

LAW OFFICE OF PAUL ZOGG

VIA FEDERAL EXPRESS MONDAY DELIVERY AND VIA EMAIL  
TO BLM\_CO\_NW\_SAGE\_GROUSE@BLM.GOV

Nov. 29, 2013

Bureau of Land Management  
Northwest Colorado District  
Re: NEPA/Greater Sage Grouse EIS  
2815 H Road  
Grand Junction, CO 81506

RE: SUPPLEMENTAL LEGAL COMMENTS ON BEHALF  
OF OWNERS OF PINTO VALLEY RANCH, GRAND COUNTY  
ON DRAFT NORTHWEST COLORADO  
GREATER SAGE GROUSE LUPA/EIS

Dear BLM:

In addition to the comments I submitted by letter dated Nov. 26, 2013, on the Northwest Colorado Greater Sage Grouse Land Use Plan Amendment/Environmental Impact Statement, please also find attached the comments of Dr. Clait E. Braun.

Thank you again for considering this and the other comments and materials I submitted.

Very truly yours,

  
Paul Zogg

cc: Wingspread West

1221 PEARL ST., BOULDER, CO 80302 (PH) 303-546-9970 (F) 303-546-9971 (E)

# **Northwest Colorado Greater Sage-Grouse Draft Land Use Plan**

## **Amendment and Environmental Impact Statement: Review**

### **1. Declining Sage-Grouse in Middle Park**

**There are few active (19) and recently inactive (1) sage-grouse leks in Grand County but there are 41 known historic lek sites (most last considered active prior to 1990 and some dating to the 1940s and 1950s). This suggests a decrease in number of sage-grouse in Middle Park (Grand County) of at least 67% ( $19 + 1 + 41 = 61$ ;  $41$  divided by  $61 = 67.2\%$ ) from the 'historic' period (pre 1999) to the present (page 12).**

### **2. Habitat Linkage For Greater Sage-Grouse**

**Habitat types, PPH = Preliminary Priority Habitat, PGH = Preliminary General Habitat, and Linkage/Connectivity Habitat are collectively indicated as All Designated Habitat (ADH) for greater sage-grouse. All habitat types are critically important for maintaining and enhancing numbers of sage-grouse.**

**All alternatives (A, B, C. and D) consider only PPH and PGH specifically, and ADH in only a limited sense. We ask that all sage-grouse habitats be considered as one as sage-grouse cannot exist without all habitat types (Fedy et al. 2012, Coates et al. 2013, Knick et al. 2013). This is a fatal flaw in the DLUP/EIS.**

**The focus should be on sage-grouse in all Kremmling Field Office land use decisions if greater sage-grouse are to be kept from becoming endangered or threatened.**

### **3. Alternatives**

**The Alternatives presented are: A = no action or the current status, B = based on the BLM's National Technical Team (NTT) report, C = based on actions suggested by citizens, and D = the preferred alternative which was based on the status quo with some modifications from the BLM's NTT Report.**

**Sage-grouse would appear to benefit the most from alternative C, followed by B, followed by D and A (the present status). Alternatives A and D would not be expected to help prevent sage-grouse from becoming listed as endangered or threatened which is a major reason for the Draft Land Use Plan and**

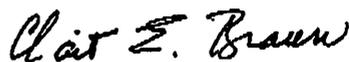
## Environmental Impact Statement (DLUP/EIS).

### 4. Failure To Fully Disclose Impacts of a T or E Listing

The DLUP/EIS fails to disclose the practical problems that ranchers will have, if sage-grouse were to be listed and that the accidental loss of sage-grouse as individuals or as a small group could amount to a prohibited "taking." Thus, normal ranching practices may be limited or circumscribed. Hunting may be prohibited and amount to a "taking" under the Act, which will have important biological and economic consequences on the region. Ranching and other private land development activities could also be limited if "critical habitat" were to be designated under the Act as is envisioned. The DLUP/EIS does not disclose these consequences as it should.

#### References Cited

- Coates, P. S., M. L. Casazza, E. J. Blomberg, S. C. Gardner, S. P. Espinosa, J. L. Yee, L. Wiechman, and B. J. Halstead. 2013. Evaluating greater sage-grouse seasonal space use relative to leks: implications for surface use designations in sagebrush ecosystems. *Journal of Wildlife Management* 77:1598-1609.
- Fedy, B. S., C. L. Aldrich, K. E. Doherty, M. O'Donnell, J. L. Beck, B. Bedrosian, M. J. Holloran, G. D. Johnson, N. W. Kaczor, C. P. Kirol, C. A. Mandich, D. Marshall, G. McKee, C. Olson, C. C. Swanson, and B. L. Walker. 2012. Interseasonal movements of greater sage-grouse, migratory behavior, and an assessment of the core regions concept in Wyoming. *Journal of Wildlife Management* 76:1062-1071.
- Knick, S.T., S. E. Hansen, and K. L. Preston. 2013. Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range. *Ecology and Evolution* 6: 1539-1551.



Clait E. Braun, Ph.D.  
Grouse Inc.  
5572 N. Ventana Vista Road  
Tucson, Arizona 85750  
520-529-4614

## BIOGRAPHICAL SKETCH

Clait E. Braun, Grouse Inc., 5572 N. Ventana Vista Road, Tucson, AZ 85750  
E-mail: sgwtp66@gmail.com, sg-wtp@juno.com  
Phone/Fax 520-529-4614

Born: 4 October 1939, Kansas City, Missouri, USA

### Academic Training

B.S. 1962. Technical Agronomy, Kansas State University, Manhattan  
M.S. 1965. Wildlife Management, University of Montana, Missoula  
Ph.D. 1969. Wildlife Biology, Colorado State University, Fort Collins

### Experience (49 years of study of species of grouse, including Sage-Grouse)

Director, Grouse Inc., Tucson, AZ (2000-Present)  
Avian Research Program Manager, Colorado Division of Wildlife  
Wildlife Research Leader-Avian, Colorado Division of Wildlife  
Soil Scientist, Soil Conservation Service, USDA, Kansas and Montana

### Memberships

#### The Wildlife Society

Editor (*Journal of Wildlife Management*) (1981-83)  
Vice President, President, Past President  
Charter and Founding Member of Colorado and Montana Chapters  
Editor, Sixth Edition, *The 'Techniques Manual'* (2005)  
Fellow

#### The Wilson Ornithological Society

Elected Board Member, Vice President, President  
Life Member  
Editor (*Wilson Journal of Ornithology*) (2007-2012)

#### Colorado-Wyoming Academy of Science

Elected Board Member, Treasurer, President, Life Member

#### American Ornithologist's Union

Elected Member, Elected Fellow, Life Member

Cooper Ornithological Society: Life Member

American Society of Mammalogists: Life Member

Great Plains Natural Science Society: Life Member

American Association for the Advancement of Science (1969-2013)

American Men and Women of Science

Who's Who in the West

Personalities of the West and Midwest

Dictionary of International Biography

**Professional Achievement Awards**

Colorado State University  
Colorado-Wyoming Academy of Science  
Gunnison Sage-Grouse Stewardship Award  
The Wildlife Society (Chapter, Section, National)  
U.S. Department of Agriculture (SCS)  
Western Agencies Sage & Columbian Sharp-tailed Grouse Technical Committee  
---Robert L. Patterson Award  
Wilson Ornithological Society---Klamm Award

**Publications**

Over 300 Technical Articles (especially on grouse) published in Peer-reviewed and Non Peer-reviewed Journals, Symposia, Proceedings (List Available upon Request)

**Referee**

Peer Reviewer for 20+ National/International Journals

**Editor**

Multiple Books and Proceedings, and Professional International Journals  
Most Recent  
Quail VII: Proceedings of the Seventh National Quail  
Symposium: 2012: 386 pp.

**Consultant**

County (Gunnison, Colorado), State (Nevada, New Mexico, Oregon, Utah, Wyoming), Federal (USFWS), and Provincial (Alberta) governments, and Private Entities (NGO's, Private Ranchers)

**Professional Interests**

Birds (especially Grouse and Columbids), Habitat Management, Alpine Ecology, Sagebrush-steppe, Population Dynamics

**National Advisory Committee, Wildlife Services (USDA, APHIS)**

1999-2005, Vice Chair and Chair  
2008-2009 Chair