



“Voice of the Western Slope since 1953”
A coalition of counties, communities, businesses & individuals

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November 27, 2013

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

Dan Jiron
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:

CLUB 20 is a non-partisan coalition of businesses, individuals, cities, towns and counties that has come together in a collaborative problem solving fashion for 59 years in an effort to promote and protect 22 counties in Western Colorado. Our members can be found regularly participating in local processes that address concerns related to land, wildlife, water and inhabitants of the region.

With this in mind, our organization would like to provide comment on the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (DLUPA/EIS). Our members have significant concerns regarding the DLUPA/EIS that include socioeconomic consequences that will negatively impact Northwest Colorado. The communities in Northwest Colorado have worked diligently to conserve and protect the Greater Sage-Grouse (GSG) and its habitat throughout this region of Colorado. We believe these efforts render a listing by U.S. Fish & Wildlife Service (FWS) as endangered or threatened under the Endangered Species Act (ESA) as unnecessary.

Reasons CLUB 20 members believe the DLUPA/EIS is flawed include:

- There is a lack of scientific justification in the disturbance cap methodology used in the DLUPA/EIS and it is not clearly defined.
- There is inadequate analysis regarding the socioeconomic impacts of the proposed GSG management planning area and the consequences of this poor analysis will be negative to the communities impacted; indeed the entire state will be negatively impacted.
- There is not an adequate range of alternative as required under the National Environmental Policy Act (NEPA).
- The BLM National Technical Team (NTT) Report fails to include recent scientific and commercial data and, if relied upon as the DLUPA/EIS does, will negatively impact the multiple-use mandates of the federal agencies that oversee the land use planning.

- Broad and rigid management proposals in mapped habitat areas result in overly restrictive measures for the planning area.

Before preparing the final DLUPA/EIS and issuing a Record of Decision, we urge all agencies involved in this decision to consider and fully analyze then rectify the policies that will significantly impede the ability of Northwest Colorado's future economic viability.

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 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.¹ This approach represents a broad overreach of the agencies' authority and is inappropriate.

Inadequate Analysis of Socioeconomic Impacts

Users of public lands in northwest Colorado pump millions of dollars 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

¹ DLUPA/EIS at F-3

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."² 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.

Failure to Provide Adequate 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,"³ 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.

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

² DLUPA/EIS at M-13

³ DLUPA/EIS at 25

area and that the agencies have considered a broader range of management alternatives as required under NEPA and CEQ regulations.

Extensive Reliance 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.⁴ 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.

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 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.

In conclusion, we request that the agencies resolve the issues identified herein prior to preparing the final DLUPA/EIS and issuing a Record of Decision. CLUB 20 does not see the current DLUPA/EIS as representative of a balanced approach to multiple use of public lands, conservation of the GSG and

⁴ 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).

economic consideration for the communities, residents and businesses in the area. The cooperative nature of those in Northwest Colorado has demonstrated adequately that the listing of the Greater Sage-Grouse in this region is unnecessary to the FWS. Thank you for your consideration of our concerns; please feel free to contact us if you wish to discuss these comments further.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie J. Petersen". The signature is written in black ink and is positioned above the printed name.

Bonnie Petersen
Executive Director