the NTT report, that focuses solely on the welfare of sage grouse, the Garfield County Plan requires that the balance of impacts to other species and to human welfare must be weighed prior to approval and implementation.

Section IV. Literature citations that support the issues specifically identified in the forgoing sections

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