

Northwest Colorado Greater Sage-Grouse Land Use Plan Amendment and Environmental Impact Statement

Substantive Comments on the Draft LUPA/EIS

US Department of the Interior,
Bureau of Land Management
US Department of Agriculture,
Forest Service
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BLM



The Bureau of Land Management's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

The Forest Service mission is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.

Cover Photo: Steve Ting

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SUBSTANTIVE COMMENTS ON THE NORTHWEST COLORADO GREATER SAGE-GROUSE DRAFT LUPA/EIS

After publishing the Draft Land Use Plan Amendment (LUPA)/Environmental Impact Statement (EIS), the United States Department of the Interior, Bureau of Land Management (BLM) and United States Department of Agriculture, National Forest Service (Forest Service) held a 90-day public comment period to receive comments on the Draft LUPA/EIS. The BLM and Forest Service received written comments on the Draft LUPA/EIS by mail, email, and submissions at the public meetings and oral comments transcribed at public meetings. Comments covered a wide spectrum of thoughts, opinions, ideas, and concerns. The BLM and Forest Service recognize that commenters invested considerable time and effort to submit comments on the Draft LUPA/EIS and developed a comment analysis methodology to ensure that all comments were considered, as directed by National Environmental Policy Act (NEPA) regulations.

According to NEPA, the BLM and Forest Service are required to identify and formally respond to all substantive public comments. The BLM and Forest Service developed a systematic process for responding to comments to ensure all substantive comments were tracked and considered. Upon receipt, each comment letter was assigned an identification number and logged into the BLM's comment analysis database, CommentWorks, which allowed the BLM and Forest Service to organize, categorize, and respond to comments. Substantive comments from each letter were coded to appropriate categories based on the content of the comment, retaining the link to the commenter. The categories generally follow the sections presented in the Draft LUPA/EIS, though some relate to the planning process or editorial concerns.

Comments similar to each other were grouped under a topic heading, and the BLM and Forest Service drafted a statement summarizing the issues contained in the comments. The responses were crafted to respond to the comments, and, if warranted, a change to the EIS was made.

Although each comment letter was diligently considered, the comment analysis process involved determining whether a comment was substantive or nonsubstantive in nature. In performing this

analysis, BLM and Forest Service relied on the Council on Environmental Quality's regulations to determine what constituted a substantive comment.

A substantive comment does one or more of the following:

- Questions, with a reasonable basis, the accuracy of the information and/or analysis in the Draft LUPA/EIS
- Questions, with a reasonable basis, the adequacy of the information and/or analysis in the Draft LUPA/EIS
- Presents reasonable alternatives other than those presented in the Draft LUPA/EIS that meet the purpose and need of the proposed action and addresses significant issues
- Questions, with a reasonable basis, the merits of an alternative or alternatives
- Causes changes in or revisions to the proposed action
- Questions, with a reasonable basis, the adequacy of the planning process itself

Additionally, the BLM's NEPA Handbook (H-1790-1) identifies the following types of substantive comments:

- Comments on the Adequacy of the Analysis: Comments that express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate are substantive in nature but may or may not lead to changes in the Proposed LUPA/Final EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS (Authorized Officer) does not think that a change is warranted, the response should provide the rationale for that conclusion.
- Comments That Identify New Impacts, Alternatives, or Mitigation Measures: Public comments on a Draft EIS that identify impacts, alternatives, or mitigation measures that were not addressed in the draft are substantive. This type of comment requires the Authorized Officer to determine whether it warrants further consideration. If it does, the Authorized Officer must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in the Final EIS, a supplement to the Draft EIS, or a completely revised and recirculated Draft EIS.
- Disagreements with Significance Determinations: Comments that directly or indirectly question, with a reasonable basis, determinations regarding the significance or severity of impacts are substantive. A reevaluation of these determinations may be warranted and may lead to changes in the Final EIS. If, after reevaluation, the Authorized Officer does not think that a change is warranted, the response should provide the rationale for that conclusion.

Comments that failed to meet the above description were considered nonsubstantive. Many comments received throughout the process expressed personal opinions or preferences, had little relevance to the adequacy or accuracy of the Draft LUPA/EIS, represented commentary regarding resource management and/or impacts without any real connection to the document being reviewed, or were considered out of scope because they dealt with existing law, rule, regulation, or policy. These comments did not provide specific information to assist the planning team in making changes to the alternatives or impact analysis in the Draft LUPA/EIS and are not addressed further in this document. Examples of nonsubstantive comments include the following:

- The best of the alternatives is Alternative D (or A, B, or C).
- The preferred alternative does not reflect balanced land management.
- More land should be protected as wilderness.
- BLM needs to change the Taylor Grazing Act and charge higher grazing fees.
- I want the EIS to reflect the following for this area: no grazing, no logging, no drilling, no mining, and no off-highway vehicles.
- More areas should be made available for multiple uses (e.g., drilling, off-highway vehicles, and rights-of-ways) without severe restrictions.

Opinions, feelings, and preferences for one element or one alternative over another, and comments of a personal and/or philosophical nature, were all read, analyzed, and considered. However, because such comments are not substantive in nature, the BLM and Forest Service did not include them in the report and did not respond to them. While all comments were reviewed and considered, comments were not counted as “votes.” The NEPA public comment period is neither considered an election, nor does it result in a representative sampling of the population. Therefore, public comments are not appropriate to be used as a democratic decision-making tool or as a scientific sampling mechanism.

Comments citing editorial changes to the document were reviewed and incorporated. The Proposed LUPA/Final EIS has been technically edited and revised to fix typographic errors, missing references, definitions, and acronyms, and other clarifications as needed.

Copies of all comment documents received on the Draft LUPA/EIS are available by request from the BLM’s Colorado State Office. Comments received by mail, email, and at meetings, or delivered orally during the public meetings are tracked by commenter name and submission number.

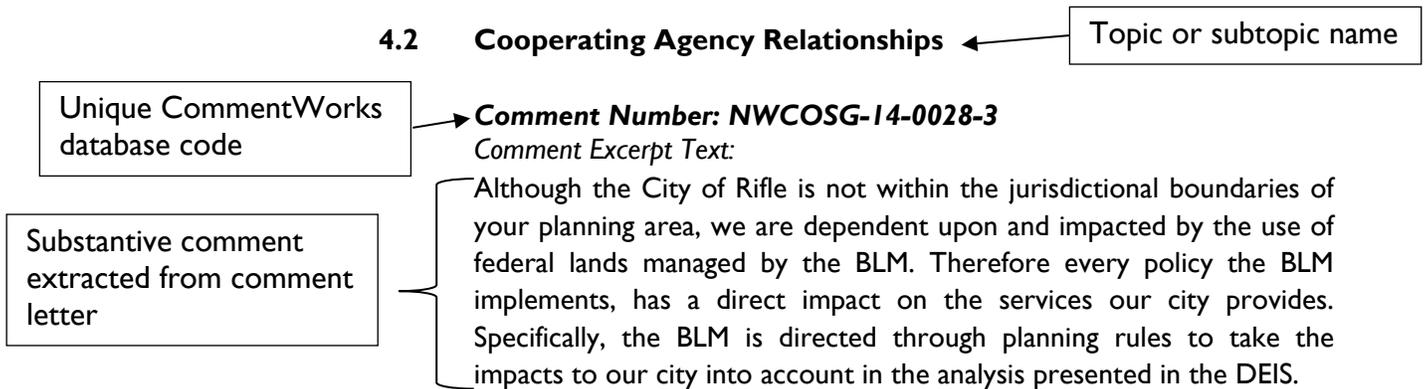
Campaign Letters

Several organizations and groups held standardized letter campaigns for the GRSG effort through which their constituents were able to submit the standard letter or a modified version of the letter indicating support for the group’s position on the BLM and Forest Service LUPA actions. Individuals who submitted a modified standard letter generally added new comments or information to the letter or edited it to reflect their main concern(s). Modified letters with unique comments were given their own letter number and coded appropriately. All commenters

who used an organization’s campaign letter were tracked in the BLM and Forest Service commenter list and are available from the BLM and Forest Service upon request.

How This Report is Organized

This report is organized by the primary topic and then by specific issue subtopics that relate to an aspect of NEPA, the BLM and Forest Service planning processes, or specific resources and resource uses. For example, all substantive comments that relate to Greater Sage-Grouse (GRSG) fall under **Section 7**, Greater Sage-Grouse. This includes subsections such as Best Available Information and Baseline Data, Range of Alternatives, and Impacts. Each topic or subtopic contains the substantive comments identified for that topic area. These topic categories are numbered as they appear in CommentWorks. See sample below.



They layout of this report corresponds with **Appendix P**, Response to Comments on the Draft Land Use Plan Amendment/Environmental Impact Statement, of the Proposed LUPA/Final EIS, available on the project website: http://www.blm.gov/co/st/en/BLM_Programs/wildlife/sage-grouse/0.html.

The terms preliminary priority management area (PPMA) and preliminary general management area (PGMA) were used in the Draft EIS to describe the relative prioritization of areas for GRSG conservation. These are BLM and Forest Service terms used to differentiate the degree of managerial emphasis a given area would have relative to GRSG. As the BLM and Forest Service moved from a Draft EIS to a Proposed LUPA/Final EIS, such prioritizations are necessarily no longer “preliminary” in nature. As such, they have been replaced with the terms Priority Habitat Management Area (PHMA) and General Habitat Management Area (GHMA). Comments on the Draft LUPA/EIS referred to PPMA and PGMA.

SECTION 4 – NEPA

SECTION 4.2 – COOPERATING AGENCY RELATIONSHIPS

Comment Number: NWCOSG-14-0028-1

Comment Excerpt Text:

As a political subdivision of the State of Colorado, we hereby notice the BLM of its failure to coordinate the DEIS with our City and our seven-member City Council.

Comment Number: NWCOSG-14-0028-2

Comment Excerpt Text:

None of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our city and as a result, these conservation measures may cause significant economic harm to our city. The impacts of the proposed alternatives would be devastating and have not been fairly considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable. Because of this shortfall, the City of Rifle formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on the City of Rifle and the health and safety of the people we serve.

Comment Number: NWCOSG-14-0028-3

Comment Excerpt Text:

Although the City of Rifle is not within the jurisdictional boundaries of your planning area, we are dependent upon and impacted by the use of federal lands managed by the BLM. Therefore every policy the BLM implements, has a direct impact on the services our city provides. Specifically, the BLM is directed through planning rules to take the impacts to our city into account in the analysis presented in the DEIS.

Comment Number: NWCOSG-14-0028-5

Comment Excerpt Text:

As a political subdivision of the State of Colorado, the City of Rifle is entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to "improve and coordinate Federal plans, functions, programs and resources." The City of Rifle is entitled to have its policies and economic effects considered and resolved by the BLM prior to the release of the now public DEIS.

Comment Number: NWCOSG-14-0028-6

Comment Excerpt Text:

Even though the laws and policies that direct the BLM to prepare this DEIS require you to do so in coordination with the City of Rifle, for the purpose of resolving conflicts and to ensure consistency with our policies, ultimately to ensure that the health, safety and welfare of the public is fully considered in this process, the BLM has failed to do so.

As a result, the direct, indirect and cumulative impacts the proposed action will have on our city have not been considered and analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health, safety and welfare of the people and in coordination with our city.

This analysis is not something that should be done at a later date when you prepare site specific environmental statements. The policies that will impact our City are being considered now, and will be put into place through this environmental statement. Therefore the harm that will come to the City of Rifle should be considered in this analysis.

Comment Number: NWCOSG-14-0036-1

Comment Excerpt Text:

Both Rifle Fire Protection District and Burning Mountains Fire Protection District, which make up the Colorado River Fire Rescue Regional Fire Authority, are political subdivisions of the state of Colorado entitled to coordination with your agency in your planning efforts.

The National Environmental Policy Act (NEPA) (42 USC 4321) and corresponding regulations requires coordination with local governments to "improve and coordinate Federal plans, functions, programs and resources." The RFA is entitled to have its policies considered and resolved by you prior to the release of the now public DEIS.

Your agency's planning rules require that you coordinate this effort with the RFA as well, making it clear that you have a duty to ensure this coordination takes place with us above and beyond the public process.

Comment Number: NWCOSG-14-0036-2

Comment Excerpt Text:

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with our RFA, for the purpose of resolving conflicts with our RFA, to ensure consistency with our policies, and ultimately to ensure that the health, safety and welfare of the public is fully considered in this process, your agency has failed to do so. Yet, we now have a public document issued for review without these critical concerns being considered. For this reason a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health, safety and welfare of the people and in coordination with the Colorado River Fire Rescue Regional Fire Authority.

Comment Number: NWCOSG-14-0036-4

Comment Excerpt Text:

Very concerning to the RFA is the policy being proposed in the DEIS to prioritize fire resources to be pre-positioned for the protection of greater sage-

grouse during critical fire weather days. This is found under the "Required Design Features" (Appendix I-14) for Alternative B, which is the National Technical Team (NTT) conservation measures the Secretary of the Department of Interior has mandated be included as an alternative in the analysis. It states that the preferred policy of the DOI is, "On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in GRSG habitat areas."

This places the sage-grouse above people and is in direct conflict with our RFA's policies, which places life and property above all other considerations. The preferred alternative D also leaves the door open for this conflict. It requires that the agency "Pre-position fire suppression resources based on all resource values-at-risk." (Appendix I-14) Alternative D makes protecting the sage-grouse the highest value, giving the species preference over the protection of life and property.

Comment Number: NWCOSG-14-0052-2

Comment Excerpt Text:

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with the District, for the purpose of resolving conflicts with our District, to ensure consistency with our policies, and ultimately to ensure that the welfare of the public is fully considered in this process, your agency has failed to do so. As a result, the direct, indirect, and cumulative impacts the proposed action will have on our District have not been considered, analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason, a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the welfare of the people of our community in coordination with our District.

Comment Number: NWCOSG-14-0052-3

Comment Excerpt Text:

None of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our District. As a result, the

harm that will come to our District as a result of these policies have not been addressed in the document and brought to the public light for further consideration by the public and decision makers.

Comment Number: NWCOSG-14-0052-4

Comment Excerpt Text:

Section 202 of the Federal Land Policy and Management Act includes the statutory direction for your agency to coordinate "planning" with local governments (43 USC 1712(c)(9)). As a political subdivision of the State of Colorado, the Garfield County School District No. 16 is entitled to coordination with your agency in your planning efforts.

Comment Number: NWCOSG-14-0055-1

Comment Excerpt Text:

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with the District, for the purpose of resolving conflicts with our District, to ensure consistency with our policies, and ultimately to ensure that the health and welfare of the public is fully considered in this process, your agency has failed to do so.

As a result, the direct, indirect and cumulative impacts the proposed action will have on our District have not been considered, analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason, a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health and welfare of the people of our community in coordination with our District.

Comment Number: NWCOSG-14-0059-2

Comment Excerpt Text:

Finally, and most important, the EIS was developed with hardly any meaningful input from the various Cooperating Agencies. When input was offered, they were told to only work within the confines of the NTT study. No consideration was given to the fact that these agencies might have a perspective and

experience that could be helpful in the process, and avoid the contentions that often arise when a proper balance between ecological preservation and economic need is not arrived at.

Comment Number: NWCOSG-14-0089-1

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0141-2

Comment Excerpt Text:

the opinions and suggestions of local towns and counties were not taken seriously, as evidenced by the relegation of the Garfield County Sage Grouse plan to the Appendix, rather than being offered as a separate, viable alternative. Also, the existing efforts by various state, local, and private-sector entities at protecting greater sage grouse habitat were either overlooked, or ignored in the same manner as the majority of cooperating agency input was.

Comment Number: NWCOSG-14-0329-2

Comment Excerpt Text:

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.

SECTION 4.3 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0006-1

Comment Excerpt Text:

The status of the Greater Sage Grouse is currently unclear on the Endangered Species list - the Greater Sage Grouse was declared "warranted but precluded" under the most recent listing decision but this is no longer a viable listing status. Alternatives should be developed or identified in the DRMP to address if the Greater Sage Grouse is listed or declined from the ESA list.

Comment Number: NWCOSG-14-0012-1

Comment Excerpt Text:

The alternatives listed each propose management restrictions that are too broad, rigid, unworkable, and which fail to accommodate multiple uses of public lands. There is no alternative that incorporates the work done by the State of Colorado and some of our member governments, which would attain the objective of protecting the Greater Sage-grouse and preserving its habitat, while not compromising the economic activity that our region depends on. By law, every NEPA process is required to offer a range of management alternatives; however in this document, the three Action Alternatives are merely variations of one another; the differences between them are largely semantic.

Comment Number: NWCOSG-14-0028-10

Comment Excerpt Text:

The action alternatives (B-D) vary only slightly from each other and are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles.

There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse.

Comment Number: NWCOSG-14-0028-8

Comment Excerpt Text:

It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County.

The plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County plan, our City could continue to operate with current funds derived from oil and gas exploration and production well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse. This plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed.

Comment Number: NWCOSG-14-0029-6

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0030-2

Comment Excerpt Text:

The Plan does not include an adequate range of alternatives. The National Environmental Policy Act (NEPA) and regulations of the Council on Environmental Quality (CEQ) require that a well-defined range of alternatives be presented in an EIS. All alternatives (B, C, and D) are based on the NTT or some variant thereof and are highly restrictive in their approach to land use management. None contain alternative management techniques which allow for a broad range of multiple uses on public lands which include mining, grazing, energy production, and recreation access. Little or no consideration was given to conservation measures developed by the Colorado Division of Parks and Wildlife, Garfield County and organizations in Northwest Colorado. The state and communities in Northwest Colorado have worked over several years in conjunction with private interests to identify and implement measures to conserve the Greater Sage-Grouse and the sagebrush habitat. These measures consider and reflect local conditions in areas where they have been implemented, rather than relying on one-size-fits all approach as seen in Alternatives B, C, and D.

Comment Number: NWCOSG-14-0031-10

Comment Excerpt Text:

The methodology proposed for implementing a cap in the 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 explained several critical details about the functionality and application of the cap concept. For example, the 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 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 as the nature and variability of multiple use activities and their associated mitigation.

Comment Number: NWCOSG-14-0031-2

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0031-3

Comment Excerpt Text:

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 EIS.

Comment Number: NWCOSG-14-0031-6

Comment Excerpt Text:

Overly Broad Application of Restrictions in 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 and Wildlife Division. 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.

Comment Number: NWCOSG-14-0035-1

Comment Excerpt Text:

The BLM must adopt a rigorous and scientifically sound approach to sage grouse conservation in order to meet this Purpose and Need; thus far, the Preferred Alternative does not meet these thresholds.

Comment Number: NWCOSG-14-0035-3

Comment Excerpt Text:

The agency must also consider all measures contained within the Sage- Grouse Recovery Alternative submitted earlier in this NEPA process

Comment Number: NWCOSG-14-0036-5

Comment Excerpt Text:

The action alternatives (B-D) vary only slightly from each other. They are all a variation of the NTT approach mandated to be included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles. There are no sharply defining issues that show clear

distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion.

Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse. However, you failed to analyze or consider this reasonable and preferable alternative.

Comment Number: NWCOSG-14-0039-2

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0039-7

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0039-8

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0041-6

Comment Excerpt Text:

It is concerning to us that after reviewing the Garfield County plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County. The plan, properly compared with the other alternatives, provides the most protection to the greater sage-grouse, while also ensuring the productive use of the land will continue. Under the Garfield County plan, our District could continue to operate fully funded well into the future and continue to ensure the protection of our citizens, their property and the greater sage-grouse from fire events. This plan demonstrates that the grouse and the people can be fully protected without sacrificing human protection. It should have been fully considered and not summarily dismissed

Comment Number: NWCOSG-14-0041-7

Comment Excerpt Text:

Rigorous analysis and comparison of the Garfield County plan would have helped to sharply define the issues, "providing a clear basis of choice among options by the decision makers and the public," (40 CFR 1502.14) as required under the NEPA rules. This currently does not exist in the comparison of alternatives carried forward. The action alternatives (B-D) vary only slightly from each other. They are all a variation of the NTT approach mandated to be

included by the Secretary of Interior as the policies preferred. Alternative B is the NTT alternative where these conservation measures are specifically carried forward. Alternative C is a more restrictive version of these same NTT policies. Alternative D is a slightly less restrictive alternative based on the same NTT principles. There are no sharply defining issues that show clear distinctions between the three action alternatives. They all carry forward the NTT approach in some fashion. Only the Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse. However, you failed to analyze or consider this reasonable and preferable alternative

Comment Number: NWCOSG-14-0042-1

Comment Excerpt Text:

Unfortunately, the preferred alternative would fail to implement conservation measures needed to conserve sage-grouse, according to the best available information on the species and its habitat. The preferred alternative would not prohibit new surface disturbance nor impose a density cap on development in sage-grouse priority habitat; would fail to specially protect sage-grouse winter habitat; proposes inadequate protections for sage-grouse from fluid minerals development (on both leased and unleased parcels); would fail to prescribe stricter standards for livestock grazing in sagebrush steppe; declines to adopt cohesive plans for combatting cheatgrass (*Bromus tectorum*) incursion or ameliorating the effects of climate change on sage-grouse; and would not prohibit wind energy development in sage-grouse priority habitat (see Table I, "Sage- Grouse Conservation Issues in the Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement").

Comment Number: NWCOSG-14-0044-1

Comment Excerpt Text:

BLM characterizes only Alternatives B and C as restrictive enough to push development onto state and private lands. Yet Alternative D, the preferred alternative, has an anthropogenic disturbance cap that is merely two percent higher. Such a minute

difference in the disturbance caps proposed indicates there is little practical difference between action alternatives. In fact, all of the action alternatives would decrease oil and gas production due to restrictions placed on development.³⁶ Such a result is unacceptable and contrary to the agencies' statutory missions. Further, we believe the agencies have failed to comply with provisions of NEPA and CEQ regulations, which require a well-defined range of management alternatives and a clear basis for choosing among the options.³⁷ While the agencies claim they "will consider a range of reasonable alternatives, including appropriate management prescriptions,"³⁸ there is little difference between the action alternatives and the DEIS does not include an alternative that truly promotes the traditional multiple use concept and conforms with the Multiple Use-Sustained Yield Act of 1960, the Federal Lands Policy and Management Act of 1976, and the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

36 CH. 5 DEIS at 961.

37 40 CFR 1502.14

38 Ch. 1 DEIS at 25.

Comment Number: NWCOSG-14-0044-29

Comment Excerpt Text:

Federal agencies can rely upon state, regional, and local plans in their consideration of environmental impacts under NEPA.²⁶¹ BLM has not adequately considered state and local GRSG conservation planning efforts pursuant to 43 CFR 1610. Reference to the efforts (Chapter 1, Section 1.7) alone is insufficient. Moreover, it is unclear why BLM did not carefully consider COGCC rules regarding wildlife and surface water and the Colorado Greater Sage-grouse Conservation Plan in consideration of alternatives in the NEPA process.

²⁶¹ See, e.g. 40 CFR 1502.21; Georgia River Network v. U.S. Army Corps of Engineers, 334 F. Supp. 2d 1329, 1345 (N.D. Ga. 2003) (agency properly relied upon federal, state and local

regulations, including local land use plan); Sierra Club North Star Chapter v. La Hood, 693 F. Supp. 2d 958, 990 (D. Minn. 2010) (accepting reliance on local plans in indirect effects analysis)

Comment Number: NWCOSG-14-0046-4

Comment Excerpt Text:

We recommend that the BLM consider selecting a more precautionary alternative and using adaptive management to relax the conservation measures as sage grouse populations increase or achieve sustainability. This precautionary approach to adaptive management planning appears to be worth considering because of the slowness of the GRSG to move into expanded or improved habitat and the unpredictability of GRSG populations.

For example, in Section 2.10.2 -- Adaptive Management on pages 192-194, it is not clear from the discussion if the adaptive management plan will be successful in increasing the protection of GRSG habitat once the land management practices and decisions have been made. Many of the land management practices and decisions covered by the LUPA/EIS would result in permanent impacts with few opportunities to reduce habitat fragmentation. For example, once a new road is constructed there would be permanent impacts to grouse habitat. It may be possible to seasonally close the road to reduce impacts; however, many of the road impacts, such as habitat fragmentation, would remain permanently.

Comment Number: NWCOSG-14-0051-1

Comment Excerpt Text:

the County finds the DEIS has failed to meet its legal obligation to provide a reasonable range of alternatives by excluding County's Greater Sage Grouse Conservation Plan within the range of alternatives and has not adequately identified the socio-economic impacts to our communities in Garfield County.

Comment Number: NWCOSG-14-0051-13

Comment Excerpt Text:

The net result is this DEIS has not provided a hard look analysis of the County's plan as an alternative or as information towards local ecological site variability, and thus has directly ignored the direction provided in IM 2012-044. We request the DEIS be re-done to follow IM 2012-044 and allow the public to reassess the impacts of implementation of the alternatives.

Comment Number: NWCOSG-14-0051-5

Comment Excerpt Text:

Garfield County Plan offers any distinction in how to develop and implement conservation measures for the protection of the grouse. However, you failed to analyze or consider this a reasonable and preferable alternative.

Comment Number: NWCOSG-14-0052-5

Comment Excerpt Text:

NEPA regulations require your agency to "study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County

Comment Number: NWCOSG-14-0054-2

Comment Excerpt Text:

Grand County could support an alternative to listing the GRSG under the ESA if that alternative is supported by proper science and provides accurate GRSG habitat maps that includes GRSG habitat and acreage from Greater Sage-Grouse Habitat Modeling and Mapping Project, Grand County, Colorado, October 2013. The alternative needs to ensure an equitable balance between conserving and enhancing GRSG habitat, while protecting and promoting multiple-use on public and private lands and giving adequate consideration to its current and future social and economic value. Grand County does not support retiring any grazing allotments. Grazing closures should not become or made part of any

proposed Alternative. Lastly, the Disturbance Cap Management program needs to better define how the cap management program will be administered and what data and habitat is being consistently utilized.

Comment Number: NWCOSG-14-0055-2

Comment Excerpt Text:

Earlier this year, Garfield County adopted the Garfield County Greater Sage-Grouse Conservation Plan. This plan was developed to ensure the conservation measures implemented were appropriate for the unique landscape and culture of the county, which is unlike any other habitat in the 11 state ranges of the grouse. The county also developed this plan so that there would be coordination among all of the agencies and governments with jurisdictional responsibilities for the habitat and the species. This includes coordination with our District.

NEPA regulations require your agency to "study, develop and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (40 CFR 1507.2) It is concerning to us that after reviewing the Garfield County Plan, it was not carried forward as a reasonable alternative for the lands within the jurisdictional boundaries of Garfield County.

Comment Number: NWCOSG-14-0094-1

Comment Excerpt Text:

1. The document does not have an alternative that would protect GSG and GSG habitat and at the same time meet multiple-use concepts required under the Multiple-use Sustained Yield Act of 1960, the Federal Lands Policy and Management Act of 1976 and the Forest and Rangeland Renewable Resource Planning Act of 1974 as amended by the National Forest Management Act of 1976. Under the proposed alternatives B,C,and D, it is not defined how the BLM or Forest Service (FS) would implement restrictions and still meet the multiple-use mandates. To help solve this problem and move forward, we suggest that the BLM and FS work in parallel with local private land owners and local Sage Grouse Working

Groups, in the development of current GSG conservation projects and plans. Using the NTT and COT reports only for suggested project development in the future development of conservation plans.

Comment Number: NWCOSG-14-0097-1

Comment Excerpt Text:

In its scoping comments on the National Greater Sage-Grouse Planning Strategy submitted on March 12th of this year, NWF and five of its state affiliates, California Planning and Conservation League, Colorado Wildlife Federation, Idaho Wildlife Federation, Montana Wildlife Federation, Nevada Wildlife Federation, and Wyoming Wildlife Federation, identified fifteen components of effective management strategies for sage-grouse conservation (see discussion below). None of the alternatives identified in the Northwest Colorado Greater Sage-Grouse Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Northwest Colorado District (NWCO DEIS) contains all of these recommendations. NWF and CWF, therefore, urge the agencies to adopt a final resource management plan amendment (RMPA) that incorporates appropriate elements of Alternatives B and C in the NWCO DEIS.

Comment Number: NWCOSG-14-0108-1

Comment Excerpt Text:

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 EIS. Taking this step will help ensure that the final 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.

Comment Number: NWCOSG-14-0112-1

Comment Excerpt Text:

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 sage grouse 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 sage grouse protection in the planning area and that the agencies have considered a broader range of management alternatives as required under NEPA and CEQ regulations.

Comment Number: NWCOSG-14-0112-3

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0126-1

Comment Excerpt Text:

The Final LUPA/EIS must offer an explanation as to why a resource development or multiple use alternative was not developed by BLM with input

from industry. By omitting a resource development alternative in the Draft LUPA/EIS, BLM has failed to provide a reasonable range of alternatives.

Comment Number: NWCOSG-14-0127-1

Comment Excerpt Text:

The range of alternatives needs to include the Colorado Division of Parks and Wildlife (CDPW) GrSG conservation plan (the Colorado Plan). We would request that the Colorado plan be added as the preferred alternative in the DLUPA/EIS.

Comment Number: NWCOSG-14-0129-1

Comment Excerpt Text:

The CPW and Garfield County, acting as cooperating agencies in the development of the DEIS have submitted materials and information that should have been more fully considered in the development of the DEIS/DRMP, but were not. These conservation measures were developed in a collaborative fashion, often with BLM and USFWS input.

Comment Number: NWCOSG-14-0141-2

Comment Excerpt Text:

the opinions and suggestions of local towns and counties were not taken seriously, as evidenced by the relegation of the Garfield County Sage Grouse plan to the Appendix, rather than being offered as a separate, viable alternative. Also, the existing efforts by various state, local, and private-sector entities at protecting greater sage grouse habitat were either overlooked, or ignored in the same manner as the majority of cooperating agency input was.

Comment Number: NWCOSG-14-0142-16

Comment Excerpt Text:

The DLUPA/EIS states that the purpose of the LUPA is to 1) reevaluate resource conditions, resources, and uses; 2) to reconsider resource allocations and management decisions in order to “conserve and enhance” Greater sage-grouse habitat and to “eliminate, reduce, or minimize threats” to PPH and PGH lands; 3) to resolve multiple-use conflicts, and; 4) to disclose and assess direct, indirect, and cumulative impacts of past, present, and reasonably foreseeable future actions. DLUPA/EIS

at xxvii. Unfortunately, the document fails to meet these purposes, primarily because it failed to take seriously the effects of grazing and failed to adequately assess a range of alternatives to the status quo grazing management, management which is contributing to the decline of the species in the project area.

The preferred alternative does not seriously address the primary source of degradation within Greater sage-grouse habitat in the project area: livestock grazing. It fails to resolve the conflicts between livestock grazing uses and the other users of the project area, namely, Greater sage-grouse and the citizens who want them recovered on the landscape.

Comment Number: NWCOSG-14-0142-18

Comment Excerpt Text:

The DLUPA/DEIS fails to make a clear and coherent case for the proposed management, and fails to take a “hard look” at the effectiveness, timeliness, or implementability of the preferred alternative. Many of the range management proposals are merely wishful thinking, deferring actual management to an unspecified future using unspecified methods. The management parameters largely weaken the recommendations of the NTT for sage-grouse recovery, which lowers a bar that is already demonstrably weaker than what the best available science recommends.

Comment Number: NWCOSG-14-0142-34

Comment Excerpt Text:

If monitoring and habitat assessments and changes only occur as part and parcel of sitespecific grazing decisions (as the DLUPA/DEIS repeatedly implies), the chance to “adapt” to changing conditions will be limited. In light of the agency’s own acknowledgment/assumptions about climate change affecting the habitat availability, it would have been a reasonable alternative to include some across-the-board adaptations (lowered livestock authorizations, for example) in this DLUPA.

Comment Number: NWCOSG-14-0149-2

Comment Excerpt Text:

The repeated use of the flexibility language establishes a broad subjective administrative discretion, modification and limitation to the preferred alternative. Subjectivity undermines the scientific-credibility and potential efficacy of actions suggested under the preferred alternative. Although it is more scientifically valid to eliminate the administrative subjectivity in PPH, if flexibility is allowed under the preferred alternative, specific and inflexible sidebars based on documented scientific analysis of when exemptions can be considered need to be established in the EIS. In my opinion, the administrative subjectivity to grant exceptions, waivers and modifications included in the preferred alternative negates the protections and regulatory mechanisms included in this alternative thereby making them, and the alternative, inadequate.

Comment Number: NWCOSG-14-0151-2

Comment Excerpt Text:

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).

Comment Number: NWCOSG-14-0153-4

Comment Excerpt Text:

Legally, the EIS fails to present an effective alternative that addresses Linkage/Connectivity Habitat with the kind of specific, protective measures necessary to ensure that the BLM Tech Team's recommendations

for preservation of the species are implemented and achieved.

Comment Number: NWCOSG-14-0153-6

Comment Excerpt Text:

It also suggests, by turns, widespread undermining on a local basis of standards and stipulations adopted after this comprehensive EIS - namely a widespread local use of modifications, waivers and exceptions.

By contrast, the Tech Team stated that because oil and gas development disturbance is so large: "...applying NSO or other buffers round leks at any distance is unlikely to be effective" and "timing" restrictions are simply not comprehensive enough to prevent impacts to sage grouse. (Report pp.20-21).

At the very least, one alternative, if not more, should have featured stipulations that cannot be waived, excluded or modified with respect to sage grouse priority habitat.

Accordingly, the range of alternatives - without a single alternative that comprehensively restricts waiver, exclusion and modification of protective stipulations - is wholly inadequate in the DEIS.

Comment Number: NWCOSG-14-0329-1

Comment Excerpt Text:

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... 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.

Comment Number: NWCOSG-14-0329-2

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0329-4

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0329-8

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0329-9

Comment Excerpt Text:

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.

SECTION 4.5 – GIS DATA AND ANALYSIS

Comment Number: NWCOSG-14-0012-3

Comment Excerpt Text:

The Sage-grouse habitat in our region is more fragmented than in other parts of the bird's range. This is not reflected in the maps that the BLM is using in the document, as it is on maps produced by some of our members and cooperating agencies, and by the Colorado Division of Parks and Wildlife. This discrepancy leads to management proposals that are overly burdensome and unworkable for northwestern Colorado.

Comment Number: NWCOSG-14-0028-9

Comment Excerpt Text:

The City of Rifle is also concerned that the BLM is using a seriously flawed habitat map that is not based on the "best available science".

Comment Number: NWCOSG-14-0029-9

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0031-6

Comment Excerpt Text:

Overly Broad Application of Restrictions in 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 and Wildlife Division. 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.

Comment Number: NWCOSG-14-0031-7

Comment Excerpt Text:

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 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.

Comment Number: NWCOSG-14-0051-10

Comment Excerpt Text:

There appears to be a fundamental disconnect between how CPW designed and uses the SWH map as a basis for consultation versus how the BLM is using the PPH map for project-specific land management policies and "in-the-field" decisions. As

explained specifically to the County by CPW staff on September 5, 2012 in a County Coordination meeting, this BLM - PPH map (which is CPW's SWH map) was generated at a 50,000-foot level not intended for specific "on-the-ground" land use management.

Comment Number: NWCOSG-14-0051-2

Comment Excerpt Text:

As you also know, the County provided a much more refined habitat map (attached as Exhibit B) that conflicts with the BLM's PPH / PGH map which is contained in the County's GSG Conservation Plan and as Appendix D of the DEIS and attached to our comments; yet the BLM has not resolved the conflicts between the two mapping efforts to date despite the enormous contradiction in literature citations and CPW's revised position that the PPH map is a consultation tool and contains large areas of non-habitat.

Comment Number: NWCOSG-14-0051-6

Comment Excerpt Text:

The DEIS does not provide habitat mapping that addresses "local ecological site variability" for the areas in Garfield County and NW Colorado that was required by the BLM Director in the Instructional Memorandum 2012-044.

Comment Number: NWCOSG-14-0051-8

Comment Excerpt Text:

The PPH / PGH habitat maps provided by CPW map large areas of non-habitat in Garfield County despite cited literature and specific text in the DEIS that directly contradict the mapping. This results in CPW erroneously mapping 160,000 acres of non-habitat as "habitat." Recent mapping completed by CPW (Dr. Brett Walker) appears to be very consistent with Garfield County's mapping which revealed large areas of non-habitat that are currently in the PPH / PGH maps.

Comment Number: NWCOSG-14-0054-1

Comment Excerpt Text:

The CPW PPH/PGH dataset was developed from a combination of: 1) CPW occupied range dataset; 2)

4-mile buffers applied to active leks; and 3) the results of the Dr. Mindy Rice habitat model. CPW occupied range data and 4-mile buffer to active leks are recorded parameters of observed field data. The Rice model was a modeling technique that was performed at a coarse-scale (i.e. 1-km cell resolution) incorporating only variables that considered percent-proportion of specific vegetation communities. As such, many criteria cited in readily-available, peer-reviewed reports were omitted in assessing potentially suitable habitat, including: elevation, slope, topographical position, precipitation, distance to nearest water source, anthropogenic disturbances, etc. The exclusion of these additional criteria resulted in large, contiguous areas of non-habitat that are erroneously classified as GRSG PPH and PGH.

Comment Number: NWCOSG-14-0087-4

Comment Excerpt Text:

Since the BLM and Forest Service rely on the Colorado Parks and Wildlife (CPW) for habitat maps, the preferred management plan in the final RMPA should include the flexibility to utilize the most current accepted data and mapping provided by CPW over-time.

Comment Number: NWCOSG-14-0089-10

Comment Excerpt Text:

P.143 No. 1. The map scale in the EIS is too coarse to identify whether or not the Sandwash Open Area is within PPH or not.

Comment Number: NWCOSG-14-0329-4

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0329-5

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0330-6

Comment Excerpt Text:

The citizen led inventory, submitted as part of our comments on the BLM White River field office's RMP Amendment, confirmed many conclusions of the BLM's initial efforts; however, it also identified numerous significant gaps in the BLM's preliminary inventory. Specifically, we found two major issues arising from the preliminary inventory:

1) Many parcels were entirely missed by the desktop inventory. Possibly because the BLM's desktop inventory was based on an out-of-date or inaccurate road layer, the resulting collection of potential LWC polygons was deficient and missed several blocks of BLM lands that could qualify as LWCs. BLM Manual 6310 makes clear that the size criterion for wilderness can be met for areas less than 5,000 acres if those parcels are contiguous with areas that have been formally identified to have wilderness or potential wilderness values (Manual 6310, pp. 5-6). Our inventory showed that several units that meet the above criterion- including parcels adjacent to Black Mountain/Windy Gulch WSA, Willow Creek WSA, Bull Canyon WSA, Oil Spring Mountain WSA, as well as parcels along the Colorado/Utah state line which abut parcels which the Vernal Field Office has identified as containing wilderness character- were not identified in the desktop inventory. Our inventory showed that these areas not only meet the size criterion, but also the additional criteria for Lands with Wilderness Characteristics.

2) The 30 potential LWC units that were identified by BLM are often defined by boundaries that do not meet the criteria for boundary delineation laid out in BLM Manual 6310. Manual 6310 states that the boundary delineation for a LWC unit "is generally based on the presence of wilderness inventory roads" (Manual 6310, p. 4). BLM defines a wilderness inventory road as a vehicle route that has "been improved and maintained by mechanical means to ensure relatively regular and continuous use" (Manual 6310, p. 11). A "way" that is either solely "maintained" by the passage of vehicles, is used regularly but not maintained, or was originally constructed using mechanical means but is no longer being maintained by mechanical methods is not a road (Ibid). Without conducting field visits to these areas with the express intent of assessing whether or not the proposed boundary line meets the definition of a "wilderness inventory road" or other defining feature, it is very difficult to draw an accurate boundary for a potential LWC unit.

SECTION 4.6 – INDIRECT IMPACTS

Comment Number: NWCOSG-14-0026-6

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0026-7

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0026-9

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0055-1

Comment Excerpt Text:

Even though the laws and policies that direct your agency to prepare this DEIS require you to do so in coordination with the District, for the purpose of resolving conflicts with our District, to ensure consistency with our policies, and ultimately to ensure that the health and welfare of the public is fully considered in this process, your agency has failed to do so.

As a result, the direct, indirect and cumulative impacts the proposed action will have on our District have not been considered, analyzed so that these impacts can be weighed with the benefits and negative effects of this action. For this reason, a supplemental statement should be prepared taking into account the impact of these proposed conservation measures on the health and welfare of the people of our community in coordination with our District.

SECTION 4.7 – CUMULATIVE IMPACTS

Comment Number: NWCOSG-14-0153-1

Comment Excerpt Text:

Generally speaking, the Draft EIS and Preferred Alternative fail to disclose the reasonably foreseeable likelihood and actual impacts of listing of the Greater Sage Grouse as either endangered or threatened under the Endangered Species Act; fail to use and rely upon the best available science that BLM has; and fail to consider key alternatives that would protect the sage grouse while avoiding unjustified impacts on other resources

Comment Number: NWCOSG-14-0153-2

Comment Excerpt Text:

Here, the Draft EIS fails significantly in failing to disclose the likelihood that Alternatives A (current management) and D (preferred alternative) will lead to the U.S. Fish and Wildlife Service listing the Greater Sage Grouse as an endangered, or at least threatened, species under the Endangered Species Act, and the practical consequences of such a listing.

The impacts are of course reasonably foreseeable. BLM's Tech Team report, itself, points out the measures that are "needed" to protect and foster the Greater Sage Grouse, but Alternative D declines to adopt them. It points out that measures Alternative D adopts - like leasing priority habitat lands for oil and gas development and controlling impacts through stipulations -- even no surface occupancy stipulations - are likely to be ineffective. The Tech Team Report is hereby incorporated by reference into these comments.

SECTION 4.9 – MITIGATION MEASURES

Comment Number: NWCOSG-14-0050-10

Comment Excerpt Text:

BLM/USFS should complete and include into the FEIS habitat monitoring, adaptive management, fire and invasive management, and mitigation frameworks currently under development

Comment Number: NWCOSG-14-0050-34

Comment Excerpt Text:

Mitigation should not be counted and mitigation acreage be removed from the disturbance cap calculations before functional habitat is restored. Even though additional, effective mitigation is planned if the disturbance cap limit is reached, mitigation areas may take many years to become functional GRSG habitat

Comment Number: NWCOSG-14-0050-4

Comment Excerpt Text:

the DEIS will: 'consider GRSG habitat requirements in conjunction with all resource values managed by BLM/USFS, and give preference to GRSG habitat unless sitespecific circumstances warrant an

exemption'. Furthermore, other conservation measures under Alternative D have disturbance exception criteria that state: "Where data-based documentation is available to warrant a conclusion that CO GRSG populations are healthy and stable at objective levels or increasing and that the development will not adversely affect GRSG populations due to habitat loss or disruptive activities the authorized officer may authorize disturbance in excess of the 5% disturbance cap without requiring additional mitigation. In many cases this exception will require project proponents to fund studies necessary to secure the "databased documentation" requirement."

Both of these caveats for exemptions/exceptions may be reasonable and requiring data-based documentation before granting an exception is reasonable. However, currently there are no criteria for what a "healthy and stable population at objective levels or increasing" is and there is likely a time lag between when projects are implemented with exceptions granted, and a population response. Therefore, given the current state of knowledge on impacts of some activities, a project or projects may appear to not be affecting GRSG populations until several years later. It may not be realized until that time, when populations in the affected areas decline, that the disturbance level, which now may exceed the disturbance cap, is too great for that population. Consequently, additional discussion of exemptions/exceptions should take place and additional criteria for limitations on use of exemptions/exceptions may need to be established.

Comment Number: NWCOSG-14-0050-6

Comment Excerpt Text:

Mitigation should not be counted and mitigation acreage be removed from the disturbance cap calculations before functional habitat is restored. Even though additional, effective mitigation is planned if the disturbance cap limit is reached, mitigation areas may take many years to become functional GRSG habitat.

Comment Number: NWCOSG-14-0050-7

Comment Excerpt Text:

Criteria for ensuring that monitoring is adequate to measure disturbance should be provided

Comment Number: NWCOSG-14-0108-13

Comment Excerpt Text:

Range Management Objectives –PLC finds that the proposed objectives are focused entirely on the grouse and not the multiple use standards BLM must adhere to according to rule and law. Furthermore, this approach undermines the progress made through implementation of adaptive management strategies that federal land users and managing agencies have implemented over the preceding periods. PLC offers that BLM implement a multiple use objective that requires performance based outcomes for grouse conservation by implementing monitoring and feedback metrics that consider grouse population, behavior and habitat measures. This approach should be implemented, in partnership, with federal land resource users such as livestock grazers.

Comment Number: NWCOSG-14-0109-14

Comment Excerpt Text:

Comments on Appendix G: Surface Reclamation Plan

a. General: Considerable additional monitoring and reporting efforts will be required for new pads and older pads where new work requiring a sundry is needed. QEP would ask for more clarification on which specific sundries would require reclamation plans. Additionally, QEP has generally done reclamation/reclamation monitoring and weed plans field-wide, not on a site-specific basis. Many of the new requirements refer to site-specific plans, which we believe are not as effective as field-wide plans unless unusual circumstances exist. The Final EIS should specifically allow the utilization of field-wide plans.

b. The entire plan refers to the White River Field Office.

c. Page G-3, lines 7-8: This sentence on exceptions being warranted appears out of place or requires additional justification.

d. Page G-3, lines 26-32: As described, most of the photos would be of the disturbance area, and any future photos (post project initiation) seem unnecessary. Further clarification is needed on whether post development photos of disturbed areas are intended.

e. Page G-3, lines 33-35: This would be highly variable across a pad and in some cases (e.g., depth to bedrock on deep soils) is impractical and unnecessary.

f. Page G-3, Lines 36-42: Further clarification is needed on whether this will be required. If so, it is a lot of work and may be unnecessary where successful reclamation can be easily achieved. This level of pre-disturbance soils analysis is recommended only in problematic areas (e.g., saline, sodic, acidic, alkaline, shallow soils) which can usually be discerned based on pre-disturbance vegetation characteristics.

g. Page G-4, lines 3-2, 14-16, 17-23: These requirements create scheduling concerns related to pre-disturbance vegetation parameters, pre-disturbance weed parameters on and within 330ft of disturbance, and reference sites.

h. Page G-4, lines 40-45: QEP finds field-wide weed management plans are much more

effective than site-specific plans. Further clarification is needed to ensure reference to a field-wide plan in the APD will suffice. Only where unusual pad-specific circumstances are present would anything more need to be provided in the APD.

i. Page G-5, lines 7-8: See comment above for G-3, lines 26-32.

j. Page G-5, lines 8-9: A field-wide plan for monitoring, referenced in the APD, appears more appropriate. Please clarify this is acceptable.

k. Page G-5, line 20: Further clarification is needed on whether reference to an approved State

of Colorado SWPPP is adequate with only minimal site-specific features included in APD

schematics. Otherwise much of this will be redundant.

l. Page G-6, lines 4-9: It appears that a reclamation plan will be required for older pads if any sundry is filed for the existing pad. Clarification is needed to ensure such an oven-each is not inferred in the EIS.

m. Page G-7, line 39: Free of undesirable weeds will be unachievable in areas where these

species are present on nearby areas. Strike this statement.

n. Page G-7, lines 40-41: This will require topsoil piles and possibly spoil piles protection until Phase II. It is likely matting or netting will be most appropriate. This will be an increased cost and may be unnecessary in non-windy areas or in areas with heavy soils. Please reconsider this approach.

o. Page G-8, lines 11-14: This new reclamation-focused on-site meeting requirement seems out

of place and not relevant to Phase I, and more appropriate for Phase II, and given the new and extensive reclamation planning requirements identified here, it is likely unnecessary in most cases.

p. Page G-8, lines 15-19: This is a good idea, but verification will be difficult.

q. Page G-8, line 37: Distribution of road topsoil on the fill slopes (road surface side of ditch) is not recommended since these slopes will have repeated disturbance during road maintenance operations throughout the life of the road.

r. G-9, lines 1-3: Seeding of topsoil piles makes no sense unless piles will be retained for at least two years; it takes at least 1 growing season (often 2 or more for sufficient erosion protection) for seeding and plant establishment. Suggest changing 6 months to 2 years.

s. Page G-9, lines 4-5: Topsoil piles of less than 12 ft. depths is impractical during project development given the considerably larger disturbance area that will be required. They are appropriate for long-term storage on interim reclamation areas.

t. Page G-10, line 38: See comment G-7, line 39 above.

u. Page G-11, lines 9-13: This may take considerable time to achieve and there is no time component provided here.

v. Page G-11, line 21: Replace the word "disturbed" with "reclaimed".

w. Page G-11, lines 33-42: With high levels of undesirable weeds immediately adjacent to reclamation the acceptable percentages provided here may be unachievable, particularly if the reclaimed areas are open to grazing. To hold reclamation to a much higher standard than existing pre-disturbance conditions is unjustified and likely untenable. Change the language to require that "reclamation will be considered acceptable when the relative cover of undesirable species on the project site is at least 10% less than that of the adjacent areas".

x. Page G-12, lines 18-24: See comment G-3, lines 36-42. Additionally, once this is completed for a particular area, range site, or ecological site, further testing at different pads with the same conditions would be redundant. Any soils testing would be better done after topsoil re-spreading to more accurately describe the growth medium. It has been shown that available nitrogen often increases once soils are re-spread.

y. Page G-13 lines 14-16: It is unclear why there is such a short time frame (14 days) for provision of spatial data and it appears unnecessary. This also may be impractical for late fall seeding. Recommend that spatial data be gathered and provided within 1 year of seeding.

z. Page G-14, line 6: See comment G-7, line 39.

aa. Page G-14, line 28: Delete "through the life of the project". bb. Page G-14 lines 32-36: See comment G-11, lines 9-13.

cc. Page G-15, lines 15-24: See comment G-11, lines 33-42. dd. Page G-16, lines 5-16: See comment G-13, lines 3-13.

ee. Page G-16, line 14. Change the word "interim" to "final".

ff. Page G-17, Table G-1, Section 1: A field-wide plan would be preferred and referenced in the APD with only necessary site-specific items included in the APD. Pre-disturbance vegetation surveys will be needed as will photos, photo point locations, and soils data where appropriate. In order to provide much of this information permit planning will need to be done well in advance of submittals to ensure data are gathered during spring/summer (necessary to identify many plants/weeds and desirable for photos and soils). This is excessive.

gg. Page G-18, lines 4-5: Some leeway in sampling effort seems appropriate for Phase II Interim Reclamation Areas that have achieved success criteria (e.g., reduce sampling frequency to 5 years or more).

hh. Page G-18, lines 16-19. BLM data management systems are notoriously cumbersome and problematic, and often include redundancies as well as inputs that exceed mandated parameters (i.e., those items specified in approved plans and decisions). Alternative modes of data/report submittals are appropriate.

ii. Page G-19, lines 18-28: No mention of shrub and forb frequency/density is provided here, but it was identified as a requirement earlier in the document.

jj. Page G-19, line 28: Further clarification is needed on whether this is different from bare ground, and why it is needed.

kk. Page G-22-25: Given that this document is directed towards sage-grouse it is odd that few forbs

and shrubs are identified and sagebrush is absent from these standard mixes.

ll. Page G-25, Table G-4, line 2: Correct the spelling of "Vicia".

mm. Page G-27, lines 21-24: This will be an expensive and likely Unnecessary action.

Furthermore, local sagebrush seed will not be available in many, if not most, years.

Comment Number: NWCOSG-14-0109-6

Comment Excerpt Text:

d. Page 626: "Alternative D would apply more widely but have greater flexibility for the BLM/USFS to approve projects based on site-specific conditions, mitigation, and other considerations." Further information is needed on the approval timing of the site-specific conditions. QEP makes plans for development years in advance. These site-specific determinations must be approved with enough time for companies to develop drilling plans and provide enough certainty that we will be able to execute the plans.

Comment Number: NWCOSG-14-0112-8

Comment Excerpt Text:

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 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.

Comment Number: NWCOSG-14-0329-11

Comment Excerpt Text:

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 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

SECTION 5 – FEDERAL LAND POLICY AND MANAGEMENT ACT

Comment Number: NWCOSG-14-0029-5

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0030-8

Comment Excerpt Text:

The Plan fails to provide for required multiple use of public lands as required by law. The Multiple Use Sustained Yield Act of 1960, the National Forest Management Act (NFMA) of 1976, and the Federal Land Policy and Management Act (FLPMA) of 1976 all require management of federal lands for multiple use. FLPMA specifically recognizes the Nation's need for domestic sources of minerals. None of the alternatives are consistent with multiple use principles, but rather elevate protection of Greater Sage-Grouse habitat above all other uses. This fails to give effect to federal law governing management of public land, thus making the Plan deficient.

Comment Number: NWCOSG-14-0031-1

Comment Excerpt Text:

the 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.

Comment Number: NWCOSG-14-0044-1

Comment Excerpt Text:

BLM characterizes only Alternatives B and C as restrictive enough to push development onto state and private lands. Yet Alternative D, the preferred alternative, has an anthropogenic disturbance cap that is merely two percent higher. Such a minute difference in the disturbance caps proposed indicates there is little practical difference between action alternatives. In fact, all of the action alternatives would decrease oil and gas production due to restrictions placed on development.³⁶ Such a result is unacceptable and contrary to the agencies' statutory missions. Further, we believe the agencies have failed to comply with provisions of NEPA and CEQ regulations, which require a well-defined range of management alternatives and a clear basis for choosing among the options.³⁷ While the agencies claim they "will consider a range of reasonable

alternatives, including appropriate management prescriptions,"³⁸ there is little difference between the action alternatives and the DEIS does not include an alternative that truly promotes the traditional multiple use concept and conforms with the Multiple Use-Sustained Yield Act of 1960, the Federal Lands Policy and Management Act of 1976, and the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

36 CH. 5 DEIS at 961.

37 40 CFR 1502.14

38 Ch. 1 DEIS at 25.

Comment Number: NWCOSG-14-0044-33

Comment Excerpt Text:

I. FLPMA

The Federal Land Policy and Management Act ("FLPMA") clearly identified mineral exploration and development as a principal or major use of the public lands.³¹⁸ To that end, FLPMA requires the BLM to foster and develop mineral activities, not abolish or severely impede such development. Under FLPMA, BLM is required to manage the public lands on the basis of multiple use and sustained yield.³¹⁹ "Multiple use management' is a concept that describes the complicated task of achieving a balance among the many competing uses on public lands, 'including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and [uses serving] natural scenic, scientific and historical values.'"³²⁰ "Of course not all uses are compatible."³²¹ We recognize the challenging task BLM in managing public lands for multiple-use. However, oil and gas development is a crucial part of the BLM's multiple use mandate and the agency must ensure that oil and gas development is not unreasonably limited in the RMP.

318 43 U.S.C. 1702(l).

319 43 USC 1701(a)(7) (2006).

320 Norton v. Southern Utah Wilderness Alliance, 542 U.S. at 58 (quoting 43 U.S.C. 1702(c)).

321 Id.

SECTION 5.2 – CONSISTENCY WITH OTHER STATE, COUNTY, OR LOCAL PLANS

Comment Number: NWCOSG-14-0036-4

Comment Excerpt Text:

Very concerning to the RFA is the policy being proposed in the DEIS to prioritize fire resources to be pre-positioned for the protection of greater sage-grouse during critical fire weather days. This is found under the "Required Design Features" (Appendix I-14) for Alternative B, which is the National Technical Team (NTT) conservation measures the Secretary of the Department of Interior has mandated be included as an alternative in the analysis. It states that the preferred policy of the DOI is, "On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in GRS habitat areas."

This places the sage-grouse above people and is in direct conflict with our RFA's policies, which places life and property above all other considerations. The preferred alternative D also leaves the door open for this conflict. It requires that the agency "Pre-position fire suppression resources based on all resource values-at-risk." (Appendix I-14) Alternative D makes protecting the sage-grouse the highest value, giving the species preference over the protection of life and property.

Comment Number: NWCOSG-14-0041-2

Comment Excerpt Text:

As a Title 32, Special District for Fire and Rescue created by the Colorado Legislature, we hereby notice the BLM of your failure to coordinate the DEIS with our District.

Our charge is to protect the health, safety and welfare of the people, specifically from fire hazards. In order to carry out this charge, we have policies that require human life be prioritized above all other concerns. None of the policies related to wildfire in

any of the alternatives carried forward in the DEIS were coordinated with our District. As a result, there are unresolved conflicts with our policies that have not been addressed in the document and brought to the public light for further consideration by the public and decision makers. The impacts of these alternatives to human life are devastating, but they have not been considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable.

Because of this failing, the District formally requests that a supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on our District and the health and safety of the people we protect.

Comment Number: NWCOSG-14-0041-4

Comment Excerpt Text:

The DEIS is required to discuss the environmental consequences of all the alternatives in comparative form so that the public and decision makers can properly weigh the impacts of conserving habitat for the greater sage-grouse. Included in this analysis is "the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources ... " (40 CFR 1502.16).

This includes analysis of the direct effects, indirect effects and cumulative effects. It also specifically directs that this analysis include conflicts with local government objectives. "Possible conflicts between the proposed action and the objective of Federal, regional, State, and local ... land use plans, policies and controls for the area concerned." (40 CFR 1502.16(c))

Further, "Where an inconsistency exists, the statement should describe to the extent to which the agency would reconcile its proposed action with the plan or law." (40 CFR 1506.2(d)) Very concerning to the District is the policy being proposed in the DEIS

to prioritize fire resources to be pre-positioned for the protection of greater sage-grouse during critical fire weather days. This is found under the "Required Design Features" (Appendix I-14) for Alternative B, which is the National Technical Team (NTT) conservation measures the Secretary of the Department of Interior has mandated be included as an alternative in the analysis. It states that the preferred policy of the DOI is, "On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in GRSG habitat areas."

This places the sage-grouse above people and is in direct conflict with our Districts policies, which places life and property above all other considerations. The preferred alternative D also leaves the door open for this conflict. It requires that the agency "Pre-position fire suppression resources based on all resource values-at-risk." (Appendix I-14) Alternative D makes protecting the sage-grouse the highest value, giving the species preference over the protection of life and property.

As a practical matter, this places undue burden on our District to protect the life and property of the people if the BLM pre-positions its fire resources in the remote areas that contain grouse habitat. Currently, we depend on and enjoy a mutually beneficial relationship with the BLM fire operations and our District. If a major fire event occurs, we currently call on the BLM's air drop services and sometimes ground services to help us protect the community. If these resources are pre-positioned in remote areas or simply unavailable to us because they have been pre-designated to protect the sage-grouse, our ability to protect human life from catastrophic fire is severely curtailed.

Comment Number: NWCOSG-14-0051-12

Comment Excerpt Text:

The DEIS does not comply with FLPMA's requirement that there be coordination with local plans in order to resolve inconsistencies between plans. To date, the BLM has refused to resolve the inconsistencies between the policies in the DEIS and

Garfield County's Greater Sage Grouse Conservation Plan and CPW research publications which does address local ecological site variability. We request that the DEIS fully cite IM 2013-044 and not just select sections which limit the public's ability to accurately assess and comment on the DEIS and alternatives. Further, the DEIS does little to acknowledge or discuss how local information will be incorporated into conservation measures, and we believe this is a fatal flaw of the DEIS.

Comment Number: NWCOSG-14-0074-1

Comment Excerpt Text:

there are several existing regulatory efforts underway in the state of Colorado to address the issues identified in the EIS, including programs by Colorado Parks and Wildlife, Garfield County and other local governmental entities, and the private sector. These efforts were neither acknowledged nor taken into account in the drafting of this EIS.

Comment Number: NWCOSG-14-0095-7

Comment Excerpt Text:

As currently written, it appears that the DLUPA/EIS has the potential to interfere with existing lease rights. This is especially true given the overly-burdensome four-mile NSO buffer, disturbance caps and noise restrictions, among other things. BLM must recognize that, under Federal Land Planning Management Act (FLPMA), it cannot interfere with existing lease rights and that BLM cannot unilaterally change the conditions or terms of those leases.

Comment Number: NWCOSG-14-0143-1

Comment Excerpt Text:

Many Colorado State agencies, local governments, and private reclamation companies have contributed a substantial amount of time, effort and resources towards the goal of protecting the Greater Sage-grouse and its habitat, in a manner that did not unduly interfere with the right of Coloradans to earn a living. Garfield County in particular enlisted some of the most reputable experts in the fields of biology and ecology, and the most reliable scientific models to prepare a far more adequate plan, which has unfortunately been largely dismissed by your agency.

With so much at stake, it bewilders me why the BLM would not welcome the cooperation and assistance of other agencies, especially those closest to the issue.

Comment Number: NWCOSG-14-0153-10

Comment Excerpt Text:

Under FLPMA, the BLM is required "coordinate" its land use planning and management "with the land use planning and management programs ... of the State and local governments within which the lands are located" "to the extent consistent with the laws governing administration of the public lands." 43 U.S.C. 1712(c)(9).

Here, BLM's Preferred Alternative D fails on this score as it pertains to Grand County, Colorado, as shown by the attached letter of Grand County dated Feb. 1, 2011, pertaining to then proposed oil and gas leasing in the county and the attached Grand County Zoning Regulations applicable to oil and gas exploration and production. See Attachments F and G.

Comment Number: NWCOSG-14-0153-9

Comment Excerpt Text:

Here, by acting in violation of its own regulations and policies, failing to coordinate with the Fish and Wildlife Service's research and statutory mandate and failing to follow the conclusions and recommendations of its own experts on the Tech Team, the BLM in selecting Alternative D has acted in a very arbitrary, capricious and unlawful manner. It is the most compelling example of arbitrary and capricious conduct to refuse to follow the findings, conclusions and recommendations of its own chosen experts on the Tech Team. The EIS presents no data, theories or arguments which disagree with the Tech Team and the USFWS study.

Comment Number: NWCOSG-14-0329-1

Comment Excerpt Text:

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... 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.

SECTION 6 – OTHER LAWS

Comment Number: NWCOSG-14-0015-4

Comment Excerpt Text:

The BLM must ensure that its proposed management actions under Alternatives B, C, and D are entirely consistent with existing BLM regulations and policies. See e.g., Onshore Oil and Gas Order No. 1, III, D.4.j, 72 Fed. Reg. 10308 (Mar. 7, 2007). Requiring restoration rather than reclamation suggests a very different standard.

Comment Number: NWCOSG-14-0015-5

Comment Excerpt Text:

When the BLM is specifically prohibiting any and all development on a lease while waiting, or denies the use of a lease, it would be inappropriate and possibly illegal for the BLM to refuse to grant a suspension. Atchee CBM LLC, et al., 183 IBLA 389, 398 (2013); Savoy Energy, L.P., 178 IBLA 313, 325, (2010). The BLM must provide specific legal authority demonstrating it has the right to deny an oil and gas lease suspension when the BLM is the cause of the delay associated with mineral development.

Comment Number: NWCOSG-14-0029-5

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0030-1

Comment Excerpt Text:

The Plan fails to reflect the most recent scientific information. By basing all alternatives in the Plan on the National Technical Team report (NTT), the agency fails to incorporate the latest scientific and biological information available. An independent review of the report found many methodological and technical errors, including significant mischaracterization of past research. The NTT does not appear to be based on reasonable consideration of the regulatory tools BLM already has including the 2004 Guidance, Manual 6840, multiple authorities for project specific protections and habitat enhancement measures, and private conservation measures. The NTT does not use BLM Manual 6840 or the Endangered Species Act ("the Act") as a foundation upon which to build, and it does not explain the need for an entirely new regulatory approach that goes beyond protections for listed species under the Act.

Comment Number: NWCOSG-14-0030-9

Comment Excerpt Text:

Regulations and policies of other federal agencies such as the North American Electric Reliability Corporation (NERC) and the Federal Regulatory Energy Commission (FERC) govern the operation of transmission systems. Co-location of power lines within existing Rights of Way (ROW) as called for in the Plan cannot be achieved because of federal safety requirements.

Comment Number: NWCOSG-14-0044-34

Comment Excerpt Text:

2. Energy Policy Act of 2005

Section 363 of the Energy Policy Act of 2005 ("EP Act") requires federal land management agencies to ensure that lease stipulations are applied consistently

and to ensure that the least restrictive stipulations are utilized to protect many of the resource values to be addressed. The DEIS ignores established BLM policy that states "the least restrictive stipulation that effectively accomplished the resource objectives or uses for a given alternative should be used." Moreover, BLM has failed to demonstrate that less restrictive measures were considered but found insufficient to protect the resources identified. A statement that there are conflicting resource values or uses does not justify the application of restrictions. Discussion of the specific requirements of a resource to be safeguarded, along with a discussion of the perceived conflicts between it and oil and gas activities must be provided. Clearly, an examination of less restrictive measures must be a fundamental element of a balanced analysis and documented accordingly in the DEIS.

3. Energy Policy and Conservation Act of 2000

In April 2003, field offices were directed to comply with four EPCA planning integration principles:

- 1) Environmental protection and energy production are both desirable and necessary objectives of sound land management and are not to be considered mutually exclusive priorities.
- 2) The BLM must ensure appropriate accessibility to energy resources necessary for the nation's security while recognizing that special and unique non-energy resources can be preserved.
- 3) Sound planning will weigh relative resource values, consistent with the FLPMA.
- 4) All resource impacts, including those associated with energy development and transmission will be mitigated to prevent unnecessary or undue degradation (BLM 2003a)."

Under EPCA BLM is required to identify impediments to oil and gas development. It was the intent of Congress that access to energy resources be improved as indicated in EPCA and EP Act. BLM recognized the intent of the both Phases I and II of

the EPCA review when it issued Instruction Memorandum 2003-233, Integration of the Energy Policy and Conservation Act (EPCA) Inventory Results, into the Land Use Planning Process. Consequently, BLM Field Offices are now required to review all current oil and gas lease stipulations to make sure their intent is clearly stated and that stipulations utilized are the least restrictive necessary to accomplish the desired protection. Moreover, the Instruction Memorandum ("IM") directs that stipulations not necessary to accomplish the desired resource protection be modified or dropped using the planning process. Since the purpose of integrating the EPCA results into planning is intended to determine whether existing resource protection measures are inadequate, adequate or excessive, we recommend that BLM reevaluate its management decisions accordingly and make requisite changes to the final planning documents

An examination of less restrictive measures must be a fundamental element of a balanced analysis and documented accordingly in the Final EIS. Moreover, under EPCA BLM is required to identify impediments to oil and gas development. It was the intent of Congress that access to energy resources be improved. BLM recognized the intent of the both Phases I and II of the EPCA review when it issued Instruction Memorandum 2003-233, Integration of the Energy Policy and Conservation Act (EPCA) Inventory Results, into the Land Use Planning Process. Consequently, BLM Field Offices are now required to review all current oil and gas lease stipulations to make sure their intent is clearly stated and that stipulations utilized are the least restrictive necessary to accomplish the desired protection. Moreover, the IM directs that stipulations not necessary to accomplish the desired resource protection be modified or eliminated using the planning process.

Comment Number: NWCOSG-14-0095-8

Comment Excerpt Text:

As currently written, the proposed alternatives and management practices in the DLUPA/EIS will impose severely restrictive stipulations on future oil and gas

development. This runs afoul of the Energy Policy Act of 2005, which, in effect, required that lease stipulations be applied consistently and are “only as restrictive as necessary.” Energy Policy Act of 2005, Pub. L. No. 109-58, § 363(b)(3), 119 Stat. 594, 722 (2005). As demonstrated above and in the Encana Comments and API Comments, the proposed management practices fall far outside the “restrictive as necessary” statutory limitation.

Comment Number: NWCOSG-14-0109-11

Comment Excerpt Text:

a. Page 960: "The BLM and USFS have no control over many of the factors that affect mineral extraction and prospecting. These factors include regulatory policy, public perception and concerns, transportation, well spacing, low commodity prices, taxes, and housing and other necessities for workers." BLM is a regulatory agency, tasked with implementing regulations for oil and gas extractions on federal land. To say the BLM has no control over regulatory policy as the regulatory agency that regulates oil and gas is absurd. Furthermore, since the USFWS has specifically identified the absence of existing regulatory mechanisms as reasoning for listing, this statement requires removal. Without removal, it supports a USFWS listing.

SECTION 7 – SAGE GROUSE

SECTION 7.1 – NTT REPORT/FINDINGS

Comment Number: NWCOSG-14-0011-2

Comment Excerpt Text:

in more than half of the program areas (45 of 84) where it could be determined, the preferred alternative chose a standard below what is recommended by the NTT report. Similarly, the findings of the USGS baseline report indicate that the proposed Area of Critical Environmental Concern is necessary to conserve the species, but it was not included in the draft preferred alternative.

Comment Number: NWCOSG-14-0012-2

Comment Excerpt Text:

Questions have been raised as to the appropriateness and validity of the NTT study, including possible methodological and technical errors and selective use of data. Further, the report is not site-specific, and does not accurately reflect conditions and terrain of northwestern Colorado. Other, peer-reviewed studies conducted by scientists commissioned by the State of Colorado and some of our local entities have produced data which conflicts substantially with the NTT report. In light of this, it would be inappropriate to use the NTT study to base wide-ranging and consequential policy recommendations on as it appears to fail to incorporate the best available scientific data.

Comment Number: NWCOSG-14-0015-6

Comment Excerpt Text:

the NTT Report failed to acknowledge that modern oil and gas development has far less of an impact on Sage-grouse habitat as demonstrated in the Ramey, Brown and Blackgoat 2010 paper.

Comment Number: NWCOSG-14-0018-1

Comment Excerpt Text:

The National Technical Team report that the BLM leaned so heavily on in formulating this draft is incomplete at best, having disregarded or overlooked critical data pertaining to sage grouse habitat in the NW Colorado region.

Comment Number: NWCOSG-14-0026-2

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0029-7

Comment Excerpt Text:

We question the reliance on many cited sources in the DLUPA/EIS, particularly the NTT Report.

Comment Number: NWCOSG-14-0029-8

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0030-1

Comment Excerpt Text:

The Plan fails to reflect the most recent scientific information. By basing all alternatives in the Plan on the National Technical Team report (NTT), the agency fails to incorporate the latest scientific and biological information available. An independent review of the report found many methodological and technical errors, including significant mischaracterization of past research. The NTT does not appear to be based on reasonable consideration of the regulatory tools BLM already has including the 2004 Guidance, Manual 6840, multiple authorities for project specific protections and habitat enhancement measures, and private conservation measures. The NTT does not use BLM Manual 6840 or the Endangered Species Act ("the Act") as a foundation upon which to build, and it does not explain the need for an entirely new regulatory approach that goes beyond protections for listed species under the Act.

Comment Number: NWCOSG-14-0031-11

Comment Excerpt Text:

Furthermore, the NTT Report is the basis for the disturbance cap methodology. For the same reasons as the buffer zone, we find the use of the NTT Report to substantiate the disturbance cap threshold fatally flawed, and requiring reconsideration.

Comment Number: NWCOSG-14-0031-4

Comment Excerpt Text:

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 specialist advocates.³ 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.

Comment Number: NWCOSG-14-0031-5

Comment Excerpt Text:

The NTT Report fails to make use of the latest scientific and biological information available and to acknowledge current scientific research and conservation actions developed by the Colorado Parks and Wildlife Division and local GRS working groups⁴. In addition, the NTT report asserts that impacts from grazing are generally "discrete", but have broad ranging impacts from trampling, to decreased cover, to broad over-grazing. In general, the NTT report does not do an adequate job of documenting current grazing management, but rather makes anecdotal observations. Nothing in the NTT Report documents actual population-level declines in GSG.

Comment Number: NWCOSG-14-0033-1

Comment Excerpt Text:

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 the NTT Report 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)

Comment Number: NWCOSG-14-0035-12

Comment Excerpt Text:

In the Northwest Colorado RMP Amendment EIS, BLM has failed to apply in its Preferred Alternative the recommended sage grouse protections presented

to it by its own experts (the BLM National Technical Team), and as a result development approved under several of the alternatives analyzed (and particularly Alternatives A and D) will result in both unnecessary and undue degradation of sage grouse Core Area habitats and result in sage grouse population declines in these Core Areas, undermining the effectiveness of the Core Area strategy as an adequate regulatory mechanism in the context of the decision.

Comment Number: NWCOSG-14-0035-21

Comment Excerpt Text:

Under current BLM policy, the agency must fully consider implementing the recommendations of the National Technical Team in at least one alternative, and this direction applies to General Habitats. This shortcoming should be addressed in the Final EIS

Comment Number: NWCOSG-14-0039-3

Comment Excerpt Text:

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 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.

Comment Number: NWCOSG-14-0039-5

Comment Excerpt Text:

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)

Comment Number: NWCOSG-14-0044-15

Comment Excerpt Text:

A. Four-mile NSO Buffers Contain Methodological Errors

The NTT Report stated that "[I]mpacts as measured by the number of males attending leks are most severe near the lek, remain discernible out to >4 miles (Holloran 2005, Walker et al. 2007, Tack 2009, Johnson et al. 2011), and often result in lek extirpations (Holloran 2005, Walker et al. 2007)."¹⁵⁸ However, the NTT failed to mention the methodological problems of those studies or the fact that none of those studies reported a population-level decline in GRSG (rather than a localized effect on rates of male lek attendance near the disturbance).

¹⁵⁸ NTT Report at 20.

B. Four-mile NSO Buffers are Impractical and Unreasonable

A four-mile radius NSO buffer effectively restricts all activity within 50 square miles surrounding each lek.¹⁵⁹ This will fundamentally preclude oil and natural gas development on hundreds of thousands of acres across northwest Colorado with crippling economic effects to the region while providing no significant benefit to species populations. Moreover, this would stymie exploration and development in the Piceance Basin, one of the major production areas in the country, as well as prospective production from the Niobrara and Mancos shales.¹⁶⁰

¹⁵⁹ Id. at -,6.4.8. p.32.

¹⁶⁰ Id.

Given the topography of the planning area, there is substantial acreage within four miles of leks that is not sage grouse habitat. This overly broad restriction will greatly limit year- round development and its

associated benefits, which include reduced truck traffic, fewer emissions, and phased development. 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 in areas that do not actually support GRSG habitat or active leks, unnecessarily preventing economic activities without commensurate benefit to GRSG populations and habitat.

Even the NTT Report states that a "4-mile NSO buffer would not be practical given most leases are not large enough to accommodate a buffer of this size, and lek spacing within priority habitats is such that lek based buffers may overlap and preclude all development."¹⁶¹ Thus, four-mile NSO buffers are unsupported by the best scientific evidence, impractical, unnecessary, and more punitive to the oil and gas industry than they are of conservation value. We therefore urge BLM to reject the proposed four-mile NSO buffers in favor of a more realistic approach that deals with the specific cause and effect mechanisms that underlay demonstrable threats to GRSG in each local population.

¹⁶¹ NTT Report at 21.

Comment Number: NWCOSG-14-0044-18

Comment Excerpt Text:

D. Data Does Not Support the Need for Four-mile NSO Buffers

There is no data that shows that a four-mile NSO buffer would address any specific threat to GRSG or result in any quantifiable benefit to GRSG.¹⁷² This one-size-fits-all approach clearly fails to address specific threats or their underlying mechanisms.¹⁷³ Further, it leaves no allowance for conservation plans tailored to local conditions.¹⁷⁴ Conservation measures best suited to one region are not necessarily suited to another region.¹⁷⁵ It is particularly important to acknowledge local conditions because the negative impacts of federal

environmental decisions fall "solely on states, local communities, businesses, jobs, and private property owners."¹⁷⁶

¹⁷² Ramey NTT Review at , - 6.4.6, p.31.

¹⁷³ Id.

¹⁷⁴ Id. at , - 5.1, p. 21-22.

¹⁷⁵ NWMA Review at 3.

¹⁷⁶ Western Governor's Association, Policy Resolution 13p08 – Endangered Species Act, p. 3.

The notion that a four-mile NSO buffer is necessary is clearly refuted by data from the Pinedale Planning Area.¹⁷⁷ There, data showed a GRSG population increase despite intensive energy development that has occurred in Jonah, Labarge, and Pinedale Anticline within four miles of active leks.¹⁷⁸ Notably, many of these areas developed prior to widespread use of directional drilling and clustered development. Accordingly, impacts from oil and gas development today are likely to be even smaller.

¹⁷⁷ Ramey NTT Review at , - 6.4.7, p.31.

¹⁷⁸ Ramey NTT Review at , - 6.4.7, p.31-32; See also Wyoming Game and Fish Department, Wyoming Sagep Grouse Population Lek Count Data (2013). Wyoming Oil and Gas Conservation Commission Well Data; Disturbance Data from PAPO, JDMIS, and PDMIS databases.

Four-mile NSO buffers are unsupported by the best scientific evidence because other scientific data has demonstrated that four-mile NSO buffers are not necessary. This is another reason why BLM must reject the proposed four-mile NSO buffers around leks in favor of a more realistic approach in the final EIS.

Comment Number: NWCOSG-14-0044-19

Comment Excerpt Text:

A. Data Does Not Support the Need for Disturbance Caps

One of three sources¹⁸⁸ cited for disturbance cap management is the NTT Report. The NTT Report presented no scientific data that achieving less than 30 percent total disturbance is: (1) scientifically defensible; (2) achievable; (3) would result in stable GRSG populations; (4) would not result in irreparable harm to other species; and (5) would not unnecessarily have a negative effect on local economies.¹⁸⁹

¹⁸⁸ The other sources are: U.S. Depart. of the Interior, BLM, Geographic Information Systems Data. Unpublished data. BLM, various District and Field Offices, CO (2013); and J. Bohne, T.R. Rinkes and S. Kilpatrick. Sage-Grouse Habitat Management Guidelines for Wyoming. Wyoming Game and Fish Department, Cheyenne, WY (2007).

¹⁸⁹ Ramey NTT Review p. 2

Comment Number: NWCOSG-14-0044-3

Comment Excerpt Text:

Among other issues, the NTT Report failed to make use of the latest scientific and biological information available. Instead, the NTT Report is a selective incorporation of data and studies from a small number of GRSG advocates. The NTT Report also failed to acknowledge lower impact technologies and mitigation currently in use by the oil and gas industry, including specifically those detailed in Ramey, Brown, and Blackgoat 2011 and in a presentation to the NTT by BLM staff. In addition, the NTT report asserts that impacts from oil and natural gas development are "universally negative and typically severe"⁵⁴ but provides no scientific data to support that assertion. This evidences bias against oil and gas in the NTT Report, which is contrary to the ESA and the DQA. It also directly contradicts DOI Order No. 3305 on scientific integrity. Specifically, DOI employees and contractors "must never suppress or alter, without new scientific or technological evidence, scientific or technological findings or conclusions."⁵⁵

⁵⁴ NTT Report at 19.

⁵⁵ Sec. of the Interior Order No. 3305 (Sept. 29, 2010), available at:

<http://www.doi.gov/news/pressreleases/upload/Sec-Order-No-3305.pdf>.

Comment Number: NWCOSG-14-0044-4

Comment Excerpt Text:

a. Technical Errors in the NTT Report

There are substantial technical errors in the NTT Report including misleading use of citations and use of citations that are not provided in the "Literature Cited" section.⁵⁶ This makes it difficult to provide scientific verification of the NTT Report's claims.⁵⁷

⁵⁶ Megan Maxwell, BLM's NTT Report: Is It the Best Available Science or a Tool to Support a Predetermined Outcome?, p. 13-14 (May 20, 2013) <http://www.nwma.org/pdf/NWMA-NTTReview-Final-revised.pdf> ("NWMA Review").

⁵⁷ Id. at 14.

Two of the researchers, J.W. Connelly and B.L. Walker, are referenced frequently in the NTT Report, but 34% of the citations had no corresponding source available to review.⁵⁸ This limits the ability of outside reviewers or the public to verify claims in the NTT Report and reduces the report's scientific credibility.⁵⁹ Additionally there are articles listed in "Literature Cited" that are not used within the NTT Report itself.⁶⁰

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Id.

The NTT Report is also guilty of misleading use of authority.⁶¹ For example, the NTT Report stipulates that with regard to fuel management, sagebrush cover should not be reduced to less than 15%.⁶² However, Connelly et al. 2000, the source cited, does not support this proposition.⁶³ Connelly et al. 2000 states that land treatments should not be based on schedules, targets, and quotas.⁶⁴ Connelly et al. 2000 distinguished between types of habitat and provides that corresponding sagebrush canopy percentages

which vary from 10 percent to 30 percent depending on habitat function and quality.⁶⁵ These issues evidence bias and a lack of transparency and reproducibility in contravention to the DQA. They also violate Executive Order 13563, which calls for "objectivity of any scientific and technical information and processes used to support [an] agency's regulatory actions."⁶⁶

61 Id.

62 Available at:

<http://www.blm.gov/pgdata/etc/medialib/blm/co/programs/wildlife/Par.73607.File.dat/GrSG%20Tech%20Team%20Report.pdf>

63 NWMA Review at 14.

64 John W. Connelly, Michael Schroeder, Alan Sands, & Clait Braun, Guidelines to Manage Sage-Grouse Populations and Their Habitats, 28 Wildlife Society Bulletin 967-985 (2000).

65 NWMA Review at 14.

66 Available at:
<http://www.gpo.gov/fdsys/pkg/FRp2011p01p21/pdf/2011p1385.pdf>.

Comment Number: NWCOSG-14-0044-5

Comment Excerpt Text:

b. Errors of Omission in the NTT Report

Errors of omission in the NTT Report include numerous scientific papers and reports on oil and gas and mitigation measures. For example, work by Renee Taylor, and others, demonstrates that temporary GRSG population variations can occur in historic oil and gas areas in Wyoming. The NTT Report also fails to address papers and reports on mitigation of raven predation on GRSG, the fact that GRSG disperse over greater distances than previously thought, and that, while temporary disturbance may occur in response to human activities, GRSG traverse over or around roads, agricultural areas, and oil and gas development.⁶⁷

67 Rob Roy Ramey, Data Quality Issues in A Report on National Greater Sage-Grouse Conservation Measures, Produced by the Sage-Grouse National Technical Team (NTT), Dated December 21, 2011 attached hereto as Exhibit A.

NTT Review at p. 2 attached hereto as Exhibit A.

Comment Number: NWCOSG-14-0044-6

Comment Excerpt Text:

c. Conflicts of Interest in the NTT Report

Three of the authors of the NTT Report are also authors, researchers, and editors on three of the most cited sources in the NTT Report.⁶⁸ This creates a serious conflict of interest.⁶⁹

68 NWMA Review at 4.

69 Policy on Committee Composition and Balance and Conflicts of Interest for Committees Used in the Development of Reports (<http://nationalacademies.org/coi/>); Final Information Quality Bulletin for Peer Review 70 Fed. Reg. 2664 (Jan. 14, 2005); Memorandum for the Heads of Executive Departments and Agencies (<http://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>); Department Manual, Part 305, Chapter 3 (<http://www.fws.gov/science/pdf/DOIScientificIntegrityPolicyManual.pdf>).

The DOI Manual defines a conflict of interest as "any personal, professional, financial, or other interests that conflict with the actions or judgments of those covered by this policy when conducting scientific and scholarly activities or using scientific and scholarly data and information because those interests may: (1) significantly impair objectivity; (2) create an unfair competitive advantage for any person or organization; or (3) create the appearance of either."⁷⁰

70 Dept. of the Interior, Department Manual, Part 305, Chapter 3, p.3 (<http://www.fws.gov/science/pdf/DOIScientificIntegrityPolicyManual.pdf>).

The DOI Manual prohibits department employees, volunteers, contractors, etc. from "engaging in activities that put [them] or others in an actual or apparent conflict of interest."⁷¹ The same employees, volunteers, contractors, etc. are required to "clearly differentiate among facts, personal opinions, assumptions, hypotheses, and professional judgment in reporting results.." and "not withhold information that might not support the conclusions, interpretations, and applications [he or she] make[s]."⁷²

71 Id. at 3.7(A)(5).

72 Id. at 3.7(A)(7) - (9).

In addition, scientists and scholars are required to "place quality and objectivity or scientific and scholarly activities and reports ahead of results or personal gain or allegiance to individuals or organizations."⁷³ Scientists and scholars are further required to "welcome constructive criticism of [their] scientific and scholarly activities and .. be responsive to their peer review" and "provide constructive, objective, and professionally valid peer review of the work of others, free from any personal or professional jealousy, competition, non-scientific disagreement, or conflict of interest."⁷⁴ The involvement of three NTT authors on three of the most frequently cited sources in the report bespeaks of conflicts and personal and professional interests that impair objectivity and create the appearance of impropriety.

73 Id. at 3.7(B)(1).

74 Id. at 3.7(B)(5) - (6).

d. Inadequate Peer Review of the NTT Report

The NTT Report failed to undergo an adequate peer review. The peer review of the NTT Report was conducted by Nevada Department of Wildlife Director, Ken Mayer.⁷⁵ There is no evidence that Mr. Mayer has: (1) ever served as an editor or associate editor of a scientific journal; (2) organized a previous scientific peer review using accepted

standards; (3) served as a peer reviewer at a scientific journal; or (4) ever published a peer-reviewed scientific paper in a reputable scientific journal.⁷⁶

75 Ramey NTT Review at , - 7.1, p.41.

76 Id. , - 7.1, p.42.

In this case, the NTT Report also failed to address several comments and issues raised by peer reviewers.⁷⁷ Some of the issues the NTT Report failed to include support for the flawed reasoning behind consolidating all GRSG seasonal habitat and the use of one-size- fits-all regulatory prescriptions such as disturbance caps and four-mile buffers.⁷⁸ This is contrary to DOI and BLM guidelines on the DQA.⁷⁹ It also contradicts BLM's own DQA memorandum specifically addressing peer review.⁸⁰ Accordingly, BLM's reliance on the NTT Report should be carefully reconsidered.

77 Ramey NTT Review at , - 7.2, p. 42.

78 NWMA Review at 2.

79 Dept. of Interior, Information Quality Guidelines Pursuant to Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, 67 Fed. Reg. 36642 (May 24, 2002); BLM, Information Quality Guidelines (February 9, 2012) Available at: http://www.blm.gov/pgdata/etc/medialib/blm/national/national_page.Par.7549.File.dat/guidelines.pdf.

80 BLM, Peer Review of Influential Scientific Information (June 6, 2013). Available at http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2013/im_2013-137_peer.html.

Comment Number: NWCOSG-14-0059-1

Comment Excerpt Text:

There are a number of provisions contained within the draft sage grouse EIS that concern me. First, I do not feel as though the NTT and Cobb studies cited within the EIS meet the rigorous standards necessary for forming the basis of such a critical and wide-reaching study. To my knowledge, neither study has

been properly peer reviewed, and the scientists involved have not been identified. These are two crucial elements of transparency and accountability necessary for any study whose conclusions have the potential for cause great economic harm.

Comment Number: NWCOSG-14-0069-8

Comment Excerpt Text:

the NTT Report fails to make use of the latest scientific and biological information available and to acknowledge lower impact technologies and mitigation currently in use by the oil and natural gas industry. In addition, the NTT report asserts that impacts from oil and natural gas development are universally negative and severe, but provides no scientific data to support that mistaken assertion.

Comment Number: NWCOSG-14-0076-1

Comment Excerpt Text:

The National Technical Team reports used to justify the habitat designations, land use stipulations, disturbance caps, and other measures have not, to my knowledge, been peer reviewed or otherwise subject to a level of scrutiny adequate to be considered acceptable for forming the basis of decision making for an endeavor of this scope. This puts into question all of the items that came about from reliance on its findings.

Comment Number: NWCOSG-14-0084-1

Comment Excerpt Text:

The analysis and recommendations rely heavily on the NTT report, which failed to include recent scientific and commercial data that would limit the ability of the agencies to meet their multiple-use mandates.

Comment Number: NWCOSG-14-0094-2

Comment Excerpt Text:

3. After reviewing the NTT and COT reports there is no ground proven scientific evidence to support rigid enforcement of disturbance caps across thousands of acres, when actual benefits to the GSG or its habitat can not be guaranteed. That is why the document needs to make verifiable statements toward continued efforts in preserving current conservation activities and plans.

Comment Number: NWCOSG-14-0095-1

Comment Excerpt Text:

On its face, the NTT Report acknowledges that it is not intended to be used as a final template for BLM land use planning purposes. Unfortunately, BLM has done just that; it has adopted the most stringent recommendations set forth in the report in its alternatives and management practice recommendations.

In addition, the NTT Report recommendations are to be limited to “priority” habitat, which is limited to areas including “breeding, late brood-rearing, winter concentration areas, and where known, migration or connectivity corridors.” *Id.* at 7 of 74. The recommendations do not include general habitat areas. Nevertheless, it appears that the DLUPA/EIS includes priority habitat and general habitat and applies the recommendations to the same despite the fact that the NTT Report expressly states that such habitat was not discussed. DLUPA/EIS, p. 6 (August, 2013).

Comment Number: NWCOSG-14-0095-4

Comment Excerpt Text:

The DLUPA/EIS proposes a four-mile No Surface Occupancy (NSO) buffer around active leks during lekking, nesting and early brood rearing in designated habitat. The DLUPA/EIS relies on the NTT Report for the proposition that oil and gas activities disturb sage-grouse behavior at distances of up to four miles. The NTT Report’s four-mile NSO buffer conclusion is based on several studies that suffered from flawed methodologies, among other things. In addition, the four-mile NSO buffer is impractical in that it effectively bars activity within approximately 50 square miles of each lek. More alarmingly, there is no mechanism for determining, on a site-specific level, whether there is sage-grouse habitat within the “automatic” NSO buffer.

Comment Number: NWCOSG-14-0095-6

Comment Excerpt Text:

The DLUPA/EIS imposes disturbance caps of less than five percent (anthropogenic disturbance) and less than thirty percent (total disturbance). These caps

are far too restrictive and are unsupported by any scientific data. For example, the NTT Report fails to provide any data in support of the conclusion that these caps are necessary for or, in fact, would have any impact on, the protection of sage-grouse habitat. Just as with the four-mile NSO buffer, the disturbance cap recommendation fails to account for area-specific conditions. In addition, the DLUPA/EIS provides that the agencies may apply surface disturbance on private lands against the proposed surface caps on public lands. This has the effect of placing federal leaseholders at a severe disadvantage as the caps apply only on public lands and any development on public lands would “absorb” private land development.

Comment Number: NWCOSG-14-0097-2

Comment Excerpt Text:

NWF and CWF support the approach identified in all of the action alternatives under

consideration in the NWCO DEIS of delineating "core" or "priority" habitats that must be permanently protected from both direct and indirect impacts of development. The agencies own National Technical Team (NTT) has defined priority habitat as "areas that have the highest conservation value to maintaining or increasing sage-grouse populations."⁴ These priority areas should include breeding, late brood-rearing, winter concentration areas, and migration or connectivity corridors.⁵ The remaining sage-grouse habitat, or general sage-grouse habitat, includes occupied seasonal or year-round habitat outside of priority habitat. Priority habitat should be set-aside from development or protected via stringent management protections that meet the goal of maintaining and enhancing populations in these areas. These protected areas should be large enough to stabilize populations in the short term and enhance populations over the long term.⁶ Priority habitat should also include small or isolated populations, such as those along the periphery of the Greater sage-grouse's range.

Comment Number: NWCOSG-14-0099-1

Comment Excerpt Text:

In addition, there exist little, if any, available data to support the 4 mile buffer zone established in the EIS around active leks, in which oil and gas activity would be prohibited. Why would this arbitrary buffer zone be included in every alternative when there is no credible data to support it?

Comment Number: NWCOSG-14-0108-10

Comment Excerpt Text:

The NTT Report was relied upon to substantiate the four-mile buffer around leks. In reviewing available science and applied research, we find this buffer to be arbitrary in nature and far greater than comparable standards. We can only determine, the proposed distance is compelled by non- scientific influence should be reconsidered based on the merits of scientific analysis and adaptive management. Furthermore, the NTT Report is the basis for the disturbance cap methodology. For the same reasons as the buffer zone, we find the use of the NTT Report to substantiate the disturbance cap threshold fatally flawed and requiring reconsideration.

Comment Number: NWCOSG-14-0108-3

Comment Excerpt Text:

We question the reliance on many cited sources in the 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 specialist advocates.³ 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.

Comment Number: NWCOSG-14-0108-4

Comment Excerpt Text:

BLM convened the NTT to develop new or revised regulatory mechanisms for incorporation into Resource Management Plans (RMP) to conserve GSG and its habitat on BLM lands on a long-term, range wide basis. The NTT Report fails to make use of the latest scientific and biological information available and to acknowledge current scientific research and conservation actions developed by the Colorado Parks and Wildlife Division and local GRS working groups⁴. In addition, the NTT report asserts that impacts from grazing are generally “discrete” but have broad ranging impacts from trampling to decreased cover to broad over grazing. In general, the NTT report does not do an adequate job of documenting current grazing management but rather makes anecdotal observations. Nothing in the NTT Report documents actual population-level declines in GSG. Rather, supposed declines are in reality localized effects on lek attendance indicating displacement of the species, not mortality.

Comment Number: NWCOSG-14-0109-1

Comment Excerpt Text:

Additionally, QEP has concerns with the disturbance caps and other management strategies for the preliminary priority habitat (PPH) and general habitat (GPH) areas. To begin, the maps representing the proposed preliminary priority and general habitat areas were mapped by Colorado Parks and Wildlife (CPW) for consultation purposes, not as a basis for imposing management restrictions. There is no sound science supporting the NTT's threshold that includes a 3% surface disturbance cap, one well per section cap, a 4-mile no surface occupancy buffer around a lek, and limiting noise to less than 10 decibels above 20-24 dBA. The NTT report never defines or provides quantification of the PPH

Comment Number: NWCOSG-14-0112-2

Comment Excerpt Text:

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 specialist advocates. 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.

Comment Number: NWCOSG-14-0329-3

Comment Excerpt Text:

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 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.

SECTION 7.3 – COT REPORT

Comment Number: NWCOSG-14-0044-7

Comment Excerpt Text:

2. The COT Report

The DEIS stated that the alternatives were developed in response to the specific threats and conservation objectives identified in the USFWS Greater Sage-Grouse Conservation Objectives Final Report (“COT Report”).⁸¹ With regard to addressing perceived impacts from oil and natural gas, the preferred

alternative expressly relies upon the COT Report.⁸² Much like reliance on the NTT Report, BLM applies measures from the COT Report to all action alternatives.⁸³ The COT Report was cited or mentioned at least 15 times in the DEIS. However, the COT Report is a limited and selective review of scientific literature and unpublished reports on GRSG that were used to "identify conservation objectives to ensure the long-term viability of the GRSG."⁸⁴

81 DEIS at 5.

82 See Table 4.2, Ch. 2 DEIS at 530.

83 Id.

84 Id..

a. Questionable Status as a Scientific Document

The COT Report provides no original data or quantitative analyses.⁸⁵ The COT Report even fails to provide a comprehensive and unbiased review of all of the available scientific literature on the GRSG.⁸⁶ As a result, outdated information and assumptions are perpetuated in the COT Report.⁸⁷ Moreover, the COT Report places undue reliance on the database NatureServe for threats rankings. NatureServe comes with a noteworthy disclaimer:

Information Warranty Disclaimer: All documents and related graphics provided by this server and any other documents which are referenced by or linked to this server are provided "as is" without warranty as to the currentness, completeness, or accuracy of any specific data. NatureServe hereby disclaims all warranties and conditions with regard to any documents provided by this server or any other documents which are referenced by or linked to this server, including but not limited to all implied warranties and conditions of merchantability [sic], fitness for a particular purpose, and non-infringement. NatureServe makes no representations about the suitability of the information delivered from this server or any other documents that are referenced to or linked to this server....⁸⁸

This hardly qualifies as the "best available" science under the ESA. It also runs afoul of the DQA and the Presidential and DOI memoranda on scientific integrity referenced above.

85 Rob Roy Ramey, Data Quality Issues in the Greater Sage-Grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report, p.1 (October 16, 2013) ("Ramey COT Review") attached hereto as Exhibit B.

86 Id.

87 Id.

88 See <http://www.natureserve.org/explorer/servlet/NatureServe?searchSciOrCommonName=greater+sage+grouse>

b. Flawed Methodology of the COT Report

The COT Report's threats analysis, population definitions, current and projected numbers of males, and probability of population persistence are heavily based upon a paper by Edward O. Garton.⁸⁹ Garton et al. 2011 is the most frequently cited paper in the COT Report.⁹⁰ There are serious methodological biases and mathematical errors with the COT Report.⁹¹ These issues were also present in the final revisions of Garton et al. 2011.⁹² Furthermore, the data and programs used in Garton et al. 2011 are not public and therefore the results are not reproducible.⁹³ This seriously harms the scientific integrity of the COT Report.

While the COT Report says that "there is an urgent need to 'stop the bleeding' of continued population declines" it fails to mention hunting, which is the most well-documented source of GRSG mortality with 207,433 GRSG harvested between 2001 and 2007.⁹⁴ Some estimate total GRSG populations at or near 500,000 birds.⁹⁵ Clearly such mortality levels should be carefully considered and properly accounted for. The COT Report, however, proposes that activities that have never been shown to cause a population decline should be regulated.⁹⁶ The COT Report's recommendation to regulate nonthreatening activities

combined with its disregard of a major, actual threat to GRSG demonstrates a clear lack of scientific integrity in the COT Report.

89 Edward O. Garton, John W. Connelly, Jon S. Horne, Christian A. Hagen, Ann Moser, and Michael A. Shroeder, Greater Sage-Grouse Population Dynamics and Probability of Persistence, in Greater Sage-Grouse Ecology and Conservation of a Landscape Species and its Habitats. Studies in Avian Biology (vol. 38) 293-382 (Steven T. Knick and John W. Connelly eds., 2011) (hereafter "Garton et al. 2011).

90 Ramey COT Review at 1.

91 Id. at 2.

92 Id.

93 Id.

94 COT Report at 31; Kerry P. Reese and John W. Connelly, Harvest Management for Greater Sage-Grouse: A Changing Paradigm for Game Bird Management, in Greater Sage-Grouse Ecology and Conservation of a Landscape Species and its Habitats. Studies in Avian Biology (vol. 38) Table 7.3 p. 106 (Steven T. Knick and John W. Connelly eds., 2011).

95 Broder, John M.. (2010-03-05) No Endangered Status for Plains Bird. Nytimes.com.

96 Ramey COT Review at 1.

Moreover, there is no evidence of any reproducible, quantitative methodology used in assigning rankings to threats in each population and GRSG management zone.⁹⁷ The ranking of threats in the COT Report appears to be entirely subjective.⁹⁸

97 Id. at 2.

98 Id .

c. Peer Review on the COT Report

The FWS disclosed some of the data and information related to peer review of the COT Report.⁹⁹ Specifically, FWS released a document titled, "Scientific Peer Review of the Sage- Grouse Conservation Objectives Draft Report." We understand the FWS retained Atkins, North America ("Atkins") to perform the review.

99 Western Energy Alliance submitted a FOIA request to the FWS on May 2, 2013. When the FWS failed to respond, Western Energy Alliance filed a FOIA suit against the FWS on October 15, 2013. On October 24, 2013, the FWS provided some of the documents requested.

Atkins solicited five reviewers: Dr. Jeffrey L. Beck, University of Wyoming; Dr. Matthew J. Holloran, Wyoming Wildlife Consultants, LLC; Dr. Terry A. Messmer, Utah State University; Dr. Kerry P. Reese, University of Idaho, and Dr. James S. Sedinger, University of Nevada, Reno.¹⁰⁰ Atkins was asked to solicit well-qualified and independent reviewers with certain expertise and to ensure they had no financial or other conflicts with the outcome or implications of the COT Report.¹⁰¹

100 Scientific Peer Review of the Sage-Grouse Conservation Objectives Draft Report at 3.

101 Id. at 2.

The COT Report was prepared at the request of the USFWS Director "to provide additional information for use and consideration pertinent to future decision-making relative to [GRSG]."¹⁰² Contributing team members included five representatives of the USFWS and ten representatives of state agencies in the GRSG range.¹⁰³ The inclusion of USFWS representatives, pending a listing decision on GRSG, makes the independence of the COT Report questionable.

102 Dept. of the Interior, U.S. Fish and Wildlife Service, Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report, p. ii (February 2013) <http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/COT/>

COT-Report-with-Dear-Interested-Reader-Letter.pdf ("COT Report").

103 Id.

A number of the relevant regulations and guidance stress the importance of independence¹⁰⁴ and the need to avoid conflicts of interest.¹⁰⁵ Among other things, independence means that a peer reviewer may not have been a contributor to the work product leading to the listing of a species and the peer reviewer has not been influenced by funding considerations. The National Academy of Sciences ("NAS") considers financial interests, access to confidential information, reviewing one's own work, public statements and positions, and employees of sponsors as problems to be avoided in its conflicts policy.¹⁰⁶ The 2005 OMB Bulletin directs agencies to use the NAS policy. Peer review of the COT Report was inadequate under both the DOI Manual and the NAS policy.

¹⁰⁴ Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities 59 Fed. Reg. 34270 (Jul. 1, 1994); OMB Guidance; Final Information Quality Bulletin for Peer Review 70 Fed. Reg. 2664 (Jan. 14, 2005); Memorandum for the Heads of Executive Departments and Agencies. 74 Fed. Reg. 10671 (Mar. 11, 2009), available at: <http://www.gpo.gov/fdsys/pkg/FR-2009-03-11/pdf/E9-5443.pdf> (<http://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>); Performance Work Statement for Scientific, Technical and Advisory Services (http://www.fws.gov/informationquality/peer_review/IDIQ_Performance_Work_Statement_17Nov2011.pdf); Information Quality Guidelines and Peer Review (http://www.fws.gov/informationquality/topics/InformationQualityGuidelinesrevised6_6_12.pdf).

¹⁰⁵ Policy on Committee Composition and Balance and Conflicts of Interest for Committees Used in the Development of Reports (<http://nationalacademies.org/coi/>); Final Information Quality Bulletin for Peer Review 70 Fed. Reg. 2664

(Jan. 14, 2005); Memorandum for the Heads of Executive Departments and Agencies (<http://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>); Department Manual, Part 305, Chapter 3 (<http://www.fws.gov/science/pdf/DOIScientificIntegrityPolicyManual.pdf>).

¹⁰⁶ Available at: <http://www.nap.edu/openbook.php?isbn=0309059437&page=9>

Among the deficiencies were: authorship with three COT Report team members; grant support from the USFWS and USGS; significant financial support for GRSG research (Drs. Holloran, Messmer and Reese listed over \$10 million);¹⁰⁷ authorship with NTT members; and authorship with other influential GRSG authors including Doherty, Naugle, and Knick.¹⁰⁸ The reviews of the COT Report present numerous examples of failures to meet NAS and OMB guidelines:

Reese and Connelly (an author of the COT Report and author of many cited papers in the COT Report) published eight papers together, including two papers in 2012 and four papers in 2011. All of these were included in Greater Sage-Grouse Ecology and Conservation of a Landscape Species and its Habitats (the "GRSG Monograph") which Connelly edited (similar conflicts exist with Connelly and Garton on the population persistence chapter). Dr. Reese participated in no fewer than eleven presentations with Connelly, four with Gardner (another COT Report author) and four with Garton. Garton et al. 2011 forms the very basis of the COT Report and is the most frequently cited paper therein. Dr. Reese also discloses a \$255,203 grant with Garton in 2011 and over \$1.3 million in sage-grouse funding including \$178,442 from the USGS (the funding agency on the GUSG Monograph).

Beck has two papers with Connelly. Dr. Beck authored numerous papers with other sage-grouse biologists including Naugle (an author of the NTT Report). No financial support is listed, but given that

Beck has published 12 papers on sage-grouse, such support could be expected to be significant.

Holloran is one of the most cited papers in the COT Report. He authored a 2011 monograph paper with Connelly, and another with Connelly and Knick (NTT Report authors and editors of the GRSG Monograph). Dr. Holloran also authored three papers with Connelly in 2006, 2009, and 2012. Dr. Holloran's Ph.D. dissertation concluded "currently imposed [natural gas] developmental stipulations are inadequate to protect the greater sage-grouse, and that stipulations need to be modified to maintain populations within natural gas fields."¹⁰⁹ Note the amount of financial support on six recent grants and contracts on sage-grouse totaled more than \$3.1 million. Funding sources were not listed. This indicates a bias by Dr. Holloran that calls into question his ability to perform an independent peer review.

Messmer reported no authorship conflicts with COT Report team members; however, he listed financial support for some 18 recent grants and contracts on sage-grouse totaling more than \$2.3 million.

Sedinger was an author with COT Report team member Espinosa (on a 2011 monograph chapter and a 2010 paper). Grant and contract support includes \$40,000 on sage-grouse from BLM, and five grants and contracts totaling \$252,939 from the USFWS.

¹⁰⁷ Reese listed over \$6.3 million in funding and in-kind contributions, but failed to account for precisely how much can be attributable to sage-grouse.

¹⁰⁸ Scientific Peer Review of the Sage-Grouse Conservation Objectives Draft Report, Appendix A

f. Other Concerns Identified in the COT Report

In addition to conflicts of interest and reliance upon questionable data to assess threats, more than one reviewer cited real uncertainties regarding management and potential impacts on GRSG populations. In fact, "...the majority of the reviewers found that the report fell short of meeting its stated

goals in several important areas, and they identified opportunities to better achieve those goals and improve its utility for decision making..."¹¹⁰ Reviewers identified an astonishing lack of reference to at least 15 relevant scientific papers.¹¹¹

¹⁰⁹ Matthew J. Holloran, Greater Sage-Grouse (*Centrocercus urophasianus*) Population Response to Natural Gas Field Development in Western Wyoming (Dec. 2005) <http://eqc.state.wy.us/orders/Land%20Closed%20Cases/11-4803%20Lost%20Creek%20ISR,%20LLC/Exhibit%2012.pdf>.

¹¹⁰ Scientific Peer Review of the Sage-Grouse Conservation Objectives Draft Report at 3.

¹¹¹ *Id.* at 7.

Fundamentally, the COT Report did not meet its stated objectives with regard to the degree to which threats need to be ameliorated.¹¹² Risk levels may need to be reconsidered and there was doubt expressed that threat ratings were credible.¹¹³ One reviewer noted that it was questionable how scientific sources were used to establish risks and that there were limited (if any) direct relationships between habitat characteristics and population change.¹¹⁴

¹¹² *Id.* at 5.

¹¹³ *Id.* at B-16.

¹¹⁴ *Id.* at 7.

Reviewer 2's comments indicate a bias in favor of listing and his belief that existing regulatory mechanisms are inadequate for sage-grouse. Reviewer 2 complained that they were not required to review how conservation objectives would be met, "I assume that another group at another time in another forum will do this, otherwise the species will remain in peril."¹¹⁵ He further stated, "COT should be urging for enhanced, improved and additional management actions because the "continued" is not adequate as is across most of the species range."¹¹⁶ Reviewer 2 praised Garton, along with "limited"

scientific references and expert opinion as the "strongest part" of the COT Report.¹¹⁷ This raises the question of whether Reviewer 2 was one of the reviewers that has worked very closely with Garton.

¹¹⁵ Id. at B-16.

¹¹⁶ Id. at B-17.

¹¹⁷ Id. at B-19.

Some terms, like fragmentation, were not well defined.¹¹⁸ Resistance and resilience were never quantified causing some to label them redundant, of little use, and little substance.¹¹⁹ Reviewers also cited generalities, uncertainties, and questions regarding whether some recommendations were feasible or practicable.

¹¹⁸ Id. at 5.

¹¹⁹ Id. at 4.

Reviewer 1 admonished the COT Report to acknowledge that we truly do not know the magnitude of population declines of GRSG.¹²⁰ Some concepts were ambiguously defined and not enough information was provided to assess threat ranking.¹²¹ A lack of transparency in the threats analysis was a common theme. Reviewer 3 could not even replicate the results of the analysis (Table 2) with the information provided.¹²²

¹²⁰ Id. at B-4.

¹²¹ Id. at B-23.

¹²² Id. at B-23.

The COT Report ignored evidence that GRSG may adapt to a disturbed environment. For example, highly naturally fragmented habitats have GRSG persistence. Some reviewers commented that genetics-based connectivity was over-emphasized and should be considered a much lower priority.¹²³ One reviewer commented that the COT Report failed to take into account that effects of infrastructure may be

more related to the level of disturbance relative to habitat quality rather than mere presence.¹²⁴ The COT Report did not analyze how, if threats are addressed, population persistence may be altered.¹²⁵ Incredibly, Reviewer 3 recognized the COT Report could not acknowledge what effective habitat management was. He also noted the COT Report failed to address the effectiveness of existing regulatory measures. Reviewer 3 remarked, "[I]n my opinion it is a mistake to focus on managing anthropogenic activities at the expense of researching and implementing actions to improve the quality of sagebrush ecosystems."¹²⁶

¹²³ Id. at B-27.

¹²⁴ Id. at B-7.

¹²⁵ Id. at B-9.

¹²⁶ Id. at B-21.

The COT Report discounts established strategies to protect the "best of the best" habitat along with many of the significant conservation efforts currently utilized by the states. Reviewer 1 stated the COT Report should be seen as a tool rather than an absolute.¹²⁷ He also noted that management actions were largely at the purview of the states.¹²⁸

¹²⁷ Id. at B-3.

¹²⁸ Id. at B-3.

The COT Report does not recognize the latest state and local habitat mapping efforts. For example, some areas defined as habitat in the COT Report do not exist. Reviewer 1 explained the COT Report also ignored that tribal lands provide and protect significant habitat for GRSG in Utah.¹²⁹ Reviewer 2 noted several priority areas seem to have been labeled in an inconsistent manner.¹³⁰ Descriptions of seasonable habitat were also lacking.

¹²⁹ Id. at B-7.

¹³⁰ Id. at B-15.

Reviewer 4 questioned how the footprint of renewable energy development might differ from nonrenewable energy development¹³¹ and that statements in the COT Report about predation were speculative with no empirical basis.¹³² Reviewer 4 pointed out that direct relationships between specific habitat characteristics and population change are limited, if not lacking entirely.¹³³ The COT Report fails to capture an understanding of effects on GRSG from most of the potential risks referenced. "We have a poor empirical basis for understanding most potential impacts on sage-grouse," said Reviewer 4.¹³⁴ He continued, "[T]his severely limits our ability to predict the response of sage-grouse populations to changes in their habitats."¹³⁵ Similarly, Reviewer 5 remarked that conclusions in the threats analysis were based upon findings stemming from professional opinion.¹³⁶

¹³¹ Id. at B-28.

¹³² The COT Report suggests the best way to mitigate predation is to maintain quality habitat with good connectivity.

¹³³ Scientific Peer Review of the Sage-Grouse Conservation Objectives Draft Report at B-26.

¹³⁴ Id. at B-27.

¹³⁵ Id. at B-29.

¹³⁶ Id. at B-33.

Given these issues, BLM should carefully reconsider its reliance on the COT Report in the DEIS. To do otherwise would be inconsistent with the ESA, the DQA and the Presidential and Interior Department memoranda and orders referenced above.

Comment Number: NWCOSG-14-0050-24

Comment Excerpt Text:

I. To be consistent with the COT report objective for range management structures, we recommend insertion of the following conservation measures: a. Range management structures should be designed and placed to be neutral or beneficial to GRSG;

b. Structures that are currently contributing to negative impacts to either GRSG or their habitats should be removed or modified to remove the threat

Comment Number: NWCOSG-14-0094-2

Comment Excerpt Text:

3. After reviewing the NTT and COT reports there is no ground proven scientific evidence to support rigid enforcement of disturbance caps across thousands of acres, when actual benefits to the GSG or its habitat can not be guaranteed. That is why the document needs to make verifiable statements toward continued efforts in preserving current conservation activities and plans.

Comment Number: NWCOSG-14-0330-1

Comment Excerpt Text:

The effects analysis, for each specific threat and proposed actions in each alternative, should tie directly back to the Final COT Report. Discussion should include consistency with the COT's conservation objectives and the extent to which identified threats would be ameliorated.

SECTION 7.5 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0012-4

Comment Excerpt Text:

Not only will these NSO's unduly restrict economic activities, but they do not make sense for a fragmented habitat like that which exists in this part of the state. Within 4 miles of a lek here, one can encounter several types of terrain, most of which are unsuitable for Sage-grouse breeding.

Comment Number: NWCOSG-14-0016-8

Comment Excerpt Text:

Anadarko strongly encourages the BLM to incorporate in the RMP management objectives and directive that permit development of an Enhanced Mitigation/Expanded Use Authorizations Program. Such a program should be developed in coordination with the State of Colorado, promote the policy objective in the IM-2013-142, and seek input from stakeholders including industry. Tools that could be utilized in such a program could include:

- A biologically-based framework for mitigating impacts associated with a reasonable access mitigation program that includes exceptions to wildlife timing stipulations.
- Allowance for the prioritization of potential mitigations sites. IM 2013-142. For example one idea could be to utilize a two-mile buffers within core areas
- Possibly structure mitigatory efforts within two-mile buffers around sage-grouse leks, consistent with the work by Doherty et al. (2010). This possible approach would provide tangible benefits to sagebrush steppe species at a regional landscape level.
- Possibly target restoration of habitats within the two-mile buffer around sage-grouse leks. Within these two-mile lek buffers, existing disturbance and fragmentation profiles could be mapped so that reclamation and enhancement efforts can be focused, monitored, and assessed. Consider case-by-case focused habitat improvements within two-mile lek buffers. This mitigation could be exchanged for timing stipulation exceptions granted by the BLM.
- Areas targeted for habitat enhancement could include the two-mile lek buffers both in-and-outside of sage-grouse priority habitats.
- Possibly cover both federal and non-federal lands in accordance with the draft guidance to evaluate mitigation opportunities on both BLM and non-BLM-managed lands. IM 2013-142.

An Enhanced Mitigation/Expanded Use Authorizations Program would serve many benefits to both the sage grouse population while also ensuring reasonable access and multi-use activities. It could allow for a reduced need for non-priority sage-grouse timing stipulations which are often extremely costly and difficult for energy projects to effectively work around.⁶ Therefore timing stipulations should not be applied as a default requirement, but considered in

light of a program balancing both wildlife protections and industrial activities.

Comment Number: NWCOSG-14-0044-17

Comment Excerpt Text:

Here, in this DEIS, every action alternative evaluated incorporates a four-mile NSO buffer. Accordingly, BLM has failed to cover a full spectrum¹⁶⁹ of alternatives and failed to take the requisite "hard look"¹⁷⁰ at alternatives to this overly restrictive prescription.

¹⁶⁹ See *KlamathpSiskiyou Wildlands Center v. U.S. Forest Service*, 373 F. Supp. 2d 1069, 1088-89 (E.D. Cal. 1994).

¹⁷⁰ See, e.g. *All Indian Pueblo Council v. United States*, 975 F.2d 1437, 1444-46 (10th Cir. 1992).

Comment Number: NWCOSG-14-0044-30

Comment Excerpt Text:

C. Local Working Groups

The DEIS mentions the following local working groups, but fails to meaningfully consider them, their plans, or efforts in the analysis of alternatives.³⁰⁷

³⁰⁷ DEIS at 27.

Comment Number: NWCOSG-14-0046-1

Comment Excerpt Text:

We recommend that the final LUPA/EIS add a section to compare the anticipated outcomes of each alternative in protecting GRSG populations long-term. Section 4.2.2 -Environmental Consequences - Greater Sage-Grouse of the Draft LUPA/EIS, compares impacts of the alternatives on sage grouse habitat; however, the document does not include an assessment of how the alternatives compare in protecting sage grouse populations and if the actions in the proposed alternatives are likely to be sufficient to sustain Colorado populations of the species. We understand that it would not be possible to have a definitive, quantitative discussion on the future of GRSG in Colorado for the many reasons discussed in the draft LUPA/EIS. However, a qualitative discussion would add an important component to the decision-

making process and improve the public's ability to understand the expected outcomes of the alternatives. For example, the alternatives propose different levels of liquid minerals development ranging from banning future leasing in Preliminary Priority Habitat (PPH) (Alt. B) to allowing full development with seasonal limits and/or surface occupancy prohibitions (Alt. D). It is not clear from the analysis whether the seasonal closures of the new roads needed for the leases in Alt. D would be sufficiently protective to increase or maintain sustainable GRSG populations. The Cumulative Effect section for GRSG (Section 5.4 Special Status Species-Greater Sage-Grouse, pages 944-957) provides a good starting point in analyzing the long-term sustainability of sage grouse populations

Comment Number: NWCOSG-14-0046-6

Comment Excerpt Text:

For Alternative D, which primarily protects PPH, we recommend incorporating some level of protection for PGH and L/CH lands to further reduce habitat fragmentation and provide data for use in the adaptive management process. The protections may not need to be as rigorous as the measures for PPH. For example, for new road ROWs under Alternative D, it appears the evaluation for impacts to GRSG would cover only PPH (page 143). We recommend adding some level of additional evaluation for impacts to GRSG in PGH and L/CH areas such as collecting field information to determine if there is increased GRSG activity within 4 miles of the proposed ROW.

Comment Number: NWCOSG-14-0050-31

Comment Excerpt Text:

Year-round protection within 0.6 miles for all leks in any habitat type in all designated habitat (ADH, which includes preliminary priority habitat (PPH), preliminary general habitat (PGH), and linkage corridors (C)) should be applied. This would apply to fluid minerals, rights-of-way, mining, and other significant surface disturbing actions. This does not preclude additional protections of PPH, PGH, or linkage corridors through other conservation measures

Comment Number: NWCOSG-14-0050-32

Comment Excerpt Text:

BLM/USFS should insert conservation measures to limit road density in GRSG habitat and set minimum road distance from leks

Comment Number: NWCOSG-14-0063-1

Comment Excerpt Text:

In the Preferred Alternative, you recommend the establishment of four-mile No-Surface- Occupancy zones around active and potential sage grouse lekking sites, for fluid minerals development activity. This is an overzealous measure in two ways: first, a four mile buffer zone is, quite frankly, ridiculous, and nowhere have I seen any research that supports giving that wide a berth to a lekking site. Second, this is a stipulation applied singularly to oil and gas operations. There is simply no demonstrable reason why this particular industry needs to be singled out for special measures. If your office can justify this action, please do immediately.

Comment Number: NWCOSG-14-0095-5

Comment Excerpt Text:

Finally, the DLUPA/EIS alternatives considered only include the four-mile NSO buffer. None of the alternatives provide for a buffer of a different size or for a mechanism to address on- the-ground circumstances, despite the fact that there is no data that demonstrates that the arbitrary four-mile NSO buffer would address any of the concerns raised in the NTT Report.

Comment Number: NWCOSG-14-0143-3

Comment Excerpt Text:

The same concerns exist for the 4 mile buffer zones proposed for certain types of habitat. Again,

these buffer zones exclude way more land from activity than is justified to protect either the

Greater Sage Grouse or its habitat.

Comment Number: NWCOSG-14-0172-2

Comment Excerpt Text:

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I feel that more could be done to improve the quality of grouse habitat on private land. Since the majority of the 2.4 million acres of preliminary primary habitat used by the greater sage grouse is located on private land, I think that some monetary incentives could be included in the plan to encourage farmers and other private landowners to keep a section of their land "virgin."

For land that has already been planted or used in another way, landowners could be paid a monthly/annual amount (or given a tax incentive) to plant the most attractive sections (in terms of sage grouse habitat) with sagebrush. Alternatively (if this would work - I am not a sage grouse expert), they could plant their least attractive farm land with sagebrush, thereby providing additional habitat for the sage grouse while gaining a tax/other benefit for themselves.

Another option that might be possible is setting up breeding/hunting farms for greater sage grouse (I visited a pheasant farm as a child - it seems this might work with grouse, as well). The "excess" greater sage grouse (over a certain number) could be released into the wild to increase the number of wild sage grouse. These farms could, initially, receive tax credits for setting up. They would then receive a bonus for the number of healthy adult grouse that they released into the wild each year.

SECTION 7.6 – BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NWCOSG-14-0011-2

Comment Excerpt Text:

in more than half of the program areas (45 of 84) where it could be determined, the preferred alternative chose a standard below what is recommended by the NTT report. Similarly, the findings of the USGS baseline report indicate that the proposed Area of Critical Environmental Concern is necessary to conserve the species, but it was not included in the draft preferred alternative.

Comment Number: NWCOSG-14-0016-1

Comment Excerpt Text:

Current scientific information discussed herein establishes that sage-grouse populations in the NWCOD planning area are not at as great a risk as once considered to be. This updated and crucial information must be incorporated in to the planning decisions and proposed mitigation of the Amendment.

Comment Number: NWCOSG-14-0016-3

Comment Excerpt Text:

Studies predicting future decreasing population trends are demonstrably flawed and fail to account for historical hunting harvest data. The BLM must recommend land management practices not on past flawed data, but on current more accurate data as presented herein.

Comment Number: NWCOSG-14-0016-4

Comment Excerpt Text:

Sage-grouse population modeling data relied upon in the Amendment is inaccurate, raising concerns that the management decisions based on the modeling is overly burdensome and unreasonable given the actual facts.

Comment Number: NWCOSG-14-0016-5

Comment Excerpt Text:

No data is provided to indicate that these threats - present in some parts of the overall sage-grouse range - are present and to what degree they are present in the NWCOD planning area. Such generalizations about threats do not meet the "hard look" requirements of NEPA. A geographical analysis of renewable energy footprints and other data should be added to the Amendment to support the conclusions therein. Connection of these data to population trends would indicate whether BLM assertions have merit. The BLM should use the most accurate and current data when developing mitigation measures that have significant impacts restricting other uses of public lands.

Comment Number: NWCOSG-14-0016-6

Comment Excerpt Text:

The BLM has incorrectly relied on Garton et al. (2011) for modeled future population trends and fashioned mitigation measures to address supposed downward trends.

Comment Number: NWCOSG-14-0016-7

Comment Excerpt Text:

Recent scientific data, as noted above, suggest that a harvest percentage of “perhaps five percent” of the spring population may be appropriate if state wildlife agencies “devise and implement survey protocols” to “be assured that hunter harvest would not likely exceed the threshold to become additive.” This new information sharply contrasts the USFWS 2010 Listing Decision conclusions (which relied heavily on Garton et al. 2011 data) relied upon in the Amendment at 946 to identify future population projections.

Comment Number: NWCOSG-14-0018-4

Comment Excerpt Text:

there is no evidence that even a 5% disturbance cap is required, in the areas called for in the EIS, to preserve and protect sage grouse habitat.

Comment Number: NWCOSG-14-0021-1

Comment Excerpt Text:

This EIS falls short of meeting the requirement that the best available scientific data be used. Both the National Technical Team (NTI) and Cobb reports either do not include, or have disregarded, the

most recent, objective, and accurate information pertaining to the characteristics and distribution of Wyoming and Mountain Sagebrush, the principle habitat of the Greater Sage-grouse. These shortcomings are reflected in the maps used, showing the acreage being designated as Preliminary Priority Habitat (PPH), Preliminary General Habitat (PGH) and so-called Connectivity Habitat. The result of using incomplete information is that restrictive measures are being applied to lands that do not require them for habitat preservation, thereby causing undue economic hardships.

Some of these include the 4-mile buffer zone prohibiting surface occupancy related to oil and gas production, around leks during a considerable amount of the year. There is no verifiable reason to

have imposed these buffers on the areas described in Chapter 2. The habitat in northwest Colorado is much more fragmented than elsewhere within the bird's range, and terrain varies considerably within 4 miles in these areas. I would request that the BIM provide any evidence they have, that a) the areas they have designated as PPH actually do entirely comprise of suitable Greater Sage Grouse habitat; b) that these areas contain active leks, and c) prohibiting oil and gas surface use within a 4 mile radius is necessary to protect them.

Comment Number: NWCOSG-14-0021-2

Comment Excerpt Text:

Similarly, the disturbance caps (3 percent for Alternatives B & C, 5 percent for Alternative D, and 30% for the wider planning area) will clearly have an adverse impact on many types of economic activity - Including, but not limited to, grazing, mining, infrastructure development, communications, and oil and gas development. However, the EIS fails to adequately explain why these caps are necessary, and to demonstrate that there is no alternative

Comment Number: NWCOSG-14-0026-4

Comment Excerpt Text:

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 associate with mezsic 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

Comment Number: NWCOSG-14-0030-1

Comment Excerpt Text:

The Plan fails to reflect the most recent scientific information. By basing all alternatives in the Plan on the National Technical Team report (NTT), the agency fails to incorporate the latest scientific and biological information available. An independent review of the report found many methodological and technical errors, including significant mischaracterization of past research. The NTT does not appear to be based on reasonable consideration of the regulatory tools BLM already has including the 2004 Guidance, Manual 6840, multiple authorities for project specific protections and habitat enhancement measures, and private conservation measures. The NTT does not use BLM Manual 6840 or the Endangered Species Act ("the Act") as a foundation upon which to build, and it does not explain the need for an entirely new regulatory approach that goes beyond protections for listed species under the Act.

Comment Number: NWCOSG-14-0030-4

Comment Excerpt Text:

Disturbance caps are arbitrary and not supported by science. Alternatives B, C, and D all rely on

disturbance caps as a method of conserving the Greater Sage-Grouse. However, no scientific basis is provided that demonstrates that these arbitrary caps are necessary, either for the 3% cap under Alternatives B and C, or the 5% cap in Alternative D with a maximum total disturbance of 30%. No data are presented that the caps are 1) scientifically defensible; 2) achievable; 3) would result in stable sage-grouse populations; 4) would not result in irreparable harm to other species; and 5) would not unnecessarily have a negative effect on local economies.

These caps ignore the effects of management during catastrophic wildfire or drought and fall prey to inconsistent policies regarding fire management.

Comment Number: NWCOSG-14-0031-7

Comment Excerpt Text:

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 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.

Comment Number: NWCOSG-14-0032-4

Comment Excerpt Text:

Our primary opposition is based on the fact that snowmobile usage and Sage Grouse habitat should never come into conflict, as best available science has concluded a minimal snowfall makes areas unsuitable for usage by the sage grouse. The Colorado Greater Sage Grouse Plan specifically notes this lack of usage as follows:

"In Colorado, <10% of sagebrush habitat is used by GrSG during deep snow conditions (Beck 1977) because most of the sagebrush is buried under the snow. When snow deeper than 12 inches covers over 80% of the winter range, GrSG in Idaho have

been shown to rely on sagebrush greater than 16 inches in height for foraging (Robertson 1991)."⁵⁹

As the CPW plan notes a minimal snowfall prohibits usage of the area by the Grouse. Snowfall in the California Park and Slater Park areas often exceeds 100 plus inches of snow per year. It is the Organizations position this level of snowfall buries any viable summer habitat completely making the area completely unsuitable for winter range.

Comment Number: NWCOSG-14-0034-1

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0035-13

Comment Excerpt Text:

This Wyoming Basins Ecoregional Assessment publication ("WBEA")³ was completed in 2011, and BLM should reference the findings of this report as they apply to northwest Colorado, which falls within the Wyoming Basins Ecoregion, in order for the BLM has not met its obligation to "use the best available science" including publications specifically mandated under the Strategy.

Comment Number: NWCOSG-14-0035-20

Comment Excerpt Text:

We are concerned that the federal agencies are not fulfilling NEPA's baseline information requirements with regard to the analysis of alternatives. Specifically, data on the size of sage grouse populations within the Colorado River Valley Field Office is based on lek counts from 2004. DEIS at 244. These data are almost a full decade old, and cannot be expected to reflect current population sizes in light of the massive increase in natural gas development in sage grouse habitat in this area since 2004. Lek counts are performed by Colorado Parks and Wildlife every spring, and we would expect at minimum that current population estimates in the DEIS be based on 2012

data, while FEIS baseline information can and should incorporate Spring 2013 data.

Comment Number: NWCOSG-14-0035-22

Comment Excerpt Text:

There is a notable absence of baseline information in the DEIS on wintering habitats, and the lack of impacts analysis leaves open the question of how heavily wintering sage grouse will be affected by permitted activities under the new RMP, and what effect this will have on the viability of sage grouse populations both inside and outside Priority Habitats.

Comment Number: NWCOSG-14-0035-5

Comment Excerpt Text:

We would ask the Forest Service to consider the findings of Knick et al. (2013), which concluded in relevant part that 99% of the active leks in the study area (encompassing the entire western range of the greater sage grouse) were surrounded by habitat with 3% surface disturbance or less. See Attachment 1. We would ask the responsible official to consider the findings of Kirol (2012), which found for his study area immediately north of the planning area that surface disturbance greater than or equal to 4% of the land area had a significant negative impact on greater sage grouse brood rearing habitat. See Attachment 2. We would ask the responsible official to consider the findings of Copeland et al. (2013), which found that if all of the State of Wyoming sage grouse policy provisions (which include a 5% disturbance cap calculated using a Disturbance Density Calculation Tool) were implemented fully and to the letter, that a 9 to 15% decline in greater sage grouse populations would still occur statewide, including a 6 to 9% decline within designated Core Areas (where the 5% disturbance cap would be applied). We would ask the responsible official also to render the same determination regarding the accuracy, reliability, and relevance of science supporting the 3% disturbance cap proposed for implementation under Alternatives B and C. DEIS at 163, 166.

Comment Number: NWCOSG-14-0042-11

Comment Excerpt Text:

2. Knick, S. T., S. E. Hanser, K. L. Preston. 2013. Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A. *Ecology and Evolution*, available at <http://onlinelibrary.wiley.com/doi/10.1002/ece3.557/pdf>.

- Sage-grouse require sagebrush-dominated landscapes containing minimal levels of anthropogenic disturbance. Ninety-nine percent of remaining active sage-grouse leks were in landscapes with less than 3 percent disturbance within 5 km of the lek, and 79 percent of the area within 5 km was in sagebrush cover.

Comment Number: NWCOSG-14-0042-8

Comment Excerpt Text:

5. Copeland, H. E., A. Pocewicz, D. E. Naugle, T. Griffiths, D. Keinath, J. Evans, J. Platt. 2013. Measuring the effectiveness of conservation: a novel framework to quantify the benefits of sagegrouse conservation policy and easements in Wyoming. *PLoS ONE* 8(6): e67261. doi:10.1371/journal.pone.0067261. Available at www.plosone.org/article/fetchObject.action?uri=info%3Adoi%2F10.1371%2Fjournal.pone.0067261&representation=PDF.

- Modeling indicates that the Wyoming sage-grouse core area conservation strategy, fully applied, plus \$250 million invested in targeted conservation easements, would slow, but not stop projected sage-grouse population declines in the state. The Wyoming core area policy prohibits or restricts surface occupancy within 0.6 miles of sage-grouse leks, generally limits development to one site per 640 acres, and limits cumulative surface disturbance to 5 percent per 640 acres in core habitat.

Comment Number: NWCOSG-14-0044-10

Comment Excerpt Text:

b. Knick and Hanser et al. 2011

Knick and Hanser et al. 2011 was cited or mentioned three times in the DEIS for the proposition that "GRSG are abundant and leks in northern portions of Management Zones II and VII are the most highly connected in the range, populations in southern portions of Management Zones II and VII (the Colorado Plateau) are less robust, with low lek connectivity and a 96 percent chance of populations declining below 200 males by 2037."¹³⁹ However, Knick and Hanser et al. 2011 uses lek persistence data instead of actual population data and erroneously assumes that they are strongly correlated. This leads to leks which have moved due to disturbance being treated as extirpated when the GRSG comprising the lek have simply moved. Additionally, the data was originally at a 30m resolution, but the authors re-sampled it at a 540m resolution. However, the authors failed to acknowledge that this rescaling could be expected to inflate the effects of disturbance. For these reasons, and other substantive issues, it falls far short of the best scientific and commercial data available.

¹³⁹ DEIS at 946.

Comment Number: NWCOSG-14-0044-11

Comment Excerpt Text:

c. Johnson et al. 2011

Johnson et al. 2011 was cited or mentioned at least twice in the DEIS for the proposition that "lek count trends have been found to be lower near interstate, federal, or state highways compared to secondary roads."¹⁴⁰ However, the authors do not have enough years of data to support inferences with single or multiple variables. The authors examined different variables using 11 years of lek count data for the response variable in seven different management zones to determine whether specific activities correlated with population level declines in GRSG. Moreover, many of the lek counts only had four years of data associated with them resulting in no significant

correlations between predictor and response variables.¹⁴¹ This lack of data infers Johnson et al. 2011 is not an example of the best scientific data available.

140 DEIS at 950.

141 Id. at section 17.3.

Comment Number: NWCOSG-14-0044-12

Comment Excerpt Text:

d. Connelly et al. 2011

Connelly et al. 2011 was cited or mentioned at least five times in the DEIS including for support of the proposition that programs for conservation on private lands would need to be implemented in combination with programs affecting effective rehabilitation and restoration on public lands.¹⁴² Connelly et al. 2011 does not adequately address how individual states or the private sector have contributed to GRSG conservation. For example, the paper only referenced the study of GRSG response to the Conservation Reserve Program in Washington State when discussing the efforts of individual states and private sector's conservation efforts. A paper that is cited for a proposition involving private land should have a more detailed analysis of individual state and private sector efforts to be considered the best scientific and commercial data available. Finally, Connelly et al. 2011 lacked critical hypothesis testing.

142 DEIS at 945.

Comment Number: NWCOSG-14-0044-13

Comment Excerpt Text:

e. Garton et al 2011

Garton et al. 2011 was cited or mentioned at least four times in the DEIS for several propositions including one where GRSG populations in southern portions of Management Zones II and VII have a 96% chance of declines below 200 males by 2037.¹⁴³ The use of questionable data leads to uncertain results, Garton et al. 2011 relied on non-standardized, and non-randomly sampled male lek count data collected by different state agencies using variable amounts of

effort over a period of approximately forty years. This alone makes the paper's conclusions suspect and the data unreliable. The authors acknowledge that in some cases they had to assume that data was collected properly and assume that it met their (undisclosed) standards of quality. It is undocumented why the authors did not simply exclude questionable data from their analysis.

143 DEIS at 946.

Garton et al. 2011 attempted to predict GRSG population extinction using 30- and 100- year population forecasts. However, long-term predictions are notoriously inaccurate- particularly where, as here, the authors used questionable data and assumed that ecological conditions would change over the next 30 and 100 years. Additionally, Garton et al. 2011's extinction predictions are based on application of the discredited 50/500 effective population size "rule of thumb," which the authors mischaracterize as a rule instead of a rule of thumb. The 50/500 rule of thumb and the absence of empirical data to support it has been criticized by Boyce 1997 and Frankham 2005 respectively. Garton et al. 2011 and the COT Report that relies on it fail to acknowledge these issues and critiques.

Garton et al. 2011, like the DEIS, fails to address the threat of hunting despite the fact that over 207,000 GRSG were harvested between 2001 and 2007.¹⁴⁴ The authors' failure to account for such a major threat to GRSG population further harms the legitimacy of the population forecasts. Moreover, the data used in Garton et al. 2011 has not been made publicly available. Additionally, the methods of Garton et al. 2011 were not adequately described. As a result, it is impossible to replicate the results. This fails the transparency and reproducibility requirements under the DQA. Finally, there is no mention of hypothesis testing in Garton et al. 2011. This omission is particularly worrisome because hypothesis testing is an essential part of the scientific process. The omission of hypothesis testing by the authors makes the scientific status of this document,

let alone best scientific data available, questionable at best.

144 CESAR Report at 17.

Accordingly, for all of the reasons above, it is strongly recommended that BLM carefully reconsider its reliance upon the NTT Report, COT Report, and the six chapters of the GRSG Monograph highlighted above for the purposes of this DEIS.

Comment Number: NWCOSG-14-0044-14

Comment Excerpt Text:

The scientific literature, however, defines an active GRSG lek as locations where two or more males have been observed and documented actively courting females.¹⁵⁰ This means that potentially inactive leks have been designated as PPH thereby greatly expanding the areas in which proscriptive regulation will occur but with no demonstrable benefit to GRSG. Moreover, BLM's definition of an active lek is different: "a traditional display area attended by two or more male GRSG in two or more of the previous 5 years."¹⁵¹ Inconsistency in how a lek is defined pervades the DEIS.

149 Colo. Parks and Wildlife, Greater Sage-Grouse Preliminary Priority and General Habitat in Colorado Available at: http://wildlife.state.co.us/SiteCollectionDocuments/DOW/Maps/WildlifeSpecies/Birds/GrSG_PPH_PGH_20120309_Final.pdf (last accessed Oct. 4, 2013).

150 Doherty, K.E., D.E. Naugle, H.E. Copeland, A. Pocewicz, and J.M. Kiesecker. 2011. Energy development and conservation tradeoffs: systematic planning for Greater Sage-Grouse in their eastern range. Pp. 505-516 in S.T. Knick and J.W. Connelly (editors). Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology (vol. 38), University of California Press, Berkeley, CA.

151 DEIS at 226.

CPW based its definition of habitat on probability models that are of low resolution (i.e. a one-

kilometer moving window) rather than recent observational data and accurate population counts.¹⁵² CPW acknowledged the limitations of modeling in a presentation by recognizing models "are only as good as the data input and are not perfect."¹⁵³

152 Liza Rossi & Tony Apa, Colo. Parks and Wildlife, Greater Sage-Grouse Distribution and Habitat Mapping in Colorado.

153 Id.

Under the DQA, the use of models developed by third parties must also be reproducible. This reproducibility standard generally requires that the models used to develop such information be publicly available. Here, the definition of active leks in the DEIS does not correspond to how active leks are defined in the scientific literature. In short, CPW's method of determining PPH did not use the best scientific data available. This flawed definition of habitat consequently resulted in inflated numbers in various areas of the DEIS such as a charts describing acres of oil and gas leases in GRSG habitat and acres of coal potential in GRSG habitat.¹⁵⁴

154 DEIS at 297, 303-04.

Comment Number: NWCOSG-14-0044-2

Comment Excerpt Text:

Citations in the DEIS attributed to Braun must be discarded due to conflicts of interest pursuant to the laws and policies referenced herein. Dr. Braun was a paid consultant to the activist groups that petitioned to list GRSG and an active proponent for listing. Braun is quoted in a press release threatening a federal listing of the species if the BLM did not undertake management changes in line with his views.⁴⁰

40 Press Release, Biodiversity Conservation Alliance, Sage Grouse Takes Center Stage in Oil and Gas Controversy, (Feb. 26, 2003).

Comment Number: NWCOSG-14-0044-22

Comment Excerpt Text:

VII. SCIENCE DOES NOT SUPPORT ALLEGED NOISE IMPACTS IN THE DEIS

The DEIS claims that noise and human activity from fluid mineral development has been shown to influence GRSG behavior.¹⁹⁷ The DEIS cites the NTT Report for the proposition that "recent studies have consistently demonstrated that oil and gas development and its infrastructure influence GRSG behavior and demographics at distances of up to 4 miles."¹⁹⁸ The DEIS further claims that oil and gas development prompts "declines in lek persistence and male attendance, yearling and adult hen survival, and nest initiation rates."¹⁹⁹ Such is not the case.

¹⁹⁷ Id. at 516.

¹⁹⁸ Id.

¹⁹⁹ Id.

Studies cited in the NTT Report (Patricelli et al. 2010,²⁰⁰ Blickley et al. in preparation²⁰¹ and Blickley and Patricelli in press),²⁰² did not find population declines as a result of noise from oil and gas operations.²⁰³ Rather, they observed a transient period of disturbance to GRSG at leks where playbacks of high levels of noise occurred.²⁰⁴ Even if they stood for the proposition cited, there were numerous deficiencies with the equipment used in the study (substandard microphone, recorder, and playback speakers).²⁰⁵ Finally, the data from these studies is not publically available which renders the results unreproducible.²⁰⁶

²⁰⁰ G.L. Patricelli, J.L. Blickley, & S. Hooper, Incorporating the Impacts of Noise Pollution into Greater Sage Grouse Conservation Planning. 27th Meeting of the Western Agencies Sage and Columbian Sharp Tailed Grouse Technical Committee Workshop in Twin Falls, Idaho (2010).

²⁰¹ J.L. Blickley, D. Blackwood, & G.L. Patricelli, In Preparation, Experimental Evidence for Avoidance of

Chronic Anthropogenic Noise by Greater Sage Grouse, University of California-Davis.

²⁰² J.L. Blickley & G.L. Patricelli, In Press, Potential Acoustical Masking of Greater Sage Grouse Display Components by Chronic Industrial Noise. Ornithological Monographs..

²⁰³ Ramey NTT Review , - 6.5, p.33 .

²⁰⁴ Id.

²⁰⁵ Id. , - 6.6, p.35-36.

²⁰⁶ Id. , - 6.5, p.33.

The DEIS also cites Blickley et al. 2012, Holloran 2005 and Manier et al. 2013 in alleging, "noise from drilling, roads, and ancillary structures has been implicated as an important determinant in declining male lek attendance."²⁰⁷ However, data on lek locations and attending male numbers from CPW demonstrates that, as of 2012, currently active GRSG leks occur on, or immediately adjacent to roads, pipeline corridors, and well pads.²⁰⁸

²⁰⁷ DEIS at 517.

²⁰⁸ Ramey COT Review at , - 13.2 p.19.

Comment Number: NWCOSG-14-0044-26

Comment Excerpt Text:

C. DEIS Does Not Adequately Address Hunting

Some 207,430 GRSG were harvested during hunting seasons between 2001 and 2007.²²³ However, the DEIS also pays little attention to hunting as a threat stating "the BLM has no authority over [hunting]; therefore, there is no resource program for addressing this threat to GRSG and their habitat."²²⁴

²²³ Kerry P. Reese and John W. Connelly, Harvest Management for Greater Sage-Grouse: A Changing Paradigm for Game Bird Management, in Greater Sage-Grouse Ecology and Conservation of a Landscape Species and its Habitats. Studies in Avian

Biology (vol. 38) Table 7.3 p. 106 (Steven T. Knick and John W. Connelly eds., 2011).

224 DEIS at 38.

The BLM's failure to address hunting as a threat is a gross exclusion to conservation efforts of the GRSG. A summary of population information found that GRSG lived longer, have higher winter survival rates, lower rates of reproduction, and are more migratory over greater distances than previously thought.²²⁵ As a result, ongoing hunting is likely a contributor to declines in GRSG populations. Additionally, new data and research published by Gibson et al. 2011 have refuted the frequently repeated belief that there is a no additive demographic effect of hunting on GRSG populations. Thus, the hunting of populations in North Park (Jackson County), Grand County, and Moffat County will have an effect not only on those populations but also on nearby populations that are not hunted (but are genetically and demographically linked by dispersal).²²⁶

²²⁵ John W. Connelly, Christian A. Hagen, and Michael A. Schroeder, Characteristics and Dynamics of Greater Sage-Grouse Populations, in Greater Sage-Grouse Ecology and Conservation of a Landscape Species and its Habitats. Studies in Avian Biology (vol. 38) p. 53 - 67 (Steven T. Knick and John W. Connelly eds., 2011).

²²⁶ Gibson, R. M., V. C. Bleich, C. W. McCarthy, T. L. Russi. (2011) Recreational hunting can lower population size in greater sage-grouse. Pp. 307-315 in B.K. Sandercock, K. Martin, and G. Segelbacher (eds.). Ecology, Conservation, and Management of Grouse. Studies in Avian Biology (vol. 39), University of California Press, Berkeley, CA.

Comment Number: NWCOSG-14-0044-8

Comment Excerpt Text:

3. The GRSG Monograph

Six chapters in Greater Sage-Grouse Ecology and Conservation of a Landscape Species and its Habitats ("GRSG Monograph") are cited or mentioned at least 22 times in the DEIS. Some of the chapters in the

GRSG Monograph, such as Miller et al. 2011, are well-written scientific papers, but the majority of the chapters have serious shortcomings. For example, the Center for Environmental Science, Accuracy, and Reliability ("CESAR") analyzed four of the most frequently cited sources and found: "(1) significant mischaracterization of previous research; (2) substantial errors and omissions; (3) lack of independent authorship and peer review; (4) methodological bias; (5) a lack of reproducibility; invalid assumptions and analysis; and (6) inadequate data."¹³⁷

137 NWMA Review at 4.

Comment Number: NWCOSG-14-0044-9

Comment Excerpt Text:

a. Wisdom et al. 2011

Wisdom et al. 2011 was cited or mentioned at least three times in the DEIS for the proposition that ROW projects involving tall structures, such as power lines, communication towers, and meteorological towers, may lead to GRSG avoidance of suitable habitat. The strength of inference used in this correlative analysis is extremely weak and the study advanced several far-fetched and speculative explanations of potential effects of transmission lines and cell towers on GRSG, rather than plausible cause and effect mechanisms supported by data.¹³⁸

138 DEIS at 509.

The authors discussed 22 environmental variables to best predict extirpated versus extant GRSG populations, but failed to acknowledge that several of these variables were not independent of other variables. The authors also failed to distinguish between different electrical transmission lines. This is important because the different heights of the transmission lines will have different effects on low-flying GRSG.

The authors only briefly discussed the hypothesis that human structures serve as perches that facilitate raptor predation on GRSG. This chapter failed to analyze: (1) whether habitat near power lines

represents an increased risk of predation compared to similar habitat farther removed, and (2) whether GRSG avoidance of tall objects is an innate or learned behavior.

Comment Number: NWCOSG-14-0051-11

Comment Excerpt Text:

The County recently spent considerable resources to produce a highly accurate Suitable Habitat Map which is attached as Exhibit B to this packet of information.

Comment Number: NWCOSG-14-0051-14

Comment Excerpt Text:

The DEIS and the NTT Report do not acknowledge that Holloran (2005) reported results that the probability of sage grouse survival was higher (61.5 +6.4%) in disturbed areas compared to less impacted areas (29.6 +18.1%), or control areas (48.5 +14.4%). These results refute Holloran's (2005) own statements regarding population impacts. Furthermore, neither the DEIS or the NTT Report acknowledge that Holloran's (2005) predicted sage grouse population declines in the Pinedale area, of -8.7 to -24.4% annually, have not occurred. Instead, publicly available lek count data from the State of Wyoming show the population has been steadily increasing. (See Exhibit Q.)

- The Information Quality Act (IQA) requires that information used by agencies, including the BLM, be based upon verifiable data and reproducible results, and not based upon opinion. Moreover, the NTT Report cannot selectively use results from Lyon and Anderson (2003), or Holloran (2005) to support its recommendations, while failing to state that they were statistically insignificant and/or contrary to more recent and comprehensive data. And finally, Holloran (2005) did not use any hypothesis testing in his research. Instead, Holloran (2005) relied upon interpretation of data and results (rather than hypothesis testing), speculated on potential mechanisms that could cause a population decline, and did not provide any data that a population decline had actually

occurred in the population in the Pinedale area. (See Exhibit Q.)

Comment Number: NWCOSG-14-0051-19

Comment Excerpt Text:

Before stating that there are impacts from grazing due to “competition for forage and water and habitat use” there needs to be the science that demonstrates that any of these factors are limiting to the sage grouse.

- The DEIS needs to explain what sage-grouse eat. They eat a variety of foods including sagebrush, forbs and insects. Of these items, cattle really only have the potential to compete for forbs. Why? Because sagebrush is not nutritious for cattle or other livestock: its characteristic aroma comes from chemicals evolved to poison herbivores. Cattle will eat sagebrush if they have to, but enough of it will make them sick, kill off their gut bacteria, and generally cause them to lose vigor. Livestock don't eat insects so here is no competition there, though there is science to prove livestock increase insect production and benefit sage-grouse chicks. Unless water can be shown to be a limiting factor for sage-grouse in portions of Colorado, this impact is also misstated.

Comment Number: NWCOSG-14-0051-28

Comment Excerpt Text:

By including 0 counts (presumably years where counts were not collected), the trend is inaccurately shifted down.

Comment Number: NWCOSG-14-0051-3

Comment Excerpt Text:

the DEIS fails to identify or determine what habitat types benefit the bird versus what types does not. To correct this, the DEIS should have developed a specific GSG habitat definition so that readers can actually understand what characteristics birds seek out for utilization and so that potential developers can understand what to look for, avoid and protect.

Comment Number: NWCOSG-14-0054-1*Comment Excerpt Text:*

The CPW PPH/PGH dataset was developed from a combination of: 1) CPW occupied range dataset; 2) 4-mile buffers applied to active leks; and 3) the results of the Dr. Mindy Rice habitat model. CPW occupied range data and 4-mile buffer to active leks are recorded parameters of observed field data. The Rice model was a modeling technique that was performed at a coarse-scale (i.e. 1-km cell resolution) incorporating only variables that considered percent-proportion of specific vegetation communities. As such, many criteria cited in readily-available, peer-reviewed reports were omitted in assessing potentially suitable habitat, including: elevation, slope, topographical position, precipitation, distance to nearest water source, anthropogenic disturbances, etc. The exclusion of these additional criteria resulted in large, contiguous areas of non-habitat that are erroneously classified as GRSG PPH and PGH.

Comment Number: NWCOSG-14-0064-1*Comment Excerpt Text:*

Attached is a map of the proposed “demonstration project’ area boundary that we would like to recommend to BLM for inclusion into the Final LUPA and EIS due to efforts to conserve sage grouse that are included in the plan. This effort was guided by the Geographic Area Plan (GAP) approach outlined by House Bill 1298 (passed in 2007) and the Habitat Stewardship Act of 2007 (§ 34-60-128). The area includes a significant portion of HLR deeded properties and a sizeable area of BLM grazing leases held by HLR. The area is approximately 220,000 acres which includes 50,000 private land acres of which 28,965 acres are owned by HLR (the largest landowner in the proposed area). This area is a good scale to work at landscape level energy development and has been developed based on the geography of the area, biology/ecology of important focal species (mule deer, elk, sage grouse, and federally protected plant species), hydrology, ownership, and access. Managers and biologists from the Colorado Parks and Wildlife (CPW) and Grand Junction BLM provided input into the boundaries based on the ability to manage fish and wildlife populations and associated

habitats for important focal species. HLR owns strategic access to BLM lands within portions of the demonstration project boundary and is willing to work with BLM and mineral lease holders on access to currently inaccessible areas. The area also has a significant amount of “no surface occupancy” for most of the area which creates a major problem for development when only BLM lands are considered without adjacent private lands. The boundary is adjustable based on further review and analysis and what makes better opportunities for collaboration during the RMP process.

Comment Number: NWCOSG-14-0069-2*Comment Excerpt Text:*

4th Paragraph, Pge 246 of the DLUPA/EIS - Information on active leks in Jackson County is wrong. There are not approximately 39 active leks in the North Park Basin. There were thirty-two active leks 2012 and 28 active leks in 2010. The median and mean of active leks in the North Park basin from the period of record from 1973 to 2012 is 29 and 28 respectively.

Comment Number: NWCOSG-14-0095-2*Comment Excerpt Text:*

Also, the NTT Report has a number of technical errors such as no sources available for review and misstating conclusions in cited works. The NTT Report fails to address papers and reports on mitigation measures undertaken by the oil and gas industry as well as findings in studies regarding impacts of oil and gas development (i.e., greater geographic dispersion of sage-grouse). The NTT Report fails to meet the requirement that it seek out and consider pertinent scientific data, as is required if it is to be relied upon in this process.

Comment Number: NWCOSG-14-0095-3*Comment Excerpt Text:*

The DLUPA/EIS alternatives were developed to address threats and conservation objectives set forth in the USFWS Greater Sage-Grouse Conservation Objectives Final Report (the “COT Report”). Nucor has grave concerns regarding the scientific viability of this document and does not believe that it meets the

“best scientific data available” criterion for the same reasons set forth in the API Comments (for example, the COT Report’s reliance on flawed data, assumptions and methodology utilized in information upon which it relies and lack of unbiased peer review).

Comment Number: NWCOSG-14-0101-1

Comment Excerpt Text:

The four mile radius restriction that is listed in all three "action" alternatives doesn't take into account the topography. The four mile restriction includes steep hillsides and gulch bottoms. The Greater Sage Grouse doesn't use the steep hillsides or bottoms.

Comment Number: NWCOSG-14-0108-14

Comment Excerpt Text:

Range (32, 33) – In reference to sagebrush canopy, PLC requests that BLM further consider available science that calls into question the respective 12% and 15% canopy outlined in Alternative D. Colorado Parks and Wildlife, et.al. performed research in Moffat County that determined a broader range of canopy cover was preferred by the GSG. PLC believes that the approach outlined will lead to sage brush monocultures that do not have desired mosaics and diversity amongst plant species that the GSG relies upon.

Comment Number: NWCOSG-14-0108-15

Comment Excerpt Text:

Considerable literature citations⁹ illustrate that properly managed grazing does no negatively impact GSG or GSG habitats. The treatment plan approach is ill-founded and represents an attempt to remove grazing from federal lands in the name of “grouse conservation”.

⁹ www.grazingforgrouse.com

Comment Number: NWCOSG-14-0108-5

Comment Excerpt Text:

Overly Broad Application of Restrictions in 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 and Wildlife Division. 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. Specific to livestock grazing, we have critical concerns over application of grazing as a disturbance that will be inventoried on private and public lands.

Comment Number: NWCOSG-14-0108-6

Comment Excerpt Text:

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 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.

Comment Number: NWCOSG-14-0109-3

Comment Excerpt Text:

a. Page 516: "Recent studies have consistently demonstrated that oil and gas development and its

infrastructure influence GRSG behavior and demographics at distances of up to 4 miles (NTT 2011). This prompts declines in lek persistence and male attendance, yearling, and adult hen survival, and nest initiation rates." QEP requests to see the data used in making this determination. More recent studies have been conducted that suggest a decline in male attendance at a particular lek does not indicate overall population declines.

Comment Number: NWCOSG-14-0111-1

Comment Excerpt Text:

The 4 mile buffer zones assigned to the oil and gas industry for certain areas will further dissuade oil and gas exploration and development, and likely lead to more job losses, not to mention lost sub-surface revenue for local governments. As with the disturbance caps, this was not based on any clear data, and appears to be simply a punitive measure against the oil and gas industry.

In fact, the entire priority habitat designation process falls outside the bounds of supporting science. Other peer reviewed studies commissioned by Garfield County and others, show vastly different results, and far less land actually being supportive of the greater sage grouse

Comment Number: NWCOSG-14-0112-4

Comment Excerpt Text:

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 sage grouse habitat.

Comment Number: NWCOSG-14-0112-5

Comment Excerpt Text:

The map of "Ecological Sites Supporting Sagebrush" fails to differentiate between sagebrush habitat quality or use by sage grouse. 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 sage grouse 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 sage grouse 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 sage grouse habitat or active leks, unnecessarily preventing economic activities without commensurate benefit to sage grouse populations and habitat.

Comment Number: NWCOSG-14-0126-2

Comment Excerpt Text:

A recent report (Nonne et al. 2013) from the University of Nevada at Reno discussed impacts to GRSG from the Falcon-Gondor transmission line in Nevada.⁵ Messmer et al. (2013) summarizes the results of the study as follows:

Nonne et al. (2013) reported the results of a study that used pre- and post-construction telemetry data to assess the potential impacts of a transmission line on sage-grouse populations. They conducted a 10-year study of sage-grouse dynamics in response to a transmission line in central Nevada and reported that habitat conditions had the greatest effect on sage-grouse nest and brood success and overall survival in their study areas than did proximity to the power

line. The report found “no negative effects on demographic rates (i.e., male survival and movement, female survival, pre-fledging chick survival, and nest survival) that could be explained by an individual’s proximity to the transmission line.”

They found no evidence that predation increased close to the line, as nest survival and female survival were similar across all distances evaluated (Nonne et al. 2013). The role of micro-habitat structure and annual landscape-scale variation in weather in sage-grouse nest and brood site selection and nest and brood success in xeric habitats (Figure 5) has also been reported by Coates and Delehanty (2010), Kirol et al. (2012), LeBeau (2012), Guttery et al. (2013), and Robinson and Messmer (2013).

Comment Number: NWCOSG-14-0126-4

Comment Excerpt Text:

There are no peer-reviewed, scientific studies showing that powerlines increase avian predation on GRSG and, if so, whether such predation is significant at the population level (Messmer et al. 2013). In fact, the most recent scientific evidence based on the 10-year Falcon- Gondor transmission line study is that avian predation from transmission lines does not impact GRSG populations (Nonne et al. 2013).

Messmer et al (2013) contains a discussion of the most recent and best available scientific information concerning perch deterrents and documents the ineffectiveness in eliminating raptor or corvid perching on transmission or distribution lines. We note that this report was issued after release of the Draft LUPA/EIS but its findings must be considered and included in the Final LUPA/EIS.

Comment Number: NWCOSG-14-0126-8

Comment Excerpt Text:

Messmer et al. (2013), which reviewed these three papers, documents that there is no evidence of avoidance or increased predation associated with tall structures, including transmission lines. BLM should modify this citation to acknowledge the uncertainty and to include literature (Nonne et al. 2013, Messmer et al. 2013) which documents that there is no

evidence of avoidance or increased predation associated with tall structures.

Comment Number: NWCOSG-14-0126-9

Comment Excerpt Text:

The Falcon-Gondor study demonstrated that lek attendance trends actually increased as leks got closer to the transmission line. The Falcon-Gondor study also did not show any negative trends associated with nest survival, pre-fledging survival, or female survival, thus indicating that the transmission line did not negatively influence GRSG habitats or populations. (Nonne et al. (2013))

Comment Number: NWCOSG-14-0129-4

Comment Excerpt Text:

In areas where raven predation on sage-grouse nests is a concern, perch discouragers may aid in the accumulation of nest material (APLIC 2006), and could potentially increase raven predation pressure due to nest construction on discouragers in sensitive areas.

Comment Number: NWCOSG-14-0142-17

Comment Excerpt Text:

The purpose provided for the NEPA analysis is "to evaluate existing conditions, resources and uses". Unfortunately, the DLUPA/ DEIS fails to provide any useful information regarding "existing conditions" of actual sage grouse habitat within the analysis area. Only general statements are provided regarding this fundamental issue, which means that the proposed action cannot be evaluated against existing conditions, depriving the reader of any understanding of the likely consequences of the action. Even the “No Action” alternative, Alternative A, doesn’t provide enough site-specific information regarding the project area with which to compare the preferred alternative or assess its efficacy.

Comment Number: NWCOSG-14-0142-6

Comment Excerpt Text:

The DLUPA/DEIS’s description of sage-grouse habitat conditions on BLM-administered lands is incomplete. See DLUPA/DEIS at 244 et seq. While the EIS identifies each planning area Field Office, there are

shortcomings with the data presented. For example the Colorado River Valley FO's population data are nearly a decade old. Id. None of the FO habitat descriptions include land uses that could be affecting the leks or specifically discuss the reasons (if known) why leks are now inactive or "historic." None of the FO descriptions discuss whether there are currently management restrictions on livestock grazing in sage-grouse habitat, or what the condition of the grazing allotments is in these FOs. This section simply doesn't provide the reader enough information about the existing conditions of sage-grouse habitat with which to assess the alternatives.

Comment Number: NWCOSG-14-0144-1

Comment Excerpt Text:

The No Surface Occupancy stipulations imposed exclusively on oil and gas exploration and production operations have no foundation in science, and will put an even greater strain on a regional economy that is already struggling

Comment Number: NWCOSG-14-0144-2

Comment Excerpt Text:

Why do Sage Grouse leks require a 4 mile NSO buffer zone? There are studies and data that show that the actual sage grouse habitat is considerably less than what is delineated in your EIS

Comment Number: NWCOSG-14-0149-3

Comment Excerpt Text:

However, the verification step of identifying PPH does not appear to have been fully vetted on certain portions of Pinto Valley Ranch and the habitat immediately adjacent to the ranch. Below is again a figure centered on Pinto Valley Ranch in Middle Park, CO; the active lek shown in red in the following figure is the same lek identified by the black box in the first figure I present. The sage-grouse seasonal ranges depicted in the figure were identified and mapped by CPW.

A comparison of the areas identified as PGH in the first figure I present with this figure highlights several inconsistencies. Portions of PGH #2 and #3 are identified by CPW as severe winter range, winter

range, and a brood-rearing area. Portions of PGH #1 are identified by CPW as winter range and a brood-rearing area. All of the PGH highlighted (PGH #1-4) in the figure is identified by CPW as a production area. In support, the field surveys conducted on Pinto Valley Ranch established sage-grouse use of PGH #1 (the other PGH habitats identified in the figure were not surveyed).

As I have previously stated in documents submitted to the BLM, surveys undertaken on Pinto Valley Ranch corroborate CPW's contention that the sagebrush-dominated areas on the ranch are important for sage-grouse. Pinto Valley Ranch provides a critical mix of intact sage-grouse nesting, early and late brood-rearing, summer and winter (including severe winter) ranges. Oil and gas exploration and development on or near Pinto Valley Ranch is likely to either directly (e.g., surface disturbance) or indirectly (e.g., sage-grouse avoidance of infrastructure) adversely modify and destroy critical sage-grouse habitat resulting in reduced lek attendance and persistence, nesting and winter habitat use, chick productivity and adult survival. Therefore, based on the methodology used by the BLM as supported by information maintained by CPW and my analysis of the habitats on Pinto Valley Ranch, the areas shaded in green as PGH on the BLM's map are more accurately PPH, and should be designated as such.

Comment Number: NWCOSG-14-0151-1

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0152-1

Comment Excerpt Text:

All alternatives (A, B, C, and D) consider only PPH and PGH specifically, and ADH in only a limited sense. We ask that all sage-grouse habitats be considered as one as sage-grouse cannot exist without all habitat types (Fedy et al. 2012, Coates et al. 2013, Knick et al. 2013). This is a fatal flaw in the DLUP/EIS

Comment Number: NWCOSG-14-0319-1

Comment Excerpt Text:

The continued reliance on some management "prescriptions" that are not supported by current science such as the .25 mile

buffer for leks and the ability to waive protections and allow development in sage-grouse habitat will not be sufficient to ensure that sage-grouse are recovered and need not be listed under the Endangered Species Act.

Comment Number: NWCOSG-14-0330-2

Comment Excerpt Text:

The use of 0.6 mile buffer around leks in core habitat or PPH and 0.25 mile NSO for leks in occupied habitat or PGH is inadequate to maintain lek activity, as has been repeatedly shown by science (Holloran 20053, Walker et al. 2007)

Comment Number: NWCOSG-14-0331-1

Comment Excerpt Text:

APLIC requests that the BLM consider these studies, which use current telemetry techniques and specifically investigate sage-grouse responses to power lines, when addressing power lines in its RMP updates.

LeBeau, C.W. 2012. Evaluation of Greater Sage-Grouse Reproductive Habitat and Response to Wind Energy Development in south-Central Wyoming, MS, Department of Ecosystem Science and Management, University of Wyoming. August 2012.

Nonne, D., E. Blomberg, and J. Sedinger. 2013. Dynamics of Greater Sage-grouse (*Centrocercus urophasianus*) populations in response to

transmission lines in central Nevada. Progress Report: Year 10. February 2013. Department of Natural Resources and Environmental Sciences, University of Nevada, Reno. 75pp.

SECTION 7.7 – IMPACT ANALYSIS

Comment Number: NWCOSG-14-0026-10

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0035-4

Comment Excerpt Text:

We are concerned that the agency's examination of impacts to sage grouse is rudimentary in Priority Habitats and in many cases absent outside them in the DEIS.

Comment Number: NWCOSG-14-0044-23

Comment Excerpt Text:

The DEIS asserted that it analyzed impacts by type, context, duration, intensity, and whether the impact is direct or indirect.²¹⁵ However, the BLM failed to provide any citations or support whatsoever for its methodology.

²¹⁵ DEIS at 457.

The DEIS failed to give sufficient attention to threats such as predation, parasites, and infectious diseases.²¹⁶ The DEIS completely dismissed the threat of hunting even though 207,430 GRSG were harvested between 2001 and 2007.²¹⁷

²¹⁶ Id. at 535.

²¹⁷ DEIS at 535; Kerry P. Reese and John W. Connelly, Harvest Management for Greater Sage-Grouse: A Changing Paradigm for Game Bird Management, in Greater Sage-Grouse Ecology and Conservation of a Landscape Species and its Habitats. Studies in Avian Biology (vol. 38) Table 7.3 p. 106 (Steven T. Knick and John W. Connelly eds., 2011).

Comment Number: NWCOSG-14-0044-24

Comment Excerpt Text:

A. The DEIS Does Not Adequately Address Predation

Under Alternative D, the BLM preferred alternative, there is only one preferred design feature ("PDF") which address predation. The PDF, which is for all designated habitat, is to "remove standing and encroaching trees within at least 100 meters of occupied GRSG leks and other habitats (e.g., nesting, wintering, and brood rearing) to reduce availability of perch sites for avian predators, as appropriate, and resources permit."²¹⁸ This approach is extreme and ineffective because it does not consider other perch sites or land-based predators such as red foxes and coyotes. Moreover, it is extreme because it calls for the clear-cutting of trees, which will have an adverse impact on other species. This approach can hardly be held up as a scientific and effective approach to minimize the threat of predation.

²¹⁸ Bureau of Land Management, Appendix I - Required Design Features, Preferred Design Features, and Suggested Design Features, DEIS, p. I-13 (August 2013).

More importantly, the DEIS fails to discuss four recent papers by Coates on nest predation that describe potential benefits of anti-perch devices on power poles and fence posts; burying power lines to eliminate perches for raptors and ravens; or trash control measures to eliminate food subsidies to ravens, magpies, red foxes, and coyotes; or using predator management in an adaptive management framework.

Comment Number: NWCOSG-14-0044-25

Comment Excerpt Text:

Compliance with this PDF would be impossible in arid areas such as northwestern Colorado even if the standards were based upon sound reasoning or verifiable standards - they are not. Therefore, it is essential that BLM identify viable alternative designs, or allowance for their development, in the planning documents. With respect to ponds for watering

livestock, the PDF is vague and fails to provide any standards. Further, with respect to energy related water disposal, this PDF is overreaching and would have a negative impact on other species that would likely outweigh any positive impacts to GRSG. It also appears to violate BLM's multiple-use mandate and would threaten valid existing rights.²²¹

²¹⁹ Bureau of Land Management, Appendix I - Required Design Features, Preferred Design Features, and Suggested Design Features, DEIS, p. I-2 (August 2013).

²²⁰ Id. at I-2 - I-3.

²²¹ See 43 U.S.C. 1701(a)(7) & 1702(c).

Additionally, the DEIS fails to consider Colorado Oil and Gas Conservation Commission ("COGCC") regulations regarding energy-related water disposal and whether those regulations may already be effective in combating WNV.²²²

²²² See Colo. Dept. of Nat. Resources, COGCC Rules and Regulations, 900-Series E&P Waste Management (May 30, 2011), available at: http://cogcc.state.co.us/RR_Docs_new/rules/900Series.pdf.

Comment Number: NWCOSG-14-0044-31

Comment Excerpt Text:

D. Conservation Easements

BLM should acknowledge Colorado is a national leader in open space protection and conservation easements. Unfortunately, the DEIS gives short-shrift to conservation easements. While BLM concedes that conservation easements could limit development through private ownership thus "indirectly protecting vital resources,"³⁰⁹ it references private land in conservation easements only once: "Sage-Grouse Initiative has secured conservation easements on 208,000 acres..across the GRSG range" the majority of which are located in Wyoming.³¹⁰ The BLM failed to mention, let alone analyze, conservation easements on private lands in Eagle, Garfield, Grand, Jackson,

Larimer, Mesa, Moffat, Rio Blanco, and Routt counties.

309 DEIS at 812

310 Id. at 949.

Approximate Acres Covered by Conservation Easements in DEIS Planning Area³¹¹

County	Approximate Acres Covered by Conservation Easements
Eagle	4,958
Garfield	6,395
Grand	11,667
Jackson	17,004
Larimer	30,022
Mesa	5,480
Moffat	18,260
Rio Blanco	21,708
Routt	49,018
Summit	0
Total	164, 512

311 Personal Comm. K. Stak, Great Outdoors Colorado (Oct. 22, 2013).

Maps Depicting Conservation Easements in the Planning Area³¹²

Figure 1

Conservation Easements within Planning Area

Figure 2

Conservation Easements with Federal Land Ownership within Planning Area

(Images in PDF)

We urge BLM to consider these myriad successful local and state conservation efforts rather than proscriptive top-down management approaches based upon questionable science

Comment Number: NWCOSG-14-0046-2

Comment Excerpt Text:

- Will all sage grouse populations in the project area be protected through implementing the same set of federal land-use management protections? It is not clear whether protections that might be effective in protecting larger or healthier populations will also protect smaller, more vulnerable populations and vice versa. We note from the Affected Environment (Section 3.3.1) and Cumulative Impacts sections, that several of the populations are particularly vulnerable due to existing habitat loss and fragmentation. For example, the Parachute-Piceance-Roan Plateau GRSG population “is considered to be at high risk due primarily to energy and mineral development” (page 249). Similarly on page 947, “the Parachute-Piceance Basin population is relatively small and isolated on the very edge of GSGR range . . . this population is considered at high risk” (Manier 2013). We recommend clarifying whether different or additional protection measures can be, or should be, targeted to the specific needs of individual populations to assure their sustainability.

Comment Number: NWCOSG-14-0046-3

Comment Excerpt Text:

Should resources and land management practices be concentrated on populations with the better chances for a sustainable population or should more resources be concentrated on populations at high risk? To illustrate this concern, we note for Alternative D that additional disturbances could be allowed in areas with stable or increasing GRSG populations (page 147). We recommend including discussion on whether the stable populations become

more important and warrant more protection if other Colorado GRSB populations are extirpated?

Comment Number: NWCOSG-14-0108-9

Comment Excerpt Text:

The agencies have not adequately explained several critical details about the functionality and application of the cap concept. For example, the 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 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.

Comment Number: NWCOSG-14-0117-1

Comment Excerpt Text:

A major problem with the BLM's draft EIS is that it provides for additional drilling in occupied habitat. This is provided for by allowing for exemptions to the general restrictions to drilling. Surface disturbance, roads, noise, general activity associated with drilling, the access this activity provides to recreational use are all compounding factors driving

these birds to extinction. Most of the existing occupied habitat in Moffat County needs serious protection if sage grouse are to survive as more than museum populations.

Comment Number: NWCOSG-14-0142-31

Comment Excerpt Text:

While the appendices to the DEIS mention the risk of West Nile virus, the proposed alternative fails to address the thousands of existing permitted breeding sites and the 'preferred' action only addresses new pond construction but no other added water development features.

Comment Number: NWCOSG-14-0142-4

Comment Excerpt Text:

Fences have now been found to be a major source of sage grouse mortality yet no analysis of current effects of this mortality on populations and habitat fragmentation has been provided in the EIS.

Comment Number: NWCOSG-14-0142-8

Comment Excerpt Text:

BLM lists various "assumptions" that it used in its impacts analyses. DLUPA/DEIS at 458 the One of these is that "disturbance of any component of a species habitat would be detrimental, with the degree of detriment depending on the importance of the habitat component to the maintenance of the population." Herbaceous cover and height is the primary factor for sage grouse reproductive success yet the BLM implements no requirements to reduce the level of utilization or to increase cover within any specific timeframe, so the two most important needs for sage or a habitat recovery have been left unaddressed by the proposed amendment.

SECTION 7.8 – CUMULATIVE IMPACT ANALYSIS

Comment Number: NWCOSG-14-0026-17

Comment Excerpt Text:

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 club meeting that the cumulative impact of BLM actions on private lands would be addressed in the EIS and they are not

Comment Number: NWCOSG-14-0046-1

Comment Excerpt Text:

We recommend that the final LUPA/EIS add a section to compare the anticipated outcomes of each alternative in protecting GRSG populations long-term. Section 4.2.2 -Environmental Consequences - Greater Sage-Grouse of the Draft LUPA/EIS, compares impacts of the alternatives on sage grouse habitat; however, the document does not include an assessment of how the alternatives compare in protecting sage grouse populations and if the actions in the proposed alternatives are likely to be sufficient to sustain Colorado populations of the species. We understand that it would not be possible to have a definitive, quantitative discussion on the future of GRSG in Colorado for the many reasons discussed in the draft LUPA/EIS. However, a qualitative discussion would add an important component to the decision-making process and improve the public's ability to understand the expected outcomes of the alternatives. For example, the alternatives propose different levels of liquid minerals development ranging from banning future leasing in Preliminary Priority Habitat (PPH) (Alt. B) to allowing full development with seasonal limits and/or surface occupancy prohibitions (Alt. D). It is not clear from the analysis whether the seasonal closures of the new roads needed for the leases in Alt. D would be sufficiently protective to increase or maintain sustainable GRSG populations. The Cumulative Effect section for GRSG (Section 5.4 Special Status Species-Greater Sage-Grouse, pages 944-957) provides a good starting point in analyzing the long-term sustainability of sage grouse populations

Comment Number: NWCOSG-14-0142-27

Comment Excerpt Text:

In section 5.3 the BLM states "under all the alternatives, impacts on fish and wildlife would be minimized to the extent practicable and feasible through restrictions, stipulations, closures to mineral exploration and development, recreation, and in motorized travel, COAs, and by concentrating development in previously disturbed areas" but the BLM most notably ignores the impacts of livestock grazing and does not provide any direction that minimizes "to the extent practicable and feasible" the impacts of livestock grazing on sage grouse.

Comment Number: NWCOSG-14-0142-28

Comment Excerpt Text:

The DLUPA/DEIS does not adequately address the significant cumulative stress of climate change and incorporate recent science suggesting that a reduction in ungulate grazing would improve ecological resilience in the face of temperature and precipitation changes. See Beschta et al 2012. The DLUPA/DEIS concedes the inevitability of significant impacts from global warming and states "climate change also may intensify in compound existing non-climate change stressors such as invasive species, pests and diseases and frequency and intensity wildfires. The expected changes to ecosystems as a result of climate change include changing of the onset of spring and fall seasons, reduced snowpack, earlier snowmelt, altering streamflows, more prolonged and intense seasonal droughts, local extinctions of species, including GRSG, and more intense and frequent extreme weather events." DLUPA/DEIS at 386. Thus, while the DLUPA strives to protect sage-grouse and maintain status quo management, it has not built a logical case for reducing the most pervasive and pernicious impacts within its management control, i.e. livestock disturbance.

Comment Number: NWCOSG-14-0142-29

Comment Excerpt Text:

The summary section in 4.18 sums it up nicely by stating "climate change has the potential to have profound impacts for these critical habitats that support GRSG populations within the planning area.

As the temperatures warm and precipitation patterns change this may change vegetation communities which may cause impacts on GRSG. These climate changes, along with current non-climate related stressors may have profound impacts on GRSG in the long term." Unfortunately, the BLM fails to implement regulatory mechanisms or even management actions necessary to address these "profound impacts on GRSG." A regulatory mechanism has to be required, mandatory and enforceable to be considered a regulatory mechanism. Nothing within the proposed amendment regarding livestock grazing has any teeth such that could reasonably be considered to be a sufficient regulatory mechanism.

SECTION 7.9 – MITIGATION MEASURES

Comment Number: NWCOSG-14-0008-1

Comment Excerpt Text:

These protections should include the following:

- Priority habitats should be closed to oil and gas leasing, and withdrawn from strip mining and other forms of mineral development that are incompatible with giving the sage grouse the best chance to survive;
- Industrial disturbance in these areas should not be allowed to exceed the 3% threshold established by scientists;
- Above-ground power lines, communication towers, and other tall structures should be excluded from priority sage grouse areas to prevent the abandonment of important habitats;
- Development on previously existing oil and gas leases should be restricted to levels that will have no negative effect on sage grouse, in accordance with the recommendations of the BLM's own National Technical Team;
- Livestock grazing should be managed to leave behind sufficient grass to provide adequate cover in their nesting areas, and prevent the degradation of springs and watercourse

habitats needed by sage grouse to raise their chicks; and

- Sage grouse breeding and nesting habitats outside priority habitat areas should be managed to at least maintain current populations.

Comment Number: NWCOSG-14-0015-1

Comment Excerpt Text:

The BLM needs to explain the scientific basis and methodology for its identification of preliminary and priority habitat ("PPH"), preliminary general habitat ("PGH") and linkage/connectivity habitat (collectively "ADH"). The information presented in the Sagegrouse DLUPA is not sufficient for CoP to understand or comment how the BLM identified Sage-grouse habitat. Given the profound impact the proposed DLUPA will have upon CoP's operations in PPH in particular, it is imperative that CoP and members of the public understand how the BLM adopted and identified these areas. Understanding the BLM's methodologies is particularly important because the quality of the maps contained in the Sage-grouse DLUPA are such a low quality and scale it is virtually impossible for CoP to understand exactly which of its operations and existing leaseholds will be impacted by the Sage-grouse DLUPA.

Comment Number: NWCOSG-14-0029-10

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0029-9

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0030-3

Comment Excerpt Text:

The prohibition on surface occupancy or disturbance within four miles of a lek in Preliminary Primary habitat at various times (nesting, lekking, and early brood-rearing) is excessive and arbitrary. No scientific basis is presented for this restriction that would demonstrate future benefit to the species. And, because no monitoring or documentation of habitat quality is provided within the restricted areas there is no way to determine whether such restrictions are actually beneficial. Further, the arbitrary distance does not take into account site-specific conditions related to topography or variations in habitat quality or use which could render land within the four mile radius unused by the bird.

Comment Number: NWCOSG-14-0030-6

Comment Excerpt Text:

without a method of monitoring and documenting the impacts of disturbance within the disturbance cap there is no measure of success or failure.

Comment Number: NWCOSG-14-0030-7

Comment Excerpt Text:

It is unclear how disturbance caps would be implemented while still giving effect to valid existing rights with the management zones.

Comment Number: NWCOSG-14-0039-4

Comment Excerpt Text:

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 valuations and underestimated the negative economic impact on local communities and the State of Colorado.

3 DLUPA/EIS at M-13

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.

Comment Number: NWCOSG-14-0046-5

Comment Excerpt Text:

With the many conservation activities that are proposed or are underway on both federal and private land, we recommend that the selected alternatives include some flexibility to allow additional or different lands to be designated as "Priority Habitat." For example, if conservation measures such as habitat restoration or road closures are successful in expanding the priority habitat, it would be useful

for BLM and the Forest Service to be able to expand the GRSG protections to lands that are currently designated as general or historic habitat without having to formally modify the LUPs.

Comment Number: NWCOSG-14-0050-35

Comment Excerpt Text:

We recommend including habitat monitoring, adaptive management, fire and invasive management, and mitigation frameworks currently under development into the Final EIS (FEIS)

Comment Number: NWCOSG-14-0051-7

Comment Excerpt Text:

The DEIS, despite recent sound scientific studies, as pointed out in Exhibit Q by Dr. Ramey II attached here to, has neglected to address one of the most the significant issues: Predation.

Comment Number: NWCOSG-14-0054-3

Comment Excerpt Text:

GRAND COUNTY- ADDITIONAL DRAFT EIS COMMENTS

Section 1.1.1 Pg.4- "The current delineations of GRSG may be refined in collaboration with CPW, USFS and USFWS as additional information is gained and data are refined regarding GRSG habitats and use."

- The word "habitat" needs to be inserted following "GRSG".
- Grand County requests that its "refined" data and mapping of GRSG habitat according to the Greater Sage-Grouse Habitat Modeling and Mapping Project, Grand County, Colorado, October 2013, be utilized.

Table 1.2 Planning Area Land Ownership and GRSG Habitat (in Acres. Pg.8- PPH and PGH Habitat (in acres) is not accurately depicted in Grand County, nor is it correctly defined in Table 1.2. Grand County requests that GRSG habitat acreages, according to the Greater Sage-Grouse Habitat Modeling and Mapping Project, Grand County, Colorado. October 2013, be respectfully used in Grand County.

Table 1.2 Planning Area Land Ownership and GRSG Habitat (in Acres, Pg. 8-

- The table includes 6,700 acres of Linkage Habitat. This Linkage Habitat is not mapped or depicted within the Map Figures within Appendix B. Grand County requests documentation and the location of the 6,700 acre Linkage Habitat in Grand County.
- In addition to the 22,600 acres of PPH/PGH, Table 1.2 also includes 5,200 acres of State, County and City of PPH. Grand County requests documentation and further information regarding the 5,200 acre State, County and City PPH.

Section 1.3.1 , Pg.12- "In Grand County, there is a high risk of habitat fragmentation and loss due to urban development and related infrastructure, especially in the east end of the county." Prior development in and around Granby may be a factor of habitat fragmentation on the east end of the county. However, habitat fragmentation naturally occurs due to the east end of the county being topographically isolated from the GRSG habitat in the west end of the county. The topographical constraints fragment GRSG habitat north of US Hwy. 40, between Hot Sulphur Springs and Granby. Urban development west of Hot Sulphur Springs is virtually non-existent. This land use pattern has resulted in little or no disturbance or habitat fragmentation in the management zone from Hot Sulphur to Kremmling, which has remained unchanged for decades. Grand County Master Plan and Land Use

Regulations do not allow high density development west of Hot Sulphur Springs in this PPH area.

Grand County requests that Section 1.3.1, Pg.12 clarify that urban development is not a factor of

habitat fragmentation in central and west end of Grand County and that "topographical constraints" be included as factor of habitat fragmentation between the east and west end of Grand County.

Page 246, Kremmling Field Office: "In Grand County, there are 19 active leks, 1 inactive lek, and 41 historic leks (2010 data). Of those, 21 leks are on BLM-administered lands." This statement contradicts Page 12, Kremmling Field Office: "in Grand County, there are 19 active leks, 1 inactive lek, and 41 historic leks (2010 data). Seven of those 19 leks are on BLM-administered lands." Grand County requests that the correct number of leks in Grand County and on BLM lands be correctly and consistently stated in the Draft EIS.

Appendix B - Figures 1-1 through 3-12, Pages B1-B37. Grand County respectfully requests that all applicable Figures within Appendix B depicting PPH and PGH within Grand County be amended to accurately reflect and depict GRS habitat acreage according to the Greater Sage-Grouse Habitat Modeling and Mapping Project, Grand County, Colorado, October 2013.

Alternatives C. Grand County does not support does not support "retiring grazing allotments within all GRS habitat" or "grazing closure of All Designated Habitat (ADH) in the planning area", as included within Alternative C. Grazing closures should not become or be made part of any proposed Alternative.

Comment Number: NWCOSG-14-0056-1

Comment Excerpt Text:

Grand Valley Audubon Society's 500 members affirm our support for the following points:

1. BLM should not rely on "no surface occupancy stipulations" (NSO) as these can be waived. BLM should withdraw minerals from future leasing in the highest quality habitat.
2. For areas with the most important habitat (such as area of critical environmental concern (ACEC) proposal in Alt C) BLM should include options to amend, cancel or buy-back leases.
3. For NSO stipulations to be applied, waivers, modifications and exemptions must be limited and

applied on a scale larger than just a single zone of management.

4. For disturbance caps, BLM should include analysis of behavioral disturbances in addition to the physical removal of habitat.
5. BLM should utilize special management designations such as ACEC's as a manner to highlight the most important habitat for conservation.
6. There is substantial overlap with Lands with Wilderness Character (LWC)

units and Preliminary Priority Habitat throughout the Little Snake and White River BLM Office. Managing to protect wilderness character also protects critical grouse habitat and vice versa.

Comment Number: NWCOSG-14-0057-1

Comment Excerpt Text:

- Oil and gas leasing should be excluded from priority sage grouse habitats, These areas must also be withdrawn from strip mining and other development that does not mesh with protection of sage grouse habitat.
- Sage grouse habitat should not be industrialized and should never exceed the 3% threshold established by scientists.
- The BLM should follow its own National Technical Team, which recommended restricting development on previously existing oil and gas leases to levels that will have no negative effect on sage grouse.
- Above-ground power lines, communication towers, and other tall structures should be excluded from priority sage grouse areas to prevent the abandonment of important habitats.
- Adequate cover for nesting areas is a priority. Grazing leases should stipulate that sufficient grass remains as cover in nesting areas and these stipulations should be enforced.

- Management plans, coupled with adequate BLM enforcement, must be set to maintain current populations, at minimum. This necessitates proper management of sage grouse breeding and nesting habitats beyond just the priority habitat areas.

Comment Number: NWCOSG-14-0097-3

Comment Excerpt Text:

Our recommendations for management policies in sage-grouse habitat are as follows:

- Fully protect priority habitat from large-scale disturbances (e.g., transmission lines, oil and gas wells, graded roads etc.), as well as any type of development that affects population distribution and abundance at any level.
- Direct development to areas with low conflicts with greater sage-grouse conservation
- Direct new development to pre-disturbed areas.
- If priority habitat cannot be fully protected from energy development due to valid existing rights, minimize impacts by limiting permitted disturbances to one per section with no more than 3% surface disturbance. | |
- Ensure that small scale disturbances do not cumulatively disturb more than 3% of each priority area.
- Agencies should not issue new leases or right-of-way (ROW) permits within any priority area that is not currently subject to valid existing rights.
- Increase and enhance the amount of protected priority habitat by aggressively pursuing available tools, including fluid mineral lease retirements, voluntary grazing permit retirement (where beneficial), mineral withdrawal, coal unsuitability findings, and mineral claim buyouts.
- In priority habitat, establish goals for enhancing habitat and building sage-grouse

populations. In these identified areas, the agencies should work to reduce overall road densities, remove fences and enhance nesting cover and take other steps to improve habitat function.

- Establish priority habitat exclusion areas for new ROW permits.
- Avoid sagebrush reduction/ treatments to increase forage in priority habitat and include plans to restore high-quality habitat in areas with invasive species.
- Implement range management practices outlined by the NTT, with improvements, including avoiding new range and water developments that negatively impact sage-grouse and applying the 3% disturbance cap to certain range developments.
- Design fuel treatments to protect existing sagebrush ecosystems (including avoiding such treatments where they will harm sagebrush ecosystems) and prioritize fire suppression to conserve habitat.
- Ensure disturbance or uses permitted adjacent to priority habitat do not negatively impact sage-grouse populations in priority habitat,¹² thus negating the value of designated priority habitats.
- Require off-site mitigation for impacts which cannot be mitigated on-site, or where landscape approaches to mitigation offer opportunities to address conservation needs on a larger scale while generating net conservation benefits for sage-grouse.
- Off-site mitigation should be required to take place in the same eco-region as the project site.
- Land uses, habitat treatments, and anthropogenic disturbances will need to be managed below thresholds necessary to conserve not only local sage-grouse populations, but sagebrush communities and landscapes as well.

Comment Number: NWCOSG-14-0097-4

Comment Excerpt Text:

We recommend the following criteria be used to identify and designate priority habitats for the purpose of conserving Greater sage-grouse:

- Areas of high biological value with respect to meeting all seasonal habitat needs should be identified and considered for priority habitat designation. To inform this effort, the agencies should refer to on-going state efforts to identify important sage-grouse habitat (such as Wyoming's Core Areas approach), as well as data provided in the BLM report Mapping breeding densities of greater sage-grouse: A tool for range-wide conservation planning.¹³
- Prioritize habitat conservation in relatively large contiguous areas that are: 1) within areas of high biological value, 2) currently undeveloped, and 3) unencumbered by valid existing rights, and/or have low potential for development (e.g., low wind or oil and gas potential).¹⁴ These areas where high biological value intersects with low energy development potential are low conflict areas sage-grouse habitat conservation.
- Consider priority habitat designation in high biological value areas that, although encumbered by valid existing rights, are not yet developed. This may be particularly feasible where actual development potential is low despite the existence of valid existing rights (e.g., due to speculative leasing in areas of low energy potential). It may also be feasible in areas where other constraints (e.g., lack of infrastructure, other resource conflicts) will make development relatively difficult and costly. Management in such areas could include aggressive pursuit of available tools to increase the amount of protected habitat, including fluid mineral lease retirements, voluntary grazing permit retirement (where beneficial), mineral withdrawal, coal unsuitability findings, and

mineral claim buyouts. Including these areas as priority habitats is vital because 44% of areas with high biological value are at risk for energy development, and one-third of the core areas have been leased for oil and gas development.¹⁵

- Consider prioritizing areas that meet the previous criteria and are near high biological value areas that are likely to be developed to promote resilience of populations disturbed by development.
- Consider including relatively large contiguous areas of lower biological value areas that currently are undeveloped, are unencumbered by valid existing rights, or have low potential for development. This may be important when such areas increase the size and continuity of the areas described above, or where there are limited areas that meet the previous criteria.¹⁶
- Once the above areas have been mapped, work to maximize the spatial continuity and size of designated priority habitats.

Comment Number: NWCOSG-14-0097-6

Comment Excerpt Text:

In addition to developing management prescriptions for sage-grouse, plans should establish triggers and thresholds for adaptive management throughout the range. Consequences that will result if triggers or thresholds are reached must be clearly outlined. In addition to a three percent cap on surface disturbance, triggers should include sage-grouse population target ranges, target levels of survival and recruitment in particular areas, and measures of well densities and other development in core areas. Consequences that would result if triggers are reached should include increases in protective measures. Monitoring should be required and adequately funded.

Comment Number: NWCOSG-14-0108-11

Comment Excerpt Text:

Mitigation Strategy and Context for Use

Throughout the EIS, the agencies reference the notion of utilizing mitigation strategies but have not adequately defined the basis or context of mitigation. While BLM has adopted an interim offsite mitigation policy, the EIS lacks the specificity necessary to implement approaches that would meet the parameters of this policy, much less give adequate direction to BLM Field Offices that onsite and offsite mitigation is a viable option.

Colorado, through a diverse stakeholder process, is in the final stages of developing 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 EIS with special attention paid toward evaluating the Colorado Habitat Exchange as a mechanism to meet BLM mitigation needs.

A robust mitigation program should:

- result in measurable, net benefit to the GSG;
- 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;
- utilize a transparent and clearly articulated process for accounting, administering, and tracking mitigation projects and outcomes;
- enable temporary and permanent conservation contracts;
- include verification of impacts, offsets, and performance; and
- apply a monitoring and assessment framework that assures adaptive management of the mitigation program.

PLC strongly suggests BLM include the above criterion in a mitigation framework designed to offset unavoidable impacts to GSG 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.

Comment Number: NWCOSG-14-0329-5

Comment Excerpt Text:

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.

SECTION 32.2 – DISTURBANCE CAP

Comment Number: NWCOSG-14-0029-1

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0029-2

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0031-11

Comment Excerpt Text:

Furthermore, the NTT Report is the basis for the disturbance cap methodology. For the same reasons as the buffer zone, we find the use of the NTT Report to substantiate the disturbance cap threshold fatally flawed, and requiring reconsideration.

Comment Number: NWCOSG-14-0032-2

Comment Excerpt Text:

Alternative D allows a 5% surface disturbance over all priority habitat (PPH) in comparison to 3% disturbance of priority habitat for Alternative B and a 3% surface disturbance in all designated habitat (ADH).

The Organizations are not able to find any analysis for the basis of these assertions and would note that there are significant differences in the acreage of areas that are classified as priority habitat (1,576,000 acres) in comparison to all designated habitat (2,893,600 acres).

Comment Number: NWCOSG-14-0035-23

Comment Excerpt Text:

The 5% disturbance cap is already too high, and not consistent with either the published science (Knick et al. 2013) or the opinions of the agency's own experts in the NTT Report. There is no scientifically acceptable basis for approving exception in the absence of compensatory mitigation. And in the absence of hard evidence that compensatory mitigation actually increases sage grouse populations to compensate for habitat and population losses elsewhere, there is no scientific basis for approving exceptions when they are paired with compensatory mitigation, either.

Comment Number: NWCOSG-14-0035-6

Comment Excerpt Text:

A determination must therefore be made based on the science whether the agency should calculate surface disturbance based on preferred potential habitats only, as under Alternative D, or across all habitats, as under Alternative B or C.

Comment Number: NWCOSG-14-0035-7

Comment Excerpt Text:

please list the scientific studies that calculate disturbance percentage as it relates to sage grouse habitat use and/or impacts, both on a per-square-mile-section basis and as calculated on a larger area such as a Colorado management Zone.

Comment Number: NWCOSG-14-0035-8

Comment Excerpt Text:

What, exactly, is the scientific basis for authorizing exceedence of the 5% disturbance cap if the exceedence would "be required offset the resulting loss of GRSG habitat?"

Comment Number: NWCOSG-14-0044-20

Comment Excerpt Text:

D. The DEIS Fails to Properly Consider Alternatives to the Disturbance Caps

Alternatives B and C propose a three percent disturbance cap.¹⁹³ While the preferred alternative is slightly more flexible (five percent), this token difference hardly qualifies as a meaningful alternative.¹⁹⁴ It is impossible for BLM to take the "hard look" required by NEPA when all action alternatives share the same goals.¹⁹⁵ Again, BLM has failed to adequately analyze different alternatives or their effect on the human environment and therefore fails to qualify as the "hard look" required by NEPA. Furthermore, it would be impossible for the disturbance cap to be implemented without affecting valid existing rights.

¹⁹³ DEIS at 461.

¹⁹⁴ Id.

¹⁹⁵ Ch. 2. DEIS at 40.

Comment Number: NWCOSG-14-0050-11

Comment Excerpt Text:

If BLM/FS choose to incorporate a 5% anthropogenic disturbance cap in PPH in the FEIS we request justification for the 5% cap. The justification must include biological rationale such as the species' resiliency to impacts by comparing existing level of disturbance to long-term population trends. Consideration of conservation measures could also be included in the justification. Also please provide an explanation of how the cap (either 3% or 5%) will be applied given the number of potential exemptions (primarily for fluid mineral development), and provide an explanation of how monitoring will be adequate to measure the disturbance

Comment Number: NWCOSG-14-0050-12*Comment Excerpt Text:*

Many lek sites and surrounding habitats occur outside of the GIS SWReGap vegetation classes that identify ecological sites supporting sagebrush (Figure 2-1). By our calculations, approximately 10% of the leks (and vegetation within 200 m) in Colorado occur in three other vegetation classes: Inter-mountain Basins Semi-Desert Grassland, Rocky Mountain Lower Montane-foothill Shrubland, and Southern Rocky Mountain Montane-Subalpine Grassland. These vegetation classes should be included when considering actions and conservation measures in ADH but that are not part of the disturbance cap (defined disturbances anywhere within PPH) because these mapped areas are important to GRSG in Colorado. For the purposes of NEPA analysis, and because maps used for planning purposes are often extended beyond their original intent, the three additional vegetation layers should be included in Fig. 2-1

Comment Number: NWCOSG-14-0050-15*Comment Excerpt Text:*

The 3 or 5% disturbance cap under the preferred alternative would limit the loss of sagebrush habitat, but would not constrain the construction of roads and pads in other habitats. In GRSG populations with mixed habitats, such as the Parachute-Piceance-Roan (PPR) population, these activities could result in numerous pads being strategically located within non-sagebrush habitats but in close proximity to GRSG leks. We have tested the possibility in a GIS exercise in the PPR population in MZ 17 on BLM land and in most cases new pads could be constructed near leks (within 200m to 1000m) in nonsagebrush habitats (including, but not limited to aspen stands, gambel oak, grassland, etc.) without being constrained by the disturbance cap. This scenario provides little protection to GRSG as the close proximity of producing pads to leks and nearby sagebrush habitat will disturb lekking, nesting, and brood-rearing sage-grouse, even if direct sagebrush impacts are avoided.

To prevent or minimize this risk, this COA should be revised (or a new COA applied), to keep new pad locations on existing leases outside the 0.6 mile from

leks regardless of habitat type (not just a timing restriction on pad construction/drilling, but a year-round restriction on new pad siting/construction). Where the authority exists, the BLM should also apply such a COA to existing leases; it would still be far less restrictive than COA-47-51b/c, (which would preclude new pads anywhere within PPH on existing leases, or at least would maximize the distance between new pads and leks within a lease). We recommend that this COA apply to all leks as well, including those in PGH.

Comment Number: NWCOSG-14-0050-2*Comment Excerpt Text:*

Findings from recent literature, as described in our attached conunents, suggest that a 5% anthropogenic cap would lead to GRSG population declines. The 3% cap should include, but is not limited to, anthropogenic ground disturbance, fire, and cropland not providing GRSG habitat. If BLM/FS choose to incorporate a 5% anthropogenic disturbance cap in PPH in the FEIS we request justification for the 5% cap. The justification must include biological rationale such as the species' resiliency to impacts by comparing existing level of disturbance to long-term population trends. Consideration of conservation measmes could also be included in the justification.

Comment Number: NWCOSG-14-0050-3*Comment Excerpt Text:*

We believe that a conservation measure under Altemative D to retain at least 70% of ecological sites in sagebrush in each Colorado management zone, and adding a 30% disturbance cap to include all causes (anthropogenic, wildfire, plowed field agriculture, vegetation treatments, mappable stands of cheatgrass and pinyon-juniper, but not in igated meadows) is a misuse of the NTT standard. The 30% was not meant as a disturbance criterion, rather as an indication that on a landscape scale GRSG are found in areas containing a large percentage of sagebrush, but that within those areas there are smaller portions of the landscape that are not composed of sagebrush habitat.

Comment Number: NWCOSG-14-0050-9

Comment Excerpt Text:

BLM/USFS should establish a minimum threshold of reclamation success based on GRSG habitat structure in the FEIS in order to clarify when the reclaimed disturbance could be taken out of the total disturbance for monitoring of the disturbance cap

Comment Number: NWCOSG-14-0051-16

Comment Excerpt Text:

The DEIS is unclear or completely omits the studies that specifically support the BLM's use of "thresholds" such as 15% sagebrush canopy cover and 30% disturbance cap. Without specific citations from scientific studies, these provisions appear to be completely arbitrary. The DEIS needs to provide information about how and where these thresholds were determined, how they relate to Colorado, and re-evaluate the impacts they will have on other resources in the planning area as well as the socioeconomic impact they will have on the planning area, or else the Final EIS documents will not likely withstand legal or scientific scrutiny.

Comment Number: NWCOSG-14-0051-27

Comment Excerpt Text:

the need for a 3% disturbance cap (or 1% or 5% caps, and one-well per section) in the NTT Report and DEIS, represents nothing more than the opinions of Holloran (2005) and Walker et al. (2007) that were stated in the conclusions of their papers, and by the NTT members, at least one of whom was an author of the NTT report. The BLM cannot rely on such untested opinion as a basis for its alternatives in DEIS.

Comment Number: NWCOSG-14-0084-2

Comment Excerpt Text:

The disturbance cap methodology proposed is not clearly defined and lacks scientific justification.

Comment Number: NWCOSG-14-0087-3

Comment Excerpt Text:

Although the DRMP states that use of disturbance caps will not consider actions on private lands, only existing conditions on private lands, this approach needs to be justified or amended in light of the

approach taken elsewhere in the DRMPA where potential impacts off of BLM are not part of the analysis.

Comment Number: NWCOSG-14-0089-2

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0089-4

Comment Excerpt Text:

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.

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 to use these percentages as a basis for the Sage Grouse EIS.

Comment Number: NWCOSG-14-0089-5

Comment Excerpt Text:

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 than stating that "valid existing rights would affect what the BLM can authorize for other potential users" (F-4) no explanation exists.

Comment Number: NWCOSG-14-0089-6

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0093-1

Comment Excerpt Text:

We know of no science-based rationale for a 30% total disturbance cap. We recommend that BLM/USFS either provide the rationale for the 30% cap based on peer-reviewed science, or reduce it to a lower amount substantiated by the following citations.

Comment Number: NWCOSG-14-0112-7

Comment Excerpt Text:

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 sage grouse 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.

Comment Number: NWCOSG-14-0126-3

Comment Excerpt Text:

The Draft LUPA/EIS proposes 3% and 5% disturbance caps for various alternatives, but fails to discuss the scientific basis for the caps. The Draft LUPA/EIS also fails to provide any details as to how such caps are to be calculated.

Comment Number: NWCOSG-14-0129-2

Comment Excerpt Text:

The use of a surface disturbance cap to limit sage brush habitat fragmentation and degradation may be a useful methodology to conserve GrSG populations but, as presented, the proposed approaches in all three action alternatives are poorly defined and lack a reasonable scientific justification.

Comment Number: NWCOSG-14-0129-3

Comment Excerpt Text:

BLM, and the NTT report, provide no justification for the selection of the 3% upper limit on surface disturbance used in Alternatives Band C, and similarly provide very little justification for the 5% upper limit on surface disturbance in ecological sites that support sagebrush. Limiting surface disturbances in sagebrush habitat may be a pragmatic approach to conserving sage grouse, but BLM has not provided a sufficient basis for doing so.

Comment Number: NWCOSG-14-0141-4

Comment Excerpt Text:

The disturbance caps, including the marginally more lenient 5% cap in Alternative D, are overly broad, and cover an unreasonably large amount of land. Not all of the land that you have designated as Preliminary Priority Habitat is actually supportive of sage grouse habitat in reality, and therefore should not be subject to these disturbance caps. Moreover, the cumulative effect of the disturbance caps, culminating in a 30% cap for the entire planning region, will, as you admit in the EIS, limit economic activity to such an extent that there will be a rush to get projects approved before the cap is reached. What will happen to those projects that cannot go ahead because of this arbitrary and capricious cap? Jobs will be lost for the sake of a mitigation measure that has no basis in fact.

Comment Number: NWCOSG-14-0143-2

Comment Excerpt Text:

Not only are the 3 and 5% caps (as described in alternatives B/C, and D respectively,) overly rigorous, and applied to an unreasonable amount of land, but the overall 30% cap will severely impede economic development in the region, development that would not adversely affect sage grouse habitat.

Comment Number: NWCOSG-14-0149-1

Comment Excerpt Text:

3. The expert opinion of the NIT report concluded that a 3% surface disturbance threshold was necessary to maintain sage-grouse populations. Additionally, the Kremmling Field Office Draft Resource Management Plan (KFO DRMP) established

that a "3 percent surface disturbance threshold will be maintained within sage-grouse core areas"(page 4-283). Given the MOU as presented in Appendix A of the EIS as well as the KFO DRMP, the onus is on the authors of the EIS to justify and support any deviation from recommendations made by the NIT. The authors of the EIS present no scientific justification for deviating from the 3% threshold, and no scientific literature exists that I am aware of justifying this deviation. Therefore the surface disturbance threshold should be maintained at 3% within the preferred alternative.

Comment Number: NWCOSG-14-0329-10

Comment Excerpt Text:

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.

SECTION 9 – NOISE

Comment Number: NWCOSG-14-0042-10

Comment Excerpt Text:

3. Patricelli, G. L., J. L. Blickley, S. L. Hooper. 2012. The impacts of noise on greater sage-grouse: a discussion of current management strategies in Wyoming with recommendations for further research 6 and interim protections. Unpublished report. Prepared for the Bureau of Land Management, Lander Field Office and Wyoming State Office, Cheyenne and Wyoming Game and Fish Department; available at <http://www.wy.blm.gov/jio-papo/papo/wildlife/reports/sagegrouse/2012sgNoiseMon.pdf>.

- Maximum noise levels from land use and development allowed under the Wyoming state sagegrouse core area policy near sage-grouse leks and other habitat are untested, may be difficult to measure, and may be too high to support sage-grouse conservation within and outside core areas.

Comment Number: NWCOSG-14-0042-6

Comment Excerpt Text:

7. Blickley, J. L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, C. C. Taff, J. C. Wingfield, G. L. Patricelli. 2012. Experimental chronic noise is related to elevated fecal corticosteroid metabolites in lekking male greater sage-grouse (*Centrocercus urophasianus*). PLoS ONE 7(11): e50462. doi:10.1371/journal.pone.0050462.

- Anthropogenic noise from energy development and roads can cause greater sage-grouse to avoid otherwise suitable habitat and increase stress responses in birds that do remain, which could affect disease resistance, survival and reproductive success. The effects of noise from many common activities in the sagebrush biome significantly expands the human footprint on the landscape and impacts on sage-grouse.

SECTION 10 – CLIMATE CHANGE

Comment Number: NWCOSG-14-0042-5

Comment Excerpt Text:

Climate change may increase the rate and intensity of impacts on ecosystems so that some species and habitats may not be capable of adapting at the same pace (386). Climate change may be contributing to the spread of cheatgrass in the planning area (291). Climate largely influences soil development processes; soil characteristics, in combination with climate, determine whether sagebrush can exist in a given location (364). Climate change may compound the effects of other factors on wildlife, including invasive species, pests, and diseases, and frequency and intensity of wildfires (386).

The cumulative impacts of these and other stressors could cause local species extirpation, including sage-grouse populations (386; 804). Increased temperatures predicted by the Colorado Plateau Rapid Ecological Assessment Report (Bryce et al. 2012) (the NW CO DLUP/EIS stated the REA’s findings are applicable to the entire planning area, 386) could reduce sagebrush cover across northwest

Colorado, affecting sage-grouse 5 (386; 805). Many of these effects will occur within the next 50 years (see 386), a timeline often used as the “foreseeable future” for listing decisions under the Endangered Species Act.

The NW CO DLUP/EIS identified climate change as a planning issue raised in scoping comments (xxviii, Table ES.2), but dropped climate change from further consideration in the land use plan amendments (23-24), contending that “there is no resource program in an RMP for addressing this threat to [sage-grouse] and its habitat” (38, Table 2-1; 190, Table 2.6). It is both inappropriate for the plan to disregard climate change—a major threat to sage-grouse—and contrary to Secretarial direction to agencies to consider climate change in management planning (Secretarial Order 3289, 02-22-2010).

The BLM does not need a specific resource program to address climate change. Basic conservation measures implemented across multiple, existing programs that increase habitat resiliency, protect soil resources, and prevent the spread of invasive plants would all ameliorate the effects of climate change on sage-grouse. For example, the NW CO DLUP/EIS reviews the effects of climate change on riparian areas that are important brood-rearing habitat for sage-grouse (805); the BLM could easily devise management prescriptions to address impacts based on that analysis within the existing management framework.

Finally, the BLM has initiated a major effort to assess the status of and threats to ecosystems it manages, including the potential effects of climate change (see Bryce et al. 2012; 386). Failing to incorporate these data into sage-grouse conservation plans is a waste of this important initiative. The NW CO DLUP/EIS should account for the predicted effects of climate change on sage-grouse in management alternatives, and then evaluate the potential effectiveness of each alternative to ameliorate this threat to sage-grouse.

Comment Number: NWCOSG-14-0142-23

Comment Excerpt Text:

The DLUPA/DEIS includes plans to “Develop [at an unspecified future date] drought contingency plans at the appropriate landscape unit... [that] addresses ongoing drought and drought recovery.” DLUPA/DEIS at 152. The DLUPA/DEIS does not explain how this would differ from BLM’s current drought management plan, and for unexplained reasons jettisons the requirement to evaluate the effects of drought within sage-grouse management areas, as included under Alt. C. The BLM already has a drought policy, but the current modus operandi is to simply ask permittees what numbers they would like to reduce to and when. This is insufficient for ensuring adequate regulatory mechanisms to conserve sage-grouse during drought conditions and to offset the additional stress of livestock grazing during extreme climatic changes.

SECTION 10.2 – BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NWCOSG-14-0330-3

Comment Excerpt Text:

The BLM’s Rapid Ecological Assessment (REA) program is as a tool to monitor and respond to the effects of climate change. While not covering the entire planning area for the Northwest Colorado Greater Sage-grouse EIS, the Colorado Plateau REA (Bryce et. al. 2012)¹⁶ covers the southern and western portions of the planning area. According to the Draft EIS, “... one can reasonably assume that the future climate scenarios for temperature and precipitation will be similar for the rest of the planning area.”

SECTION 12 – FIRE AND FUELS

Comment Number: NWCOSG-14-0050-13

Comment Excerpt Text:

The BLM should minimally follow BLM Instruction Memorandum (IM) No. 2013-128, or as appropriate more recent IM’s, for fuels management and fire operations direction

SECTION 12.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0030-5

Comment Excerpt Text:

Large wildfires which are typically caused by lightning strikes are common to sagebrush dominated rangeland in Northwest Colorado. They may be impossible to prevent and difficult to control - possibly increasingly so due to access restrictions; thus, loss of habitat due to wildfire should not be counted against any cap.

Comment Number: NWCOSG-14-0050-36

Comment Excerpt Text:

P. 177, Table 2.4, Fuels Management, NTT Item 75, Alternative D: The conservation measure to not reduce canopy cover to less than 15% should be applied to All Designated Habitat (ADH).

3. P. 178, Table 2.4, Fuels Management, NTT Item 76, Alternative D: The conservation measure to apply appropriate seasonal restrictions for vegetation management should be applied to ADH.

4. P. 179, Table 2.4, Fuels Management, NTT Item 78, Alternative D: The text under this item mentions conditions to consider when using prescribed fire. We recommend BLM include a risk analysis, including parameters such as tolerable level of cheatgrass allowed for a prescribed burn/natural ignition fire, in the Final EIS.

5. P. 183, Table 2.4, Emergency Stabilization and Restoration, NTT #89: Alternative B language should be selected as a conservation measure to consider climate change when proposing restoration seedings and to consider seed from warmer regions of the subject plant's range.

6. P. 185, Table 2.4, Habitat Restoration, NTT #94: Alternative B language should be selected as a conservation measure to consider climate change when proposing restoration seedings and to consider seed from warmer regions of the subject plant's range

SECTION 12.3 – IMPACT ANALYSIS

Comment Number: NWCOSG-14-0026-14

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0097-5

Comment Excerpt Text:

We suggest that the final RMPA include a strategy for identifying sagebrush landscapes that are at risk from fire and preparation of a response plan to avoid the conversion of compromised landscapes to ones that are dominated by invasive species following fires.

SECTION 13.5 – PREDATION

Comment Number: NWCOSG-14-0051-29

Comment Excerpt Text:

There is abundant research on raven predation on sage grouse and other species, yet the DEIS all but ignores the importance of this threat (Boarman 1993; Boarman 2003; Boarman et al. 1995; Boarman and Heinrich 1999; Boarman et al. 2006; Bedrosian and Craighead 2010; Bui 2009; Cagney et al. 2010; Coates 2007; Coates and Delehanty 2004; Coates et al. 2008; Coates and Delehanty 2010; Conover et al. 2010; Cote and Sutherland 1997; DeLong 1995; Gregg et al. 1994; Heinrich et al. 1994; Moynahan et al. 2007; Preston 2005; Ramey, Brown, and Blackgoat 2011; Schroeder and Baydack 2001; Snyder et al. 1986, Sovada et al. 1995; Watters et al. 2002; and Webb et al. 2009).

SECTION 14 – LANDS AND REALTY

SECTION 14.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0050-40

Comment Excerpt Text:

2. P. 149, Table 2.4, Land Tenure Adjustment, NTT #16: Modify language in Alternative D by inserting language from Alternative C so that the conservation measure states: "(ADH) The BLM/USFS will identify and strive to acquire non-federal lands important for

GRSG.” Also include the rest of the language under Alternative D that starts with “For example:...”

Comment Number: NWCOSG-14-0050-41

Comment Excerpt Text:

2. P. 146, Table 2.4, Lands and Realty, NTT #10: The first sentence in the last paragraph needs rewording to clarify that “projects” not “areas” need to be analyzed as to whether they can fit under exception criteria. Furthermore, in regards to determining if an exception can apply to both ROW and energy projects, if the anthropogenic disturbance cap is reached, criteria should be developed for determining what constitutes a healthy and stable or increasing GRSG population. The criteria and/or process should be described in the FEIS. Furthermore, inclusion of a detailed description of the criteria and/or process for determining what constitutes an adverse effect to GRSG populations through habitat loss and disruptive activities is recommended

SECTION 14.2 – BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NWCOSG-14-0018-3

Comment Excerpt Text:

The No Occupancy Zones placed around lekking sites, extending out in many cases to 4 miles, were not established with any regard paid to scientific data, but rather seem to have been selected arbitrarily.

Comment Number: NWCOSG-14-0126-6

Comment Excerpt Text:

Table 3.14 states that there are 52,100 miles of transmission lines greater than 115 kilovolts (kV) within GRSG Habitat within the Planning Area (17,900 miles on BLM). This number seems extraordinary considering the size of the Planning Area and equates to a density of 2.2 miles of transmission line per square mile in the Planning Area. BLM cites as a source of this information Manier et al. (2013); however, it is not possible for the reader to get from Manier et al. (2013) to the numbers in Table 3.14. According to a 2002 U.S. Department of Energy Study there is 160,000 miles of overhead transmission lines of 230 kV and above in

the United States. Major transmission lines in the Planning Areas are primarily owned by three entities – Tri-State Generation and Transmission Association, Inc., Western Area Power Administration, and Xcel Energy. Tri-State Generation and Transmission Association, which covers a four state area, owns and operates more than 5,200 miles of transmission lines throughout its system. Western Area Power Administration, which covers 15 states in the western U.S., owns and operates 17,000 miles of transmission lines. Xcel Energy is the only other major utility operating in the Planning Area. Xcel’s service territory within the Planning Area is limited to areas primarily along the Interstate 70 corridor and a transmission network that primarily serves its generation facilities. In view of the above facts, BLM’s calculation that there are 52,100 miles of transmission lines above 115 kV within the Planning Area seems extremely questionable.

SECTION 15 – LEASABLE MINERALS

SECTION 15.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0015-3

Comment Excerpt Text:

Under the BLM’s existing regulations, the agency is only to increase bond amounts when an operator has a history of previous violations, a notice from the Office of Natural Resources Revenue that there are uncollected royalties due, or where there is a significant reason to believe the operator will default. 43 C.F.R. § 3104.5(b). Additionally, the proposed management objective is not consistent with the BLM’s recently released Instruction Memorandum regarding bonds. Instruction Memorandum 2013-151 (Jul. 3, 2013). The new Instruction Memorandum not only states that it is inappropriate to automatically raise bonds without conducting specific reviews, it also acknowledges that if an operator conducts all operations in a prudent and timely manner and has a history of compliance, there is no reason to increase their bonds. Instruction Memorandum 2013-151, pg. 2.

Comment Number: NWCOSG-14-0035-15

Comment Excerpt Text:

BLM's Preferred Alternative does not include any well density limits, which means that it has failed to emplace adequate regulatory mechanisms to protect sage grouse in this regard. Large leks are an important index of population trends, and Taylor et al. (2012: 28) found a particular reduction in large leks with increasing well densities, even below one well per square mile

Comment Number: NWCOSG-14-0044-32

Comment Excerpt Text:

While the agencies claim that the DEIS and LUP amendments will recognize valid existing rights, 314 the management restrictions for GRSG could wholly or partially deny operators their rights. "With respect to oil and gas leases, 'valid existing rights' vary from case to case, but generally involve rights to explore, develop, and produce within the constraints of the lease terms, laws and regulations." 315

312 Available at:
<http://www.conservationeasement.us/browse/map>

313 DEIS at 297.

314 DEIS at xxix.

315 Available at:
<http://www.blm.gov/co/st/en/nm/canm/01.html>.

In this case, the disturbance cap concept proposed by BLM could result in the denial of projects simply because other disturbances have decreased available cap space, ultimately denying valid existing lease rights. According to Appendix F in the DEIS which outlines the disturbance cap methodology, "the BLM has no authority to deny valid existing rights; consequently, decisions made by entities with valid existing rights would affect what the BLM can authorize for other potential users of land it administers in the management zone." 316 In other words, by using the cap concept, BLM may uphold the valid existing rights of one leaseholder at the expense of another. BLM cannot unilaterally modify

existing oil and gas leases or deny development on a lease after it has been issued.

316 DEIS at F-4

Comment Number: NWCOSG-14-0050-19

Comment Excerpt Text:

P. I-6 #39: Clarify what's included in "GRSG-safe fences" such as "lay-down" fencing (which would be best), or simply fence marking, which would likely only be done in 'high-risk' areas, or other measures.

10. P. I-7 #50: Add a measure to provide enforcement here and in all similar measures

Comment Number: NWCOSG-14-0050-28

Comment Excerpt Text:

P. 167, Table 2.4, Fluid Minerals, NTT #59: We recommend language in Alternative B be used for identification of areas for acquisition of mineral rights or use of conservation easements that would benefit GRSG.

4. P. I-6. Table I.1, #38. Regarding anti-perching devices, we recommend that only those anti-perching devices be used that would not facilitate raptor or corvid nest construction. Additionally, for large transmission towers, if anti-perching devices alone would be inadequate to prevent raptor or corvid nesting, we recommend requiring that H-frame or other non-lattice towers be required in addition to anti-perching devices.

5. P.I-4. Add a Required/Preferred Design Feature to Appendix I to minimize effects from geophysical exploration projects in GRSG habitats, including, but not limited to minimizing vegetation loss from shot-hole drilling, crushing by off-road vehicle travel and vibroseis trucks, clearing for staging areas, etc

Comment Number: NWCOSG-14-0050-29

Comment Excerpt Text:

P. 163, Table 2.4, Fluid Minerals, NTT #49: On existing leases, alternative B would impose a limit of one permitted disturbance per section (640 acres) in PPH. We assume this means no more than one pad or one compressor station or one centralized water

facility etc., per section. We recommend that this Condition of Approval be included in the proposed plan, although calculated as an average of 1 disturbance per 640 acres over all PPH within a given Colorado Management Zone. This would allow for the clustering of such disturbances, thereby minimizing fragmentation of habitats, and allows for greater flexibility in development design and planning at the master development plan scale while limiting development to a level compatible with existing GRSG populations.

If certain Colorado Management Zones are already above this disturbance density (e.g., MZ 16, 17), and not all leases are held by production yet, we recommend granting lease extensions until older disturbances that are no longer in use are reclaimed allowing for few disturbances to be permitted once again

Comment Number: NWCOSG-14-0050-46

Comment Excerpt Text:

5. P. 177, Table 2.4, Mineral Split Estate, NTT #73: Apply conservation measures to lessees of mineral estate to ADH.

Comment Number: NWCOSG-14-0050-47

Comment Excerpt Text:

3. P. 170, Table 2.4, Solid Minerals – Coal, NTT #64: Alternative D says measure applies to ADH but the associated text says only priority habitat. Please correct this to read ADH

Comment Number: NWCOSG-14-0050-8

Comment Excerpt Text:

An average density of no more than 1 disturbance per 640 acres for fluid mineral development (e.g. one pad or one compressor station or one centralized water facility, etc.) should be incorporated into the FEIS as a standard Condition of Approval for fluid mineral development plans.

Comment Number: NWCOSG-14-0141-3

Comment Excerpt Text:

The oil and gas industry is being specifically and unfairly targeted. Looking over the

descriptions of the Action Alternatives in Chapter 2, we cannot find any other industry that is

subject to the NSO (No-Surface-Occupancy) stipulations that are prescribed for fluid minerals.

This will compound the job losses caused by the over-reaching disturbance caps.

Comment Number: NWCOSG-14-0153-5

Comment Excerpt Text:

The Draft EIS is also legally inadequate in that it treats all potential oil and gas lands as equivalent over 8.6 million acres of land in 10 counties, 5 BLM resource areas and one national forest and fails to distinguish between high production areas and low production areas like Grand County, CO.

To be more specific, Alternatives B and C apply "no leasing" designations to certain sage grouse habitat lands, whereas Alternative D would lease almost all sage grouse habitat lands and rely on stipulations for the protection of the grouse.

This kind of "all or nothing" approach, without regard to the likely oil and gas productivity of the lands involved, is not sanctioned by NEPA or BLM's regulations requiring a look at a "full spectrum" of alternatives.

The omission is significant. For example, in low oil and gas productivity areas, like Grand County for instance, the tradeoffs with oil and gas are less significant and may appropriately be dealt with by a "no leasing" designation at less cost to potential mineral development.

The DEIS recognizes that there are three major oil and gas basins in the region, none of them in Grand County. DEIS at 296.

If the only alternative considered for Grand County is to lump the county in with high productivity areas like Garfield County, for instance, BLM is not considering a "full spectrum" of alternatives, and is ignoring reasonable steps to mitigate the impacts of

potential oil and gas development in a cost-efficient and sensible way.

This omission should be addressed in the Final EIS.

SECTION 15.2 – BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NWCOSG-14-0042-7

Comment Excerpt Text:

6. Taylor, R. L., J. D. Tack, D. E. Naugle, L. S. Mills. 2013. Combined effects of energy development and disease on greater sage-grouse. PLoS ONE 8(8): e71256. doi:10.1371/journal.pone.0071256. Available at <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0071256>.

- The predicted cumulative impact of dense fluid minerals development (3.1 wells/km²) and West Nile virus outbreaks on greater sage-grouse quadrupled inactivity at leks in northeast Wyoming compared to the individual impacts of development or disease. Noting the deleterious effects of cumulative impacts on sage-grouse, the researchers concluded that "conservation measures should maintain sagebrush landscapes large and intact enough so that leks are not chronically reduced in size due to energy development, and therefore vulnerable to becoming inactive due to additional stressors." They also advised "placing new developments outside of core [habitat] areas has the greatest likelihood of sustaining [sage-grouse] populations."

Comment Number: NWCOSG-14-0330-4

Comment Excerpt Text:

MLPs have been proposed and/or are under explicit consideration in most of the RMPs being amended by this process, including: North Park (Kremmling RMP), Shale Ridges and Canyons (Grand Junction), Greater Adobe Town (Little Snake, as well as Rawlins and Rock Springs), Dinosaur Lowlands and Eastern Book Cliffs (White River). Those MLPs can and should be

incorporated into the final plans that will be approved prior to finalizing this sage-grouse EIS. BLM can then acknowledge the management approaches in those MLPs as part of analyzing and adopting conservation measures for management of sage-grouse habitat.

SECTION 15.3 – IMPACT ANALYSIS

Comment Number: NWCOSG-14-0015-8

Comment Excerpt Text:

The BLM has failed to appropriately quantify, analyze, or disclose the impacts mandatory imposition of these mitigation measures would have on CoP's oil and gas operations. The BLM's meager analyses on pages 638 and 639 of the DLUPA is insufficient to provide members of the public full understanding of how oil and gas operations would be adversely impacted by the imposition of all the mitigation measures identified in Appendix I.

Comment Number: NWCOSG-14-0035-10

Comment Excerpt Text:

Please evaluate the scientific basis for the effectiveness of timing limitation stipulations as an alternative to no surface occupancy stipulations, using the scientific studies cited in these comments and any other studies that examine the changes in sage grouse populations when drilling and construction activities are allowed within 4 miles of sage grouse leks, but construction and drilling activities are prohibited during the breeding and nesting seasons.

Comment Number: NWCOSG-14-0044-27

Comment Excerpt Text:

D. The DEIS Overstates the Threat of Oil and Gas Development

The DEIS displays a strong bias against oil and gas development in its discussion of threats to GRSG by focusing on threats from oil and gas while ignoring or downplaying other threats.²²⁷ While BLM acknowledges less than one percent of PPH and PGH are directly influenced by oil or gas wells, it states 99 percent are within the likely effects buffer (11.8 miles) of these wells.²²⁸ There is no verifiable,

reproducible scientific evidence to support such an expansive statement.

227 DEIS at 529-536.

228 Ch. 5 DEIS at 952.

There are three major oil and gas producing basins within the planning area: the Piceance, Sand Wash and North Park Basins.²²⁹ Notwithstanding BLM's statement to the contrary, there is little, if any, evidence for "widespread" geothermal energy development or oil shale development in the planning area.²³⁰ Moreover, citations to increases in natural gas demand and major increases in drilling activity within the planning area are clearly dated and flawed.²³¹

229 DEIS at 296.

230 Ch. 5 DEIS at 952.

231 Id.

The DEIS claims that the oil and gas development and infrastructure are threats to Northwest Colorado GRSG populations.²³² While oil and gas development and infrastructure can contribute to GRSG mortality and disturbance this is not always the case.²³³ For example, in the Pinedale Planning Area in Wyoming GRSG numbers have actually increased while development has also increased.²³⁴

232 Id. at 529 & 530.

233 Ramey COT Review at , - 13.2 p.19.

234 Id.

The DEIS states in several different locations that roads, especially those associated with oil and gas development, have a significant negative impact on GRSG populations.²³⁵ However, data on lek locations and attending male numbers from CPW have shown that currently active leks occur on, or immediately adjacent to, roads, pipeline corridors, and well pads.²³⁶ These data also contradict the

DEIS's repeated proposition that GRSG need intact sagebrush cover.²³⁷

235 DEIS at 516, 517, 530.947, 949, 950,

236 Ramey COT Review at , - 13.2 p.19.

237 DEIS at 516, 533, 953

The DEIS stated that emissions from oil and gas developments could be detrimental to the air quality in the planning area.²³⁸ Yet the DEIS acknowledges, "None of the alternatives analyzed in this EIS is statistically better or worse with respect to impacts on air quality."²³⁹ Current and future emissions estimates for oil and gas developments were developed "from peak construction, production, and operations."²⁴⁰ The DEIS estimates surface area disturbances for oil and gas developments "at five- and ten-acre increments to accommodate the well pad, access roads, and infrastructure developments for single-well and multi-well pads."²⁴¹ However, the DEIS provides no data or verifiable source to support these various estimates. The DEIS discusses the impacts of each alternative at various field offices and the approximate level of disturbance oil and gas developments have already reached under the respective disturbance caps, but fails to provide any citations for this data or support for these estimates.

238 Id. at 784.

239 Id. at 804.

240 Id. at 785.

241 Id. at 786.

Comment Number: NWCOSG-14-0044-36

Comment Excerpt Text:

The DEIS should have given more consideration to how Alternative D would affect the oil and gas industry and northwest Colorado. For example, the difference in impacts to oil and gas across action alternatives in Table 5.4 fails to take these significant disincentives to development into account. Characterization of these impacts as "relatively

minor" is unsupportable.²⁶⁰ Projected gas production in the preferred alternative (Alternative D) is only 13% lower than the current management scenario (Alternative A), and projected oil production is only 5% lower. The projection that the restrictions and closures in the preferred alternative, including the disturbance cap and NSO designations, will only decrease production by such a small amount is inaccurate.

260 See Ch. 5 DEIS at 976

Comment Number: NWCOSG-14-0063-1

Comment Excerpt Text:

In the Preferred Alternative, you recommend the establishment of four-mile No-Surface- Occupancy zones around active and potential sage grouse lekking sites, for fluid minerals development activity. This is an overzealous measure in two ways: first, a four mile buffer zone is, quite frankly, ridiculous, and nowhere have I seen any research that supports giving that wide a berth to a lekking site. Second, this is a stipulation applied singularly to oil and gas operations. There is simply no demonstrable reason why this particular industry needs to be singled out for special measures. If your office can justify this action, please do immediately.

Comment Number: NWCOSG-14-0109-10

Comment Excerpt Text:

Page 903: "If operators are able to access oil reserves using horizontal drilling, impacts would resemble those from Alternative A. If operators are unable to reach oil reserves using horizontal drilling, the economic impacts of Alternative D would resemble those of Alternative B." This is misleading. It gives the public the impression that it is always possible to horizontally drill to obtain the minerals, which is not correct.

Comment Number: NWCOSG-14-0109-2

Comment Excerpt Text:

Much of the BLM's analysis in this DLUPA/EIS assumes that oil and gas extraction can be done by horizontal drilling outside of PPH, but that may not be the case. While QEP does use horizontal and

directional drilling technologies extensively in some of its fields, QEP has not drilled any horizontal wells in this region due to technical limitations. Horizontal drilling is not necessarily an answer to be employed in every field for every type of development. Challenges include limitations due to maximum reach capabilities, production success, drainage area, and engineering technology just to mention a few. It is not proven at this time that horizontal or directional drilling are feasible alternatives for developing the mineral resources in this area

Comment Number: NWCOSG-14-0109-4

Comment Excerpt Text:

b. Page 585: The paragraph beginning with "although" is concerning to QEP. If we are unable to obtain ROWs for access roads and other infrastructure then we are unable to develop our existing leases and exercise our valid existing rights. The restrictions could cost millions of dollars, making many projects infeasible. This would have tremendous impacts on local communities who rely on royalties and tax revenues from oil and gas development.

Comment Number: NWCOSG-14-0109-9

Comment Excerpt Text:

J. Page 858: Alternative D states "Moderate restrictions on fluid mineral development would have moderate beneficial impacts on the protection of site settings in GRSG habitat." This statement is extremely vague. What is considered "moderate"? Additionally, oil and gas operations are already subject to SHPO requirements, so what are the impacts being cited?

k. Page 858: Alternative D states "Moderate restrictions on fluid mineral development would have impacts on the opportunities for Native American traditional uses." Again, what is considered "moderate" and what "impacts" does this refer to?

Comment Number: NWCOSG-14-0142-26

Comment Excerpt Text:

The document fails to provide adequate analysis of the fact that the vast majority of the area with any oil and gas potential has already been leased and

therefore no new lease terms can be applied to them. No protections can be extended in these areas, and yet the DLUPA/DEIS does not acknowledge what percentage of the lands are effectively exempted from any proactive management.

Comment Number: NWCOSG-14-0149-4

Comment Excerpt Text:

In the preferred alternative D, a No Surface Occupancy (NSO) designation is put in place for all PPH for which the minerals have not been leased. This establishes (as is pointed out in the EIS) that minerals underlying PPH will need to be accessed directionally from infrastructure placed in PGH or in unoccupied habitat. As mitigation, this infrastructure will be subjected to timing limitations. The research is unequivocal that energy development of non-renewable reserves (e.g., gas and oil) is detrimental to sage-grouse, with most research suggesting an impact to at least 4 miles. The research is also unequivocal that implementing timing limitations including those referenced in the EIS are not an effective means of minimizing impacts of energy development to sage-grouse (see Manier, D. J., Wood, D. J. A., Bowen, Z. H., Donovan, R. M., Holloran, M. J., Juliusson, L. M., Mayne, K. S., Oyler-McCance, S. J., Quamen, F. R., Saber, D.J., and Titolo, A. J. 2013. Summary of science, activities, programs, and policies that influence the rangewide conservation of Greater Sage-Grouse (*Centrocercus urophasianus*): U.S. Geological Survey Open-File Report 2013-1098, 170 p., <http://pubs.usgs.gov/of72013/10981> for review of literature). Additionally, the NTT report specifically states: "We do not include timing restrictions on construction and drilling during the breeding season because they do not prevent impacts of infrastructure (e.g., avoidance, mortality) at other times of the year, during the production phase, or in other seasonal habitats that are crucial for population persistence, (page 21 of 74). The PGH designated in the figures presented above is all within 4 miles of the active lek identified in the figures, and the mitigation measures outlined in the preferred alternative are ineffective. Therefore, energy development occurring on that PGH to access minerals under PPH will negatively influence the sage-grouse population breeding on the

lek. There are only 19 active leks in Middle Park, with 12 of those leks being on private lands. According to biologists with CPW, the Middle Park sage-grouse population is one of only two populations in Colorado not currently influenced by oil and gas development. Therefore, impacts to the sage-grouse population using the lek identified above would have major adverse consequences on the conservation of the Middle Park and Northwest Colorado sage-grouse population.

SECTION 15.5 – MITIGATION MEASURES

Comment Number: NWCOSG-14-0109-5

Comment Excerpt Text:

c. Page 597: "The increase in reclamation bonding would better ensure long-term impacts on vegetation would be minimized or eliminated through increased efforts to ensure that reclamation is successful." Reclamation bonding is unnecessary as we are already required to provide bonding by both the state and federal government. As stated on page 12 of the

2007 BLM Gold Book, "Bonding is required (43 CFR 3104 and 36 CFR 228 Subpart E) for

oil and gas lease operations in order to ensure that the operator performs all obligations of the lease contract, including but not limited to: royalty obligations, plugging leasehold wells, surface reclamation, and cleanup of abandoned operations." QEP has already fulfilled bonding requirements for reclamation. Furthermore, the reclamation bonding requirement mentioned in the DLUPA/EIS goes against current regulation and must go through a formal rulemaking process.

Comment Number: NWCOSG-14-0153-3

Comment Excerpt Text:

For example, while Appendix E does establish vague and ineffective criteria for an "exception" to the No Surface Occupancy stipulation under Alternative D, no criteria are specified for waivers or modifications. (E-5). Thus, even the limited criteria for exceptions are effectively illusory since they may be avoided by a waiver or modification.

Indeed, none of the four alternatives considered in the DEIS establishes comprehensive criteria limiting waiver, exceptions and modification for the protection of sage grouse - and thus no alternative closes this critical loophole.

SECTION 16 – LIVESTOCK GRAZING

SECTION 16.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0039-1

Comment Excerpt Text:

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 GRSO habitat changes due to herbivory, 3) avoid direct effects of herbivores on GRSO, such as trampling of nests and eggs, 4) avoid altering GRSO behavior due to the presence of herbivores, 5) avoid impacts to GRSO and GRSO behavior from structures associated with grazing management, and 6) maintain and develop agreements with partners that are consistent with beforestated 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

Comment Number: NWCOSG-14-0050-20

Comment Excerpt Text:

Please describe how habitat assessments will be conducted (such as using standard land health assessments) and what habitat structure guidelines will be used (such as the Habitat Assessment Framework). If the HAF is not used, reference Connelly et al. (2000) or Hagen et al. (2007) for the habitat guidelines

Comment Number: NWCOSG-14-0050-21

Comment Excerpt Text:

We recommend addressing drought in habitat objectives and applying BLM IM No. 2013-094, and similar USFS guidance on FS lands

Comment Number: NWCOSG-14-0050-22

Comment Excerpt Text:

P. 152, Table 2.4, Range Management, NTT #25: We recommend using Alternative D language but change the first sentence to read: (ADH) Include terms and conditions on grazing permits and leases that assure plant growth meets seasonal sage-grouse habitat requirements and residual forage remains at least at minimum recommended height for hiding cover

Comment Number: NWCOSG-14-0050-23

Comment Excerpt Text:

P. 153, Table 2.4, Range Management, NTT #28: We recommend the use of Alternative B language but add

to it that stubble height must be consistent with summer-fall habitat structure guidance in the 2008 Colorado GRSG Conservation Plan or the newest guidance.

10. P. 153, Table 2.4 Range Management, NTT #29: Alternative D language is acceptable but include that stubble height must be consistent with summer-fall habitat structure guidance in the 2008 Colorado GRSG Conservation Plan or the newest guidance.

11. P. 154, Table 2.4, Range Management, NTT #31: Use Alternative D language but apply to ADH.

12. P. 156, Table 2.4, Range Management, NTT #33, second part: Specific language about monitoring of grazing should be included in the monitoring appendix (J) or the Range Management section of the FEIS. Monitoring of GRSG habitat conditions before and after a habitat treatment should be conducted. Discussion in appendix J or the FEIS should describe if exclosures, transects, utilization level, etc. are going to be used to monitor habitat treatments.

13. P. 157, Table 2.4, Range Management, NTT #35: Preferred and required design features to avoid or minimize potential for spread of West Nile virus should be applied to ADH.

14. P. 158, Table 2.4, Range Management, NTT #36: Changes to structural range improvements and placement of mineral and salt supplements to enhance GRSG habitat and populations should be applied to ADH.

15. P. 159, Table 2.4, Range Management, NTT #39: We recommend Alternative D language with the modification of inserting that at least minimum habitat requirements for sage-grouse will be maintained if used as a grass bank. Discussion should be included of when grass banks will be used (i.e. during drought, etc.) and how monitoring of GRSG habitat to meet minimum habitat requirements will be conducted within grass banks (e.g. exclosures, transects, utilization level).

Comment Number: NWCOSG-14-0050-27

Comment Excerpt Text:

In areas where wild ungulates are negatively impacting sage-grouse habitats the BLM/USFS should work with Colorado Parks and Wildlife, and other agencies as appropriate, to design and conduct habitat work that redistributes wild ungulates. In areas where domestic ungulate grazing overlaps problem areas exacerbated by wild ungulate overuse, modifications to livestock grazing management should be implemented until greater sage-grouse habitat conditions are improved.

4. Insert a conservation measure under Range Management to evaluate, modify as necessary, and time range improvement projects to limit impacts to GRSG.

5. P. 150, Table 2.4, NTT #21: We recommend description of a rotational timeline in which land health assessments will be completed, minimally in less than 10 years.

6. P. 152, Table 2.4, NTT #25, Alternative D: Add to this conservation measure that avoidance of GRSG impacts from livestock trailing will also be addressed to assure GRSG habitat guidelines are being met.

7. P. 151, Table 2.4, Range Management, NTT #24: Use language in Alternative B for vegetation and composition structure to emphasize GRSG habitat objectives.

Comment Number: NWCOSG-14-0050-42

Comment Excerpt Text:

Follow the COT objective to minimize impact of fences on GRSG.

2. Insert a conservation measure in Range Program to place new fences no closer than 1 km from leks.

3. P. 158, Table 2.4, Range, NTT #37: We recommend choosing Alternative C language for ADH. Alternative C language is the most flexible and allows for the possibility of any of the three options; removal, modification, or marking of fences, as feasible or warranted without prioritizing which option should be conducted first.

Comment Number: NWCOSG-14-0108-12*Comment Excerpt Text:*

Of special notation and in need of increased consideration is the conveyed messaging throughout BLM and FWS communications that livestock grazing, if done correctly, is not a threat to grouse populations or habitats. Significant justification of these statements is present throughout Colorado Parks and Wildlife Division research and local plans, not to mention the greater body of literature on the subject. Inversely, this element of recognition does not seem to reconcile itself with numerous statements and proposed livestock grazing elements in Alternatives B-D. Rather, livestock grazing is diminished or restricted in range, duration and proximity as a default mechanism of grouse and grouse habitat management. This approach is anecdotal at best and should be rescinded for a structured monitoring and adaptive management approach.

Comment Number: NWCOSG-14-0142-35*Comment Excerpt Text:*

The NEPA requires that the BLM consider a reasonable range of alternatives. See 42 U.S.C. § 4332(2)(C)(iii). Considering the presence of endangered, special status, and sensitive species in the planning area, a no grazing alternative and 50% reduction in permitted grazing should be included within the reasonable range of alternatives. Unfortunately, the DLUPA/DEIS proposes status quo grazing under three alternatives, and wholesale cessation of grazing under the remaining alternative. This is hardly a range of alternatives and given the primacy of livestock impacts of the landscape, a “hard look” at eliminating grazing in the most at-risk habitats or regions would have been eminently reasonable. Failure to have done so fails NEPA.

Comment Number: NWCOSG-14-0142-37*Comment Excerpt Text:*

Because of economic pressures and uncertainty, many ranchers in the West would like to voluntarily retire their grazing permits, the LUPA should grant ranchers the freedom to retire their permits if voluntarily waived to the BLM. Voluntary grazing

permit retirement would offer permittees a new economic opportunity while providing protection and restoration for the land managed by the BLM.

The Final LUPA should also include language for permit retirement authorizations, such as:

Grazing privileges for allotments that are wholly or partially located within the NWCO District planning area that are lost, relinquished, canceled, or have base property sold without transfer shall have attached AUMs held for watershed protection and wildlife habitat.

There is no reason why BLM only considered retirement under Alternative C in the DLUPA/DEIS, at 151. The option of retirement upon voluntary relinquishment should be available under all alternatives.

SECTION 16.2 – BEST AVAILABLE INFORMATION BASELINE DATA**Comment Number: NWCOSG-14-0042-12***Comment Excerpt Text:*

I. Beschta, R. L., D. L. Donahue, D. A. DellaSala, J. J. Rhodes, J. R. Karr, M. H. O'Brien, T. L. Fleischner, C. Deacon-Williams, Cindy. 2012. Adapting to climate change on western public lands: addressing the ecological effects of domestic, wild, and feral ungulates. Environmental Management, available at http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/Beschta/Beschta_2012EnvMan.pdf.

- Domestic livestock and other ungulates alter vegetation, soils, hydrology, and wildlife species composition and abundances that exacerbate the effects of climate change on western landscapes. Removing or reducing livestock grazing across large areas of public land would alleviate a widely recognized and long-term stressor and make ecosystems less susceptible to the effects of climate change.

Comment Number: NWCOSG-14-0042-9

Comment Excerpt Text:

4. Reisner, M. D., J. B. Grace, D. A. Pyke, P. S. Doescher. 2013. Conditions favouring *Bromus tectorum* dominance of endangered sagebrush steppe ecosystems. *Journal of Applied Ecology*, available at <http://onlinelibrary.wiley.com/doi/10.1111/1365-2664.12097/pdf>.

- Cattle grazing exacerbates cheatgrass (*Bromus tectorum*) dominance in sagebrush steppe by decreasing bunchgrass abundance, shifting and limiting bunchgrass composition, increasing gaps between perennial plants, and trampling biological soil crusts. Grazing was also not found to reduce cheatgrass cover, even at the highest grazing intensities.

Comment Number: NWCOSG-14-0108-17

Comment Excerpt Text:

Range and livestock management on sagebrush rangelands inhabited by sage grouse should be approached from the standpoint of adaptive management to improve specific habitat components for grouse¹⁰.

¹⁰ Beck and Mitchell, Influences of Livestock Grazing on Sage Grouse Habitat

SECTION 16.3 – IMPACT ANALYSIS

Comment Number: NWCOSG-14-0026-12

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0026-13

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0026-15

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0026-3

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0026-8

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0051-19

Comment Excerpt Text:

Before stating that there are impacts from grazing due to “competition for forage and water and habitat use” there needs to be the science that demonstrates that any of these factors are limiting to the sage grouse.

- The DEIS needs to explain what sage-grouse eat. They eat a variety of foods including sagebrush, forbs and insects. Of these items, cattle really only have the potential to compete for forbs. Why? Because sagebrush is not nutritious for cattle or other livestock: its characteristic aroma comes from

chemicals evolved to poison herbivores. Cattle will eat sagebrush if they have to, but enough of it will make them sick, kill off their gut bacteria, and generally cause them to lose vigor. Livestock don't eat insects so here is no competition there, though there is science to prove livestock increase insect production and benefit sage-grouse chicks. Unless water can be shown to be a limiting factor for sage-grouse in portions of Colorado, this impact is also misstated.

Comment Number: NWCOSG-14-0108-2

Comment Excerpt Text:

Of special notation in any alternative is the allowance for retiring permits or grass banking. CCA and PLC is opposed to both at a means of GSG conservation or mitigation. Retiring permits and grass banking, regardless of mandatory or voluntary, removes grazing lands from production and causes economic harm to livestock producers, communities, and governments. Furthermore, CCA and PLC opposes allowing individual permittees from relinquishing grazing rights on allotments for future generations. The permittees right is to graze the allotment for the term in which they are granted, not to determine future generations' ability to utilize their permitted allotment when the existing permittee no longer wishes to. Range and livestock management on sagebrush rangelands inhabited by sage grouse should be approached from the standpoint of adaptive management to improve specific habitat components for grouse².

Comment Number: NWCOSG-14-0108-8

Comment Excerpt Text:

According to a paper published by the Policy Analysis Center for Western Public Lands, social impacts arise from the sage-grouse management issues because significant reductions in grazing AUMs on public lands can have identifiable negative economic effects on individual producers and rural communities. The economic impacts section of this study confirms that negative economic effects can result from large reductions in public land grazing. Public land grazers also point out that alternative management actions,

such as reducing fire in the sage ecosystem or requiring habitat mitigation for sagebrush fragmentation, do not have the same negative economic consequences for individuals and local communities. The study also determines that decisions made in the absence of good data only increase the likelihood and magnitude of adverse social and economic impacts.⁶ CCA and PLC find the EIS severely lacking in an adequate socio-economic analysis that adequately considers implications to public and private lands grazing due to management stipulations conveyed throughout all alternatives. BLM should re-evaluate its methodology for its analysis and implement a strategy that accurately accounts for the direct and indirect implications of the EIS.

Comment Number: NWCOSG-14-0142-1

Comment Excerpt Text:

BLM's DLUPA/DEIS has failed to recognize the serious and detrimental impact of livestock grazing on Greater sage-grouse habitat in the planning area. A good example of the level of recognition that is necessary can be found in the BLM's HiLine DRMP, released in Montana in June 2013. This document recognizes the impact of livestock grazing on naturalness, stating:

Livestock grazing has the potential to impact naturalness, the undeveloped character, and to create conflict with recreation users. Manipulation of vegetation, alteration of soils, and the presence of fecal matter would create unnatural conditions and would impact opportunities for solitude, particularly in areas where livestock congregate. Range facilities, such as fences, water troughs, and tanks have the potential to degrade wilderness characteristics by creating new developments, disturbing visual resources, and influencing wildlife migration, reproduction, and mortality (e.g., sage-grouse/fence collisions).²⁶

Here, the DLUPA/DEIS fails to recognize the basic realities that livestock grazing is ecologically deleterious, economically inefficient, and socially unnecessary. Instead, the preferred alternative

maintains the status quo grazing management throughout the project area without a “hard look” at the reality of grazing impacts, including impacts to vegetation communities, soil resources, and wildlife habitats.

Comment Number: NWCOSG-14-0142-2

Comment Excerpt Text:

Anderson and Inouye³³ found that viable remnant populations of native grasses and forbs are able to take advantage of improved growing conditions when livestock are removed. They found further that despite depauperate and homogenous conditions of permanent plots in 1950, after 45 years of no livestock grazing, vegetation had been anything but static, clearly refuting claims of long-term stability under shrub dominance. Mean richness per plot of ALL growth forms increased steadily in the absence of domestic livestock grazing. Grasses and forbs increased significantly. This information should be integrated into the “No Grazing” or “Reduced Grazing” alternatives and, given these findings, the BLM should analyze the impacts of long-term authorized grazing and its impacts on sagebrush communities and obligates compared to the impacts of removing livestock and allowing these communities to recover naturally.

Comment Number: NWCOSG-14-0142-5

Comment Excerpt Text:

Here, the DLUPA/DEIS acknowledges that the NWCO consists of approximately 2.4 million acres of Preliminary Priority Habitat (“PPH”), 1.5 million acres of Preliminary General Habitat (“PGH”), and nearly 300,000 acres of linkage/connectivity habitat. DLUPA/DEIS at xxiii. Despite this, the DLUPA/DEIS, particularly the preferred alternative, fails to meaningfully address livestock grazing in a way that would protect sage-grouse and sage-grouse habitat.

The management actions specified in the DLUPA/DEIS are insufficient to protect sagegrouse, and it is apparently by design. Alternative D is to, “Consider GRSg habitat requirements in conjunction with all resource values managed by the BLM, and give preference to GRSg habitat unless site specific

circumstances warrant an exemption.” DLUPA/DEIS at 150. “Consideration in conjunction,” and the allowance for unspecified and unlimited exemptions in protecting sage-grouse habitat is insufficient to constitute and adequate regulatory mechanism to protect and recover the species.

Comment Number: NWCOSG-14-0142-7

Comment Excerpt Text:

The paper, “A Blueprint for Sage-grouse Conservation and Recovery (Braun 2006) states “if livestock grazing is permitted on public rangelands, is to not exceed 25-30% utilization of herbaceous forage each year. Grazing should not be allowed until after 20 June and all livestock should be removed by 1 August with a goal of leaving at least 70% of the herbaceous production each year to form residual cover to benefit sage-grouse nesting the following spring.” However, “The season of use within the planning area is generally from May through October, with much of the use in spring (May and early June).” Spring grazing is the most detrimental to both sage grass nesting success and the physiological needs cool season bunchgrasses. DLUPA/DEIS at 334. BLM’s failure to analyze this contradiction is a fundamental flaw of the DLUPA/DEIS.

Comment Number: NWCOSG-14-0152-2

Comment Excerpt Text:

The DLUP/EIS fails to disclose the practical problems that ranchers will have, if sage-grouse were to be listed and that the accidental loss of sage-grouse as individuals or small group could amount to a prohibited “taking.” Thus, normal ranching practices may be limited or circumscribed. Hunting may be prohibited and amount to “taking” under the Act, which will have important biological and economic consequences on the region. Ranching and other private land development activities could also be limited if “critical habitat” were to be designated under the Act as is envisioned. The DLUP/EIS does not disclose these consequences as it should.

SECTION 16.4 – CUMULATIVE IMPACT ANALYSIS

Comment Number: NWCOSG-14-0026-11

Comment Excerpt Text:

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 dose not have the mezsic 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

Comment Number: NWCOSG-14-0026-16

Comment Excerpt Text:

Chapter 5 must address the direct an indirect cumulative impacts of Alt B&D to the livestock industry and private land habitat by BLM action in those alternatives

SECTION 16.5 – MITIGATION MEASURES

Comment Number: NWCOSG-14-0142-3

Comment Excerpt Text:

Here, the BLM has said that it will monitor for and treat invasive species associated with existing range improvements throughout all designated habitat. DLUPA/DEIS at 158. It has not provided any indication of the feasibility of doing this, the economics of doing this, or the timeframe or intervals in which this will be conducted. A primary agency complaint is that there is simply not enough funding; here, the agency hasn't even identified how many range improvements are in the planning area's designated habitat or what kind of monitoring is likely

to occur. This lack of specificity severely limits the management plan amendment's efficacy.

SECTION 17 – LOCATABLE MINERALS

SECTION 17.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0050-38

Comment Excerpt Text:

Provide measures that ensure that for any proposed or existing mine (under any mining category) reclamation is conducted to meet GRSG habitat objectives.

2. Insert a statement/conservation measure under each of the mining categories that reclamation of an existing mine does not replace off-site compensatory mitigation for mine disturbance.

Comment Number: NWCOSG-14-0050-48

Comment Excerpt Text:

4. P. 174, Table 2.4, Locatable Minerals, NTT #65: We recommend using language in Alternative B but with a slight modification that withdrawal of mineral leasing should be conducted where there is a clear threat to persistence of the GRSG in the CO management zone.

SECTION 20 – RECREATION

Comment Number: NWCOSG-14-0032-3

Comment Excerpt Text:

Impacts to dispersed camping are also analyzed in conflicting manners positions are asserted that are simply not reconcilable with each other. When discussing impacts of management standards on dispersed camping the Plan summarized the impacts of Alternative D as follows: "Alternative D-This alternative would implement the most restrictions by including the potential for seasonal limitations as necessary in ADH. It also would prohibit seasonal camping and other nonmotorized recreation within 4 miles of a lek. In this case, associated benefits for other terrestrial wildlife species could be expanded to ADH and all habitat within 4 miles of a lek."22 The impacts of closing of areas within 4 miles of lek areas simply are not addressed in subsequent portions of

the Plan. Subsequent to the original statement, the LUPA then provides the following summary:

"Alternatives A, B, and D-Under these alternatives, there would be no restrictions on camping or nonmotorized recreation above and beyond what is already in the existing LUPs and the Routt National Forest Plan. Impacts on camping and nonmotorized recreation are expected to be minimal under these alternatives."23 21 LUPA at pg 459. 22 LUPA at pg 459

The Organizations will note there is simply no way to reconcile mandated closures to all recreational activity within 4 miles of a lek with an assertion that there would be no restrictions to the usage.

SECTION 22 – SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

SECTION 22.2 – BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NWCOSG-14-0051-18

Comment Excerpt Text:

The best available scientific data for socioeconomic analysis is 2012 data. The next version of the DEIS should update all socioeconomic data to 2012.

Comment Number: NWCOSG-14-0051-26

Comment Excerpt Text:

Based on the ACS data, over 39 percent of the residents in Parachute live below the poverty level, more than three times the state average. In summary, the environmental justice analysis should include identification and evaluation of impacts on disadvantaged communities by place of residence, not just county of residence.

Comment Number: NWCOSG-14-0051-9

Comment Excerpt Text:

In summary, for all these reasons above as well as the very detailed comments contained in all the exhibits attached to this letter, Garfield County specifically requests that a supplemental statement should be prepared to properly consider the local impact of the

proposed action on the human and natural environment.

SECTION 22.3 – IMPACT ANALYSIS

Comment Number: NWCOSG-14-0012-5

Comment Excerpt Text:

the 3% and 5% disturbance caps applied to each management zone, in addition to the cumulative 30% Range-wide disturbance cap, will severely hamper the economic activities that our communities and people depend on – grazing, oil and gas development, recreation, renewable energy transmission, mining, recreation and so forth. These and other management practices called for in the documents Action Alternatives would create a dire economic hardship on the people of northwest Colorado. The LUPA/EIS and its supporting documents seriously underestimates the extent to which economic damage would occur to the region, in the event one of the alternatives were adopted.

Comment Number: NWCOSG-14-0015-8

Comment Excerpt Text:

The BLM has failed to appropriately quantify, analyze, or disclose the impacts mandatory imposition of these mitigation measures would have on CoP's oil and gas operations. The BLM's meager analyses on pages 638 and 639 of the DLUPA is insufficient to provide members of the public full understanding of how oil and gas operations would be adversely impacted by the imposition of all the mitigation measures identified in Appendix I.

Comment Number: NWCOSG-14-0028-2

Comment Excerpt Text:

None of the proposed conservation measures for the Greater Sage-Grouse carried forward in the DEIS were coordinated with our city and as a result, these conservation measures may cause significant economic harm to our city. The impacts of the proposed alternatives would be devastating and have not been fairly considered and, therefore, could not be properly weighed in the analysis as to which of the alternatives would be preferable. Because of this shortfall, the City of Rifle formally requests that a

supplemental statement be prepared to ensure that the environmental consequences of the four alternatives are properly analyzed by including the direct, indirect and cumulative impacts on the City of Rifle and the health and safety of the people we serve.

Comment Number: NWCOSG-14-0028-7

Comment Excerpt Text:

We have hundreds of citizens employed in the energy industry that live and work in our City. This not only impacts our tax revenues, but the multiplier effect of their families and spouses who work and shop in our City bring much more in sales tax revenues that would be lost to our City should our concerns not be considered in your planning process.

A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our City and how this will jeopardize the health and safety of our citizens.

Comment Number: NWCOSG-14-0029-3

Comment Excerpt Text:

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."²

Comment Number: NWCOSG-14-0029-4

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0030-10

Comment Excerpt Text:

Socioeconomic impacts to the communities in Northwest Colorado are underestimated. Although the Plan addresses socioeconomic impacts on the entire planning area, it does not consider effects on specific areas including counties and towns that would result from the proposed management restrictions. The socioeconomic analysis appears to be biased in favor of non-market valuation methods which the agencies admit "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."

Comment Number: NWCOSG-14-0030-11

Comment Excerpt Text:

Restrictions on land use will impact not only direct, indirect and induced employment within the county but also tax revenues that support county governments and local services, including schools and hospital districts. During the seeping process many of the cooperating agencies which included county governments raised some of these issues. Unfortunately these concerns are not adequately reflected in the Plan.

Comment Number: NWCOSG-14-0031-8

Comment Excerpt Text:

The management restrictions and closures in the 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."⁵ Due to this bias, the agencies have overestimated non-market valuations and underestimated the negative economic impact on local communities and the State of Colorado.

5 DLUPA/EIS at M-13

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 EIS.

Comment Number: NWCOSG-14-0031-9

Comment Excerpt Text:

BLM should re-evaluate its methodology for its analysis and implement a strategy that accurately accounts for the direct and indirect implications of the EIS.

Comment Number: NWCOSG-14-0033-2

Comment Excerpt Text:

The Socioeconomic Analysis of this report relies heavily on nonmarket valuations and therefore underestimates the economic impact of all the action alternatives.

Comment Number: NWCOSG-14-0036-3

Comment Excerpt Text:

If our budget is diminished as a result of the greater sage-grouse conservation measures, not only will the grouse be harmed, but the people as well since we provide all structural, emergency medical, tech rescue, hazardous material and other responses. No consideration of this impact was discussed in the DEIS. No discussion was made with us as to how you will resolve this conflict. None of this harm has been brought to the attention of the public or decision makers making the DEIS incomplete and fatally flawed. A supplemental statement should be prepared to fully analyze the impact of the action alternatives on the financial resources of our RFA and other Special Fire Districts and how this will jeopardize the health and safety of the people.

Comment Number: NWCOSG-14-0039-6

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0041-3

Comment Excerpt Text:

Our support, however, goes beyond protecting citizens and their private property. It also protects the federal lands and ultimately the greater sage-grouse. Our District is the first responder for all emergencies, including fires that are initiated on federal lands as well as private. When we arrive on the scene of a fire emergency we assess whether it is on private or federal lands. If it is on federal lands we report this to the BLM. Through our Mutual Aide agreement we can extinguish the fire immediately if so authorized by the agency.

The Roan Plateau, habitat for the greater sage-grouse, is within our jurisdiction. If a single stump fire or any other fire hazard was in this area, we could act immediately to protect the grouse if so authorized by the agency on federal land, rather than losing valuable time waiting for BLM to arrive with its resources.

Additionally, we immediately extinguish fires of private property when we arrive on the scene, which your agency is precluded from doing. As your DEIS points out, much of the greater sage grouse habitat is on private property. Without our continued services great harm could come to this species. Yet, this was not considered or analyzed in the DEIS.

The Roan Plateau is also where the primary oil and gas production takes place within our District. Should production be curtailed as is being proposed through all the action alternatives, we will not be able to provide the normal emergency services we now provide to the federal government or the people, leaving all fire suppression on federal land to be provided solely by your Agency, and none available to those on private land.

If our budget is diminished as a result of the greater sage-grouse conservation measures, not only will the grouse be harmed, but the people as well.

Comment Number: NWCOSG-14-0044-21

Comment Excerpt Text:

E. The DEIS Provides the BLM with Unprecedented Discretion to Disapprove Projects on Public Lands to Compensate for Disturbances on Private Lands

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. 196 Consequently, decisions made on private lands would affect what the BLM can authorize on public lands, yet the agencies will not have accurate inventories. This type of management would disadvantage federal leaseholders with no control over developments on private lands and could force them to abandon federal leases and forego significant capital investments. As a result, millions of dollars in annual federal royalty revenue and associated socio-economic benefits to local communities would be in jeopardy.

196 DEIS at F-3

Comment Number: NWCOSG-14-0044-28

Comment Excerpt Text:

The BLM failed to appropriately weigh and consider whether and how any of the alternatives affect oil and gas exploration and production as well as the tremendous economic impacts that will follow. For example, the estimated economic impacts from the proposed listing of the Gunnison sage-grouse could approach a staggering \$290 million per year in Colorado alone.²⁴⁸ The GRSG has a much more significant range with far more overlap with economic activities such as oil and gas. Economic impacts from this proposed action would likely be much more severe.

Comment Number: NWCOSG-14-0044-35

Comment Excerpt Text:

Here, the DEIS contains only a very brief discussion of the potential economic impacts. It fails to give a concrete economic impact analysis on the oil and gas industry under the preferred alternative and merely states which counties would contain workers most affected by implementation.²⁵⁶ This cursory review is insufficient. As noted above, the oil and gas industry is an integral part of Colorado's economy with vast economic benefits not only throughout the state, but throughout the nation.

256 DEIS at 903

Comment Number: NWCOSG-14-0051-22

Comment Excerpt Text:

The main document (Page 902) notes that “only new wells projected for the future 20 year horizon were considered” and “Existing wells would not be impacted ...” It should also note, however, that the employment totals do not include projected new wells on State and Fee Surface, which were evidently also assumed to not be impacted by the management alternatives. However, the text in other areas (such as grazing, on page 896) notes that “although [grazing] on private lands could also be impacted by access restrictions, they are not included in the quantitative estimates but rather discussed qualitatively.” The same would seem to apply to oil and gas wells, but this issue is not noted in the text.

Comment Number: NWCOSG-14-0051-23

Comment Excerpt Text:

Since we were able to replicate the employment estimates in Table 4.16 based only on the employment ratios for drilling and completion, it appears that the employment associated with ongoing production from the wells was not included in Table 4.16. This would likely be a substantial number of jobs, particularly as the number of operating wells accumulates over the 20 year period. We calculated the annual oil and gas production jobs based on the employment to production ratios provided in Table M.22 and the projected production volumes from Federal Surface wells provided in Table M.18 (after dividing the volumes by 20 to annualize them). That calculation indicates the difference in average annual production jobs between Alternative A and Alternative C could be another 5,325 jobs. Further, these production jobs are high paying, essentially permanent positions in the community.

Comment Number: NWCOSG-14-0051-30

Comment Excerpt Text:

Over a 20-year development period, approximately 25,000 wells are reasonably foreseeable in Garfield County-about 70 percent of the 34,700 wells that are projected in the Sage-Grouse EIS for northwest Colorado. Based on Sage-Grouse EIS multipliers, this level of development in year 20 would result in over \$12.3 billion in annual resource production value, 48,000 annual jobs, and nearly \$10 billion in new county assessed value. The county's current mill levy (13.66 mills) would produce over \$130 million in annual county general fund tax revenue by year 20. Applicable school, fire and special districts would have similar outsized revenue benefits.

This is the level of economic activity is put at risk by the proposed Sage-Grouse habitat management plans, a concern that is not disclosed or discussed in the Final Draft Sage-Grouse EIS.

Comment Number: NWCOSG-14-0051-31

Comment Excerpt Text:

It does not appear that the production workers were actually included in the Sage-Grouse EIS modeling.

Comment Number: NWCOSG-14-0051-4

Comment Excerpt Text:

All told, oil and gas-related property tax revenues contributed a total of over \$90 million in 2012 to the County and at least 10 other local government jurisdictions in Garfield County." However, the DEIS is silent on the impact the action alternatives will have on these revenues. It is estimated conservatively that approximately \$218 Billion of oil and gas reserves in the Piceance Basin in Garfield County will be directly impacted by the action alternatives in the DEIS; as a result, the County and other special districts (school, fire and hospital) stand to lose significant revenues from gas production tax over the next 25 years.

Comment Number: NWCOSG-14-0069-5

Comment Excerpt Text:

Pages 425 through 427 of the DLUPA/EIS - Clarification needs to be added that explains the term "Mining" includes Oil and Gas development. This whole section does not accurately address contributions in earnings from oil and gas and the employment related to oil and gas development. Maybe it was the intent to obscure the economic benefits from oil and gas development in order to downplay the negative economic impacts the proposed draconian conservation measures and timing restrictions would have on oil and gas development in the North Park Basin.

Comment Number: NWCOSG-14-0069-6

Comment Excerpt Text:

Estimates of adverse economic impacts on Jackson County from decreases in local property taxes collected as a result in decreased assessed valuation resulting from a reduction in oil and gas production is not included in analysis. Statistics on local property taxes collected by counties and other gov't entities is available. Adverse impacts from estimated loss in local property tax revenue from loss in county assessed valuation of oil and gas production should be included in this analysis.

Comment Number: NWCOSG-14-0069-7

Comment Excerpt Text:

It is felt that the socioeconomic analysis in the DLUPA/EIS is woefully inadequate and underestimates and underreports probable negative impacts to the local communities in the North Park Basin and to Jackson County as a whole. This inadequacy in the socioeconomic analysis should be corrected before there is a record of decision on this Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement.

Comment Number: NWCOSG-14-0087-2

Comment Excerpt Text:

The DRMP greatly underestimates the negative socioeconomic impacts of limiting energy production through disturbance caps and No Surface Occupancy (NSO) designations.

Comment Number: NWCOSG-14-0089-15

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0089-7

Comment Excerpt Text:

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

Comment Number: NWCOSG-14-0089-8

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0094-3

Comment Excerpt Text:

4. The BLM and FS in drafting this document have underestimated and ignored the negative socioeconomic impact that such restrictions would have on the regions agricultural production, ranching and farming communities. In addition socioeconomic benefits derived from other multiple-use activities such as coal and hard rock mining, oil and gas drilling, power generation and recreational activities. All are the foundation of present and future communities where jobs and local economies are the foundation of the future of these lands.

Comment Number: NWCOSG-14-0108-7

Comment Excerpt Text:

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 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."5

Due to this bias, the agencies have overestimated non-market valuations and underestimated the negative economic impact on local communities and the State of Colorado.

Comment Number: NWCOSG-14-0109-12

Comment Excerpt Text:

b. Page 976: "In the context of overall employment and earnings projections, and from a regional perspective, the impacts would be relatively minor." This grossly underestimates the impacts that restrictions on oil and gas operations will have on the local communities, the state, and the nation.

Comment Number: NWCOSG-14-0112-6

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0127-2

Comment Excerpt Text:

There is essentially no discussion about employment impacts from GrSG conservation measures, while the negative impacts of management restrictions and closures in the report are greatly underestimated. The impact of this proposal on the city of Craig and Moffat County needs to be considered much more closely.

Comment Number: NWCOSG-14-0142-15

Comment Excerpt Text:

In accordance with its multiple use mission, the BLM must consider land uses other than grazing in its calculation of the economic and social values of each alternative, including administrative costs and environmental impacts to water, wildlife, plants, recreation, potential species loss, intrinsic land value, and beauty.

Comment Number: NWCOSG-14-0329-6

Comment Excerpt Text:

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 valuations and underestimated the negative economic impact on local communities and the State of Colorado.

Comment Number: NWCOSG-14-0329-7

Comment Excerpt Text:

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.

Comment Number: NWCOSG-14-0331-2

Comment Excerpt Text:

Despite substantial costs incurred for siting lines and scheduling construction to avoid sage-grouse and their habitats, these efforts are typically not considered when analyzing project impacts and determining required mitigation, resulting in significant costs to customers for which there is not mitigation "credit". BLM should consider these ratepayer concerns in the socioeconomics section of the RMP.

SECTION 23 – SOIL

Comment Number: NWCOSG-14-0142-9

Comment Excerpt Text:

Research such as the BLM's foundational Lusby⁶⁰ paper and others, document major increases in erosion on grazed lands compared to ungrazed lands. Other impacts such as plant community degradation⁶¹ are also well documented. The EIS completely fails to address these issues and only

considers grazing related construction activities in its erosion calculations. This fails the 'hard look' requirement of NEPA.

SECTION 24 – TRAVEL MANAGEMENT

SECTION 24.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0050-43

Comment Excerpt Text:

1. The following parameters should be included under a new conservation measure or under Alternative D conservation measure NTT #5 (P. 144): Limit roads to less than 0.09 kilometers/kilometer² and place roads farther than 400 meters from leks (Wisdom et al. 2011)). This density should apply to new and existing roads, and if existing road density is above the recommended limits the existing roads should be closed or rerouted to the extent possible. Our previous recommendation in the General Comments sections to exclude all anthropogenic disturbances within 0.6 miles of a lek applies to new roads and, to the extent that they can be moved, existing roads. If existing roads cannot be closed or rerouted within 0.6 miles then, to the extent possible, reroute existing roads more than 400 meters from leks.

2. P. 143, Table 2.4, Travel, NTT #2: Alternative D language needs to be modified to include the provision to evaluate permanent road closures in addition to seasonal closures.

Comment Number: NWCOSG-14-0142-30

Comment Excerpt Text:

BLM proposes no changes in unrestricted motorized travel or open motorized routes to protect sage-grouse habitat. The document fails to provide any rationale as to how this complies with the BLM's open road minimization requirements of the regulations. BLM claims that the proposed alternative is equivalent to the NTT requirement (Table 2-4), but it is not. Nearly 250,000 acres within the analysis area are open to unrestricted cross country motorized vehicle use. No rationale is provided for how this complies with applicable executive orders and the BLM's minimization requirements

SECTION 24.5 – MITIGATION MEASURES

Comment Number: NWCOSG-14-0050-39

Comment Excerpt Text:

3. P. 145, Table 2.4, Recreation, NTT #9: Define how "adversely affect" in the Alternative D conservation measure will be measured (e.g. any habitat loss, any potential disruption to individual GRSG, downward population trend in a GRSG population or CO management zone, etc.)

SECTION 26 – VEGETATION SAGEBRUSH

SECTION 26.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0050-30

Comment Excerpt Text:

Insert COT report conservation measure #3 to monitor and control invasive plants for at least 3 years post-wildfire under Fuels Management, Emergency Stabilization and Restoration, and Habitat Restoration sections.

3. BMPs to reduce the spread of non-native invasive plants such as washing equipment, etc. should be included in the FEIS or sections of individual RMP's or Land Use Plans referred to if BMPs in them are going to continue to be implemented

SECTION 26.2 – BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NWCOSG-14-0031-12

Comment Excerpt Text:

In reference to sagebrush canopy, CCA and PLC request that BLM further consider available science that calls into question the respective 12% and 15% canopy outlined in Alternative D. Colorado Parks and Wildlife, et.al. performed research in Moffat County that determined a broader range of canopy cover was preferred by the GSG.

SECTION 26.5 – MITIGATION MEASURES

Comment Number: NWCOSG-14-0014-3

Comment Excerpt Text:

(Pg. G-5, Lines 9-18) We recommend that monitoring and reporting be conducted more frequently than once every three years. As currently described, 10 years after a site has been reclaimed, the BLM will have only received three reports on the state of re-vegetation (after years 2, 5 & 8). This is an inadequate number of measurements to be able to assess whether re-vegetation is progressing and whether additional actions or interventions might be necessary. It certainly is not a sufficient number of samples for an operator to determine whether the trajectory of recovery is satisfactory. Indeed, at this monitoring frequency it may take 30 years to obtain enough data points to estimate whether recovery is continuing or has stalled.

Comment Number: NWCOSG-14-0014-4

Comment Excerpt Text:

(Pg. G-7, Lines 7-9) It is important to specify the criteria that BLM will use to inform an operator that they need to repeat attempts at seeding, etc. Is there a threshold that must be met after the first monitoring report (at the end of year 2)? What if an operator waits until after the 3rd monitoring report (at the end of year 8) to reseed or control weeds?

Comment Number: NWCOSG-14-0014-5

Comment Excerpt Text:

(Pg. G-14, Lines 32-36) This requirement indicates that vegetation on the reclaimed site must be at least 80% of the desired vegetation cover, according to the DPC. In order to ensure that this is an objective and rigorous standard, it should be explicitly stated whether this 80% must be evaluated statistically using a predetermined value for alpha (e.g., $\alpha = 0.05$) and whether this threshold must be met for a minimum number of years in order to conclude that a site has a “self-sustaining desirable vegetation groundcover” as stated on Pg. G-11, Line 4. [Similar consideration should be given to Success Criteria #10, Pg. G-15, Lines 5-8 as well as to 3.1.2.2 Success Criteria (Phase II) Pg. G-10 & 11.]

Comment Number: NWCOSG-14-0014-6

Comment Excerpt Text:

We agree that it is appropriate to evaluate cover for recovering woodland and shrubland sites based on their capability in an herbaceous state since it may take many decades to fully recover woody plant cover. However, completely omitting any requirement to assess the presence of desired woody species precludes drawing conclusions about the re-establishment of “plant community successional processes to progress toward advanced community states.” (Pg. G-15, Lines 5-6). Rather than measure cover of desired woody species, we recommend a requirement for density estimates of desired dominant shrubs and/or trees. This can be conducted using quadrats along the already established quadrats or techniques such as those described in Chapter 12 of the Monitoring Manual for Grassland, Shrubland, and Savanna Ecosystems, Volume II.

Comment Number: NWCOSG-14-0089-14

Comment Excerpt Text:

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?

Comment Number: NWCOSG-14-0089-17

Comment Excerpt Text:

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.

SECTION 27 – VEGETATION RIPARIAN

SECTION 27.1 – RANGE OF ALTERNATIVES

Comment Number: NWCOSG-14-0050-25

Comment Excerpt Text:

1. A conservation measure should be added to the Habitat Restoration Program that commits to a 0% PJ incursion within 1000 m of leks (Baruch-Mordo et al. 2013). A caveat to the conservation measure may be included that if the lek is within 1000m of an old

growth PJ stand (established in 1880 or earlier) that the PJ within the old growth area does not need to be removed.

2. A conservation measure should be added stating there will be no net increase in PJ (in phase 1 and 2 state of incursion) in other seasonal habitats with a target of removing all PJ incursion.

3. PJ removal in limited seasonal habitats (in CO or a CO management zone) should be given high priority.

4. Mechanical removal of PJ should be prioritized as the preferred method. If fire is being considered for PJ removal then, as stated under comment #4 in the "Fire" section above, we recommend BLM include a risk analysis (i.e. develop criteria) to evaluate whether the use of fire for PJ removal will potentially spread non-native invasive plants.

5. As stated on P. 186, line 96, please reiterate that PJ removal projects that allow for reestablishment of sage and desirable understory herbaceous vegetation will be an objective. This may be accomplished naturally (solely from act of PJ removal) or through seedings as appropriate, given existing condition of sage and herbaceous vegetation

SECTION 27.2 – BEST AVAILABLE INFO BASELINE DATA

Comment Number: NWCOSG-14-0035-19

Comment Excerpt Text:

BLM also notes deficiencies in its riparian and wetland surveys across the planning area, and does not present summary statistics for acreage of sage grouse habitat that is not meeting Properly Functioning Condition criteria. DEIS at 281. Please address this deficiency in baseline information, as riparian areas are crucial to sage grouse as brood-rearing habitats, and present this information in full in the FEIS.

Comment Number: NWCOSG-14-0050-37

Comment Excerpt Text:

Explain why irrigated meadow and cropland are identified as occurring on BLM and USFS land in the FEIS

SECTION 29 – WATER

Comment Number: NWCOSG-14-0109-8

Comment Excerpt Text:

h. Page 779: Need supporting evidence for the claim that "management actions that result in longer reaches for directional well drilling due to limits on surface infrastructure could make impacts on groundwater quality more likely due to the longer distance required from the surface to the production zone." This statement is blatantly false.

l. Page 801: Further explanation is needed on the BLM's per well assumption of 5 and 10 acres per well for access, pad, and infrastructure.

Comment Number: NWCOSG-14-0142-10

Comment Excerpt Text:

Eroding soil and manure throughout watersheds end up in streams as increased sediment load, excessive nutrients, and pathogen contamination. Various grazing management strategies have not been found to reduce such watershed degradation.⁶² The Final RMP/EIS needs to discuss the impacts of each of the alternatives on the soil and watershed conditions within the planning area and to provide appropriate mitigation measures under each alternative. A list of impaired waters and the sources of contamination within the watersheds of these public lands would be an appropriate place to begin taking a "hard look" at potential grazing effects from the public lands.

Comment Number: NWCOSG-14-0142-13

Comment Excerpt Text:

The DLUPA/DEIS confuses an absence of evidence with an evidence of absence in regard to water quality standards. DLUPA/DEIS at 360. It states, "The fact that no streams are listed as impaired by the State of Colorado in GRS habitat indicates that all streams and water bodies are currently meeting State Water Quality Standards and that there are no known water quality impacts." Id. The fact that none are listed does not imply that none are impaired; have they all been tested? What is the most recent monitoring event for these streams? The absence of

data to support this claim – or even a citation to data available for public review– violates NEPA.

SECTION 30 – WILD HORSE AND BURROS

Comment Number: NWCOSG-14-0050-26

Comment Excerpt Text:

1. We recommend linking the Colorado monitoring framework to the rangewide monitoring framework (HAF) currently under development and/or to Connelly et al. (2000) or Hagen et al. (2007).

2. Appropriate Management Levels need to be established for drought conditions

SECTION 32 – WEEDS

Comment Number: NWCOSG-14-0042-4

Comment Excerpt Text:

The NW CO DLUP/EIS acknowledged that sagebrush communities are “highly susceptible to cheatgrass...invasion” (275), cheatgrass is “commonly found” in sage-grouse habitat (279), and that many lower-elevation grasslands are dominated by cheatgrass (276). Drought has contributed to increased occurrence of cheatgrass within the planning area (282). Cheatgrass is of particular concern in lower elevation and degraded areas associated with “historic overgrazing” and other factors (279, 280). Cheatgrass is believed to have contributed to declines in a local sage-grouse population (256). Almost all sage-grouse habitat in the planning area has a high potential for cheatgrass invasion (279, Table 3-22) and lower elevation sagebrush communities are exhibiting a downward trend due, in part, to cheatgrass incursion (283).

Noxious weeds were identified as a planning issue raised in scoping comments (as part of vegetation management) (xxviii, Table ES.2) and invasive species are among the seven issues addressed in the NW CO plan amendments (24). However, the NW CO DLUP/EIS, citing the Fish and Wildlife Service, also claims that weed infestations are not considered a top threat to sage-grouse in northwest Colorado (189, Table 2-6) and the preferred alternative does not include a cohesive program for addressing

cheatgrass incursion. This omission could be detrimental to sage-grouse, given the presence of cheatgrass and its many harmful effects on sage-grouse and sagebrush habitat in the planning area as documented in the NW CO DLUP/EIS, Manier et al (2013) and Bryce et al. (2012: 96-98).

SECTION 32.1 – LANDS WITH WILDERNESS CHARACTERISTICS

Comment Number: NWCOSG-14-0330-5

Comment Excerpt Text:

We have found that many of the initial draft inventories produced by BLM do not meet the current BLM guidance for identifying lands with wilderness characteristics and must be updated or amended to meet that guidance before being used to inform planning decisions.

Comment Number: NWCOSG-14-0330-7

Comment Excerpt Text:

the analysis included in the Northwest Colorado Greater Sage Grouse Draft LUP/EIS should be updated to include the latest information from BLM on recognized and potential lands with wilderness characteristics found in the five field offices analyzed by this proposed action.