

**Comments on Preliminary Proposed RMP
Land Use Plan Amendment
Final EIS for Cooperating Agency Review**

Comments:

- #1: Chapter and Page: 1-4, Row # or Line #: 26-31, Reviewer Name: Tom Jankovsky/Fred Jarman
Garfield County is a Cooperating Agency in the Roan Plateau Resource Supplemental EIS (SEIS). We have been told by the BLM that the GRSG will not be analyzed in the Roan SEIS but the SEIS will be amended from the NW Colorado Sub-regional GRSG LUPA, and EIS, contrary to the statement on 1-4; line 26-31.
- #2: Chapter and Page: 1-5, Row # or Line #: 6-11, Reviewer Name: Tom Jankovsky/Fred Jarman
Garfield County disagrees with the statement that the National Technical Team Report (NTT Report) provides the latest science and best biological judgement to assist in making management decisions relating to the GRSG. To the contrary, Garfield County supports the analysis in the NTT Data Quality Act Challenge¹ that raises serious questions about the scientific integrity of that Report such that it should not be used as the basis for Alternatives in the FEIS. Ultimately, the statement that the NTT 2011 report provides the latest science and best biological judgement to assist in making management decisions relating to the GRSG is inconsistent with the findings of Garfield County and the policies in the Garfield County Sage Grouse Plan.
- #3: Chapter and Page: 1-5, Row # or Line #: 12-14, Reviewer Name: Tom Jankovsky/Fred Jarman
Garfield County questions the accuracy of the habitat mapping for Garfield County as provided in the FEIS. As CPW and the BLM both explained to Garfield County², the mapping provided by CPW to the BLM is a Sensitive Wildlife Habitat map used for consultation purposes rather than a depiction of actual priority habitat. This Sensitive Wildlife Habitat map was generated from a 50,000 ft. viewpoint as testified by CPW in a Garfield County Coordination meeting on September 5, 2012.³ Current mapping in the GRSG FEIS (notably all the mapping FEIS Figures that depict Priority and General Habitat as well as Linkage / Connectivity areas) is not the best available science and remains inconsistent with habitat mapping found in the Garfield County GRSG Conservation Plan⁴ or in the peer reviewed manuscript used as the basis for habitat modeling in Garfield County.⁵

¹ See BLM NTT Data Quality Act Challenge files with the BLM on March 18, 2015, attached as Exhibit Z.

² See Letter to Mike King, Director, Colorado Department of Natural Resources, October 21, 2013 attached as Exhibit S.

³ See Garfield County Coordination Meeting Official Transcript on September 5, 2013, lines 4-9, page 80, attached as Exhibit J.

⁴ See Garfield County Greater Sage-Grouse Conservation Plan, as amended, November 17, 2015 attached as Exhibit V.

⁵ See Use of Modeling in a Geographic Information System to Predict Greater Sage-Grouse Habitat, January 21, 2015, attached as Exhibit Y.

- #4: Chapter and Page: 1-6, Row # or Line #: 24-33, Reviewer Name: Tom Jankovsky/Fred Jarman The USGS “Conservation Buffer Distance Estimates for GRSG – A Review” as discussed in the Data Quality Act Challenge of the USGS Monograph Report⁶ is inconsistent with Garfield County findings. Garfield County questions buffer distance estimates as they might apply to habitat in Garfield County which is naturally fragmented with wildly undulating and steep topography and vegetation type variability uncommon to the national (and typical) range. The BLM’s science and application of buffers is inconsistent with findings in the Garfield County Plan.
- #5: Chapter and Page: 1-8, Row # or Line #: 12-13, Reviewer Name: Tom Jankovsky/Fred Jarman Garfield County is quite concerned about the Conservation Objectives Team Report (COT Report) and formally supported the Data Quality Challenge regarding the same.⁷ Garfield County also questions the professional adequacy of the team members such that some are not GRSG biologists.
- #6: Chapter and Page: 1-10, Row # or Line #: 17-18, Reviewer Name: Tom Jankovsky/Fred Jarman Garfield County questions the Purpose and Need of the GRSG LUPA the USFWS March, 2010 “warranted but precluded” ESA listing petition decision. Garfield County questions the non-transparent “sue and settlement agreement” with the plaintiffs and the USFWS. Garfield questions the USFWS population estimates and the model used regarding extinction prediction. The same points were raised in the Center for Environmental Science, Accuracy and Reliability report, “Science or Advocacy.”⁸
- #7: Chapter and Page: 1-10, Row # or Line #: 24-26, Reviewer Name: Tom Jankovsky/Fred Jarman GRSG populations in Garfield County and NW Colorado are not in decline. In fact, the PPR population which includes Garfield County shows a 112 percent increase since 2010 (High Male Count) in data from Colorado Parks and Wildlife (CPW).⁹
- #8: Chapter and Page: 1-10, Row # or Line #: 31-32, Reviewer Name: Tom Jankovsky/Fred Jarman BLM Instructional Memorandum 2012 – 044, BLM National GRSG Land Use Planning Strategy under policy and action states, “the conservation measures developed by NTT must be considered and analyzed, as appropriate, through land use planning process by all BLM State and Field Offices that contain occupied GRSG habitat. While these conservation measures are range wide in scale, it is expected that at the regional and sub-regional planning scales, there may be some adjustments of these conservation measures in order to address local ecological site variability.” Garfield County specifically has local ecological site variability mentioned in IM 2012-44. The NW Colorado GRSG LUPA does not take into consideration the uniquely naturally fragmented habitat,

⁶ See USGS Monograph Report Data Quality Act Challenge filed with the USGS on March 18, 2015, attached as Exhibit BB.

⁷ See USFWS Conservation Objectives Team Report Data Quality Act Challenge filed with the USFWS on March 18, 2015, attached as Exhibit AA.

⁸ See Center for Environmental Science, Accuracy & Reliability’s Report entitled, “Science or Advocacy” as a part of the Data Quality Act Challenge of the USGS Monograph filed with the USGS on March 18, 2015, attached as Exhibit BB Sub-Exhibit A.

⁹ See Garfield County graph entitled “How are the Greater Sage Grouse doing in Colorado & PPR (Garfield & Rio Blanco Counties)?” attached as Exhibit CC.

dramatic changes in topography and vegetation in Garfield County. The LUPA is not consistent with Garfield County GRSG Conservation Plan (43 CFR; 1610. 3-2 Consistency requirements) nor has the BLM coordinated in the LUPA to address the inconsistencies with the Garfield County Plan. Although Garfield County attempted to Coordinate with the BLM¹⁰, the BLM has not resolved the conflicts and inconsistencies between the two Plans.

- #9: Chapter and Page: 1-11, Row # or Line #: 22-24, Reviewer Name: Tom Jankovsky/Fred Jarman Decisions in this LUPA are only applied to BLM-administered lands, National Forest Surface, and those lands that have a federal nexus due leased federal minerals. In our still valid comments regarding the DEIS¹¹, Garfield County thoroughly explained our concerns regarding the BLM's intent to use disturbance cap programs to penalize (reduce cap threshold availability) activity on public lands because of their inventory of disturbance on private lands without legal authority to do so.
- #10: Chapter and Page: 1-19, Row # or Line #: 33-39, Reviewer Name: Tom Jankovsky/Fred Jarman This paragraph starts to acknowledge the difference in the PPR habitat on narrow mid-elevation ridges. The habitat in Garfield County is naturally fragmented, with dramatic changes in topography and vegetation. This habitat is different from the rest of the national range. The national studies and reports cited in the LUPA are inconsistent with Garfield County habitat, Garfield County Conservation Plan.
- #11: Chapter and Page: 1-28, Row # or Line #: 28-42, Reviewer Name: Tom Jankovsky/Fred Jarman The BLM Instructional Memorandum 2012-044 states "the PPH and PGH data and maps have been/are being developed by the BLM through a collaborative effort between the BLM and the respective state wildlife agency and these science based maps were developed using the best available data and may change as new information becomes available. Such changes would be science-based and coordinated with the state wildlife agencies so that the resulting delimitation of PPH and PGH provides for sustainable populations."

As testified by the BLM during the formal Garfield County Coordination meetings¹², there are no maps that have been developed by the BLM in the EIS. As stated in comments above, the Colorado Parks and Wildlife provided the habitat maps to the BLM which were designed as broad Sensitive Wildlife Maps used for consultation purposes and were not designed to identify specific GRSG priority habitat. In Garfield County, the best science-based habitat to date continue to be the objectively peer reviewed habitat maps contained in the Garfield County Greater Sage Grouse Conservation Plan and the maps are Garfield County GRSG peer reviewed maps.¹³ The BLM has not reviewed nor resolved the inconsistencies between the Garfield County Conservation Plan Map and the BLM LUPA/DEIS map for Garfield County.

¹⁰ See Garfield County Coordination Meeting Official Transcripts attached as Exhibits G, I, J and N.

¹¹ See Garfield County comments to the BLM on the Draft Resource Management Plan Amendment and Draft Environmental Impact Statement filed with the BLM on December 2, 2013 attached as Exhibit T.

¹² See Garfield County Coordination Meeting Official Transcripts attached as Exhibits G, I, J and N.

¹³ See the Manuscript: Use of Modelling in a Geographic Information System to Predict Greater Sage-Grouse Habitat, January 21, 2015, attached as Exhibit Y.

- #12: Chapter and Page: 1-30, Row # or Line #: 17-22, Reviewer Name: Tom Jankovsky/Fred Jarman
1.5.1. The Scoping Process. Garfield County questions the BLM's procedures and commitment to the scoping process. Under FLPMA regulations, "43 CFR 1610.3-1/3-2, Coordination of Planning Efforts, the BLM is to assist in resolving inconsistencies between federal and non-federal government plans, and develop resource management plans collaboratively with cooperating agencies. The BLM LUPA and FEIS is inconsistent with the Garfield County GRSG Conservation Plan pertaining to GRSG maps, buffers, disturbance caps, habitat management in GRSG general habitat and regulatory assurance. These inconsistencies have not been resolved nor has there been collaboration between the BLM and Garfield County.
- #13: Chapter and Page: 1-31, Row # or Line #: 34-39, Reviewer Name: Tom Jankovsky/Fred Jarman
Issues identified for consideration in the NW Colorado LUPA are not consistent with the Garfield County GRSG Conservation Plan and Garfield County comments on the BLM RMPA and DEIS comments concerning predation and hunting as an issue and threat to the GRSG. Also refer to the COT Data Quality Challenge. Concerning Fluid Minerals, the largest LEK in the PPR is on a reclaimed well pad, 31 strutting males, CPW Nov 2014 PPR GRSG work group report.
- #14: Chapter and Page: 1-32, Row # or Line #: 1-5, Reviewer Name: Tom Jankovsky/Fred Jarman
Planning Criteria - "Planning criteria are based on appropriate laws, regulations, BLM and Forest Service, service manual and Handbook sections, policy directives, as well as on public participation and coordination with cooperating agencies". Garfield County questions the planning criteria follow appropriate laws and regulations. Refer to comments above illustrating Garfield County's concerns over the BLM ignoring their own policy directives in IM 2012-44. Refer to the BLM desk guide to cooperating agency relationships and coordination #2012.
- #15: Chapter and Page: 1-32, Row # or Line #: 6-10, Reviewer Name: Tom Jankovsky/Fred Jarman
1.8 Relationship to other Policies, Plans and Programs. "While the BLM and Forest Service are not obligated to seek consistency, the agencies are required to describe the inconsistencies between the proposed action and other plan, policies and controls within the EIS." Garfield County alternative #2.11.2 BLM response to the inconsistencies with Garfield County GRSG conservation plan are inadequate in that it states "the Garfield County Plan is contained within the existing range of alternatives and is not significantly distinguishable from those alternatives." This statement is patently false. The Alternatives do not address / include specific components of the Garfield County Plan. The NW Colorado GRSG LUPA and FEIS does not address inconsistencies with the Garfield GRSG conservation plan in habitat maps, buffers disturbance caps, threats, regulatory assurance or implementation of policies. (Chapter and Page: 1-32, Row # or Line #: 6-10)
- #16: Chapter and Page: 1-35, Row # or Line #: 31-35, Reviewer Name: Tom Jankovsky/Fred Jarman
Proposed LUPA management action concerning buffer from LEKS in PHMA and ADH. Due to naturally fragmented habitat, drastic changes in topography and vegetation in Garfield County

and the PPR, there is no scientific evidence that buffers work in this terrain. With topography change within .6 mile could be 2000' below a lek and completely out of GRS habitat. These buffers consistency have not been resolved between the Garfield County Greater Sage Grouse Conservation Plan and the NW Colorado BLM LUPA and FEIS. (Chapter and Page: 1-35, Row # or Line #: 31-35)

- #17: Chapter and Page: 1-42, Row # or Line #: 11-45, Reviewer Name: Tom Jankovsky/Fred Jarman
“The disturbance cap in Proposed LUPA/FEIS, was changed from 5 percent in lands that support sagebrush to 3 percent in PHMA.” The disturbance cap has no scientific basis and is arbitrary.¹⁴ The problem issue with the disturbance cap in Garfield County and the PPR is difference and inconsistency in the habitat mapping comments #3 and comments #9. The difference in PHMA between the two maps is significant and reflects to the disturbance cap. Chapter and Page: 1-42, Row # or Line #: 11-45.
- #18: Chapter and Page: 1-43, Row # or Line #: 7-17, Reviewer Name: Tom Jankovsky/Fred Jarman
The FEIS Social and Economic Conditions is a superficial discussion of potential impacts, it fails to give a concrete economic analysis of the proposed action. It greatly discounts the adverse effects of the proposed action. There is no analysis of loss of jobs in Garfield County, State and Federal revenues and property tax. Table 3.95, page 3-281 refers to tax revenues by County. There is no further analysis to show Garfield County property tax revenues are 70.2 percent attributable to oil and gas property tax. Nor do the Social/Economic conditions reflect the importance of oil and gas property taxes to the special districts in Garfield County. Three fire districts, two school districts, a hospital district and park district receive 70-95 percent of their property tax revenues from oil and gas property taxes.¹⁵ (Chapter and Page: 1-43, Row # or Line #: 7-17.)

¹⁴ See Data Quality Act Challenges for the NTT Report, filed with the BLM on March 18, 2015 and attached as Exhibit Z.

¹⁵ See Economic Impacts of Sage-Grouse Management Supplement Report, Piceance Basin Development Analysis prepared by BBC Research and Consulting for Garfield County Community Development Department, attached as Exhibit ___.

**BLM – NORTHWEST COLORADO DISTRICT
 RESOURCE MANAGEMENT PLAN AMENDMENTS AND ENVIRONMENTAL IMPACT STATEMENT
 Comments on Preliminary Proposed RMP/Land Use Plan Amendment/Final EIS for Cooperating Agency Review
 April 29, 2015**

Cmt #	Chapter and Page #	Row # or Line #	Reviewer Name	Reviewer Office/ Affiliation	Comment	A/R/M'	Response / How Resolved (Reviewers: Leave this column blank)
1.	1-4	26-31	JJ/FS		#1		
2.	1-5	6-11			#2		
3.	1-5	12-14			#3		
4.	1-6	24-33			#4		
5.	1-8	12-13			#5		
6.	1-10	9-14			#6		
7.	1-10	17-18			#7		
8.	1-10	24-26			#8		
9.	1-10	31-32			#9		
10.	1-11	22-24			#10		
11.	1-19	33-35			#11		
12.	1-28	28-42			#12		
13.	1-30	17-22			#13		
14.	1-31	34-39			#14		
15.	1-32	1-5			#14		
16.	1-32	6-10			#15		
17.	1-35	31-35			#16		
18.	1-42	1-45			#17		
19.	1-43	7-17			#18		
20.	1-44	38-42			#		
21.	3-25	2/82			#19		
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I A = Comment accepted; R = Comment rejected with explanation; M = Comment-response modified