



April 09, 2015

Ms. Ruth Welch
State Director, Bureau of Land Management
2850 Youngfield Street
Lakewood, Colorado 80215-7093

Re: Supplement to Garfield County Comments concerning the BLM's Northwest Colorado Greater Sage Grouse Draft Resource Management Plan and Draft Environmental Impact Statement to include the Data Quality Act Challenge Reports

Ms. Welch,

As you will recall, the Garfield County Board of County Commissioners (the Commissioners) participated extensively as a Cooperating Agency with the Bureau of Land Management (BLM) as it prepared the Northwest Colorado Greater Sage Grouse Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (DEIS). Through that process, the Commissioners provided the BLM with a substantial set of comments not only as an internal reviewer but also submitted formal comments once the draft was released for public comment. Those formal comments were received and signed for by your office on December 6, 2013 via certified return receipt.

Since that time, the Commissioners have participated in three specific Data Quality Act (DQA) challenges completed by Western Energy Alliance. As you may be aware, one of the DQA challenges was specifically filed with your agency on March 18th, 2015 regarding challenges to the BLM's use of the National Technical Team Report (NTT Report) in crafting the alternatives in the DEIS. The other two challenges were filed with the US Fish and Wildlife Service and the US Geologic Service regarding the Final Conservation Objective Team Report and the Final Monograph Report, respectively. The Commissioners remain concerned over the BLM's reliance on the NTT Report as a central driving document in the crafting of the alternatives in the DEIS for the reasons previously stated in the County's original comments as well as the DQA challenge attached to this letter.

The purpose of this letter is to provide your agency with a copy of all three DQA challenges mentioned above as a formal supplement to our original comments filed with your agency. The data and arguments contained in all three DQA challenges serve to both underscore and the buttress the various points already made by Garfield County in our original comments. While the Commissioners

fully support all of the points presented in all three of the DQA challenges, we draw your attention to specific points below that are consistent with the County's original comments.

- 1) As an overall fundamental flaw, the BLM's EIS relied heavily on the NTT Report which contains a great deal of opinion not backed by scientific research and hyper-inflates purported threats such as oil and gas development beyond scientific validity. Moreover, the NTT Report lacks objectivity and exhibits bias as it contains recommendations based on policy desires rather than being supported by sound and reproducible science.
- 2) The DEIS endorsed the so-called "4-Mile Buffer" around a Sage Grouse lek provided in NTT Report, despite the fact that the buffer is unsupported by scientific evidence. As stated in the County's original comments, the scientific justification for requiring 4-mile buffers and surface disturbance caps (whether they are 1, 3, or 5%) is entirely based on the opinions of selected authors and the erroneous assumption that a local and temporary displacement of sage grouse from an area of development means that a population decline has occurred. However, none of the cited studies actually ever documented a population decline. (Please refer to *Exhibit M* in the County's original comments entitled "How the National Technical Team Report Changes the Way the BLM Operates" which is a compilation of internal BLM emails obtained through a Freedom of Information Act (FOIA) request that points out the internal BLM's own concern over lack of scientific data to support claims in the NTT report which is the very basis for the action alternatives in the DEIS.)
- 3) Similar to the arbitrary nature and unscientific application of the four mile buffer, the DEIS also uses and advocates for a disturbance cap concept; however, disturbance caps are scientifically unsupported, arbitrary, and based solely on opinion with no demonstrable data as to its purported effect on the species. Further, it is based on the inaccurate notion that temporary displacement of Sage Grouse in a developed area equates to population decline. As stated in earlier county comments, the DEIS attempts to assert its management authority on private lands through the Disturbance Cap Management program; this directly impacts activities on 1/4 of privately held lands in Garfield County without the legal authority to do so. If the BLM believes it has the legal authority to implement this program, it should disclose its legal arguments in the DEIS.
- 4) Both the DEIS and the NTT Report fail to recognize local conservation efforts such as the Garfield County Greater Sage Grouse Conservation plan which includes a very refined habitat map that addresses "local ecological site variability" for the areas in Garfield County and NW Colorado that was required by the BLM Director to its field offices in the Instructional Memorandum 2012-044. Garfield County provided this Plan that specifically addressed local ecological site variability which was summarily ignored by the BLM. Because of the one-size-fits-all approach, the flawed and overly broad management provisions in the NTT Report apply to areas well beyond habitat with no ecological value and very real economic harm.

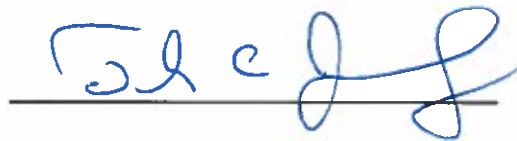
More specifically, The PPH / PGH habitat maps contained in the DEIS map large areas of non-habitat in Garfield County despite cited literature and specific text in the DEIS that directly contradict the mapping. This results in over mapping approximately 160,000 acres of non-habitat

as "habitat." Recent mapping completed by Dr. Brett Walker of Colorado Parks and Wildlife appear to be very consistent with Garfield County's mapping which revealed large areas of non-habitat that are currently in the PPH / PGH maps.

- 5) Through the development of the BLM's DEIS, Garfield County and others continuously reiterated that the BLM and the NTT Report failed to acknowledge and recognize the existing science that supported the significant impact of predation on Greater Sage Grouse survivability as a leading threat. The DQA Challenge provides that science so that the BLM can better understand and reassess threats to the species. This issue is echoed in the DQA Challenge to the COT Report as well and attached to this letter for your review.

We look forward to be able to meaningfully coordinate with the BLM to resolve inconsistencies in the DEIS with Garfield County's local land use policies.

Very truly yours,



Tom Jankovsky, Commissioner

On behalf of the Garfield County Board of County Commissioners

cc: The Honorable John Hickenlooper, Governor, State of Colorado
The Honorable Cory Gardner, U.S. Senate
The Honorable Michael Bennet, U.S. Senate
The Honorable Scott Tipton, U.S. House of Representatives
The Honorable Bob Rankin, State House of Representatives
Neil Kornze, Director, Bureau of Land Management
Ruth Welch, State Director, BLM, Colorado
Mike King, Executive Director, Colorado Department of Natural Resources
Robert Broscheid, Director, Colorado Parks & Wildlife