



Colorado Wool Growers Association

*PO Box 292 ° Delta, CO 81416-0292 (970) 874-1433 ° (970) 874-4170 fax
cwgawool@aol.com ° coloradosheep.org*

NEPA Coordinator
Bureau of Land Management, Northwest Colorado District
2815 H Road
Grand Junction, CO 81506
blm_co_nw_sage_grouse@blm.gov

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Re:

Greater Sage Grouse Draft Land Use Plan Amendment/Draft Environmental Impact Statement

The Colorado Wool Growers Association appreciates this opportunity to provide input on the Greater Sage Grouse Draft Land Use Plan Amendment/Draft Environmental Impact Statement (Draft LUPA/EIS).

At ~1,400 pages in length, the Draft LUPA/EIS, is extremely cumbersome and difficult document to analyze. While many environmental NGO's have a full time staff of attorneys and other individuals to devote to these processes; individuals and grass-roots organizations do not, which severely limits their ability to fully participate in the process. Our first observation of the Draft LUPA/EIS, is that it is another example of regulatory overburden pushing small business towards bankruptcy and supporting an elitist agenda of locking away our public lands.

The Colorado Wool Growers Association supports the following comments provided by the White River and Douglas Creek Conservation Districts; and also supports the comments submitted by the Colorado Cattlemen's Association and the Colorado Public Lands Council.

Northwest Colorado Greater Sage-Grouse LUPA and EIS Concerns

The White River and Douglas Creek Conservation Districts (Districts) support BLM managing lands to support the Greater Sage Grouse (GSG). It is our firm belief that the GSG can and will thrive with all the multiple uses based on sound scientific range land management.

The Districts participated in BLM's Cooperating Agency process as they drafted this NW Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (DLUPA/EIS). Then we worked with a diverse group of stakeholders to discuss and understand the ramifications of the proposed DLUPA/EIS with the intention of making specific comments on the

document. However the Douglas Creek and White River Conservation Districts have determined this document to be fundamentally flawed and have now turned our attention to working with other stakeholders, including the State of Colorado in an effort to get the BLM to either consider an additional alternative or utilize a large portion of Alternative A within their Record of Decision.

SPECIFIC CONCERNS

Range Management: The below stated Range Management objective within the DLUPA/EIS is not consistent with BLM’s multiple use mandate and requires management for a single species.

Objective: Manage the Range Management program to 1) maintain residual herbaceous cover to reduce predation during nesting, 2) avoid GRSB habitat changes due to herbivory, 3) avoid direct effects of herbivores on GRSB, such as trampling of nests and eggs, 4) avoid altering GRSB behavior due to the presence of herbivores, 5) avoid impacts to GRSB and GRSB behavior from structures associated with grazing management, and 6) maintain and develop agreements with partners that are consistent with before-stated Range Management objectives.

Therefore, we propose the above objective be deleted and replaced with:

“To meet BLM Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado with special attention to Standard #4.”

Public Land Health Standard 4 states: **“Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.”**

Indicators are as follows and would be clear guidance to BLM staff and interested parties regarding how to manage for any species of concern:

- All the indicators associated with the plant and animal communities standard apply.
- There are stable and increasing populations of endemic and protected species in suitable habitat.
- Suitable habitat is available for recovery of endemic and protected species.

Peer reviewed scientific studies have proven Range Best Management Practices (BMP) are not detrimental to Greater Sage Grouse (GSG) habitat and in fact can be beneficial to the GSG and other species habitat. Therefore, the Districts request the BLM reflect this information and focus on sound range management. We oppose retirement of grazing permits and grass banking.

Range of Alternatives: Under section 2.3.1, Develop a Reasonable Range of Alternatives, the paragraph numbered 2 states: “Blended goals, objectives, and actions from the two action alternatives to formulate a third action alternative (Alternative D) that strives for balance among competing interests and has the greatest potential to effectively address the planning issues.” This does not meet the NEPA requirement.

An example that is totally unacceptable is the four mile radius NSO (no surface occupancy) from active leks in all three “action” alternatives. The same restriction listed in all three “alternatives” do not provide true alternatives. This is one issue that BLM and all stakeholders need to work together on to identify true alternatives that provide balanced and multiple uses of the public lands.

A second example is the three or five percent disturbance caps. Alternative D does provide for the larger percentage of disturbance cap. However, all three “alternatives” require the overreaching of private property rights by monitoring disturbances on the private lands. BLM does not have this authority. Local counties are the entities that have the authority to do land use planning. BLM is overreaching their authority and Counties need to reject this effort.

BLM has made it clear that the NTT Report (Alt. B) will heavily influence the management restrictions across the West. This document does not consider local conditions and assumes one size fits all. An independent review of it verifies it 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 proposed management restrictions. (*Rob Roy Ramey, Review of Data Quality Issues in a Report on National Sage-Grouse Conservation Measures Produced by the BLM NTT, Sept. 19, 2013*)

Alternative A is considered the “no action” alternative. Because the BLM utilized little input from the Cooperating Agencies and relied heavily upon the flawed NTT Report in this EIS/LUPA, it is very limited in scope. Therefore, we request that many features of Alternative A be utilized in the final decision. We specifically request many of the features from the Little Snake RMP be utilized as that RMP was developed within the past two years and it meets BLM’s multiple-use requirement as well as provides for good GRSG habitat management. The Districts are in the process of identifying these specific features of Alternative A that we support.

Inadequate Socioeconomic Analysis: The Socioeconomic Analysis of this report relies heavily on non-market valuations and therefore underestimates the economic impact of all the action alternatives.

Other areas of concern for the Colorado Wool Growers Association are listed on pages 4-7:

The document does not contain an adequate range of alternatives as required under the National Environmental Policy Act (NEPA)

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

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

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

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

The analysis and recommendations in the document rely heavily on the BLM National Technical Team’s Report (NTT) Report, which failed to include recent scientific and commercial data and would severely limit the ability of the agencies to meet their multiple-use mandates

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

¹ DLUPA/EIS at 25

specialist advocates.² As such, the NTT report does not adequately represent a comprehensive and complete review of the best scientific and commercial data available and is inappropriate for use as the primary basis of many of the proposed management restrictions.

The agencies have proposed overly broad and rigid management restrictions in mapped 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.

The analysis underestimates the negative socioeconomic impact of the proposed management of GSG in the planning area

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 planning area and beyond. As a result, crucial tax revenue and other economic benefits from these activities will decline.

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

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

³ DLUPA/EIS at M-13

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.

The disturbance cap methodology proposed in the DLUPA/EIS is not clearly defined and lacks scientific justification

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.⁴ This approach represents a broad overreach of the agencies' authority and is inappropriate.

The document does not adequately explain the proposed mitigation strategy or the context for its use

Throughout the DLUPA/EIS, the agencies reference the notion of utilizing mitigation strategies but have not adequately defined the basis or context when mitigation might be used. While BLM has adopted an interim offsite mitigation policy, the DLUPA/EIS lacks the specificity necessary to implement approaches

⁴ DLUPA/EIS at F-3

that would meet the parameters of this policy, much less give adequate direction to BLM Field Offices that mitigation is a viable option.

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

Respectfully,

Gary Visintainer
CWGA President