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From: [Mazal - DNR, Vanessa](#)

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To: [BLM_HQ_GRSg_Planning](#)

Cc: [Gruber, Benjamin E](#) [Waldner, Leah R](#) [kathy.griffin](#)

Subject: [EXTERNAL] State of CO Scoping Comments BLM 2022 GrSG ARMPA

Importance: Normal

Sensitivity: None

Attachments:

[State of CO Scoping BLM 2022 GrSG ARMPA 020822.pdf](#) 

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Dear Ms. Deibert and Ms. Waldner,

Please find scoping comments on behalf of the State of Colorado attached herein for the BLM's consideration in developing the forthcoming GrSG RMP amendment.

With kind regards,

--

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February 8, 2022

Director Tracy Stone-Manning
Bureau of Land Management
760 Horizon Drive
Grand Junction, CO 81506

***RE: Notice of Intent To Amend Land Use Plans Regarding Greater Sage-Grouse
Conservation and Prepare Associated Environmental Impact Statements (FR Notice 86 6631)***

Dear Director Stone-Manning,

On behalf of the State of Colorado, I respectfully submit the following scoping letter and attached technical comments in response to the BLM's Notice of Intent to revisit plans for managing Greater sage-grouse and sagebrush ecosystems on federal lands. Colorado remains committed to continuing to work with other Western states, federal agencies, local governments, conservation organizations, and other stakeholders to ensure the viability of Greater sage-grouse populations in our state and throughout the species' native range. With a significant portion of the West's sagebrush ecosystems under federal administration, the BLM's partnership in conserving habitat on public lands is critical to the success of these efforts.

Ideally, the forthcoming planning process will adopt a forward-looking approach that builds upon the extensive analysis and consultation that went into the development of the previous two land use plan amendments. While the 2019 amendments contained some important clarifications, Colorado maintains that many of the recommendations in the 2015 plans, and the biological evidence on which they were based, remain salient for achieving contemporary conservation goals. It is also significant that these plans were the culmination of exhaustive deliberation and unprecedented collaboration among diverse stakeholders in Western states.

Nevertheless, patterns of continued population and habitat decline suggest that there will be value in taking stock of successes and shortcomings to improve range wide conservation outcomes for Greater sage-grouse populations and habitat. For example, extended drought and catastrophic natural events in recent years have been exacerbated by climate change, challenging some of the assumptions and future scenario planning employed in the previous plans. Additionally, the "mix" of current and potential public land use pressures, such as increasing demand for outdoor recreational opportunities, continue to evolve.

In particular, Colorado encourages the BLM to engage in inclusive discussions targeting the following key opportunity areas:

- Clarifying guidance surrounding the “net conservation gain” standard and federal mitigation requirements to enhance consistency in implementing the mitigation hierarchy across sub-regions, commensurate with habitat importance
- Ensuring appropriate monitoring, evaluation and compliance staffing and resourcing
- Enhancing state-federal cooperation and consultation with other key stakeholders
- Exploring options for employing the BLM’s full suite of conservation tools to strengthen protections in habitat most essential to the species’ survival across the multi-state planning area, while promoting successful strategic and practices being implemented at the state or sub regional level
- Improving transparency and consistency of decision-making with respect to requirements to prioritize future mineral leases and development activity outside of Greater sage-grouse habitat
- Designing effective adaptive management protocols and strategies for responding to a range of possible fluctuations and long-term changes to environmental conditions/scenarios and public land uses across the species’ range
- Evaluating monitoring data, including findings presented in the USGS 2021 Monitoring Framework, in light of scientific literature that was heavily vetted during previous amendment development to identify opportunities for strengthening range wide species and habitat conservation outcomes
- Improving alignment with and advancing contemporary state and federal conservation and climate policy priorities.

Colorado looks forward to working with the BLM and other stakeholders, and to continuing the state’s legacy of leadership and collaboration in the conservation of the Greater sage-grouse in Colorado and throughout the multi-state region.

Sincerely,



Jared Polis
Governor
State of Colorado

Attachment A: State of Colorado Scoping Comments BLM 2022 GrSG ARMPA

February 8, 2022

The following scoping comments and recommendations are submitted in response to the BLM's Notice of Intent (NOI) posted in the Federal Register on November 22, 2021, with the primary intent of identifying topics and issues that the State would like to see addressed during the 2022 Northwest Colorado resource management plan amendment and NEPA analysis. More detailed recommendations and discussions are anticipated to occur during forthcoming cooperating agency engagement and public comment opportunities.

With questions or concerns, please contact Kathy Griffin, PhD, CPW Grouse Conservation Coordinator, via email: kathy.griffin@state.co.us.

Jointly Submitted by:

- Colorado Division of Parks and Wildlife
- Colorado Department of Natural Resources
- Colorado State Land Board
- Colorado Department of Agriculture
- Colorado Energy Office

State of Colorado Scoping Responses: BLM Notice of Intent To Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements

Adapting Priority and General Habitat Management Areas:

- Priority and General habitat (PHMA, GHMA) maps submitted to the BLM by CPW in December, 2018, represent the most up-to-date information on GrSG habitat use in Colorado.
- The State appreciates the BLM's affirmation of states' responsibilities in managing wildlife and specifying a cooperative role for state wildlife management agencies in proposing changes to existing habitat maps (per section H.4.3, Appendix H in Northwest Colorado 2019 ARMPA, Adaptive Management Habitat Boundaries).
- Evaluate adaptive management protocols, such as timing and procedures for reviewing proposed changes to habitat maps (e.g., consider a 5-year minimum review frequency to provide reasonable assurances to communities and stakeholders in the durability for future planning and investment decisions).

Determining GRSG Habitat Objectives

- The BLM incorporated the habitat objectives contained in the Colorado GRSG Conservation Plan (2008) in the 2015 and 2019 ARMPAs.
- In addition to long-term cumulative effects, consider how climate-induced drought and

catastrophic natural events, or other disruptive environmental factors contribute to dynamic or fluctuating habitat conditions, and discuss potential implications to implementation guidance, such as the timing of monitoring and interpretation of the data.

- Consider clarifying guidance regarding data collection procedures and methodologies (e.g., timing, measurements) and providing a crosswalk to illustrate how data collected is used to determine objectives/priorities.

Mitigation Guidance

- Under the 2015 RMPA currently in effect, the BLM may draw on its regulatory authority to require compensatory mitigation to offset potential adverse impacts to GRSG habitat or populations.
- The 2015 ARMPA specifies that mitigation actions must meet a “net conservation gain” standard, but does not present a clear mitigation framework for implementing this requirement. Further discussions are warranted to inform uniform guidance to clarify how the “net conservation gain” standard should be defined, what conditions or requirement constitute its satisfaction (for projects in various locations, or of varying scales and scopes), and methods the BLM uses to calculate compensatory mitigation, whether at the statewide, or rangewide level (e.g., using the CO Habitat Quantification Tool or other methods).
- Lastly, the State recommends that the BLM consider developing a system that would allow the State and BLM staff to strategically plan and prioritize compensatory mitigation project implementation in Colorado.

Surface Disturbance Restrictions and Tracking

- Disturbance & Density Tracking: In partnership with USGS, BLM currently utilizes the Surface Disturbance and Reclamation Tracking Tool (SDARTT) to track anthropogenic disturbance and facility density within GrSG habitat in Colorado. CPW supports this methodology, but asks that the BLM work to resolve inherent inaccuracies in tracking disturbance, and more commonly, reclamation activity on privately owned lands. There is currently no incentive for private landowners to report their reclaimed disturbance unless the GrSG management zone is nearing the three percent disturbance threshold.
 - Additionally, it would be valuable for the BLM to provide clarity as to what constitutes a “disruptive feature” for tracking purposes (e.g., feature size or other characteristics). Discussions to identify specific reclamation criteria to remove disruptive features would also be constructive.
- Lek Buffers: Further evaluation of the conservation value and unintended consequences of how and where lek buffer distances and associated lease stipulations are applied, is needed.
 - Contrary to the original intent of the 2015 ARMPA, buffers and associated land use stipulations are currently being applied only to leks defined by CPW as “active” status, as opposed to all leks for which there has been documented lekking activity within the last ten years, including those categorized as active, inactive, and unknown. Additionally, there are discrepancies between how the 2015 and 2019 ARMPAs treat fluid mineral leasing within one mile of active lek sites: whereas, the 2015 plan included a “no new

leasing” provision within one mile, the 2019 plan allows leasing to occur with a strict no surface occupancy (NSO-1) stipulation.

- The State requests that the BLM consider recently-adopted surface disturbance recommendations for land use and energy development within high priority habitat for sensitive species, including GrSG.¹

Fluid Mineral Development

- Fluid Mineral Lease Prioritization Process: The State recommends that the BLM consider developing uniform guidance and a consistent methodology to improve the transparency and defensibility of leasing and permitting decisions -- both across the overall species range *and* within sub-regional/state offices. Divergent applications of the requirement to prioritize future fluid mineral leasing and other development activities/infrastructure outside of GRSG habitat have resulted in legal uncertainty and confusion. (See Appendix A for recommendations provided by DNR in comments on recent Colorado fluid mineral lease sales.)
- Waivers, Exceptions, and Modifications (WEMs) for Mineral Resources: The State suggests that the BLM provide clarification regarding roles and responsibilities of parties involved in the WEM review and approval process.
 - Discrepancies between the 2015 and 2019 ARMPAs regarding how waivers, exceptions, and modifications (WEM) for fluid mineral lease stipulations are administered has also created confusion. While the 2019 RMPA provided some clarifications that resulted in improved cooperation between CPW and BLM, the role of the U.S. Fish and Wildlife Service (USFWS) in the WEM decision making process has continued to be a point of discussion. Colorado’s Governor Consistency Review and Protest of the 2015 RMPA recommended that the role of USFWS be advisory when it comes to the review and approval of WEMs for fluid mineral lease stipulations.

Renewable Energy Development

- The State proposes that BLM engage with the State to examine whether benefits to GrSG conservation outcomes could be gained by streamlining permit approval procedures to facilitate renewable energy project development on public lands outside of grouse habitat, such as through a programmatic review.
 - Steering renewable energy development onto public lands outside of GRSG priority habitat where protective provisions are in effect could potentially yield dual benefits for advancing state and federal climate and wildlife conservation priorities.

Livestock Grazing and Wild Horse and Burro Management

- *Wild horse populations* - The State recommends that the BLM, working with the USGS, review wild horse and burro Appropriate Management Levels (AMLs) by herd management areas

¹ Per CPW Administrative Directive OG-1, April 28, 2021 submitted to BLM on November 2, 2021. Directive: <https://drive.google.com/file/d/1CSu78UyQ6a0XYVEJ3y6a1Q4DK5sYP8Pc/view?usp=sharing>; Guidance: https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf

(HMA) in Colorado to ensure they incorporate the latest science and sufficiently account for all relevant changed environmental conditions since they were established, in some cases, up to 20 years ago. Where appropriate herd levels exist, consider how to most effectively and humanely implement existing plans.

- *Livestock grazing* – The State encourages the BLM to examine current staffing and resource levels, and consider how to best implement procedures and prioritization in the 2015 ARMP, and to ensure that existing standards and guidelines are appropriately addressed in all permit reauthorizations.² New methodologies for determining habitat capability on particular landscapes are available and may not be incorporated into older leases.
 - Additionally, opportunities for consistently incorporating monitoring data collected through the AIM program to inform lease parameters should also be considered.

Habitat Restoration and Vegetation Treatments

- The State requests that existing programmatic EAs (i.e., 2017 Northwest Colorado Programmatic EA for Vegetation Treatments & Erosion Control Structures) be reviewed in light of recent literature regarding other species' use of the sagebrush ecosystem. On the whole, habitat management programs are operating well in terms of facilitating implementation of habitat restoration and vegetation treatment projects in those field offices where Programmatic EAs have been adopted.

Adapting GRSG and Sagebrush Habitat Management

- *Coordination* - Insofar as the BLM will be reviewing interagency coordination, in the State's estimation, processes and procedures in place in Colorado are working well. Annual meetings of the Northwest Colorado Sage-Grouse Statewide Implementation Team, as required under an interagency MOU, have improved adaptive management coordination between CPW and the BLM, and the process has been effective for BLM to respond to habitat loss and GRSG population declines. These meetings have been effective in improving dissemination of information, project planning and implementation, and overall communication.
- *Adaptive Management Triggers* - Investigate whether there could be potential conservation gains from revisiting adaptive management thresholds and strategies to be more responsive to a range of potential scenarios or conditions.
 - For instance, “hard triggers” identified in the 2015 Northwest Colorado ARMPA may not be sufficiently nuanced to indicate where adjustments are needed, and current guidance for responding to “soft trigger” could be clarified.
 - In early 2021, core implementation team members developed a process and criteria for evaluating soft triggers. The State recommends considering whether this process should be incorporated into the sage-grouse adaptive management appendix where hard triggers are discussed.³

² See Colorado BLM Grazing Standards and Guidelines, in particular, Standard 4: Special status, threatened and endangered species (federal and state), online: https://eplanning.blm.gov/public_projects/lup/39877/161080/196749/BLM_Colorado_Grazing_Standards_and_Guidelines.pdf

³ 2015 Northwest Colorado GrSG ARMPA, Adaptive Management section, Ch. 2; and 2019 Northwest Colorado GrSG ARMPA

Wildland Fire and Invasive Species Management

- CPW encourages the BLM to consider incorporating language that supports current interagency collaboration procedures, and emphasizes the importance of short- and long-term post-fire invasive species monitoring. Communication between CPW and BLM during wildfires and restoration efforts have been well-coordinated.

Monitoring and Evaluation of Habitats and Populations

- *Population* - It is important to maintain the interagency MOU that allows data sharing to support short- and long-term monitoring of grouse populations.
- *Habitat* - BLM should continue to support the implementation of the HAF and AIM monitoring programs and ensure sufficient resourcing for adequate data collection to allow managers to make valid assessments of habitat quality.

Incorporation of Recent Scientific Information

- Previous ARMPAs included extensive examination of available literature. Recent updates to GRSG literature from 2015-2020 are available (e.g., USGS on-line bibliography and the Colorado Oil and Gas Conservation Commission review)

Other CPW-Identified Scoping Issues/Topics

- *Staffing and Resourcing* - As alluded to above, overall BLM inadequate staffing levels have been a perennial barrier to effective plan implementation. Although additional monetary resources have been made available, staffing for sage grouse programs is often insufficient to ensure consistent and quality monitoring or implementation of activities. As alluded to above, field office staffing has been a particular concern with respect to the timely review and reauthorization of expiring grazing leases.
- *Minor technical issue* - CPW and BLM management zone nomenclature should be matched. Currently, management zone boundaries are in alignment but different numbering systems are used.

Appendix B: Recommendations for Greater Sage-Grouse Non-Habitat Prioritization Procedures

Problem 1: Degree of relevance - Under the current procedures described to CDNR, each criterion is assigned only a binary (yes/no) relevance value, whereas in reality, some criteria may be more applicable for determining a given parcel's lease eligibility than others.

Recommendation: Assign a "weighted" value across a low-high scale (e.g. 1-5), as opposed to a binary value, in order to indicate each criterion's degree of relevance to a given parcel's lease eligibility. (A "0" value would indicate not relevant.)

Problem 2: Favorability (pro/con) - The current procedures do not indicate whether criteria are favorable or not in determining lease eligibility (that is, a given criterion may support lease eligibility in one instance, but detract from eligibility in another).

Recommendation: Assign either a positive or negative (+/-) favorability value to each criterion to indicate whether it is considered to be advantageous or disadvantageous to a given parcel's lease eligibility. at;

NOTE: Taking Recommendations to Problems 1 and 2 together, each criterion would be assigned both a pro/con (+/-) and a low/high (1-5 scale) value. For instance, +3 would indicate moderately relevant and favorable to lease eligibility; -5 would indicate highly relevant and unfavorable.

E.g., Parcels containing a large amount of acreage within GHMA or PHMA would both be assigned a negative favorability value under "contains suitable habitat" (or similar) criterion, whereas PHMA might be assigned a higher "relevance" value than GHMA.

Problem 4: Comparability - The current procedures do not explain the basis of comparison between parcels, including for comparing parcels containing less suitable with more suitable habitat, or for comparing two parcels with equally suitable habitat.

Recommendation: Rank parcel lease eligibility according to an overall "eligibility score," which could be the sum of all negative and positive values across all criteria, or other representative system, in order to provide transparency into order of leasing priority, supported by narrative explanation.

Problem 3: Decision flexibility - The current procedures protect the BLM's ability to take unforeseen influences, in situ conditions, or subjective considerations into account that are not captured by predetermined criteria, by obscuring the details of the analysis.

Recommendation 1: Include an open "other considerations" category/criterion whose relevance value could be adjusted as necessary above the weighted scale applied to other, predetermined criteria if necessary, supported by an explanation.

As an example, in the event that a parcel were to exhibit unique biological characteristics that staff feel should make it ineligible for leasing despite its overall eligibility score and rank, the “Other Considerations” criterion would be assigned a negative favorability value (-) and *higher relevance value than its overall score* to disqualify it from leasing consideration, accompanied by a narrative explanation.

(Alternatively, the BLM could forego the weighted open “other considerations” criterion, but retain the supportive narrative explanation as to why a parcel should or should not be leased despite its overall score.)

In addition to the above scoring system recommendations, CDNR strongly urges the Colorado BLM to elucidate other aspects of its prioritization procedures that have not been previously explained. These might include, but should not be limited to:

- Standard of compliance, or measurable objectives, used to gauge whether the prioritization requirement has been satisfied
- Parameters used as the basis for implementing non-habitat prioritization (e.g., is prioritization implemented per quarterly sale or across sales in a given year? Are parcels offered outside of districts that do not contain habitat in a statewide sale accounted for, or is implemented only within districts that contain habitat? Is it implemented based on market conditions or demand?)
- Thresholds (e.g., number of parcels, amount of acreage, or other) or non-threshold conditions that must be met, either within a given sale or across sales, in order to trigger leasing within priority habitat, even if not fixed.
- Actions the BLM takes to promote leasing outside of habitat