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November 15, 2013

Bureau of Land Management
Attn: NEPA Coordinator
2815 H Road
Grand Junction Co 81506

Re: Northwest Colorado Greater Sage Grouse LUPA and DEIS

Dear Sirs:

Please accept this correspondence as the comments of the above Organizations regarding the proposed 2012 Greater Sage Grouse Land Use Plan Amendment and EIS ("The Plan"). The Organizations are forced to support Alternative A of the Plan until such time as clarity can be provided for both impacts from management and the management standards to be applied to recreational usages. The Organizations vigorously assert that failing to provide clear and consistent analysis of many management standards and implications from these standards is a clear violation of NEPA. The Organizations believe the failures in the Plan analysis lead to a credible argument being available that recreational usage would be better off with the USFWS listing the species and accepting management responsibility.

The Organizations are aware there are significant time constraints in this process as a final listing decision is required from the US Fish and Wildlife Service ("USFWS") by 2015. The Organizations believe that accurate analysis of issues and management implications is a critical part of developing a quality plan moving forward. The Organizations will note there are many

issues that are simply not defined fully and many management standards that are not completely analyzed. As a result the Organizations are concerned that the Plan simply will not work on the ground and result in a lot of unintended consequences that will not benefit the grouse. Implementing a bad plan to avoid a different bad plan does not make a lot of sense to the Organizations.

The Organizations are very concerned that the Plan does not accurately reflect the priority or significance of particular threats to the Grouse that were identified in the FWS listing decision. A review of the Plan could easily allow the conclusion that all BLM planning was found insufficient to protect the grouse. The FWS listing decision specifically noted that only oil and gas exploration and fire suppression were areas where current BLM management was insufficient. The FWS listing decision notes that moving to a designated trail system, as BLM is already doing nationally, is one of the largest and most important protections for grouse habitat involving recreational activity. The failure to properly prioritize threats and management priorities will result in inconsistent management, which may target issues that will generate significant costs and economic impacts and generate little benefit to the grouse.

The Plan proposes many standards, the application of which is not clearly described or is described in a conflicting manner in numerous points in the Plan. Analysis of these concerns often are combined with other standards that will clearly impact the overall access not only to habitat areas but also to recreational opportunities outside the habitat areas. These cumulative impacts are never addressed. An example of the combined impacts would be limiting usage to designated trails in priority habitat and limitations of surface disturbance to 3% or 5% of the habitat area. The Plan most commonly refers to the surface disturbance standards in terms of gas and oil development but at no point is there any limitation of the surface disturbance standards and usage of the route. Rather than specifically limiting impacts, the Plan often speaks to the availability of offsetting closures in the vicinity of the proposal area to minimize impacts. At no point is there any discussions of how these off sets would function on the ground.

Discussions of oil and gas surface disturbance standards often mention an offset being available for projects. The Organizations will note this off-set of usages will bring oil and gas development into direct conflict with recreational usage. The standards for this interaction simply are not provided in the Plan. The Organizations will note that often the intent of many routes is simply not determinable and will result in application of the surface disturbance standards to routes not related to oil and gas. The Organizations are assuming in these areas, designated routes would be insufficient protection but we simply are not sure this is the

standard and are not able to determine how much of the planning area would be impacted by the 3% or 5% surface disturbance limitation.

The Organizations are able to support certain principals provided in the Plan, such as the use of seasonal closures around active lek sites. Restrictions to designated routes and trails in priority habitat is also acceptable to the Organizations. This designated routes standard becomes problematic when applied to areas that may be suitable for an open riding designation and are in a general habitat that may not have been occupied by the Grouse for decades. The application of these standards becomes very murky when the 3% or 5% surface disturbance standards are applied. The Plan simply must describe how all these issues will be applied on the ground and simply has not been.

Prior to addressing the specific concerns of the habitat designations, a brief summary of each Organization is needed. COHVCO is a grassroots advocacy organization of approximately 2,500 members seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

CSA was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA currently has 2,500 members. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport.

TPA is a 100 percent volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands. Throughout these comments CSA, COHVCO and TPA will be collectively referred to as "The Organizations".

1. Change in ESA status of Greater Sage Grouse as a result of class action settlement.

The Organizations are somewhat troubled that a complete management history for the Greater Sage Grouse was not provided in the Plan. The Organizations do not disagree that the last action by the USFWS in 2010 declared the Greater Sage Grouse status on the ESA as warranted but precluded. However, on July 12, 2011 the USFWS as settled a class action lawsuit that

effectively ended the warranted but precluded status as a valid listing position and required a final decision regarding the Greater Sage Grouse be made by FY 2015.¹

The Organizations believe this is a significant development in the management of the species that should have been addressed in the Plan. This accelerated schedule for listings clearly has impacted the Plan, and should be addressed as the Organizations believe most of the public will not be aware of the settlement of the class action lawsuit.

2a. NEPA mandates detailed statements of high quality information for all decisions made in the planning process.

Prior to addressing the Organizations more specific concerns on specific issues in the Plan, the Organizations believe a brief review of NEPA requirements provided in regulation, various implementation guides and relevant court rulings is warranted to allow for comparison of analysis provided in the Plan and the proper standard. The Organizations believe that the high levels of quality analysis that is required by these planning requirements frequently gets lost in the planning process. The Organizations are very concerned that recreational usage and many other activities are often discussed in manners that directly conflict with each other and often propose to be managed under various standards throughout the Plan. This simply must be remedied in supplemental works to detail how impacts are related to changes. The Organizations believe meaningfully analyzing this cause and effect relationship will result in significant changes to the preferred alternatives proposed in supplemental works.

It is well established that NEPA regulations require an EIS to provide all information under the following standards:

"... It shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment..... Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses...."²

The regulations included the development of the Council of Environmental Quality, which expands upon the detailed statement theory for planning purposes.

¹ *Western Watersheds Project v. Salazar*, Civ. No. 4:10-229 (D. Idaho) (greater sage-grouse).

² 40 CFR 1500.1

"You must describe the proposed action and alternatives considered, if any (40 CFR 1508.9(b)) (see sections 6.5, Proposed Action and 6.6, Alternative Development). Illustrations and maps can be used to help describe the proposed action and alternatives."³

These regulations clearly state the need for the quality information being provided as part of this relationship as follows:

"The CEQ regulations require NEPA documents to be "concise, clear, and to the point" (40 CFR 1500.2(b), 1502.4). Analyses must "focus on significant environmental issues and alternatives" and be useful to the decision-maker and the public (40 CFR 1500.1). Discussions of impacts are to be proportionate to their significance (40 CFR 1502.2(b))."⁴

It is the Organizations position that recreational usage of habitat areas is the highest usage of these areas for local communities. The Plan fails to provide consistent analysis or clear provisions for the management of recreational activities. The Organizations vigorously assert this level of analysis is a per se violation of NEPA requirements for a detailed statement of high quality information on the issues.

2b. CPW State Grouse Plan

Since the most recent listing decisions on the Sage Grouse, the Colorado Division of Parks and Wildlife has developed a significant amount of research and extensive proposed plan for the management of the sage grouse in Colorado. These documents were released in 2008 and do not appear to be meaningfully addressed in the Plan. The Organizations will not comment on specific aspects of the CPW proposal other than to note the CPW analysis specifically and clearly provides analysis and management standards for many issues. Many of these standards are significantly less restrictive regarding the recreational usage of habitat areas than much of the analysis that is provided in the Plan. The Plan simply fails to provide any similar level of clarity in the analysis process.

2c. Correspondence regarding the need for hunting limitations gives rise to management standards that are arbitrary and capricious should recreational access be limited.

The Organizations will note that in correspondence dated November 20, 2012 the USFWS has specifically addressed the lack of need for closures to recreational hunting for the Greater Sage

³ BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg 78.

⁴ BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg 4.

Grouse.⁵ This correspondence is consistent with previous listing decisions cited throughout these comments. Given the position of the USFWS on this issue, the Organizations would note a directly conflicting and arbitrary management position that could result from closures to recreational access in the Plan. This involves two persons recreating in the habitat one riding an OHV and the other personally actively hunting for Grouse. The Organizations believe any management position that riding an OHV near a Sage Grouse poses more of a threat to the birds survival than actively shooting at the Grouse conflicts with best available science and would lack legal or factual basis. This position must be avoided.

3. The purpose and need for the Plan does not accurately reflect USFWS analysis of the management situation.

The Organizations believe an accurate summary of the USFWS listing decision is a relevant starting point for the analysis and our concerns regarding clarity of recreational standards. An accurate summary of the 2010 decision factors is lacking in the Plan which merely provides the following information:

"It determined that factor A, "the present or threatened destruction, modification, or curtailment of the habitat or range of the GRSG," and factor D, "the inadequacy of existing regulatory mechanisms," both posed "a significant threat to the GRSG now and in the foreseeable future" (75 *Federal Register* 13910, March 23, 2010)."⁶

Without reviewing the FWS listing decision these statements could easily lead to the conclusion that all BLM planning was found to be equally insufficient in the listing decision. This simply is not the case. The FWS listing decision specifically states:

"However, a regulatory mechanism that requires BLM staff to target the protection of key sage-grouse habitats during fire suppression or appropriate fuels management activities could help address the threat of wildfire in some situations..... **however, a long-term mechanism is necessary given the scale of the wildfire threat and its likelihood to persist on the landscape in the foreseeable future.**"⁷

⁵ A copy of this correspondence is attached as Exhibit 1.

⁶ LUPA Executive Summary at pg xxii.

⁷ Federal Register Notice March 5, 2010; US Fish and Wildlife Service; Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage- Grouse (*Centrocercus urophasianus*) as Threatened or Endangered at Pg 68.

The 2010 FWS listing decision further states:

“However, BLM’s current application of those authorities in some areas falls short of meeting the conservation needs of the species. This is particularly evident in the regulation of oil, gas, and other energy development activities, both on BLM administered lands and on split-estate lands.”⁸

While the 2010 FWS listing decision specifically identifies fire suppression and oil and gas development as issues that are in need of regulatory improvements, the listing decision specifically identifies that recreational activities result in minimal impacts to sage grouse habitat. The Decision clearly states:

“Although we anticipate use of pesticides, recreational activities, and fluctuating drought conditions to continue indefinitely, we did not find any evidence that these factors, either separately, or in combination are resulting in local or range-wide declines of greater sage-grouse.”⁹

The Organizations are very concerned that the lack of clarity in the summary of the 2010 listing decision for the management of recreational activities, which will result in significant impacts that are not meaningfully and consistently addressed in the Plan. As recreational usage of habitat areas is a secondary factor, the Organizations believe management must be very clear and targeted to avoid adverse impacts from management of an issue where only minimal gains can be achieved. Inconsistency of analysis and lack of clarity in proposed standards will lead to significant negative impacts to recreational access. This is simply unacceptable as recreational access is a factor that science has concluded will not be significantly impacting the species in the long run. This is very concerning and the Organizations believe management consistency and clarity will go a long ways in addressing and mitigating these possible negative impacts.

4a. Management clarity for any uses is critical in avoiding unintended consequences.

The Organizations concerns regarding the need for management clarity in planning for particular species is a very real concern. The Organizations believe clarity in management standards is a significant comparative strength of the CPW planning for the Grouse when compared to the current Plan. CPW provides clear management standards for most issues, while the Plan simply does not.

⁸ *Id.*

⁹ *Id.* at Pg 75.

The USFWS has adopted the issuance of clear and specific standards for the management of many species in order to avoid negative impacts in the application of standards on the ground. In the recent listing decision for the Wolverine, the USFWS applied numerous specific standards to mitigate possible impacts to recreational usage in habitat areas such as application of ESA Rules §4d and §10j. These standards were summarized as "there should be no changes in Forest management as a result of an area being designated as habitat".¹⁰ The Organizations believe this level of management clarity must be provided in the Plan to avoid negative impacts from management of a secondary and minimal threat to the Grouse, such as recreation. This level of clarity simply has not been provided in the Plan.

The Organizations need for management clarity is not academic and is a very significant concern moving forward. The San Juan National Forest recently issued a forest plan that provided all wildlife habitat areas are unsuitable for motorized recreation, without addressing any relevant management standards for species in these planning areas.¹¹ Existing routes in unsuitable areas would be treated as follows:

"Existing unmanaged routes within closed area on BLM lands or unsuitable areas on NFS lands would not be considered for incorporation into the transportation system and would be prioritized for decommissioning."¹²

Application of this type of management generality to the current version of the plan for the Sage Grouse would yield results that are simply not even contemplated in the FEIS, as all PPH and PGH would be immediately found unsuitable for motorized and routes closed despite standards that appear to require only seasonal closures. Massive portions of both the Little Snake and White River Field Offices are designated as some level of habitat and would have to be closed if the San Juan forest standard was applied to the management of these field offices.

The Organizations believe clear management standards must be provided for recreational trails in the Plan and simply have not been. Clear management standards are the only tool available for the Organizations to combat the application of arbitrary management standards as part of forest and travel plans, that are clearly outside the scope of analysis of the current FEIS and LUPA. These type of standards are often generating no benefit to the species and are used as a surrogate for other recreational management issues, such as user conflicts. Without clear

¹⁰ USFWS wolverine summary fact sheet available here

<http://www.fws.gov/idaho/Wolverine/WolverineProposed4dRule031113.pdf>

¹¹ See, San Juan NF & Tres Rios FEIS, at pg 379.

¹² See, San Juan NF & Tres Rios FEIS at pg 382.

management these types of discussions regarding erroneous standards in subsequent planning becomes very difficult at best. This must be avoided.

4b. Management standards for modeled but unoccupied habitat must be clearly stated.

The Plan addressed significant acreages in the planning area that are modeled habitat for the Greater Sage Grouse but have not been actively used by the Grouse for extended periods of time. The Organizations are very concerned that the lack of usage of these areas is not reflected in the management designations for these areas and that modeled areas are often managed under the same standards as actively used habitat areas.

It is the Organizations position that these modeled and unused habitat areas must be reflected as such in the LUPA. This management would bring Greater Sage Grouse management standards into conformity with the Gunnison Sage Grouse planning process that specifically identified large areas that were modeled habitat but unused by the Gunnison Sage Grouse in each habitat area.¹³ It should be noted that the management of the modeled but unused habitat was a significant basis of valid opposition in the Gunnison Sage Grouse process. As these modeled but unused areas are not even identified for the public in the Greater Sage Grouse process, these valid concerns will simply never be raised.

The Organizations are very concerned regarding the large areas of public lands that are summarized as general habitat but are not occupied by the Grouse. This appears to be a significant portion of habitat in some planning areas. The Organizations provide the following brief summary as an example of the scope of our concerns, rather than an exhaustive list of the sites. Only the planners would have the information needed to create such a list. The scope of usage of the unoccupied habitat areas on the WRFO is summarized as follows:

"Approximately 115 leks have been identified in the WRFO, of which about 55 are active. The status of approximately 20 leks is unknown because of limited or irregular use."¹⁴

The scope of unoccupied habitat on the Little Snake Field Office is summarized as follows:

"Axial. GRSB habitat types in the Axial Basin Landscape include strutting grounds, brood-rearing habitat, and winter range. Thirty leks have been documented within this landscape. Of these, 11 (37 percent) are active; 6 (20 percent) are

¹³ Federal Register / Vol. 78, No. 8 / Friday, January 11, 2013 / Designation of Critical Habitat for Gunnison Sage-Grouse; pgs 2564 to 2570.

¹⁴ LUPA at pg 15.

inactive (no activity the last 5 years); 11 (37 percent) are historic (no activity the last 6 years or longer), and 2 (7 percent) are unknown. ¹⁵

The limited scope of usage of many of the habitat areas on the Little Snake FO is not limited to the Axial area, as analysis continues as follows: Douglas Draw 0%, Douglas Mountain 0%, Dry Creek 0%, Green River 0%, Sand Wash 0%, Williams Fork 0%.¹⁶ Given that 7 of the 12 sites identified in the Little Snake Field Office as possible habitat are not occupied by Grouse, the Organizations have to stress the critical nature of identifying these areas in order to mitigate any possible issues with management of unoccupied habitat and allow for meaningful comment and input from the public on these issues and the implications that might result from these designations.

Many other areas are modeled habitat but not actively used by the Grouse, such as the California Park area of the Rout National Forest.¹⁷ At no point in the plan is there a discussion of why these areas would not be used by the Grouse or possible factors that would cause abandonment of these areas. The Organizations believe these issues must be meaningfully addressed and analyzed in the Plan, as they are probably the basis for lower levels of management activity that habitat that is actively occupied by the Grouse. Management of unused habitat under similar standards as occupied habitat will not benefit the Grouse, as they simply are not there. Management restrictions simply would create negative impacts with no offsetting benefit for the Grouse and as these areas are not clearly identified in the Plan, public comment on this issue simply will not be obtained.

6a. The implications of changes in management standards are not sufficiently analyzed and are often contradictory.

The Organizations are very troubled with the application of landscape level surface disturbance standards as part of the Plan. These standards will be exceptionally difficult to enforce or even calculate accurately on the ground and fail to address that often significant soil disturbance occurs on private lands adjacent to federal lands. There is no mechanism provided to address the application of these landscape level standards in areas where soil disturbance issues on federal lands will simply never address the source of the soil disturbance, which may very well be on private lands adjacent to the public lands.

While the Organizations believe accurate modeling of these standards, especially in boundary areas of habitat, will be difficult at best, this modeling must have occurred to some degree in

¹⁵ LUPA at pg 12.

¹⁶ LUPA at pg 12.

¹⁷ See, LUPA at pg 13; See also LUPA at pg 250

the planning process. It is the Organizations position that the results of this modeling should have provided as part of the Plan to allow for public comment on possible impacts.

The levels of surface disturbance change significantly between Alternatives both in terms of absolute limits and areas that are going to be managed under each standard. Alternative D allows a 5% surface disturbance over all priority habitat (PPH) in comparison to 3% disturbance of priority habitat for Alternative B and a 3% surface disturbance in all designated habitat (ADH).

The impacts from this change is reflected in the Plan as follows:

"Alternative B-Construction and realignment of roads and trails would be highly limited in PPH, as would upgrades to existing roads and trails. This alternative would also limit new construction in PPH to access valid existing rights so that any new construction that would cause the area to exceed 3 percent disturbance would require mitigation to offset the disturbance. This alternative provides more habitat protection than Alternatives A and D but not as much as Alternative C.

Alternative C-This alternative is similar to Alternative B but expands the restrictions on construction, realignment and upgrading to ADH. In addition, this alternative would expand the 3 percent disturbance cap to the entire area within 4 miles of a lek. Generally this alternative would be the most restrictive for new construction, realignment and upgrading of roads and trails, and therefore is expected to provide the greatest benefit to terrestrial wildlife.

Alternative D-This alternative applies restrictions to priority habitat that are more flexible than those outlined in the NTT report. Other than Alternative A, this alternative is the least restrictive for new construction, realignment and upgrading of roads and trails. "¹⁸

The Organizations are not able to find any analysis for the basis of these assertions and would note that there are significant differences in the acreage of areas that are classified as priority habitat (1,576,000 acres) in comparison to all designated habitat (2,893,600 acres). ¹⁹ As a result of the large acreage differences in play between the standards, the Organizations believe that the 3% standard over almost 3 million acres could have far more impact than application of a 5% standard over approximately half that areas. These are comparisons that are not provided and are well outside the reach of any interested party to address in comments on the plan. As a result this information must be provided by the planners and simply has not.

¹⁸ LUPA at pg 463.

¹⁹ LUPA at pg 42.

6b. The Plan frequently provides conflicting analysis of similar issues.

In addition to failing to provide analysis sufficient to allow public comment on some issues, other issues are analyzed in a conflicting manner. This makes it exceptionally difficult for the public to determine what the actual proposal is and how it would impact on the ground decisions. This type of conflicting analysis is pervasive when the plan is addressing certain issues. While only two are discussed here, this type of inconsistent analysis is highly frustrating and is a violation of NEPA requirements. The Organizations would have liked to provide a more meaningful discussion of possible impacts to recreation but such a discussion is not possible as an accurate and consistent starting point of analysis for many issues simply cannot be determined.

The following issues are identified and highlighted to provide an example of the conflicting analysis issue and is not designed to be an exhaustive list of possible impacts and concern. An example of the conflicting analysis would involve the treatment of open riding areas under the Plan. The Plan provides the following summary chart of management areas for travel management issues.

Table 2.2. Comparative Summary of Alternatives (Acres)

| Resource or Resource Use | Alt A | Alt B | Alt C | Alt D |
|---|-----------------------------|------------------------------|--------------------------------|------------------------|
| <i>Resources</i> | | | | |
| GRSG Habitat Areas (BLM/USFS surface and federal mineral estate, including coal) | | <i>Figure 1-4</i> | <i>Figure 1-4</i> | <i>Figure 1-4</i> |
| 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 |
| <i>Resource Uses</i> | | | | |
| Livestock Grazing | <i>Figure 2-2</i> | <i>Figure 2-2</i> | <i>Figure 2-3</i> | <i>Figure 2-2</i> |
| Acres closed to all classes of livestock grazing (acres) (including outlying areas) | 0 | 0 | 1,751,600 | 0 |
| Comprehensive Travel and Transportation Management | | | | |
| Open to cross-country motorized travel | 202,600 | 202,600 | 202,600 | 202,600 |
| Closed to motorized travel | 52,600 | 52,600 | 52,600 | 52,600 |
| Lands and Realty | | | | |
| ROW exclusion areas | <i>Figure 2-4</i> 25,600 | <i>Figure 2-5</i> 926,800 | <i>Figure 2-6</i> 1,751,600 | <i>Figure 2-7</i> 0 |

20

A review of this chart would lead most reviewers to a single conclusion, no changes are being made to open riding area designations as under each alternative the acreage is reflected as

²⁰ LUPA at pg 42.

202,600. However such a conclusion is incorrect, as the Plan specifies changes in open riding area designations as follows:

"Alternative B-Under this alternative no areas within PPH would be designated as open; instead, the field offices and ranger districts would determine where closures and seasonal restrictions are necessary within PPH to limit impacts on GRSG. This alternative would provide greater protection than Alternative A by reducing the likelihood of impacts from recreation on terrestrial wildlife species using the area. This would be the case particularly if the critical areas and seasons of use for these species were to coincide with the closures and seasonal limitations imposed for GRSG."²¹

The Organizations would note that an accurate reflection of the management position in the chart provided would mean there is a zero in the open designations under alternative B. Rather than having a zero in that column, the chart asserts open acreage as 202,600. This is simply wrong and misleading.

Conflicting analysis of recreational issues is not limited to motorized access. Impacts to dispersed camping are also analyzed in conflicting manners positions are asserted that are simply not reconcilable with each other. When discussing impacts of management standards on dispersed camping the Plan summarized the impacts of Alternative D as follows:

"Alternative D-This alternative would implement the most restrictions by including the potential for seasonal limitations as necessary in ADH. **It also would prohibit seasonal camping and other nonmotorized recreation within 4 miles of a lek.** In this case, associated benefits for other terrestrial wildlife species could be expanded to ADH and all habitat within 4 miles of a lek."²²

The impacts of closing of areas within 4 miles of lek areas simply are not addressed in subsequent portions of the Plan. Subsequent to the original statement, the LUPA then provides the following summary:

"Alternatives A, B, and D-Under these alternatives, there would be no restrictions on camping or nonmotorized recreation above and beyond what is already in the existing LUPs and the Routt National Forest Plan. Impacts on

²¹ LUPA at pg 459.

²² LUPA at pg 459

camping and nonmotorized recreation are expected to be minimal under these alternatives."²³

The Organizations will note there is simply no way to reconcile mandated closures to all recreational activity within 4 miles of a lek with an assertion that there would be no restrictions to the usage. The Organizations believe that all levels of recreational activities do impact the Grouse, some at higher levels than motorized recreation. If the decision is made that closures are necessary to protect Grouse habitat, the Organizations believe these closures must be evenly applied to all activity. Failure to do so would be a decision in violation of best available science. This type of analysis and summary leads to the conclusions that recreational impacts were not meaningfully analyzed in the plan and public comment will not be obtained regarding the impacts from management standards.

6c. Disturbance from all usage must be addressed evenly.

The Organizations note that at certain points in the Plan recreational activities are addressed under a single standard, which is welcomed by the Organizations. Best available science concludes that many activities have significantly higher levels of impact on wildlife than motorized recreation. If large scale closures are found necessary, the Organizations vigorously assert these closures must apply to all recreational usage, rather than just motorized recreational usage.

One instance of a single standard for recreational activity is provided in the Plan as follows:

"g. Recreational Activities – Recreational activities should be localized and confine activities to established and approved roads and trails. In winter habitat, activities should be dramatically reduced in documented winter habitat."²⁴

This type of a standard is supported by best available science. Dispersed motorized recreation's possible impact on elk, deer and numerous other herd animals has been extensively studied by the National Park Service in addressing winter usage of Yellowstone Park. These analyses are completely relevant to any analysis of dispersed motorized recreation on the CRVO. If there were an impact to elk and deer, the ongoing research in Yellowstone Park would have noted this impact. These analyses have repeatedly found:

²³ LUPA at pg 689

²⁴ Colorado Greater Sage-grouse Conservation Plan B-1 Appendix B GrSG Disturbance Guidelines APPENDIX B GrSG DISTURBANCE GUIDELINES at pg b-14.

"Based on these population-level results, we suggest that the debate regarding effects of human winter recreation on wildlife in Yellowstone is largely a social issue as opposed to a wildlife management issue. Effects of winter disturbances on ungulates from motorized and non-motorized uses more likely accrue at the individual animal level (e.g., temporary displacements and acute increases in heart rate or energy expenditures) than at the population scale. A general tolerance of wildlife to human activities is suggested because of the association between locations of large wintering ungulate herds and winter recreation. Habituation to human activities likely reduces the chance for chronic stress or abandonment of critical wintering habitats that could have significant effects at the population level, especially when these activities are relatively predictable."²⁵

The Organizations have to note that the biologists who performed the research in Yellowstone immediately acknowledged the social scientist's position, namely that most concerns regarding wildlife management are based more on socially based user conflicts than on scientifically based findings regarding a negative impact.

Another issue of higher impact to wildlife than motorized usage that must be addressed in management of recreation under a single standard would be the impacts of pedestrians with off leash dogs. There is a large body of evidence that concludes wildlife response to off leash dogs is consistently the highest levels of response.²⁶

If closures are found necessary the route should be closed to all usage as grouse have consistently exhibited similar levels of response to motorized and non-motorized travel.

7a. Route closures will impact a wide range of uses resulting in greater negative economic impacts.

The Organizations are very concerned about any loss of routes and trails in areas that are to be designated critical habitat for the Grouse. The availability of these routes and trails for all recreational usage provides significant economic contributions to the many small municipalities in the vicinity of the habitat area. The high levels of recreational usage of these routes

²⁵ US Park Service; White and Davis; *Wildlife response to motorized recreation in the Yellowstone Park; 2005 annual report*; at pg 15.

²⁶ CHAPTER 8 DOMESTIC DOGS IN WILDLIFE HABITATS EFFECTS OF RECREATION ON ROCKY MOUNTAIN WILDLIFE A Review for Montana MONTANA CHAPTER OF THE WILDLIFE SOCIETY Written by Carolyn A. Sime – Wildlife Biologist, Montana Fish, Wildlife and Parks, Kalispell; September 1999

compounds risks of negative economic impacts from the loss of other economic activities on these lands. Economic impacts to non-recreational activities has already been identified as a significant concern, which was clearly articulated by the Western Governors Association in 2011 as follows:

"The economic impacts of placing sage-grouse on the endangered species list would be severe, since much of the West's grazing of rangeland, natural gas, oil, coal and wind resources coincide with sage-grouse habitat."²⁷

Significant restrictions on access would clearly impact activities for which concern has already been voiced by the Western Governors Association. In addition to the priority economic concerns identified by the Western Governors Association, the Organizations would add economic impacts from losses of recreational usage of public lands as an additional element to be addressed as a significant concern. The dispersed trail network in the habitat areas provides significant access for all users of the areas, not just those seeking a motorized experience.

7b. Trail based recreation is an economic mainstay for many local economies.

Many small communities in the vicinity of Grouse habitat are heavily dependent on recreational activities and tourism for survival of the community, after more traditional income sources like the mining and timber industries have left these areas. US Forest Service research indicates that a multiple usage trail network is an effective tool for the development and maintenance of local economies. This research specifically concluded:

"Recreation and tourism economies are the mainstay for rural counties with high percentages of public land. Actions by public agencies to reduce or limit access to for recreation have a direct impact on local pocket books. Limiting access by closing roads, campgrounds, RV parking, and trails for all or one special interests group will impact surrounding communities. Visitors to public lands utilize nearby communities for food, lodging and support facilities."²⁸

While the development of a recreational trail network can be a significant benefit to local communities, the converse of this is also true as the loss of an existing recreational trail

²⁷ Western Governors Association; *Policy Resolution 11-9; Sage-grouse and Sagebrush Conservation*; July 11, 2011 at pg 2.

²⁸ Humston et al; USFS Office of Rural Development; *Jobs, Economic Development and Sustainable Communities Strategizing Policy Needs and Program Delivery for Rural California*; February 2010 at pgs 51-52

network can create significant negative economic impacts. The scope of losses from large route closures has been the basis for several studies. The findings of this research are consistent with the concerns regarding closures of routes voiced in these comments. **In 1999 a joint study of University of Wyoming and US Department of Agriculture found that 72% of economic benefits from winter recreation would be lost with a seasonal closure of the Yellowstone Park to motorized recreation.**²⁹ The high levels of economic impact to communities from closures is the result of the wide range of user groups that use a trail network to obtain their primary recreational experience. The Organizations vigorously believe large scale closures in Grouse habitat areas would have a similar impact on the local communities as those experienced by the communities adjacent to Yellowstone Park. These must be avoided.

7c. Dispersed trail networks are multiple use resources.

The Organizations believe that a brief discussion of what an OHV recreational user is will clarify why multiple use trails are of such concern when addressing economic impacts. Forest Service research indicates that families are the largest group of OHV users. This research found that almost 50% of users were over 30 years of age and highly educated. 11.4% of OHV users are 51 years of age or older.³⁰ Women were a large portion of those participating in OHV recreational activities.³¹ This research indicates that OHV recreationalists are frequently a broad spectrum outdoor enthusiasts, meaning they may be using their OHV for recreation one weekend but the next weekend they will be walking for pleasure (88.9%), using a developing camping facility (44.7%), using a Wilderness or primitive area (58.1%) fishing (44.6%) or hunting (28.4%).³²

As noted by the Forest Service research, motorized access to public lands is a key component of any recreational activity. This is completely consistent with the Organizations experiences for all recreational activities as most users do not have access to non-motorized means of game retrieval or do not have sufficient time to hike long distances to gain access to their favorite fishing hole or dispersed camping site. The wide range of recreation utilizing the dispersed trail network again weighs heavily in favor of caution of maintaining recreational access to areas that are to be designated Grouse habitat.

²⁹ David Taylor; *Economic Importance of the Winter Season to Park County Wyoming*; University of Wyoming Press; 1999 @ pg 2.

³⁰ Cordell et al; USFS Research Station; *Off-Highway Vehicle Recreation in the United States and its Regions and States: A National Report from the National Survey on Recreation and the Environment (NSRE)* February, 2008; pg 56.

³¹ *Id* at pg 56.

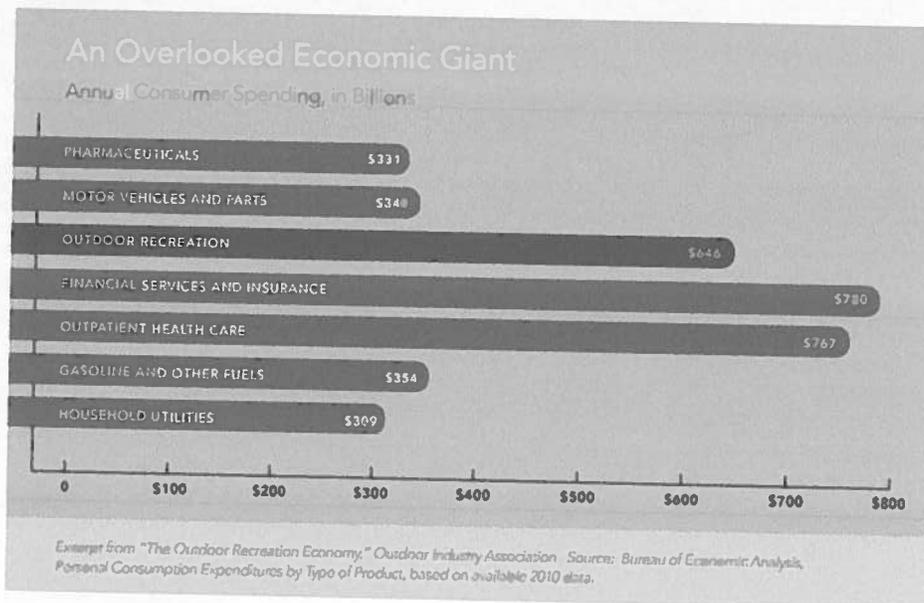
³² *Id* at pg 41-43.

7d. Recently released research from the Western Governors Association finds recreational activity on public lands is largest economic contributor to western states.

In 2012, the Western Governors Association released the conclusions of multiple year research regarding the economic impacts of recreation to western states economies.³³ A complete copy of this report has been included with these comments for your reference. Given the scale of these findings, the Organizations believe recreational usage would now be added to the priority concerns identified previous by the Western Governors Association. Recreation is the largest economic contributor to western state economies from public lands, which position is summarized in the report as follows:

"The Get Out West Advisory Group identified successfully managing the West's recreation assets as a key factor in facilitating positive outdoor recreation experiences for the region's citizens and tourists and for local economic development and job creation in communities around these places."³⁴

This research also compared recreational contributions to many other economic activities that were present in western states. These conclusions were summarized as follows:



³³ A copy of these reports is attached to these comments as Exhibit 2.

³⁴ Western Governors Association; *Managing the Regions Recreational Assets*; Report of the Get Out West Advisory Group to the Western Governors' Association; June 2012 - pg 1.

³⁵ Western Governors Association; *A Snapshot of the Economic Impact of Outdoor Recreation*; prepared by Outdoor Industry Foundation; June 2012 at pg 1.

The Western Governors economic impact analysis also highlighted 35 recreational opportunities throughout the western states. The overwhelming majority of these highlighted recreational locations involved the use of a dispersed trail network as part of the recreational experience. While many of these opportunities are outside areas to be designated habitat, analysis of these highlighted locations clearly evidences the critical role that the dispersed trail network plays in all recreational activities.

This research did identify other activities as larger economic contributors to western states, but these activities were not connected to public lands or small municipalities such as those impacted by the habitat designation. Western Colorado communities are simply not known as banking, health care or insurance centers of the western states. They are however known for their exceptional recreational opportunities. The Organizations believe these findings warrant clear management standards that properly balance economic impacts from closures with benefits to the Grouse from the management standards. Failure to properly measure and balance all recreational interests will have profound effects on recreational access to public lands and will result in significant negative economic impacts to all communities that will do little to benefit the Sage Grouse.

6b. Dispersed motorized recreation contributes almost \$1 billion a year to the Colorado economy.

Recreational usage of public lands is a significant portion of the Colorado economy, especially in the smaller mountain communities which have already lost more traditional sources of revenue, such as timber, farming and mining. In 2012, COHVCO commissioned an economic impact study to determine the economic impacts of OHV recreation on the Colorado economy. A copy of this economic impact study is attached for your reference. **This study found that almost 1,000,000,000 dollars of positive economic contribution and 10,000 jobs resulted from OHV recreation to the State economy.**³⁶

| Direct Impact | <u>NW CO</u> | <u>SW CO</u> | <u>Cntrl CO</u> | <u>NC CO</u> | <u>East CO</u> |
|----------------------|---------------------|---------------------|------------------------|---------------------|-----------------------|
| Direct sales | \$28,290,700 | \$77,828,161 | \$101,974,816 | \$49,225,045 | \$14,458,423 |
| Jobs | 332 | 1,100 | 1,297 | 639 | 184 |
| Labor Income | \$13,579,699 | \$30,274,949 | \$45,595,139 | \$21,241,172 | \$6,445,483 |
| Value added or GRP | \$17,062,037 | \$40,246,751 | \$57,673,570 | \$27,495,641 | \$8,264,186 |

³⁶ COHVCO Economic Contribution Study of Off Highway Vehicle Use in Colorado - 2012; Lewis Burger Group; pg 15. A copy of this report is attached as Exhibit 3.

| | | | | | |
|-----------------------|---------------|---------------|---------------|--------------|--------------|
| State and Local tax | \$1,422,904 | \$4,515,047 | \$5,417,621 | \$2,679,690 | \$803,708 |
| Federal tax | \$274,985 | \$781,945 | \$837,600 | \$528,728 | \$112,494 |
| Other Activity | | | | | |
| Indirect Sales | 15,029,394 | \$51,820,687 | \$55,614,367 | \$18,889,621 | \$13,935,630 |
| Jobs | 128 | 463 | 463 | 181 | 100 |
| Labor Income | \$4,623,048 | \$15,453,087 | \$17,559,193 | \$4,725,241 | \$4,865,225 |
| Other Prop Income | \$9,190,579 | \$30,021,789 | \$33,618,200 | \$10,555,900 | \$8,337,045 |
| State and Local tax | \$757,059 | \$2,523,671 | \$2,539,796 | \$873,167 | \$592,312 |
| Federal Tax | \$146,306 | \$401,852 | \$392,669 | \$172,284 | \$82,905 |
| Total Activity | | | | | |
| Sales | \$43,320,094 | \$129,648,848 | \$157,589,184 | \$68,114,666 | \$28,394,053 |
| Jobs | 460 | 1,564 | 1,760 | 819 | 284 |
| Labor Income | \$18,202,7474 | \$45,728,036 | \$63,154,332 | \$25,966,413 | \$11,310,708 |
| Other Prop Income | \$26,252,616 | \$70,268,540 | \$91,291,770 | \$38,051,541 | \$16,601,231 |
| Sales and Local tax | \$2,179,964 | \$7,038,718 | \$7,957,417 | \$3,552,857 | \$1,396,020 |
| Federal tax | \$421,291 | \$1,120,798 | \$1,230,269 | \$701,012 | \$195,400 |

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Over \$827,000,000 of this economic impact and almost 4,887 jobs result from motorized recreation in the Colorado areas proposed to be designated as habitat.³⁸

In addition to this direct positive economic impact to Colorado communities, OHV recreation accounted for over \$22 million in tax revenue to state and local municipalities.³⁹ These are tax revenues that motorized recreational users of the forest pay with little objection to obtain the benefits of their sport, and are used to address a wide range of needs for the local municipal government. Given current economic conditions, our Organizations believe these positive economic impact numbers must be meaningfully addressed in all government activities.

7f. Colorado Parks and Wildlife identifies the significant positive impacts to the Colorado economy from hunting and fishing in Grouse habitat areas.

In 2008, Colorado Parks and Wildlife commissioned a study to determine the economic contributions to the Colorado economy from hunting and fishing. A discussion of these impacts is provided as a part of these comments in order to allow for full understanding and analysis of

³⁷ COHVCO Economic Contribution Study of Off Highway Vehicle Use in Colorado - 2012; Lewis Burger Group; pg 17.

³⁸ *Id* at ES-6.

³⁹ *Id* at pg ES-5.

the significant impacts that are associated with the dispersed trail network in the areas to be designated as habitat. Closures of dispersed trail networks are frequently of significant concern to those who use the dispersed trail networks for hunting and fishing activities.

The CPW report identified that hunting and fishing provided over \$1.8 billion to the Colorado economy in 2008.⁴⁰ For many hunters and fisherman, motorized access on the dispersed trail network is a key component of their hunting and fishing experience as the average hunter does not have access to teams of horses to remove elk from inaccessible areas or days to hike into their local fishing area. These access related expenditures are encompassed in the CPW economic impact calculation as analysis includes expenditures for trucks, campers, recreational vehicles, boats and other motorized equipment.⁴¹ Access related expenditures that can only be fully utilized for hunting and fishing with the existence of a dispersed trail network.

The CPW analysis also identified spending on hunting and fishing in the Colorado counties that are impacted by designations of habitat as follows:

| County | Direct Expenditures ¹ (\$ in thousands) | Total Impact ² (\$ in thousands) | Jobs ³ |
|--------------|---|--|-------------------|
| Moffat | 18,450 | 31,170 | 325 |
| Rout | 27,980 | 45,630 | 528 |
| Jackson | 9,710 | 14,020 | 144 |
| Larimer | 89,070 | 154,830 | 1,739 |
| Grand | 28,680 | 49,270 | 566 |
| Eagle | 38,860 | 67,640 | 908 |
| Pitkin | 14,250 | 24,850 | 327 |
| Mesa | 43,980 | 76,100 | 813 |
| Garfield | 31,700 | 54,420 | 579 |
| Rio Blanco | 17,890 | 30,040 | 305 |
| Summit | 29,170 | 51,800 | 708 |
| TOTAL | 349,740 | 599,770 | 6,942 |

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⁴⁰ Colorado Division of Wildlife; *Final Report; The Economic Impacts of Hunting, Fishing and Wildlife Watching in Colorado*; Sept 26, 2008; at pg Exec Summary at pg 1. A copy of this report is attached as Exhibit 4.

⁴¹ *Id* at Section 3 pg 10.

⁴² Colorado Division of Wildlife; *Final Report; The Economic Impacts of Hunting, Fishing and Wildlife Watching in Colorado*; Sept 26, 2008; at pg Exec Summary at section 4 pg 16 & 17.

The Organizations believe that economic impacts from possible reductions in hunting and fishing activity in areas to be designated as habitat must also be accounted for in the development of management standards for the habitat. As clearly identified by CPW, these economic contributions are significant and access is a key component of the hunting and fishing experience for most users. Management clarity and consistency of analysis of impacts is a critical portion of any analysis of management alternatives. These simply have not been discussed in the Plan.

8a. Decisions regarding the lack of impact of motorized recreation on the Greater Sage Grouse must be accounted for in habitat management.

As noted in the status proposal for the Gunnison Sage Grouse, there is significant overlap in research between the Greater Sage Grouse and Gunnison Sage Grouse. The status decision clearly states:

"Gunnison sage-grouse and greater sage-grouse (a similar, closely related species) have similar life histories and habitat requirements (Young 1994, p. 44). In this proposed rule, we use information specific to the Gunnison sage-grouse where available but still apply scientific management principles for greater sage-grouse (*C.urophasianus*) that are relevant to Gunnison sage-grouse management needs and strategies...."⁴³

As previously noted in these comments, listing decisions relative to both the Greater and Gunnison Sage Grouse have explicitly found that recreational usage of Sage Grouse habitat is a low priority threat to the habitat. While the FWS findings cited above do not specifically identify dispersed motorized recreation, they provide an extensive discussion of possible motorized recreational impacts prior to concluding that recreation has a minimal impact on the sage grouse. The 2010 USFWS listing decision again stated that adoption of a designated trail system for recreational purposes is of significant benefit to the sage grouse. The 2010 USFWS listing decision discussed changes to designated trails on USFS lands as follows:

"As part of the USFS Travel Management planning effort, both the Humboldt-Toiyabe National Forest and the Inyo National Forest are revising road designations in their jurisdictions. The Humboldt-Toiyabe National Forest released its Draft Environmental Impact Statement in July, 2009. The Inyo National Forest completed and released its Final Environmental Impact Statement and Record of Decision in August 2009 for Motorized Travel

⁴³ Status proposal at pg 2488

Management. The ROD calls for the permanent prohibition on cross country travel off designated authorized roads." ⁴⁴

Clearly, if the designated route system that was being adopted by these Forests was insufficient for the protection of Sage Grouse habitat, such a position would have been clearly stated in this discussion given the large body of research that exists for the management of the Sage Grouse. This position weighs heavily in favor of maintaining recreational access.

8b. Two recently released texts support FWS positions regarding the minimal risk recreational usage of habitat areas poses.

Two recently released texts from nationally acknowledged grouse experts have specifically addressed the management of Greater Sage Grouse habitat and included extensive discussions of all possible threats to Grouse. ⁴⁵ The Organizations believe it is significant to note that the Sandercock text simply never addresses possible motorized recreational concerns in habitat areas. The Knick and Connolly text discusses OHV recreation in a very general manner in two paragraphs of a text that totals 646 pages. ⁴⁶ This discussion only addresses trends in usage of OHVs. These limited analysis is significant as these are resources one would expect to include significant discussions of OHV recreational impacts on the Grouse if these were significant concerns regarding OHV recreation creating possible impacts on the Grouse. The silence of these resources on this issue must be construed as a determination at this usage is a minimal threat to the species.

While these texts do not significantly address motorized recreation, the texts do specifically confirm access to public lands is a major issue for grouse management. The Connolly text specifically states:

"Many people live in these locations primarily because of access to public lands for recreation." ⁴⁷

⁴⁴ 12-month findings for petition to list the Greater Sage Grouse (*Centrocercus urophasianus*) as threatened or endangered. Fed Reg. (March 5, 2010) at pg 92.

⁴⁵ Sandercock et al; *Ecology, Conservation and Management of the Grouse*; University of California Press 2011; see also ST Knick and JW Connolly (editors) *Greater Sage Grouse; Ecology and conservation of a landscape species and its habitats*. Studies in Avian Biology (vol 38), Univ of California Press, Berkeley CA.

⁴⁶ See, Knick and Connolly at pg 216.

⁴⁷ See, Knick and Connolly at pg 216.

The Organizations must note the texts identification that living in an area primarily for access to public lands supports the Organizations concerns regarding the type of impacts that must be balanced in the creation of management standards for habitat areas.

The Organizations are aware there is a significant body of peer reviewed research for the management of the Grouse. The Organizations believe any concerns regarding dispersed recreation on the Grouse would have been identified in the current body of research summarized in these texts. The Organizations believe the minimal discussion of this issue clearly supports the position that was taken in the 2010 Greater Sage Grouse listing decision, mainly that dispersed recreation is a minimal threat to the Grouse. As the benefits of a designated or existing trail system are approved in the listing decision and the minimal threat of impacts from motorized recreation is simply not discussed in two recent texts from National experts on the Grouse, the Organizations believe restricting travel to existing routes in Grouse habitat is a logical, scientifically based and credible starting point for addressing motorized access to critical habitat areas.

8c. Restricting travel to existing routes would provide significant benefit for the Grouse with minimal economic risk in critical habitat areas.

The Organizations are intimately familiar with designations of routes under the Forest Service's Travel Management rule. The Organizations would support limitations of travel to existing routes in habitat areas of the Grouse as part of a habitat designation. Any permanent closures of habitat areas would be opposed as this position would conflict with best available science and USFWS listing decisions on the Grouse. As previously noted in the Greater Sage Grouse listing decision, a designated route system appears to be a significant benefit to maintaining sage grouse habitat and sage brush health. The Organizations believe these designations would be highly complied with if properly implemented, as most users are very familiar with requirements to stay on designated routes for travel as this is the common standard for dispersed route travel on public lands.

While the designation of travel routes is basically completed for Forest Service lands in the areas proposed to be designated habitat for the Grouse, the designation process remains on going for many areas that are under BLM management. This has resulted in large portions of the actively used habitat not being currently subject to a requirement that travel is limited to existing routes. The Organizations believe that restricting all travel to existing routes in habitat areas would provide significant benefit to the Grouse and the sage brush the grouse depends on for habitat, when compared to the current open area designations. The Organizations

believe such a change could provide significant benefit to the Grouse with very little risk of negative economic impacts to local communities as recreational access and opportunities could be maintained. **The Organizations believe the significant benefits that can be achieved for the Grouse at minimal costs weighs heavily in favor of meaningful analysis of limiting travel to existing routes as a method to preserve public access to the habitat areas for recreational usage.**

8d. Use of seasonal route closures to avoid lek areas would minimize economic impacts.

As part of the travel management process, seasonal limitations on use of designated routes are frequently made to avoid wildlife habitat areas or to avoid sensitive areas at a particular times of the year for a particular species, such as spring closures of routes in elk calving areas. These seasonal closures have been found to be highly effective in limiting impacts on wildlife during these sensitive periods and maintaining public access to these areas for the rest of the year when the species has moved from the area. In the case of elk calving areas, elk simply do not use calving areas in the summer as the elk traditionally move to higher areas for grazing purposes. As the elk have moved from these areas, use of routes in the area creates little to no risk of negative impacts to the animals.

Similar to elk, research indicates that sage grouse habitat and needs varies greatly over the course of a year.⁴⁸ The habitat designation decision notes this highly seasonal mobility as follows:

"Gunnison sage-grouse make relatively large movements on an annual basis. Maximum Gunnison sage-grouse annual movements in relation to lek capture have been reported as 18.5 km (11.5 mi) (GSRSC 2005, p. J-3), and 17.3 km (10.7 mi) (Saher 2011, pers. comm.), and individual Gunnison sage-grouse location points can be up to 27.9 km (17.3 mi) apart within a given year (Root 2002, pp. 14-15). Individual Gunnison sage-grouse have been documented to move more than 56.3 km (35 mi) to wintering areas in the Gunnison Basin in Colorado (Phillips 2011, pers. comm.). **While it is likely that some areas encompassed within these movement boundaries are used only briefly as movement areas,**

⁴⁸ Connolly JW, ET Rinkes and CE Braun. 2011. *Characteristics of Greater Sage Grouse habitats; a landscape species at micro- and macroscales.* pg 69-83 in ST Knick and JW Connolly (editors) *Greater Sage Grouse; Ecology and conservation of a landscape species and its habitats.* Studies in Avian Biology (vol 38), Univ of California Press, Berkeley CA.

the extent of these movements demonstrate the large scale annual habitat requirements of the species."⁴⁹

Given the high levels of mobility displayed by the Grouse throughout the year, closing routes in all habitat areas would be problematic from an economic perspective. The overwhelming body of grouse research surrounds impacts and activities of the grouse in their lek areas, where population concentrations are highest and where the highest response to disturbance is identified. Research also indicates that lek areas are annually used for long periods of time by the same group of Grouse.⁵⁰ Discovery of new lek locations is a rather rare occurrence and discovery of single new lek sites was of enough significance to warrant noting in the status decision.⁵¹ As researchers appear to have identified almost all lek areas in the habitat areas, this will make identification of routes around active leks in the habitat areas a management tool that could be quickly used to gain significant benefits to the Grouse, when used in conjunction with a seasonal closure to mitigate impacts on an actively used lek area.

Research indicates that seasonal closures for the protection of leks is a highly effective tool, which the status decision specifically notes as follows:

"The BLM and Gunnison County have 38 closure points to minimize impacts to Gunnison sage-grouse within the Basin from March 15 to May 15 each year (BLM 2009, p. 40). While road closures may be violated in a small number of situations, road closures are having a beneficial effect on Gunnison sage-grouse through avoidance or minimization of impacts during the breeding season."⁵²

The Organizations believe that seasonal closures of routes will also only be effective if the nesting areas are seasonally closed to other uses as well. Clearly closing a route to address concerns regarding its proximity to leks and nesting areas will not be effective if grazing, lek viewing and other activities identified as similar or higher risk activities for the habitat areas are continued.

9. Recreational closures alone are insufficient to address habitat concerns.

⁴⁹ See, Endangered and Threatened Wildlife and Plants; *Endangered Status for Gunnison Sage-Grouse*; 78 Fed. Reg. 2486 (Jan. 11, 2013) at pg 2543. (hereinafter referred to as the "status proposal").

⁵⁰ Status proposal at pg 2488-2495.

⁵¹ Status proposal at pg 2494.

⁵² Status proposal at pg 2532 .

As extensively noted in both the status and habitat proposals, there are a wide range of activities that are negatively impacting the Gunnison Sage Grouse, many of which are higher priority threats than recreational usage of the habitat areas. The following provisions are included in these comments to highlight some areas and activities that must also be addressed if large scale route prohibitions are found to be required. It has been the Organizations experience with other endangered or threatened species that often isolation of a single usage to address impacts from a wide range of usages creates significant public opposition as users being restricted believe they are being singled out arbitrarily. Management decisions isolating single uses frequently fail and generate significant public opposition for future management of the issue. This public support will be critical as there are high levels of private lands in some habitat areas.

The need to address a wide range of issues is supported in the status decision as closures of recreational access alone is insufficient to address habitat degradation, as the status decision specifically notes as follows:

"Based on modeling results demonstrating the effects of roads on Gunnison sage-grouse (Aldridge *et al.* 2011, entire—discussed in detail in Factor A), implementation of even the most restrictive travel management alternatives proposed by the BLM and USFS will still result in further degradation and fragmentation of Gunnison sage-grouse habitat in the Gunnison Basin." ⁵³

The Organizations vigorously believe that if access to any area is to be closed for recreational purposes, other higher priority threats must also be prohibited in that area, as research indicates recreational closures simply will never be sufficient to address the wide range of activities that degrade habitat areas. The Organizations are vigorously opposed to any decisions to rely on a single activity to address the wide range of habitat issues, in light of the research that indicates prohibitions of that activity will simply never address the habitat issues contributing to the Grouse's decline.

Several of the wide range of factors identified as habitat concerns are noted here as these issues would also have to be addressed with closures to address the decline of the Sage Grouse, many of which are not related to recreational activities. Dogs are a factor that significantly impairs habitat quality as noted in the status decision:

⁵³ Status proposal at pg 2526.

"Domestic dogs accompanying recreationists or associated with residences can disturb, harass, displace, or kill Gunnison sage-grouse. Authors of many wildlife disturbance studies concluded that dogs with people, dogs on leash, or loose dogs provoked the most pronounced disturbance reactions from their study animals (Sime 1999 and references within). The primary consequences of dogs being off leash is harassment, which can lead to physiological stress as well as the separation of adult and young birds, or flushing incubating birds from their nest."⁵⁴

This concern is well documented as a significant wildlife management issue for many species.⁵⁵ The Organizations would be very opposed to any management standards for habitat areas that precluded motorized travel but continued to allow access for pedestrians with dogs as the listing decision specifically identifies similar levels of concern for these uses.

Grazing is also another usage of habitat areas that poses a similar level of threat to the habitat as roads. This concern is summarized in the listing decision as follows:

"Livestock management and domestic grazing have the potential to degrade Gunnison sage-grouse habitat. Grazing can adversely impact nesting and broodrearing habitat by decreasing vegetation available for concealment from predators. Grazing also has been shown to compact soils, decrease herbaceous abundance, increase erosion, and increase the probability of invasion of exotic plant species (GSRSC 2005, p. 173)."⁵⁶

The Organizations must also note that lek viewing is currently not a significant issue for the Sage Grouse, however the Organizations believe that access to the lek area for viewing would create similar if not higher levels of disturbance to the Grouse when compared to a person simply passing through the area. The Organizations believe that if all recreational trail access is fully closed in an area then these activities should be prohibited as well.

The Organizations must again note that the above activities are not singled out due to heightened concerns for the activities but rather to briefly identify many of the usages that would need to be prohibited in a habitat area if the decision was made to permanently close

⁵⁴ Status proposal at pg 2532.

⁵⁵ CHAPTER 8; DOMESTIC DOGS IN WILDLIFE HABITATS EFFECTS OF RECREATION ON ROCKY MOUNTAIN WILDLIFE A Review for Montana MONTANA CHAPTER OF THE WILDLIFE SOCIETY Written by Carolyn A. Sime – Wildlife Biologist, Montana Fish, Wildlife and Parks, Kalispell September 1999.

⁵⁶ Status proposal at pg 2505.

the area to trail usage. While these additional restrictions would create economic concerns, the Organizations believe these economic impacts would be balanced by the fundamental fairness of treating similar threats to the Grouse in a similar manner. It has been the Organizations experience that arbitrarily permitting some uses while prohibiting others often fosters significant frustration from the public and develops little public support for conservation efforts. Given the high levels of habitat areas that are in private lands, the Organizations believe public support will play a critical role in any long term recovery efforts for the Grouse

10. Flexibility in the landscape level standards must be provided to allow for high levels of private ownership in local areas.

As previously noted, the Plan proposes a surface disturbance standard that manages to an absolute standard. While this standard is acceptable in theory, implementation of these standards on the ground will be problematic. Land managers will be forced to restrict activities that have been found to have little to no impact on the grouse in the FWS listing decision, in an attempt to achieve compliance with the standard. This is not good management and will directly impair public support for any initiative.

A review of Colorado Department of Wildlife research regarding comparative levels of ownership of grouse habitat in Colorado identifies significant portions of the designated habitat where achieving compliance with this standard will be problematic given the low percentages of public lands owned, such as the habitat around Meeker, Colorado.

Table J-2. Landownership data for Meeker – White River GrSG area.

| Ownership | Occupied Habitat - Acres (% of total occupied) | Vacant/Unknown Habitat Acres (% of vacant/unknown) | Potentially Suitable Habitat Acres (% of total potential) | Total - Acres (% of total) |
|----------------------|--|--|---|----------------------------|
| BLM | 3,478 (8%) | 291 (45%) | 23,709 (20%) | 27,477 (17%) |
| CDOW | 401 (1%) | 3,857 (57%) | 93 (0%) | 4,351 (3%) |
| Private | 36,864 (90%) | 2,663 (39%) | 91,312 (78%) | 130,838 (80%) |
| USFS | 418 (1%) | 0 (0%) | 1,401 (1%) | 1,819 (1%) |
| Total (acres) | 41,160 | 6,810 | 116,515 | 164,465 |

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⁵⁷ Colorado Department of Wildlife; Colorado Greater Sage Grouse Conservation Plan; Appendix J at page j-3.

The comparatively low levels of federal land ownership is evidenced in other grouse habitat areas as well. While only these two areas are identified in these comments, CDOW analysis finds similar comparative land ownership allocations in many areas of the state of Colorado.

Table J-4. Landownership data for Northern Eagle – Southern Routt Counties GrSG area.

| Ownership | Occupied Habitat Acres (% of total occupied) | Vacant/Unknown Habitat Acres (% of vacant/unknown) | Potentially Suitable Habitat Acres (% of total potential) | Total Acres (% of total) |
|----------------------|---|--|---|--------------------------|
| BLM | 26,189 (27%) | 268 (2%) | 64,231 (51%) | 90,688 (39%) |
| CDOW | 37 (0%) | 81 (1%) | 4,445 (4%) | 4,563 (2%) |
| NGO | 0 (0%) | 206 (2%) | 0 (0%) | 206 (0%) |
| Private | 67,480 (71%) | 10,880 (95%) | 52,256 (41%) | 130,615 (56%) |
| SLB | 1,596 (2%) | 0 (0%) | 1,267 (1%) | 2,863 (1%) |
| USFS | 86 (0%) | 2 (0%) | 4,291 (3%) | 4,379 (2%) |
| Total (acres) | 95,388 | 11,436 | 126,490 | 233,314 |

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The Organizations have to believe that the comparatively small amounts of federal lands that can be used in some areas for Grouse habitat management has directly impacted the direction that Colorado Department of Wildlife has taken in protecting the sage grouse. Rather than address management with absolute standards that may not be achievable, CDOW has stimulated private/public partnerships in an effort to bring more total lands into conformity with grouse management needs. The Organizations believe the current proposal will directly undermine these efforts and not benefit the grouse in the long run as public usage will be barred from grouse habitat but yield little true benefit to the grouse, as most usage of public lands generates little to no impact on the grouse.

11. Snowmobile usage of winter habitat is not a threat and this should be reflected in the Plan.

The Organizations are vigorously opposed to the closure of any habitat areas to snowmobile recreation, such as the California and Slater park areas of the Rout NF. While these two areas are specifically identified, our concerns are equally valid for any other areas that were not addressed in the LUPA but may be the basis of a snowmobile related closures. The high usage of these areas for snowmobile recreation is noted in the LUPA but at no point is the management of these areas for snowmobile usage addressed. As the door has been opened for

⁵⁸ Id at pg J-4

possible management of this area and usage under the Plan, the proposed management standards must be provided and simply has not been.

Our primary opposition is based on the fact that snowmobile usage and Sage Grouse habitat should never come into conflict, as best available science has concluded a minimal snowfall makes areas unsuitable for usage by the sage grouse. The Colorado Greater Sage Grouse Plan specifically notes this lack of usage as follows:

"In Colorado, <10% of sagebrush habitat is used by GrSG during deep snow conditions (Beck 1977) because most of the sagebrush is buried under the snow. When snow deeper than 12 inches covers over 80% of the winter range, GrSG in Idaho have been shown to rely on sagebrush greater than 16 inches in height for foraging (Robertson 1991)."⁵⁹

As the CPW plan notes a minimal snowfall prohibits usage of the area by the Grouse. Snowfall in the California Park and Slater Park areas often exceeds 100 plus inches of snow per year. It is the Organizations position this level of snowfall buries any viable summer habitat completely making the area completely unsuitable for winter range. Snowfalls of this size also make these areas a destination for snowmobile recreation and bring in significant revenues to the areas. The management standards for snowmobile usage of these must be clearly stated and must address that the area receives far too much snow to be viable habitat and snowmobile usage should not be restricted beyond standards in the Forest Plans.

In addition to the significant snowfalls these areas receive, the exceptionally marginal quality of this habitat for winter use is reflected in the lack of usage of the area in the summer. Grouse have not occupied this area for decades, even in the summer.

12. Conclusion

The Organizations believe that the protection of any endangered or threatened species is a critical part of federal land management. The Organizations are also aware that proper identification of the threats and issues causing any species to be endangered is critical to developing low cost effective plans for the protection of that species. However, these issues have not been properly or meaningfully analyzed in the Plan. As a result the Organizations must support Alternative A until such time as these issues are resolved in conformity with NEPA.

⁵⁹ Colorado Appendix B at pg b-8

The Organizations do not believe that the Plan have accurately prioritized the threats to the Grouse, which will result in limited agency resources being used to manage issues that simply not involved in grouse management. Absolute standards for issues that are of limited importance to the Grouse will result in significant unintended negative costs to communities in the vicinity of grouse habitat. These standards must be adapted to allow for flexibility to allow for proper management of local issues to permit public support for the management as this public support will be critical to the program moving forward.

Please feel free to contact Scott Jones at 518-281-5810 or by mail at 508 Ashford Drive, Longmont, CO 80504 for copies of any documentation that is relied on in these comments or if you should wish to discuss any of the concerns raised in these comments further.

Sincerely,



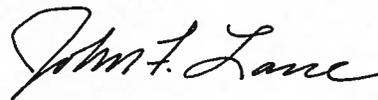
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Enclosures