

Vermillion Ranch Limited Partnership

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BLM greater Sage Grouse EIS

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Re: North West Colorado draft Land use Plan amendment and EIS (EIS)

On behalf of Vermillion ranch limited partnership (VRLP) and the Moffat County Cattleman's Association I submit the following comments

VRLP is approaching its fifth generation of family ownership and operation in the Brown's Park area of Co, WY, and UT with Sage Grouse from Colorado using our private, state and federal lands in all of those states. The Moffat County Cattleman's association represents ranchers in Moffat County and is affiliated with the Colorado Cattleman's association.

Indeed our predecessors and livestock have been grazing these lands since before the creation of the BLM.

VRLP is a founding member of the NW CO Sage grouse working Group and has a long track record of voluntary stewardship actions for wildlife including sage grouse over all the lands in our operations. Indeed much of the research over the last 15+years has been conducted on our ranches and others in Moffat County.

I appreciate the ability to provide comments. I support and incorporate by reference comments made by Colorado Cattleman's Association, Colorado Public lands council, Moffat County, White River and Douglas Creek Conservations Districts and Club 20

While I appreciate various attempts to articulate cooperation By the BLM within the alternatives in Chapter 2 with permittees and the private landowners. The EIS in Chapters 3-5 is based on false assumptions and fails to accurately describe the impacts to the affected species and the resulting cumulative impacts to private land habitats. Therefore the EIS is fundamentally flawed and must be withdrawn and revised to comply with the requirements of NEPA as cited by Colorado Cattleman's Association.

The BLM must adopt a true cooperative approach if we are to be successful in sage grouse conservation that approach is not found within this range of Alternatives or the EIS for the following reasons.

Chapter 2 the use of the NTT report must not be given any credence in the final decision as it not the best available science as relates to NW Colorado. The science gather over the last 15+ years in NW Colorado should be relied on in place of the NTT

1. the final decision must enhance the sustainability of the livestock industry for the reasons stated in the following comments as it is the critical industry to preserving private land habitat
2. The radio collared sage grouse in Moffat County have shown a preference for sage brush canopy cover from 10-15% which is compatible with livestock production needs to sustain ranching viability
3. The final decision must allow for a broad range of sage brush restoration (Fire chemical mechanical)to provide an ecological site that is compatible for the retention of livestock and sage grouse production
4. Maintain Rs2477 road access for all grazing related needs
5. BLM policy on split estate lands must defer to the wishes of the private surface holder in regards to all surface use issues
6. If nonnative vegetation species will accomplish overall sage grouse habitat improvement they should be allowed
7. All Infrastructure that helps retain livestock grazing and is minimally intrusive to sage grouse should be allowed in the final decision this includes water, vegetation, fences, etc..
8. While maintaining a reasonable residual vegetation cover for grouse can be helpful it is unreasonable to expect that cover to be on every acre or across all climate conditions. These birds evolved in a grazing herbivory system with wide swings in climate as shown from the paleo-record of the west. Since Alt A is the current situation and Alt C eliminates grazing there is not sufficient information provided in the Alt B&D to determine how livestock grazing will be impacted. Chapter 2- 5 fails to inform but carries a negative connotation for livestock grazing so a reasonable person would assume livestock grazing will be adversely impacted the. The CPW science over the last 15+ years in NW Colorado does not support reducing livestock grazing.
9. Wildlife especially big game populations must be reduced when they are adversely impacting sage grouse populations both BLM and USFS are signatories to the local working group plan which specifically speaks to this before any other users are reduced.
10. Adaptive management should be embraced in the final decision.
11. BLM actions should not prevent the development of private minerals by denying the use of BLM lands for transportation infrastructure in the final decision.
12. Mitigation

Where impacts to sage-grouse habitat are unavoidable, we strongly recommend that BLM implement a compensatory mitigation program to offset impacts as identified in the preferred Alternative D OR in the Alternatives in the draft RMPA/EIS. We believe a programmatic approach to mitigation designed to produce net benefits will be a critical part of successful conservation of the sage grouse.

A robust mitigation program should:

- result in measurable, net benefit to the greater sage grouse;
- apply a standardized, scientifically-based methodology for assessing and quantifying the habitat conditions and outcomes associated with impacts and offsets across the range of the species;

Commented [V1]:

- utilize a transparent and clearly articulated process for accounting, administering, and tracking mitigation projects and outcomes;
- enable temporary and permanent conservation contracts that match or exceed the time frame of impacts;
- include independent, third-party verification of impacts, offsets, and performance; and
- apply a monitoring and assessment framework that assures adaptive management of the mitigation program.

We strongly suggest BLM include the above criterion in a compensatory mitigation framework designed to offset unavoidable impacts to sage-grouse habitat. A high quality programmatic mitigation program such as the [Colorado Habitat Exchange](#) would meet these criteria.

These recommendations are consistent with BLM's interim Regional Mitigation Manual, which we support. We also note that proximity to impacts should not be the only factor in identifying mitigation sites. Rather, priority should be given to sites that present the best locations for long-term sage grouse conservation within the surrounding landscape, regardless of whether these sites are located on private, state or federal land. This is consistent with the BLM Regional Mitigation Manual, as it states "mitigation sites, projects and measures should be focused where the impacts of the use authorization can be best mitigated and BLM can achieve the most benefit to its resource and value objectives" (page 1-6). It is also consistent with the habitat selection of the greater sage grouse which selects habitat based not only on the characteristics of the site, but the landscape context in which it is situated.

We also note the adoption of a compensatory mitigation framework that ensures transparent and consistent mitigation at the landscape-scale would be consistent with the recent Secretarial Order "Improving Mitigating Policies and Practices of the Department of Interior" (Order No. 3330).

The grazing permittees and private landowners are natural partners for the BLM and the exchange can and should be available on both Federal and private lands with grazing permittees able to create mitigation credits.

Chapter 3 fails to describe accurately the existing conditions for grouse within the planning area.

1. Sage grouse occur within the planning area because of the presence of the livestock industry not in spite of it. The ranchers involved own most of the large blocks of private open space maintained by them for sustaining their livestock and operations.
2. Because of the intermixed ownership of land many operations rely on the use of federal lands to sustain the ownership of private lands
3. Any action on BLM or USFS that adversely affects the profitability and sustainability of those operations directly threatens the conversion of those Private lands to other uses, most of which are certainly less compatible with Sage grouse (Cereal grain and urbanization) and must be acknowledged, analyzed as required by NEPA for an appropriate understanding of BLM proposed actions.
4. The majority of the brood-rearing habitat for sage grouse are on private and state owned lands as these are generally associated with meadow areas and are critical for grouse recruitment and survival.

5. 3.24-3.242 fails to acknowledged these significant contributions of the ranching industry to sage grouse and generally understates both its importance and the interrelationships that must be analyze in chapter 2,4and 5
6. Chapter 3 Fails to acknowledge the 15+ years of scientific research conducted in NW Colorado and that by and large that reach shows the compatibility of sage grouse and the livestock industry

Chapter 4 Fatal flaws in assumptions

1. While the planning team should have knowledge of the planning area as I know some of them personally, why then have they ignored these chapter 3 issues known by most reasonably knowledgeable persons of the area and provided as input by cooperators numerous times.
2. 4.2 page 454 Assumes that "Direct and indirect impacts of implementing the LUPA would primarily occur on the public lands administered by the BLM and the USFS in the planning area"
This is misleading for the other Alternatives and clearly false if BLM management actions in alternative C were adopted.
3. The EIS must analyze all of the direct and indirect impacts reasonably foreseeable by the EIS It is clearly reasonable that if the sage grouse is given priority over livestock grazing in an adverse way in any of the myriad of management actions described in the alternatives B&D that are short of ALT C then private land sage grouse habitat would be threaten by BLM actions
4. If BLM desires the cooperation of entities who maintain the critical habitat for sage grouse it should acknowledge in the assumptions that the retention of the livestock industry on public lands is critical to the retention of private land sage grouse habitat
5. 4.2"Sufficient funding and personnel would be available for implementing the final decision" How can the BLM assume this when it states in the EIS that others parties are subject to budget whims. Is BLM not subject to budgets as well this is not a valid assumption as the grazing industry has seen monitoring budgets reduced frequently over many decades
6. The concerns within these comments are reasonable , foreseeable and required in The EIS as stated in 4.2.2 and are not adequately addressed
7. Pages 467-469
Fail to describe the benefits of managing for livestock grazing and the BLM's role in retaining private land open space as a result of grazing on federal lands . Additionally they fail to acknowledge that successional stages will need to be reset even without livestock in ALT C
8. Pages 493-496 all of the impacts are described in the negative few if any positives are described and yet in the current management no adverse impacts are occurring to aquatics or others if so the BLM would be taking action. While the EIS should describe impacts it can also describe those that are positive, good thing to do if you want cooperation.

9. Page 504 et al ACEC's No mention is made of the negative impact of management fragmentation cause by ACEC areas as they inhibit landscape scale management and should be rejected as a solution in the final decision.
10. 4.42 page 507 the assumption that historic and potential habitat is not considered in this analysis is inappropriate and leaves this EIS open to legal challenges
11. Page 512 Impacts of Range management on sage grouse (habitat degradation)
No mention is made of impacts to private land sage grouse habitat form alternatives that would reduce livestock grazing on federal land because of the prioritization of sage grouse. It is reasonable and foreseeable that sage brush on private lands would be reduced to make up for any lost grazing capacity on federal permits if not urbanized. This EIS does not adequately acknowledge or analyzed a holistic approach to sage grouse habitat protection. There is an assumption underlying this section and throughout the EIS that BLM actions on BLM can preserve the species which is false because the BLM by and large does not have the mesic brood rearing areas in sufficient quantity to provide for the species and cannot mitigate or replace what can be lost on private lands if BLM actions adversely affect livestock grazing permittees.
12. Pages 513-514 not adequate mention of the benefits to sage grouse of maintaining livestock grazing and all of the range improvements that go with then nor of the interrelationship of public and private land habitat.
13. Page 514 Wild horses and season long grazing are detrimental to sage grouse the final decision should reduce Wild horse numbers where they are adversely impacting sage grouse before any other action is taken
14. Page 592-593 Land tenure adjustments in sage grouse habitat should be allowed in the final decision for sustaining ranching operations because in most cases brood rearing habitat is enhanced along with the sustainability of private land open space.
15. Page 939 Table 5.1 Livestock grazing
16. The assumption that Livestock grazing on private lands will remain stable to slight decrease is Flawed based on adverse impacts that the alternatives may have especially Alt C
17. Table 5.1 page 941 Wild fires Flawed assumption if ALTC adopted heavy spike in wildfire would occur. If the Other Alt B&D have lower livestock grazing expect increase in wildfires
18. 5.4 page 944 There is no mention of the positive benefits of livestock grazing to retaining sage grouse nor the negative affect that prioritizing grouse over grazing may have on retaining private land sage grouse habitat or compatible uses.
19. Page 947 Other threats and Relevant Cumulative actions In Both sections Livestock grazing is describe as the 3rd greatest threat when for all of the above comments it is the salvation and major reason sage grouse are still viable in NW Colorado as acknowledged by CPW
No mention is made of the cumulative benefits to grouse of livestock grazing nor of the significant disruption to the sage grouse if Alt C were adopted. Chapter 5 must address the direct and indirect cumulative impacts of Alt B&D to the livestock industry and private land habitat by BLM action in those alternatives.
20. Page 954 Major threat Urbanization and conversion to agriculture.
The analysis is wrong and disingenuous to the history of Moffat County
Early day settlement laws and farm policy encourage the conversion of sage brush to crop land in Moffat County
Most of the current ranchers have converted this cropland back to perianal rangeland (many with awards to show for it) because these lands are synergistic with livestock grazing on public lands.

BLM policies that favor the sage grouse on federal lands , will under current crop price force many of those operation to break these lands up again as was done in the 1920's and 70's to maintain profitability . Certainly massive conversion of private lands would occur under Alt C and to a lesser extent under B&D as there is tone in the EIS that says regulation will protect the grouse. This chapter falsely relies on the assumption that BLM actions don't affect private land management and that state and local government will somehow control private land use. As a former county commissioner in Moffat County I can reasonably tell you that that will not be the case. Also as a former Great outdoors Board member there is not enough money in GOCO or any other funding source to place conservation easements on all the private lands in the planning area. In addition the USDA/DOI requirement that easements done with federal funding will have an ongoing section 7 consultation requirement will have a chilling effect on the use of that tool as landowner will not want to subject themselves to unknown USFWS requirements into the future. This Chapter is false and misleading on a variety of fronts and does not come close to addressing the cumulative impacts of BLM's proposed decision.

21. Page 955 BLM's conclusion that it is equal to the other land ownership is wrong while BLM may have 51% of the acres it does not have 51% of the habitat or even the most critical habitat which is on private lands and the EIS fails to address the indirect impact of BLM's actions in this plan on private land habitat. This is especially true in the cold spring mountain and great divide areas of Moffat County.

The District manager and the project manager both stated to me in a public club20 meeting that the cumulative impact of BLM actions on private lands would be addressed in the EIS and they are not

22. Page 973 5.2.2 Socioeconomic

This entire chapter misleads, mischaracterizes and understates the importance of the Livestock industry and private land habitat to the retention of sage grouse: see all of the above comments in this regard.

In conclusion I respectfully request consideration of these comments as an impacted party.

Respectfully submitted

T. Wright Dickinson

On Behalf of

Vermillion Ranch Limited Partnership

Moffat county Cattleman's Association



cc. Jean Dickinson

Connie Brooks