

BLM—Greater Sage Grouse EIS
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Via e-mail: blm_co_nw_sage_grouse@blm.gov

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Dear BLM,

The following are the comments of Rocky Smith, Ecoflight, and Rocky Mountain Chapter of Sierra Club on the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (DEIS) as it pertains to the Routt National Forest.

Unlike for the scoping comment period in early 2012, there is no separate address for sending comments to the Routt National Forest. Therefore, please be sure that the appropriate personnel on that unit see these comments.

INTRODUCTION. Though greater sage-grouse (GRSG) habitat on the Routt Nation Forest is “largely peripheral”, it “represents extensions of GRSG habitat occurring predominately on lower-elevation non-National Forest System lands”. DEIS at 15. GRSG already has suffered considerable population decline¹, and still faces “major threats” from a variety of human uses (id. at 35). Thus the species needs quality habitat on all land ownerships, and managing lands on the Routt National Forest to conserve it will be important as part of an overall effort to recover the GRSG to full, viable, and well-distributed populations across its range.

THE REQUIRED SAGEBRUSH COVER IS TOO LOW. The proposed amendment to the Routt National Forest Land and Resource Management Plan would require only that:

The USFS will retain, for each Colorado [management zone], a minimum of 70 percent of the ecological sites capable of supporting 12 percent canopy cover of Wyoming big sagebrush or 15 percent canopy cover of mountain big sagebrush in sagebrush habitat.

DEIS at C-1. While retaining land with the sagebrush cover levels specified above is appropriate, canopy cover will have to be higher than this in order to support GRSG, especially on winter ranges. Note that studies of successful nested have found sagebrush canopy cover to be 15-25 percent and 30 to 80 cm high. 75 Fed Reg 13915, March 10, 2010. See also Braun et al, 2005,

¹ See 75 Fed Reg 13920, 13921, March 10, 2010. This decline has been long-term. Id. at 13923.

who stated the need for 15-25 canopy cover in sagebrush for spring habitat, and that areas selected for nesting have 15-30 percent cover.

Furthermore, disturbance would be allowed on up to 30 percent of such sites. *Id.* at C-1. C-2. Also,

Only mappable stands of cheatgrass and pinyon-juniper encroachment will count against the disturbance cap.

However, cheatgrass seldom appears in mappable stands, and pinyon-juniper encroachment is difficult to map. DEIS at F-3. Thus many areas with disturbance would not be counted as such, making it less likely that sufficient GRSG habitat would be maintained.

We recommend that the amendment cited above be modified to state that areas containing 20 percent or more cover receive strong protection, and that no more than 3 percent disturbance be allowed on these areas. See discussion below regarding protection of leks.

THE PROPOSED STANDARDS AND GUIDELINES NEED TO BE STRENGTHENED.

DEIS Appendix C has numerous proposed standards and guidelines for protection of GRSG habitat. Many of them are fairly strong, and, if fully applied, would help provide sufficient protection for GRSG habitat. However, some of them need to be worded more strictly to ensure they will be applied. A few important protections are missing altogether.

Restrict motorized travel as needed to protect GRSG. A guideline states: “Motorized travel should be restricted seasonally to restore GRSG habitat connectivity. DEIS at C-2, emphasis added. This guideline should be a standard that states: “Motorized travel will be restricted as needed to restore and maintain GRSG habitat and populations”.

Close all priority habitat and a large buffer around it to fluid mineral leasing. There are 1600 acres of priority habitat on the Routt National Forest. DEIS at 11 (labeled “PPH” - preliminary priority habitat - in Table 1.4). Note that the National Technical Team recommended no leasing in priority habitat. See NTT, 2011, at 22². However, the proposed standards and guidelines do not prohibit new leases in priority habitat.

² The NTT has two alternatives on the issue of new leasing in priority habitat. The one that would allow such leasing requires that an increase in population be demonstrated through mitigation *before* the lease is issued in priority habitat. *Ibid.*

Prohibit activities within four miles of leks. A good standard for fluid mineral leasing would prohibit “surface-disturbing activities related to exploratory drilling during GRSG nesting and early brood-rearing from March 1 through June 30”. DEIS at C-4, “Geophysical Exploration”. Another standard (“Timing Restriction”) would have the same limitation for a distance of four miles; it is “intended to apply to exploration, construction, drilling, fracking, and completion activities, but may also be applied to operation, maintenance, and production activities that may disrupt reproductive activities of GRSG”. Id. at C-5. However, exceptions could be granted to the latter if there would supposedly be no adverse impact within 4 miles of the lek. Id. at C-4, C-5.

Braun et al, 2005, recommended that all drilling activities be prohibited with 3.3 miles “of active leks and their associated nesting areas”, and that no surface disturbance, including road construction, be allowed within this distance of active leks. Id. at 5, 6, citations omitted. The National Technical Team recommends application of a no surface occupancy (NSO) stipulation for four miles around leks in priority habitat, and allowing only one disturbance per section (640 acres) that disturbs no more than three percent of that section. NTT, 2011, at 23.

Effects to lek use from infrastructure associated with natural gas development were discernible out to 4 miles from the lek, and were sometimes detectable out to 11 miles. Manier et al, 2013, at 51.

In other words, in the professional opinion of researchers, there would likely be adverse impacts from activity within a considerable distance of the lek. Nesting and early brood rearing areas are often near leks. Thus surface-disturbing activity should thus be prohibited or at least severely limited within four miles of leks. Activity should only be allowed pertaining to valid existing rights. No new activity can be allowed in these areas.

Exceptions to the Timing Restriction Standard quoted above could also be granted if the proponent agreed to supply compensation for any damaging activity. If by “compensation”, this standard means money, it is not appropriate because GRSG live best in high quality, undisturbed habitat, not money.

Wisely, the Forest Service would require a no surface occupancy (NSO) stipulation on priority habitat, and in some cases in general and connectivity habitat. DEIS at C-4. However, the stated waiver, exceptions, and modifications would apply. Id at C-4, C-5.

The authorized officer could grant a modification of a lease if “operations could be conditioned” to not disrupt lek attendance, breeding, and bird distribution within 0.6 miles of the lek, or if

monitoring data showed that 90 percent of initial nesting attempts would result in hatch. But note that the 0.6 mile buffer is considered inadequate:

It is also notable that a 1-km (0.6-mi) restricted-surface-occupancy buffer is currently applied during development of many energy fields. However excluding infrastructure within a 0.6-mi buffer may be ineffective for successful conservation because a negative response is still estimated....

Manier et al, 2013, at 51. In other words, an adverse impact to lek use is likely if surface disturbance is allowed within 0.6 miles of a lek. This modification must be deleted or made much more strict, e. g., by changing the distance to four miles.

Another good standard is one that would prohibit vegetation treatment within four miles of a lek from March 1 through June 30. Id. at C-7. However, the waiver, exceptions, and modifications would apply here also. Ibid.

Prohibit road and utility corridors in sage grouse habitat. Powerlines are known to cause avoidance by GRSG (up to 2.9 miles in one Wyoming study); they also increase the possibility of death by collisions. See Manier et al, 2012, at 50. Similarly, roads are known to adversely affect lek use. See id. at 44, 50. Roads and overhead utility corridors must be prohibited in priority habitat. See NTT, 2011, at 12-13, which recommends that both priority and general habitat be “avoidance areas” for new rights-of-way, with very limited exceptions.

The proposed standard would allow new road and utility corridors:

Within designated transmission corridors, on lands encumbered by existing road or utility corridor uses, and in new locations where there is a compelling reason for that site location.

DEIS at C-2. Rewrite this standard to prohibit new roads and utility corridors in priority habitat except in areas where they already exist, and/or require any utility structures to be buried if they must be built through priority habitat to avoid even stronger adverse effects elsewhere. Placing new facilities in existing rights-of-way must not increase the existing disturbance footprints.

The Utility Authorization Perch Deterrent Standard, requiring burying existing lines or modifying them to reduce predation of GRSG (id. at C-3) is good and should be retained.

Clarify Existing Livestock Structural Improvements Standard. The word “not” appears to be missing from the following standard:

The USFS will authorize range structural improvements that reduce GRSG populations or contribute to a downward population trend caused by habitat loss or mortality.

C-4. No structures that would adversely affect GRSG can be authorized, and the standard needs to clearly state this. Failing to correct this standard would make it inconsistent with all the other provisions in DEIS Appendix C relating to livestock grazing.

CONCLUSION. Though the amount GRSG habitat under the jurisdiction of the Forest Service is small, the agency must do its part to help conserve the species. There are many good provisions in DEIS Appendix C for protecting GRSG, but under the current wording, allowable exceptions and modifications to some of them would make it too easy to avoid applying the protective measures. The allowances for these exceptions and modifications must be worded more tightly to ensure the protective measures will be fully applied in all but very rare and unusual circumstances, and other provisions must be added or strengthened so that GRSG will have the best chance of recovering to secure and viable populations.

Sincerely,

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REFERENCES

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