MOFFAT COUNTY

COMMISSIONERS

November 26, 2013

BLM Greater Sage Grouse EIS
2815 H Road, Grand Junction, CO. 81506
Email: blm_co_nw_sage_grouse@blm.gov

Jim Cagney and Erin Jones,

Moffat County appreciates the Bureau of Land Management (BLM) providing opportunity to comment on the Draft Land Use Plan Amendment and Environmental Impact Statement (EIS) regarding Northwest Colorado Greater Sage Grouse, hereafter referred to as the EIS. We have also participated in all Cooperating Agency meetings and several different stakeholder/public meetings in the development of the EIS. Moffat County was a founding member of the NW Colorado Greater Sage Grouse Working Group, which has been meeting regularly for over 15 years, and developed the first Greater Sage Grouse Conservation Plan in Colorado. The first eight pages of the below comments, including this page, are focused on general overarching comments regarding the Sage Grouse EIS, while the following pages are focused on specific line by line comments throughout the Sage Grouse EIS. Please note that Moffat County chose to use the same acronyms for Preliminary Preferred Habitat and (PPH) and All Designated Habitat (ADH) as the EIS. Thank you for considering the below written comments from Moffat County regarding the Greater Sage Grouse EIS.

GENERAL COMMENTS:

Flawed Cooperating Agency Process: Moffat County wishes to go on record expressing our frustration, yet again, with the Cooperating Agency process used to help complete BLM's Sage Grouse Environmental Impact Statement (EIS). The Cooperating Agency process was not a true cooperation process as mandated by the National Environmental Policy Act (NEPA). Moffat County along with all other cooperating agencies were regularly and consistently having sideboards imposed on us that did not allow true cooperation as envisioned by NEPA. Three of the most flagrant abuses of NEPA and the Cooperating Agency Process regarded the 1) modification of the NTT Alternative to develop Alternative D, 2) incorporating population counts as exception criteria to disturbance caps rather than placing population as evaluation criteria equal to disturbance caps, and 3) BLM insisting on a 4 mile NSO around grouse leks in Alternative D. Although Cooperating Agencies participated in the development of the Sub-

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regional Alternative and we did 'move the ball' in its development, its most important pieces were driven from the Washington Office and steamrolled local input. The Cooperating Agencies were repeatedly told that direction had been given to BLM that that Cooperating Agencies concerns on many points, including the three listed above, would not be acceptable as an end product, definitely indicating advanced decision making from BLM.

In fact, Cooperating Agencies hands were bound from true cooperation to the extent that on August 13, 2012 all seven counties and conservation districts which were attending the Cooperating Agency meeting wrote a letter to Helen Hankins, Colorado BLM State Director stating these concerns. In that letter the Cooperating Agencies raised concerns of a) too little deference being given to existing sage grouse planning documents and their success records, b) too narrow of a range of alternatives, c) advance decisions regarding the planning process already had been made, d) the sub-regional alternative being constrained to modifying the National Technical Team (NTT) report, e) and not being given the opportunity to truly develop a Sub-regional Alternative that would protect the grouse and the economies of the communities which the Cooperating Agencies represent. From the onset, the Washington BLM office intentionally provided little opportunity for meaningful input from local governments.

BLM did provide their obligatory response to the Cooperating Agencies on September 7, 2012, and cited traditional rationale such a 'regulatory certainty' and the voluntary nature of local plans not being adequate to withstand legal challenges, and that BLM was going to analyze the NTT Report as one alternative due to a December 27, 2011 Instruction Memorandum. Generally, BLM presented an inadequate response to the Cooperator's letter, thus leaving us with the conclusion that our letter describing the flawed cooperating agency process was valid.

Basic Flaws in the Disturbance Cap Concept: Upon learning the BLM intended to rely heavily upon disturbance caps to determine amount of ground disturbance allowed within sage grouse habitat, the Cooperating Agencies immediately requested participation in the process. We were told that on September 6, 2012 BLM had assembled an internal team to begin drafting guidelines to define what constitutes a disturbance. Shortly thereafter, what is now incorporated into Appendix F was revealed. The document was prepared internally and Cooperating Agencies were not part of the identification team to develop the disturbance cap concept despite our request. This was particularly peculiar since Moffat County was a key stakeholder in designing the 5% disturbance cap concept in the Little Snake Resource Management Plan and had reviewed the Threshold Concept in the White River Oil and Gas EIS, all documents that have been publicized in the last 2 years. Yet despite requests within Cooperating Agency Meetings BLM did not invite our participation in the development of Appendix F.

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There are several fundamental flaws with the disturbance cap concept that have not been articulated adequately in the EIS and warrant additional consideration along with an opportunity for public review, beyond the comment of this EIS. Moffat County's concerns are:

a) The most egregious part of the disturbance cap concept is that of monitoring private lands. This will result in BLM having unprecedented discretion to prevent projects on public lands, in order to compensate for habitat disturbance on private land. BLM gives cursory acknowledgement that they cannot manage private lands in Appendix F, but certainly intends to monitor private land disturbance through aerial imagery. Private land disturbance will then be calculated against total disturbance of the Sage Grouse management zone, thus reducing the amount of disturbance federal lands can permit. In essence, BLM is holding a stick over the heads of private landowners committing to monitor private lands with the end result of fewer permitted uses of federal lands.

   The concept of private land monitoring of disturbance becomes more problematic once played out. A probable and likely example exists, where BLM will conduct a takings of private minerals. Let's say that a disturbance cap is either met or close to being met. Once BLM becomes aware that a planned oil well is to be drilled on private land which is dependent upon federal minerals, either because the federal minerals lie under the private land, or part of the spacing unit which the well drains hosts federal minerals, BLM will very likely NOT ISSUE THE LEASE of its federal minerals. This non-issuance of a lease will be driven by the attempt to reduce disturbance in management zones close to the cap, but will have a net effect of a takings of private rights. If a company cannot lease the federal minerals or, as we see all more commonly, the regulatory restrictions make the lease uneconomical, the company will not drill the well. This concept of preventing federal mineral leases from being issued to avoid adding to disturbance caps denies counties tax revenue for roads, schools, libraries, hospitals, fire departments, and acts as a takings of private mineral rights.

b) There is no description or commitment of staff regarding how disturbance data bases would be managed or updated. Considering BLM's recent seasonal staff cuts and stating that vacant positions will not be filled, it seems plausible that BLM may not permit federal land usage solely due to not having current ground disturbance data in its databases.

c) The scientific rationale for implementing a 5% or 30% disturbance threshold is largely non-existent to sketchy at best. BLM must adequately describe the science relied upon

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to use these percentages as a basis for the Sage Grouse EIS. Broad area application of disturbance caps, such as the EIS proposes, place serious unintended economic burdens on local communities and without sound justification for disturbance caps, BLM should not rely on them.

d) It is unclear how valid existing rights that are currently in place will be handled in areas close to reaching, or already reaching, disturbance caps. BLM acknowledges that valid existing rights exist, but other that stating that "valid existing rights would affect what the BLM can authorize for other potential users" (F-4) no explanation exists. Moffat County predicts that field manager discretion would take over in such instances. Field Manager discretion gives no surety for companies making millions of dollars in investment decisions. At a minimum BLM must analyze the socio economic impact that this lack of surety has on developing a resource. For instance we can site numberous examples across Colorado where, without surety, companies have chosen to withdraw or not operate. BLM must acknowledge the impact of surety and lack of surety for permittee operations when implementing disturbance caps.

e) While Moffat County appreciates the attempt to allow exemptions to the disturbance cap concept (F-5, Line 17) it is not what the cooperating agencies requested. The cooperating agencies requested disturbance caps be one of two tools considered. Currently, the second tool, population counts, is listed as "exception criteria." In the Cooperating Agency meetings there was general acknowledgement that disturbance caps MAY be used to proactively maintain sage grouse populations, but this has not been widely used and disturbance caps are an unproven concept to protect bird populations. While at the same time Cooperating Agencies acknowledged that grouse population counts can act after the fact as an indicator to describe how populations responded to a specific disturbance. Cooperating Agencies requested, and were denied by BLM, the consideration of both disturbance caps and populations counts as evaluations tools to be used simultaneously to determine whether a land use was authorized. Prioritizing an unknown evaluation tool, such as disturbance caps, over a known tool, such as population counts, is biased, scientifically indefensible, and ignores Cooperating Agency advice.

f) Section F-6. Line 12 of the authorizations regarding disturbance caps require grouse neutral projects. For a requirement of this magnitude, the deciding factor for allowing future development of the federal lands, there must be criteria written to define what

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'grouse neutral' means. Criteria must be defined to provide surety for federal land project proponents.

g) Section F-6, Line 26 states the "authorized officer may consider the relative value to society in terms of employment, tax revenue, and project need, versus the potential for impacts on GRSG." This places the field manager in a position of deciding what is best for society. Moffat County firmly believes decisions of this magnitude should not be placed in a federal authorized officer's authority, but rather elected officials. Furthermore, Line 30 allows the authorized officer to decide "relative value to society" and "defer or reject" projects not in society's best interest or a "prudent use of cap space". Deciding what is best for society is not the role of a professional trained in resource management, rather, of those elected by a majority of their peers. All of us were taught in our most basic grade-school government classes the role of elected leaders, and shifting this duty to a field manager is unacceptable, and possibly illegal. Moffat County requests BLM defer to duly elected leaders when deciding what is best for society, especially since most elected leaders have systems set up to make such decisions, such as diverse advisory boards, etc. These elected leader mechanisms for advice and public involvement already exist at a scale that BLM could not possibly emulate.

Socioeconomic Analysis

Diluted affects at the local level: Social and Economic Impacts are some of the most important impacts that a local government must consider in any federal land management decision. The economic evaluation for the Sage Grouse EIS is very cursory and of such a high level analysis that local impacts are diluted to the point of appearing minimal. For instance, Tables M.17-M23 lists economic impacts for drilling wells within the affected planning area. However, looking at each of these tables across the whole planning area has extremely variable impacts on individual counties. For instance, oil and gas impacts are minimized for Moffat County yet likely exaggerated for Grand County. Socioeconomic analysis at such a course scale does not reveal true impacts.

For example: Moffat County has, by far, the most grouse and yet minimal oil and gas development compared to Garfield County. Garfield County has, by far, the most oil and gas development and the minimal grouse compared to Moffat County. The socioeconomic data BLM used at the course scale shows the large amount of gas and oil revenue from Garfield County not being affected because of the low level of birds affecting total gas production in Garfield County. And in an opposite affect, Moffat County has large numbers of birds exactly

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on top of the oil and gas resource in Moffat County, so things like a 4 mile NSO completely shut down oil and gas operations in Moffat County. Even though Moffat County doesn't have the same MCF or barrels of oil produced as Garfield County, because this Sage Grouse EIS will affect most all the wells in Moffat County, then Moffat County's oil and gas economy is completely devastated. Without county level analysis these affects are not captured.

Therefore Moffat County requests a county level analysis to accurately depict the true socio economic impact of the Sage Grouse EIS.

Moffat County has very conservative estimates of 72,600 Billion Cubic Feet (BCF) of natural gas under sage grouse areas NW of Craig resulting in conservatively $254 billion worth of natural gas resource (at $3.50 / MCF) that would be completely shut off from access should alternatives B, C, or parts of D be implemented. $254,000,000,000 is a hard number to fathom. This translates to providing enough energy for 726 million households for 1 year, or providing energy to Denver County, Colorado for 4580 years. The impacts of restricting, or eliminating, the extraction of a resource that can provide energy to the equivalent of Denver County, Colorado for 4580 years MUST be addressed in the BLM socioeconomic study. Table M.18 predicts production of Alternative A at 96,211 BCF over the entire 4.2 million acres of sage grouse habitat covered by the EIS. This number seems ridiculously low considering Moffat County has data indicating that under 1 million acres of grouse habitat in Moffat County contains 72,600 BCF of technologically available natural gas. Although it is a slightly different comparison to compare Moffat County's data of a known reserve with that of BLM Table M. 18 listing predicted production, the inconsistency must be analyzed in the BLM EIS. Wildlife biologists typically describe grouse populations by high male counts. If one were to divide the $254 billion dollar natural gas resource by the 2000 male sage grouse in Moffat County, this results in each male sage grouse affecting $127 million dollars of revenue. If one divides $254 billion dollar resource by the 7000 total estimated grouse, male and female, in Moffat County, each grouse affects $41.4 million dollars of natural gas revenue. BLM socio-economic assessment must analyze the impact of letting each sage grouse prevent $41.4 million dollars of revenue from being extracted. Moffat County calculates that there are $22 billion of tax revenue available from the gas reserve that would be returned to the Moffat County taxing districts. These are numbers that drastically conflict with BLM's socio economic assessment and warrant BLM reanalyzing its assessment. This is $22 billion that would provide needed social services, public safety, better schools and improved roads. Our local community college needs money to build residence halls and other facilities. Our local hospital is considering a new medical office building and a new senior center is being proposed. $22 billion in available revenue would add significantly to the above mentioned projects.

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Transmission Lines

Moffat County estimates Transwest Express power line, valued at $55 million assessed value, will result in a $1 million per year property tax base for ½ the line. The other half of Transwest's line would be federally owned and therefore would not pay taxes. Should a total of three lines, which are currently proposed, be installed in Moffat County, the County expects power line companies to pay $5 million in annual property taxes. That would place power lines in a tie with our number 1 tax payer in Moffat County. Each alternative has various sage grouse restrictions on rights-of-way and transmission corridors. Moffat County requests the financial impact of each alternative of the EIS be analyzed for its socioeconomic affect on revenue to the county from power lines.

Secondary Impacts Not Analyzed

Although Moffat County acknowledges the difficulty in identifying dollar figures associated with secondary impacts or multiplier effects, it is only appropriate for the EIS to acknowledge the unknown dollar figures associated with them. The secondary impacts can certainly have both positive and negative impacts. Secondary impacts that Moffat County requests be analyzed include:

a) Oil and gas companies in Moffat County have specifically described to the County that they have chosen not to explore for oil resources on federal land due to regulatory burdens. Companies have designed spacing units to avoid federal minerals and companies have chosen not to operate where sage grouse exist, mostly because of additional costs or regulatory delays attributed to BLM permitting requirements in sage grouse habitat. Power line EIS's have been delayed and companies have performed additional engineering on massive scales to avoid sage grouse habitat.
b) Moffat County has repeatedly commented that BLM refuses to acknowledge that management actions on BLM lands can affect private landowner decisions. It is foreseeable that BLM could place grazing restrictions or mineral restrictions on adjacent public lands to private property to the degree that it makes a private ranching operation no longer viable. Once a ranch is no longer viable, it is under risk of being subdivided into small acreage properties, and the 'open space' values BLM has counted on for wildlife and other uses, is no longer available. This scenario is very plausible, but BLM does not analyze the impact of BLM's decisions on private landowners. Moffat County

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requests BLM analyze the economics of the impacts BLM has on adjacent private lands and their owners ability to generate a profit.

The above described costs are real and not "pie in the sky" expenses for operators/private landowners, yet on the other hand there may be positive benefits to sage grouse by additional protections on sage grouse habitat. Regardless of the benefit or cost, a socioeconomic analysis should address the impacts and the associated values. Even if the values are beyond the capability or budget of this EIS, an acknowledgement of them should occur. BLM should recognize the results of this EIS will add to the regulatory complexity that has already been experienced, with an end result of reducing mineral revenues that get distributed through Federal Mineral Lease Act (FMLA) payments. These impacts have real multiplier effects within local communities that BLM must analyze. Also, there may be non-market value benefits of not receiving revenue from federal lands or environmental benefit that should be quantified and acknowledged. It is Moffat County's position that BLM's socioeconomic analysis is completely inadequate and the current alternatives would ruin an already fragile economy. BLM must redo, with cooperator involvement, the socio economic assessment and analyze the impacts this EIS will <u>really</u> have on NW Colorado.

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SPECIFIC COMMENTS:

Comments on Tables 2-3 and 2-4 Description of Alternatives

P. 44. Typo: "Appendix D" in bold type should read "Appendix E"

Travel

P.143 No. 1. The map scale in the EIS is too course to identify whether or not the Sandwash Open Area is within PPH or not. Please assure that this EIS does not amend the Sandwash Open area to being limited to existing roads. If it is, Moffat County opposes adding restrictions on the open area that were previously agreed to, due to the fact that several compromises have already been made, by stakeholders developing the Little Snake RMP.

P. 145 No. 5. Alternative C uses a "4-mile buffer from leks to determine road routes." Moffat County wishes to point out that if roads could not be routed within 4 miles of a lek, there would be no new roads for a 20 X 30 mile block of land in the heart of natural gas and oil exploration, ranching operations, recreation, and our most popular elk hunting areas of the County. With the hope that common sense would prevail, we won't spend any more time on the impacts of such a decision. However, if BLM seriously contemplates this, then we reserve the right to further discuss with BLM the impacts of not allowing new roads in a 20 X 30 mile block of land.

P. 145 No. 8. Alternative C. Similar to the above comment, the BLM EIS states "prohibit new road construction within 4 miles of a lek." Moffat County wishes to point out that if roads could not be built within 4 miles of a lek, there would be no roads for a 20 X 30 mile block of land in the heart of natural gas and oil exploration, ranching operations, recreation, and our most popular elk hunting areas of the County. With the hope that common sense would prevail, we won't spend any more time on the impacts of such a decision. However if BLM seriously contemplates this, then we reserve the right further discuss the impacts of not allowing roads in a 20 X 30 mile block with the agency.

Lands and Realty

P. 146. No. 10. Moffat County is opposed to Alternatives B and C which make exclusion areas for new rights-of-way in PPH and ADH. Alternative D makes PPH exclusion areas for large

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transmission lines. Moffat County requests that a corridor be made available for future large transmission lines, as we see this being tied with the largest tax base in Moffat County. Moffat County has estimates of Transwest Express power line being a 55 million dollar assessed value resulting in a 1 million dollar per year property tax base for ½ the line (the other half would be federally owned and would not pay taxes). Should a total of three lines, which are currently proposed, be installed in Moffat County, Moffat County is expects to receive 5 million dollars in annual tax revenue. This would place power lines in a tie with our number 1 tax payer in Moffat County. Moffat County requests the impact of each alternative of the EIS be analyzed for its socioeconomic effect on county tax and private landowner revenue.

P. 147, No. 10. Disturbance Criteria in Alternative D. While Moffat County appreciates the attempt to allow exemptions to the disturbance cap concept it is not what the Cooperating Agencies, including Moffat County, requested. The Cooperating Agencies request disturbance caps be one of two tools considered, and not place populations counts as exception criteria. In the Cooperating Agency meetings, there was general acknowledgement that disturbance caps MAY act as and indicator of potential sage grouse increases or declines ahead of the actual increase or decrease. At the same time Cooperating Agencies also acknowledged that grouse population counts can act after the fact to reveal how populations responded to a specific disturbance. Cooperating Agencies requested, and were denied by BLM the consideration of both disturbance caps and populations counts as evaluations tools, in determining whether a land use was authorized. Prioritizing an unknown evaluation tool such as disturbance caps, over a known tool such as population counts, is biased, scientifically indefensible, and ignores Cooperating Agency advice. Moffat County requests population counts be elevated to an evaluation tool equal to, and coinciding with, disturbance caps and not listed as exception criteria.

P. 148 No 12. Alternative D authorizes right-of-way "corridors through PPH where there is a compelling reason." Although Moffat County supports this language, it is difficult to envision what a "compelling reason" is. Moffat County requests a detailed description or examples of compelling reasons. For instance, is a mere proposal by an applicant a compelling reason? Would the 1 million dollars in annual revenue to Moffat County be a compelling reason? Power lines tied with the largest tax base in Moffat County is the current proposal on the table for BLM. Please clarify with more precise wording how BLM will handle right-of-way authorizations and if the three power lines proposed are "compelling" enough for BLM authorization.

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P. 148 no. 15. Alternative A, First Sentence. A typo appears to have cut off the "exceptions" for retaining public ownership of federal PPH. There is a semi colon after the "exception," then nothing listed.

P. 149 No. 16. Moffat County requests its Commissioner Policy pertaining to "No Net Loss of Private Lands" within Moffat County be honored and referenced in this EIS. Private lands should not be added to the federal land base without equal federal lands being converted to private, tax paying property.

P. 149 No. 17. Alternative B and C. Withdrawing PPH lands from mineral entry prevents billions of dollars of oil and gas from being developed. This warrants an additional socioeconomic evaluation that would address the specific dollar value of the resource being consciously left unused. Moffat County requests additional analysis that describes the dollar value of the resource being placed off limits, by county, in these two alternatives. Moffat County has very conservative estimates of 72,600 Billion Cubic Feet (BCF) of natural gas under sage grouse areas NW of Craig, CO, resulting in (conservatively) $254 billion worth of natural gas resource (at $3.50 / MCF) that would be completely shut off from access should alternatives B, C, or parts of D be implemented. $254,000,000,000 is a hard number to fathom. This translates to providing enough energy to 726 million households for 1 year, or providing energy to Denver County, Colorado for 4580 years. The impacts of restricting, or eliminating, the extraction of a resource that can provide energy to the equivalent of Denver County, Colorado for 4580 years MUST be addressed in this BLM socioeconomic study. Table M.18 predicts production of Alternative A at 96,211 BCF over the entire 4.2 million acres of sage grouse habitat covered by the EIS. This number seems ridiculously low considering Moffat County has data indicating that under 1 million acres of grouse habitat in Moffat County contains 72,600 BCF of technologically available natural gas.

Range Management

P. 150 Range Management Objective. Moffat County is appreciative that BLM will "maintain residual herbaceous cover to reduce predation during nesting." However, we are not sure what that means, and it is not articulated in the text. Does this mean six inch stubble heights? If so Moffat County is opposed to that criteria (See comment regarding P. 153 below). Moffat County requests the EIS commit BLM to manage habitat to reduce predators, in addition to reducing predation on sage grouse.

P. 151. No.22. Alternative C. Moffat County does not support "retiring grazing allotments within all Greater Sage Grouse Habitat." Agriculture is one of the economic backbones of NW Colorado, and reducing its viability, or as Alternative C proposes, eliminating grazing allotments,

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is not acceptable. Moffat County requests an economic assessment including multiplier effects, by county and by region, regarding the economic impact (dollars contributed by agriculture) of eliminating grazing allotments within all Greater Sage Grouse habitat.

P. 151. No. 24. Alternative D. Clarify that BLM will utilize Natural Resource Conservation Service Range Conditions to define "successional stage objectives."

P. 152 No 25. Alternative D requires plant growth requirements and residual forage requirements be met. Moffat County is concerned that residual forage requirements seem to be ever-changing based on new science. Please clarify what "plant growth requirements" will be the standard, and how the EIS will assure that outdated forage requirements will updated without an EIS plan amendment.

P 152. No 26. Moffat County supports drought planning. We oppose placing the sage grouse above all other uses such as Alternative B and C propose. We support the drought planning language in Alternative D. We also request wildlife forage demand be calculated in drought planning, and although not the BLM's responsibility, we support reducing wildlife numbers to the same degree that livestock must be reduced to avoid misuse of the rangeland.

P. 153. No. 28. Alternative C. Moffat County is not supportive of requiring a 6" stubble height which must remain on all wet meadow habitats at all times. A hard and fast vegetation requirement is never a good idea. For instance correctly timed prescribed burns as well as correctly timed grazing events which lower stubble below 6" can be very beneficial and healthy for riparian plant communities resulting in net benefits for sage grouse. Not to mention that in several riparian communities of Moffat County wildlife impacts will keep the 6" stubble height requirement out of compliance. Moffat County supports the language in Alternative D.

P. 154. No. 31. Alternative D mentioned "decommissioning projects to restore applicable wetland habitat." BLM must clarify that it will not decommission approved projects as many of them hold valid existing rights, such as water rights or road access rights. The tone of this paragraph is to remove anything incompatible with grouse, and BLM must acknowledge many projects cannot be removed without violation of the law. Moffat County requests BLM modify language to reflect the above, as well as discuss reimbursement of owner expenses of projects that are decommissioned. Moffat County also request the EIS discuss payment reimbursement to permittees for decommissioned projects.

P. 155 No. 32. See "General Comments" on "Disturbance Caps."

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P. 158. No 36. Modify or decommission projects. Moffat County has the same concern listed in comment P. 154 above, regarding valid existing rights. In addition BLM should address payment to reimburse project owners for costs.

P. 159 No 39. Alternative D. Moffat County does not support permittees having the ability to voluntarily relinquishing BLM allotments into a permanent reserve or grass bank. This language uses the words "temporary and non-renewable." If Moffat County correctly interprets this language, the grass bank shall be short-term. Moffat County opposes one permittee of federal lands removing the opportunity for future generations to graze lands set aside by Congress for the purpose of grazing, however we reserve the right to further evaluate and comment on temporary short term uses, and request BLM clarify time frames envisioned by "short term and temporary."

Fluid Minerals

P. 161-No. 46. Unleased Minerals. Alternative B and C closes grouse habitat to fluid mineral leasing. Alternative D proposes NSO to fluid mineral occupancy. All three alternatives have the same affect of stopping future mineral development. Considering this would apply to well over a million contiguous acres in Moffat County, the Niobrara exploration in Moffat County would be halted. Moffat County has very conservative estimates of 72,600 Billion Cubic Feet (BCF) of natural gas under sage grouse areas NW of Craig resulting in conservatively $254 billion worth of natural gas resource (at $3.50 / MCF) that would be completely shut off from access should alternatives B, C, or parts of D be implemented. BLM did not come close to addressing this in its impact analysis and should analyze the economic impact of such a decision in its EIS.

P. 162-165 No. 47-51. Alternatives B and C utilize Condition's of Approval (COA's) to accomplish NSO's and disturbance caps. Changing the terms of the leases through the COA process is disingenuous. No lessee contemplated such dramatic COA's, that could and likely will change the economic picture of implementing a lease. Moffat County does not support such efforts. It is one thing to tell a lessee that their lease will likely be restricted, but to use an EIS such as this to effectively change the lease terms is wrong. Moffat County recommends grandfathering in existing leases without disturbance caps nor NSO stipulations. We also recommend BLM consider conditioning new leases with participation in the Habitat Exchange Program's grouse credit system.

Regarding Alternative D. Moffat County cannot support a 4 mile NSO due to it removing 1 million acres from development potential and removing $254 billion dollars worth of natural gas from development. Moffat County has very conservative estimates of 72,600 Billion Cubic Feet (BCF) of natural gas under sage grouse areas NW of Craig, Colorado resulting in

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conservatively, $254 Billion, worth of natural gas resource (at $3.50 / MCF) that would be completely shut off from access should alternatives B, C, or parts of D be implemented. $254,000,000,000 is a hard number to fathom. This translates to providing energy to 726 million households for 1 year, or providing energy to Denver County, Colorado for 4580 years. The impacts of restricting, to eliminating, the extraction of a resource that can provide energy to the equivalent of Denver County, Colorado for 4580 years MUST be addressed in this BLM socio economic study.

P. 167. No 58. Alternative D recommends unitization to assure orderly development of operation of an area. Moffat County has experienced repeated complaints for several years from mineral owners whose minerals are held hostage by federal exploratory units for 10 years or more. One could argue that a mineral owner has the responsibility, through the leasing process, to protect him/her self from federal exploratory unitization burdens. Moffat County requests BLM allow provisions for timely unit retraction requirements to assure private mineral owners can expect to see orderly development of their unit or to allow release of their leases from the federal exploratory unit within 5 years. Considering the fact that most private leases in Moffat County are 5 year terms, BLM must commit to contracting their federal exploratory units to the Producing Area (PA) within 5 years. Moffat County also requests that prior to extending federal exploratory units beyond the primary term that BLM notify mineral owners that an operator has requested an extension of the federal exploratory unit, so mineral owners may work through BLM's protest process in a timely fashion, if they so desire.

Solid Minerals – Coal

P. 169. No. 63. Alternative D. While Moffat County appreciates the attempt to allow exemptions to the disturbance cap concept it is not what the Cooperating Agencies, including Moffat County, requested. The Cooperating Agencies requested disturbance caps be one of two tools considered, not placing the second tool, population counts, as exception criteria. In the Cooperating Agency meetings, there was general acknowledgement that disturbance caps MAY act as a proactive tool to assure grouse population stability. While at the same time Cooperating Agencies acknowledged that grouse population counts can act after the fact to know how populations responded to a specific disturbance. Cooperating Agencies requested, and were denied by BLM the consideration of both disturbance caps and populations counts as evaluation tools in determining whether a land use was authorized. Prioritizing an unknown evaluation tool such as disturbance caps, over a known tool such as population counts, is biased, scientifically indefensible, and ignores Cooperating Agency advice. Moffat County

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requests population counts be elevated to an evaluation tool equal to, and coinciding with, disturbance caps and not listed as exception criteria.

P. 170. No. 64 Alternative B and C. Moffat County opposes granting no new mining leases in PPH. The coal mines in Moffat County have proven exemplary land and grouse stewardship, in fact they have received national awards for such efforts. Without coal mines funding grouse habit research, there would not be the quality population numbers that currently exist for NW Colorado. Trapper Mine has award winning reclamation that actually enhance grouse habitat, albeit Sharptail Grouse. Colowyo Mine has provided unprecedented funding for Greater Sage Grouse research in Moffat County. Grouse collaring studies would not be so advanced without Colowyo's funding. By not granting coal mining leases outside of PPH, one ignores the net benefits on a population level, that coal mines provide for Sage Grouse.

P. 171. No. 64. Moffat County requests that Sage Grouse Credits through the Habitat Exchange Program be authorized under Alternative D. Authorized officer review does not provide surety for multi-million dollar operations to invest and employ workers in Moffat County, the Habitat Exchange Program does provide this surety.

Locatable Minerals

P. 174. No 65. Alternative B. Withdrawing from mineral entry does not give opportunity for sage grouse credit system or mitigation efforts to occur. Moffat County requests options for mitigation efforts, such as the Habitat Exchange Program, be added to this alternative.

Split Estate Minerals

P. 177 No. 73. The Moffat County Commissioners have a long history of supporting private property rights and do not support BLM telling a surface owner what to do with his land when BLM owns the minerals. With this said, Moffat County understands the need to have an alternative that lets BLM apply its own conditions to someone else's surface, such as Alternative B and C. However, a broad range of alternatives would include one alternative where BLM does not apply BLM's conservation measures to a split estate surface owner. This alternative does not exist. Moffat County requests Alternative B be switched to the language in Alternative D, and Alternative D language allow for BLM not to apply "conservation measures" to split estate surface. Moffat County believes this will broaden the range of alternatives (and economic analysis) on the split estate mineral issue.

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Fuels Management/ Wildfire Suppression

P. 177. No 75. Alternative D. Requiring a 15% canopy over goes against Colorado Parks and Wildlife recent data that shows grouse populations preferring 12% canopy cover on Cold Springs Mountain in NW Moffat County. Moffat County recommends Alternative D be adjusted to 10-15% rather than a hard 15% requirement.

P. 181 No 82. Alternative B. Moffat County asks BLM to incorporate big game management into the list of long term changes necessary after a fire. Moffat County understands BLM doesn't regulate big game, but BLM can make the recommendation to CPW. If BLM is going to restrict travel management, livestock grazing, wild horse and burro management, etc., it can also make wildlife recommendations to CPW.

P. 181 No. 85 and 86. All alternatives listed prioritize suppression of wildlife after life and property protection. No alternative allows for controlled and predetermined allowance for wildfire, which would enhance the viability of sage brush communities, as long as it is not of catastrophic size. Moffat County requests the opportunity for "managed wildfire" be allowed rather than a full suppression strategy. Even sage grouse experts will agree that a diversity of sage brush vegetation growth stages will enhance the ability for sage grouse survival. BLM's wildfire suppression policies should allow for this opportunity in the EIS.

Habitat Restoration

P. 182. No 87. Moffat County supports BLM having the flexibility described in Alternative D for revegetation requirements. Acknowledgement that there is a role in ecosystems for plants that stabilize soils, even if they may not be native, is a concept Moffat County supports.

P. I-1. Appendix I, Required Design Features, Preferred Design Features, and Suggested Design Features.

Moffat County acknowledges the requirements, preferences, and suggestions, in Appendix I, will have restrictions that may be impractical for project proponents, and these features will generally not be applied to Moffat County as the County is rarely a project proponent on federal lands. However, we urge BLM to carefully consider comments received from those who do depend on BLM authorizations to conduct business.

Moffat County appreciates the opportunity to comment on the Draft Land Use Plan Amendment and Environmental Impact Statement (EIS) regarding Northwest Colorado Greater Sage Grouse. If you have any questions about the above comments please contact our Natural

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Resources Director, Jeff Comstock, at 970.826.3400 or any of the three undersigned county commissioners at the number listed in the footer of each page.

Sincerely,

Charles G. Grobe, Chairman
Moffat County Commissioner

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Moffat County Commissioner

Tom Mathers, District 3
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