# Colorado River Fire Rescue

*Serving the Communities of New Castle, Rifle & Silt*

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BUREAU OF LAND MGMT.
GRAND JCT., CO

November 20, 2013

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

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

Dear Mr. Cagney,

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

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

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

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

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

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

**Failure to Coordinate:**

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

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

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

> "In addition to the public involvement prescribed by Sec. 1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. The objectives of the coordination are for the State Directors and Field Managers to:
>
> (1) Keep apprised of non-Bureau of Land Management Plans;
> (2) Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;
> (3) Assist in resolving, to the extent practicable, inconsistencies between Federal and non-governmental plans;
> (4) Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands;" (43 CFR 1610.3-1)

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

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

No such effort has been made.

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

**Failure to Consider Financial Impact to RFA**

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

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

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

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

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

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

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

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

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

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

**Unresolved Conflicts with RFA Policy**

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

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

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

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

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

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

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

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

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

**Failure to Consider Reasonable Alternative:**

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

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

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

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

**Summary**

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

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

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

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

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

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

Sincerely,

Rex Rhule
Board President

Michael C. Morgan
Fire Chief