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EIS Comments

3 messages

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CITIZEN JANE S. YAZZIE COMMENT TO NORTHWESTERN COLORADO GREATER SAGE GROUSE ENVIRONMENTAL IMPACT STATEMENT.

DECEMBER 1, 2013

Page 945 of the EIS states, "WAFWA Management Zone II comprising the Wyoming Basin population, contains the largest regional extent and highest breeding density of GRSG in the western US.

Page 946 of the EIS states, "Connectivity between Colorado and Wyoming conservation areas could be improved. Enhancement of linkage/connection areas between subpopulations would increase GRSG movement, recruitment, and access to resources leading to more stabilized population dynamics in the area."

The second quote suggests the LUPs of current RMPs must be altered to guarantee the reality of what's in the first quote. I, a citizen commenter, cannot fathom why two such statements aren't the core of the EIS or why the EIS does not feel it necessary to return to them over and over, rather than first mentioning them only in Vol.II, Chapter 5.

The information on lek totals in WAFWA Management Zone II (pp. 12 & 13) and the drain that grazing and liquid mineral extraction put on those lek totals, plus concern that some quality GRSG habitats have no active leks, increase concern for the connectivities mentioned in the second quote.

A central limit endemic to the BLM's assigned role, by US law, is that the BLM manages land – habitat – and not either species that live from the land or the land's water quality/quantity themselves. The agency's relationship to species living on the land is one large step removed from such species themselves. BLM is to conserve habitat resources for users and species, but not directly and, by preference above all other actions, conserve – save – such species. A species like the GRSG is just one among many other users of the public lands, and nothing in US land-use law, except the Endangered Species Act, under USFWS, gives a user animal, fish, or bird species the degree of legal preference similar to what any human users can get and keep.

That's the insurmountable given for analyzing the adequacy of nonhuman species protection in any BLM RMP EIS Amendment. Thus, even before reading one page of an EIS for an RMP Amendment to outline a nonhuman specie's conservation, one knows the BLM habitat has never once been studied to focus on that specie's full complex of habitat needs and roles. One knows that BLM's preparedness, under earlier RMP objectives and management actions related to an ecosystem's overall condition, is starkly incomplete, data gathering insufficient or not yet begun, the habitat not fully outlined and mapped, let alone prepared, protected, restored for specie survival.

One knows to predict an endless, point-by-point struggle for habitat accrual or habitat sufficiency, and thus what the four alternatives will toss back and forth. One knows, from experience with other EISs, that nowhere in three thick EIS volumes, will a specie's actual conservation be even remotely central – just efforts in writing to try harder for uncertain degrees of conservation, alternative by alternative.

EISs assigned to review a nonhuman specie's conservation, meticulously avoid ever stating what the specie would quantitatively need to thrive biologically: how many square miles, how many connectivities and to what

approximate number of subpopulations, how many water sources in volume or temperature range or seasonal time periods, what specific shrub mix and seral stages and acreages, what obvious or unobvious food sources in what nutrient balance, etc. Also, such an EIS never states in writing what it doesn't know about a specie's survival needs and does not analyze for the impact to specie's survival chances of those unknowns.

So, an EIS assigned to adjust objectives and management actions for avoiding the endangered category for a species takes no legal stand to require survival, but just to be seen to prefer improvement, to try better to allow for such a possibility.

Table 2.1 immediately raises concerns. Table 2.1 identifies threats to GRSG and their habitat that are to be covered, directly or indirectly, in the alternatives. Several influencing threats are written so vaguely that answering them with altered management actions seems unlikely – weather (not yet defined in analyzable segments), predation (not even defined), water development (not defined for usefulness to condition of GRSG riparian, reclaimed or seral-staged habitat), hunting (not mentioned as interference for GRSG winter range), climate change (not defined to show which resources will be affected, what trends will be monitored, and how such changes could lead to specific GRSG habitat management actions), and contaminants (not defined for their effect on GRSG, to subsoil and soil nutrients supporting vegetation or insect harvesting for GRSG).

One reads attentively, for Alternative B, of the 3% disturbance cap in PPH, for Alternative C of the 3% disturbance cap for ADH, and, for Alternative D, of a 5% disturbance cap on only “ecological sites (UNDEFINED) that support (HOW PROVEN TO SUPPORT AND TO WHAT DEGREE) sagebrush (GENERAL TERM, EASILY DEFINED OR REDEFINED) within PPH.”

If a study of Tables F-2 and F-3, Preliminary Disturbance Data – Existing Disturbance in PPH and ADH, respectively, is relayed to a study of lek-productive habitat segments in WAFMA Management Zone II (pp. 12 & 13), the importance of the small numbers of “total acres disturbed” in Colorado Management Zones 2 and 3, and even 8 and 9, gives an impetus right away to establish a strongest possible habitat protection, even a need to achieve thriving leks, in CO Management Zones 2, 3, part of zone 4, and zones 8, 9, 10, 11 and 14 - surpassing the needs of any other BLM land use in those zones. IN OTHER WORDS, the reduction of the NW Colorado PPH or PGH 20 Management Zones to only 7 or 8 currently lek-productive ones, even when 3 or 4 of those 8 are close to being overused by other uses (4, 8, 9, 11), should force the BLM to better define “need.” BLM can never seem to come to terms with who or what “needs” a BLM area more than other users. And, if the BLM can't or won't do that, the EIS for an Amendment for GRSG conservation is pointless, and USFWS should directly recommend listing the GRSG.

The impetus for strong protection in those zones includes data that breeding densities of 75-100% are found there; those zones also include GRSG winter range and severe winter range; zones 2, 3, 4 and 9 are contiguous, and thus absorbent of leakages. The impetus to conserve includes noting the nearly 50/50 mix of BLM and private lands in the west edge of Zone 4, and all of Zone 6 and much of Zone 5, as well as likely double or triple utility transmission corridors that will transit Zones 4 and 5. The impetus includes that more and more of Zone 8 is already being fragmented by fossil fuel development and its attendant new roads and traffic. The impetus includes what must be a concern Zone 9's occasional habitat strains from seasonal sheep herds in the thousands that reduce habitat that is also drought-depleted or from background coal mining blasting and dust from Colowyo Mine. The impetus includes parts of Zone 8 through Twenty-Mile southeast through Hayden towards Zone 20 (connectivity zone) that will experience activation of two additional Peabody Coal mine sites.

The impetus to choose an alternative with an ACEC on at least some PPH acres gets strengthened and does not diminish.

Concern for the best Northwest Colorado PPH and PGH is not allayed by reading Appendix I's Regional Mitigation Strategy (page i-15), it's labyrinthine dancing around habitat support while, “...honoring its multiple use mission...”, mitigating impacts to GRSG habitat, “...to the extent practical.” Nearly endless site-specific action/implementation NEPA documents, arising from many multiple-use requests or ROWs or leases to honor, will lead to negotiated – more and more minute land mitigation actions, by one of six Mitigation Implementation Teams.

The public, the public land's public, cannot read of in the EIS, and will not be informed of, when such Teams meet

or their agenda, their cross-communication among each other, and, most importantly, whether they have any proof or data to show if their mitigation even offsets to alternate acreages of unknown location meets GRSG needs or are of a quality to which the Sage Grouse can respond in their natural cyclical action and motion choices.

There seems almost no prospect of effective thriving for PPH and PGH.

When Appendix F is read, another inability of the EIS to establish to maintain sufficient PPH or PGH is met face-on regarding Alternative D (page f-5, Exemption From The Anthropogenic Disturbance Cap). Alternative D fiddles with exemption to the 5% disturbance cap, stating that if the GRSG habitat area is found by data to be, "...healthy and stable at objective levels...", especially since Alternative D protects only, "...ecological sites supporting sage brush." (Sage brush is not habitat, but bushes.), more development can be introduced, even if to do so pushes disturbance above 5%. An imprecise and unpublic decision that a used land area needs no restoration and can tolerate more development thus bypasses what is the value to GRSG of maintaining, even enhancing the lands PPH conditions.

Appendix F spreads hopelessness.

Where, then, is an ACEC most needed? Most essential, if BLM is following ESA law? Maps (Fig. 1:1-4, Fig. 2:9-12 and 19, Fig. 3:4-9) show GRSG habitat similarly weakened by both renewable and nonrenewable energy development. Habitat actually lost, fragmented, made noisy, even through winter, IS gradually abandoned or depopulated from less mating or lower chick survival or starvation from food nutrient depletion.

For the EIS to persist in plans to notice, measure, discuss, explain serious impacts to both habitat ecosystem and sage grouse life stages, and then decide and act upon remedies, after having acceded constantly to cumulative impacts from other uses, is effectively impossible. Betterment of sage grouse habitat becomes not a possibility, but a more and more vague probability, and slips away from any definable habitat-sufficiency reality.

As to the question of the best ACEC, of first relevance, is that much of Northwest Colorado Management Zones 2 and 10 are not in oil and gas basins, further large segments of Zones 3 and 4 are not in oil and gas basins, and finally a very large portion of Zone 9 is not in an oil and gas basing. Neither is the linkage Zone 20 or Zone 14 (though, to repeat, much of Zone 20 is in an active coal mining zone).

Even though Figure 2-11 shows Alternative C closes large areas to fluid mineral leasing, those closed areas in the GRSG's best current and productive habitat in Colorado (Management Zones 2,3,4) are pockmarked with State School Lands. Also Figure 3-8 shows a thick presence of Oil and Gas Leases in the northern halves of the most GRSG-valuable Zones 2 and 3, as well as in Zones 10 and 11. Some of the sage grouse's winter range is centered in Management Zones 4, 9 and 10.

Regarding Table 5.1's "Past, Present, Reasonable Foreseeable Projects, Plans or Actions That Comprise the Cumulative Impact Scenario", I have concerns but have not taken time or been able to pinpoint affected acreages in Management Zones by items, such as: Hiawatha Regional Energy Development, Uintah Basin Natural Gas Development, Tar Sands Leasing in Vernal Field Office, Kennecott Uranium Mine in Rawlins, Pacific Corp Seven-Mile Hill, Wind Energy Product, and 4 proposed transmission lines.

When, finally, one reviews again GRSG breeding density zones (Figure 3-5), and when one considers that multiple researchers urge a breeding density of 75% or higher to get to sufficient egg-laying and then chick hatching and survival to yield a real population survival, the essential Northwest Colorado GRSG Management Zones are: 2, 3, west side of 4, 8, 9, some of 10, and 14.

The bare limit is an ACEC in all PPH of Zones 2 and 3, west portion of Zone 4, north portion of Zone 5, and Zone 9 (both west, south and east of Maybell, Colorado, as well as the full Cross Mountain triangle at the joining of US Highways and 40 and 318). Any commenter of experience knows the BLM almost never does ACEC. The BLM must therefore, in the bare limit ACEC areas, establish Research Natural Areas. There is no other route to meeting USFWS expectations of this EIS and Northwest Colorado's singularly essential range.

Thank you,

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Mon, Dec 2, 2013 at 2:18 PM

Hi Jane -

We received your comments - thank you!

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