AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Ratification of Correspondence; Bureau of Land Man

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Comment letter to BLM regarding Draft Gunnison Sage Grouse RMPA/EIS. Signed and submitted on 1/6/17.

Fiscal Impact:

Submitted by: Laura Seymour for David Baumgarten **Submitter's Email Address:** lseymour@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 1/6/2017

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 1/10/2017

Revised April 2015

Gunnison County
COLORADO

Office of the Gunnison County Attorney
David Baumgarten • County Attorney
Gretchen Stuhr • Deputy County Attorney

January 6, 2017

Gunnison Sage-Grouse EIS
Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215
Transmitted via email: gusg_amend@blm.gov

Re: Comments by the Board of County Commissioners of the County of Gunnison, Colorado regarding the Gunnison Sage-Grouse Rangewide Draft RMP Amendment/Draft EIS; 81 Fed. Reg. 53503 (August 12, 2016)

Responsible Official:

The Board of County Commissioners of the County of Gunnison, Colorado ("Gunnison County") formally submits these comments regarding the Gunnison Sage-Grouse Rangewide Draft RMP Amendment/Draft EIS; 81 Fed. Reg. 53503 (August 12, 2016), ("Draft RMP, Draft EIS").

Gunnison County has a unique perspective that deserves the attention of the Bureau of Land Management ("BLM"):

A. First, Gunnison County has the authority to protect and promote the health, welfare and safety of the people of Gunnison County, and the authority to regulate land use planning and environmental quality and protection (including wildlife) in Gunnison County, including activities on BLM lands; pursuant to these authorities the Gunnison County Commissioners have duly adopted policies and regulations including the review, approval, conditioning or denial of proposed activities and users of public and private land and natural resources that reasonably might impact the Gunnison Sage-grouse.

B. Second, since 1995, Gunnison County consistently has provided personnel, facilities, financial support in excess of one million dollars, and conspicuously public efforts—political, diplomatic, collegial, organized and scientifically based—to protect and foster the Gunnison Sage-grouse ("GuSG") and its habitat.

For over two decades, Gunnison County, together with its residents, biologists, private and public entities, other local government and state and federal entities including the BLM, have voluntarily come together and continued to work successfully for the conservation of the GuSG. These community-based conservation efforts have been lauded for their ability to build understanding about resources, make wise decisions, build local, regional and state capacity, and get regulatory, non-regulatory and voluntary land use and species enhancing projects successfully accomplished. All of this has been accomplished following the principal that one supports what one has helped create.

C. Third, the decisions of the BLM will impact the citizens, and the social, economic and environmental fabric and future of the Gunnison County Community, in a scope and qualities that may be profound.

D. Finally, Gunnison County has committed, and recommits, to make the Board and County personnel available to the BLM during the comment period and post comment processes regarding the Gunnison Sage-Grouse Rangewide Draft RMP Amendment/Draft EIS.

Gunnison County, as an integral component of its commitment, intends to continue its existing and beneficial relationship with the BLM regarding GuSG.

Colorado Revised Statues 30-11-101, Powers of Counties, grants to Colorado counties authority to plan for and regulate the use of lands by means that include: "(1)(k) To coordinate, pursuant to 43 U.S.C. sec. 1712, the "National Environmental Policy Act of 1969", 42 U.S.C. sec. 4321 et seq., 40 U.S.C. sec. 3312, 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 40 C.F.R parts 500 to 1508, with the United States secretary of the interior and the United States secretary of agriculture to develop land management plans that address hazardous fuel removal and other forest management practices, water development and conservation measures, watershed protection, the protection of air quality, public utilities protection, and private property protection on federal lands within such county's jurisdiction."

For example, Gunnison County's Gunnison Basin Sage-grouse Strategic Committee and the BLM facilitated the development of the Gunnison Basin Candidate Conservation Agreement ("CCA") among federal land management agencies to promote conservation of the Gunnison Basin population of GuSG prior to the federal listing of the species. The CCA is consistent with the conservation objectives for GuSG in the Rangewide Conservation Plan ("RCP"). The CCA was approved by FWS in a conference opinion in 2013, and more recently was approved for post-listing purposes through a biological opinion issued by FWS in 2015.

The Draft RMP/Draft EIS, however, addresses such intergovernmental opportunities only in a cursory manner; in sum, it states:

"The planning effort recognizes the many ongoing efforts to conserve the GuSG through policies and plans implemented throughout the planning area by other land managers and government agencies. The BLM will seek to be consistent with or complement other management actions in accordance with FLPMA and regulations." (Draft RMP, Draft EIS at 1-26).

Gunnison County respectfully expresses its intent to continue to work with the BLM—during the next phases of crafting a Final RMP/EIS—to explore the opportunities offered by Colorado and federal law for joint efforts to foster the Gunnison Sage-grouse.

I. GENERAL COMMENTS

There are several foundations that inform Gunnison County's comments.

A. The Fish And Wildlife GuSG Listing And Designation Decisions Are The Subject Of Current Litigation

The Draft RMP/Draft EIS identifies as its primary impetus, and as one of its most significant foundational documents, the U.S. Fish and Wildlife Service ("FWS") decision, on November 20. 2014, to list the GuSG as a threatened species, and to designate critical habitat, all pursuant to the Endangered Species Act.

It must be noted, at the onset, that the FWS listing and designation decisions are significantly flawed--procedurally, substantively, biologically and economically; the decisions currently are the subject of litigation.

It would be an existential flaw to base the Draft RMP/Draft EIS on the illegal FWS decisions. Among other consequences, should the FWS decisions be withdrawn or reversed, the foundation of the Draft RMP/Draft EIS will be eliminated. This flaw cannot be rectified by ignoring the illegality of the FWS decisions and, instead, adopting (without reference to the FWS decisions) the flawed methodology and analytics of the FWS decisions.

The Draft RMP/Draft EIS itself must establish its own independent, accurate, complete and neutral foundations. It does not.

B. Changes To Current BLM Management Are Not Needed In The Gunnison Basin

1. The Gunnison Basin Population of GuSG is stable and growing, healthy and likely to persist in the long term. At the time of the FWS listing decision:

a. The vast majority of GuSG (almost 90%) were found in the Gunnison Basin population (78 Fed. Reg. at 2493).

b. The Gunnison Basin population increased by approximately 35% from 2002 to 2012 (78 Fed. Reg. at 2491, Figure 2) and was estimated to be 4,082 birds at the time of the Proposed Rule (id.);

c. This population exceeded the populations target of 3,000 birds set by the Gunnison Sage-Grouse Rangewide Conservation Plan ("RCP") by over 30% (RCP at 256, Table 2)[1]; and

d. The FWS itself acknowledged that "the Gunnison Basin Population, while showing variation over the years, has been relatively stable…" (78 Fed. Reg. at 2488; see also 79 Fed. Reg. at 69178, 69201, 69229, 29288).

2. The Draft RMP/Draft EIS correctly recognizes that:

a. The Gunnison Basin population of GuSG continues to be stable and growing [2]

b. The population numbers in the Gunnison Basin continue to be significantly higher than the goals established in the RCP.

c. The Gunnison Basin population is sufficiently large in and of itself to maintain a reasonably large degree of genetic variation over time[3].

d. The Gunnison Basin population—with at least six subpopulations--also has a very high probability of surviving random demographic stochastic events.

e. Substantial numbers of GuSG have been removed from the Gunnison Basin over time to augment other sub-populations. (Draft RMP/Draft EIS p. 2-14; 3-7 to 3-8; 3-33).

3. As noted in the written comments submitted by Gunnison County to FWS during the public rulemaking process related to the federal listing of the GuSG, Gunnison County—together with its public and private partners—already have adopted and successfully implemented regulations, policies and other significant conservation efforts to conserve the GuSG on both public and private lands. Those actions continue to be implemented. Gunnison County's comment letters are dated April 2, 2013, October 18, 2013, and November 26, 2013. These comment letters with their appendices are adopted, attached and incorporated herein.

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[1] Note: Both the BLM and the FWS participated in the development of the RCP; both entities signed the final RCP.
[2] See: CPW 2016 Gunnison Basin Lek County Summary and Population Estimate, Summary p. 1, recognizing that "(o)verall the Gunnison Basin population trend continues to increase slightly."
[3] It is important to note that the Gunnison Basin population is composed of at least six subpopulations that provide genetic variation.

C. Conclusion Of Historic Activity In The Gunnison Basin Benefits GuSG

Gunnison County requests that BLM consider—as a prerequisite to changes to current BLM management in the Gunnison Basin—the conclusion, curtailment or elimination of historic activity on public land in the Basin; that is, the elimination of these factors should contribute positively to the continuing growth of the Gunnison Basin population of GuSG.

1. Contour plowing of sage brush habitat on BLM land;

2. Construction of the UMPTRA disposal site and roads on BLM land;

3. Hunting of Gunnison Sage-grouse on BLM land; and

4. Construction of the Bureau of Reclamation Curecanti Unit on other Federal land.

Of these four factors, the Draft RMP/Draft EIS mentions only one—hunting—and then only to state, in sum: "(t)he hunting of GuSG is not allowed in either Colorado or Utah. Comments related to state-regulated actions are outside the scope of this RMP Amendment." Draft RMP/Draft EIS at 1-17.

The cessation of these activities—and cessation of their impact on the Gunnison GuSG population—may contribute to a conclusion that changes in current BLM management are not needed in the Gunnison Basin.

D. Designation Of "Areas of Critical Environmental Concern" Should Not Be Over Extended

Designation of an "Area of Critical Environmental Concern" ("ACEC") in Colorado is not uncommon (e.g. the existing 22,000 acre Gunnison Sage-Grouse ACEC/IBA in the Gunnison Gorge National Conservation Area RMP). However, the ACEC proposed in the Draft RMP/Draft EIS greatly exceeds existing ACECs in magnitude (e.g. current Colorado ACECs range from less than 50 acres to approximately 25,000 acres) without the factual foundation or requisite analysis to satisfy the necessary characteristics of "relevance" and "importance."

As noted in the comments, dated December 30, 2016 by the Gunnison County Stockgrowers' Association "(t)he objective of an ACEC designation pursuant to 43 CFR 1610.7-2 is to highlight areas where special management attention is needed to protect important resource values. (BLM manual 1613.02). To be designated as an ACEC, an area must require special management attention to protect the important and relevant value(s). BLM's Manual emphasizes that "special management attention" refers to management measures that would not be prescribed in the absence of the ACEC designation. (BLM Manual 1613.12). ACECs are thus not warranted where protective management will otherwise be provided in the absence of the designation. (BLM Manual 1613.33. E. 1)."

Alternative B would designate "all GuSG Occupied and Unoccupied Habitat" as an "Area of Critical Environmental Concern" ("ACEC"). Draft RMP/Draft EIS identifies the consequences of such a designation to include:

1. "Management actions resulting from ACEC designation would limit travel to existing roads and trails…and only allow Special Recreation Permits that have neutral or beneficial effects to GuSG and their habitat." DEIS, at 4-175.
2. "The ACEC would be designated a ROW exclusion area, with exceptions for designated ROW corridors." DEIS, at 4-175.
3. "The ACEC would be closed to fluid mineral leasing and recommended for withdrawal from locatable mineral entry." DEIS at 4-175.
4. "Designation could trigger additional requirements for avoidance of unnecessary and undue degradation under the general mining laws…" DEIS, at 4-175.
5. "Potential solid mineral operators would be required to submit a plan of operations and obtain BLM approval prior to beginning operations that could cause surface disturbance greater than casual use." DEIS, at 4-175.

To put the size of this proposed ACEC in perspective, it would be approximately 624,345 acres. The size of the entire state of Rhode Island in acres is 775,900 acres.

It must be pointed out that such an enormous—and factually unsubstantiated—use of a single overarching ACEC would appear to be a transparent attempt to use the ACEC planning tool as the functional equivalent of "withdrawal" of BLM lands. The Federal Land Policy and Management Act ("FLPMA") not only requires the BLM to implement principles of multiple use of public lands and sustained yields of resources, but FLPMA also requires Congressional approval of a withdrawal of more than 5,000 acres in size. To adopt such an unprecedented ACEC would be to invite challenge to the ACEC, and to the tool itself, while other—and more effective—tools are available in the context of GuSG conservation.

While some may encourage BLM use of ACECs to be greatly expanded both in size and prohibitory effect, Gunnison County does not. Such an unprecedented use of an ACEC would change the focus of this document from conservation of GuSG to advocacy of a different agenda, namely, expansion of the ACEC tool beyond its intended purposes. Rather, Gunnison County would encourage consideration only of ACECs carefully tailored in location, scope and character. [4]

E. The Draft RMP/Draft EIS Unduly Focuses On Diminishing Domestic Livestock Grazing

The Draft RMP/Draft EIS unduly focuses on diminishing domestic livestock grazing—without, for instance, consideration of management of wild ungulates. This overemphasis has

[4] The Draft RMP/Draft EIS notes that it is in BLM's planning horizon for components of the same geographic area to "evaluate and consider management prescriptions for eighteen potential ACECs." Draft RMP/Draft EIS, 1-13.

the appearance, if not reality, of advocacy of a different agenda (i.e. diminishing grazing) rather than conservation of GuSG.

F. Gunnison County Adopts The Comments Of The Gunnison County Stockgrowers' Association

Gunnison County adopts the comments, dated December 30, 2016 by the Gunnison County Stockgrowers' Association.

G. Gunnison County's Position On The Proposed Alternatives

For the reasons stated above, and the comments which follow, Gunnison County's position on the proposed alternatives is:

> Alternative A—The CCA is a fundamental foundation for conservation of the Gunnison Basin population of GuSG. Alternative A contains, by implication, the CCA as a component of administration of the range. However, Alternative A does not make this implication explicit. Alternative A should make explicit and clear that it contains the CCA. Gunnison County is supportive of the continuation of current management direction for GuSG in the Gunnison Basin under Alternative A's "no action" scenario provided that it explicitly includes continued implementation of the CCA.
>
> Alternative B—Gunnison County is strongly opposed to Alternative B. Alternative B prioritizes avoidance of all use on BLM administered lands as a means of conserving the GuSG. Alternative B would close all BLM surface in occupied and unoccupied habitat (623,346 acres) to livestock grazing. Draft RMP/Draft EIS p. 2-157; 4-117 to 4-118). There would no longer be any active allotments; no permitted AUMs over the short or long term; and no allowable range measurements. (Draft RMP/Draft EIS, p. 2-157; 2-162; 4-118). All surface disturbance would be prohibited within four miles of a lek, effectively prohibiting all surface disturbances on BLM managed lands in the Gunnison Basin. (Draft RMP/Draft EIS, p. 2-191). All habitat lands would be designated as an ACEC with prescriptions to conserve grouse values. (Draft RMP/Draft EIS, p. 2-10).
>
> Alternative C—Gunnison County is also opposed to Alterative C and its "permitted forage" approach insofar as it "would likely result in more of a reduction (of AUMs) over the long term than Alternative A." (Draft RMP/Draft EIS, p. 4-118). Alternative C would also retire AUMs in both occupied and unoccupied habitat when a permittee relinquishes grazing preference on an allotment. (Draft RMP/EIS, p. 4-119). These aspects of Alternative C presumes that grazing is inherently bad for GuSG and fails to recognize that properly managed grazing is consistent with conservation of the species. (Draft RMP/Draft EIS, p. 4-14; see also FWS Final Listing Rule for GuSG, 79 Fed. Reg. at 69211).

Alternative D1—Alternative D1 appears to recognize the health and stability of the GuSG population in the Gunnison Basin. Alternative D1 explicitly contains the CCA. As generally described in the Draft RMP/Draft EIS, Alternative D1 would follow the Gunnison Basin CCA management guidelines for grazing permit renewals, monitoring, conservation measures, and additional small-scale infrastructure such as gates, enclosures, and water development for GuSG in the Gunnison Basin; and it would manage for grass heights per the RCP habitat guidelines (Draft RMP/Draft EIS, p. 2-157 to 2-159; 2-162). Alternative D1 would extend this general management approach beyond occupied habitat to unoccupied habitat areas in the Gunnison Basin (Draft RMP/Draft EIS p. 2-157). It would also recognize a 0.6 mile lek buffer within which surface disturbance activities would be limited. (Draft RMP/Draft EIS p. 2-191).

Gunnison County shares with the Gunnison County Stockgrowers' Association's concerns with certain assumptions and analytic approaches in Alternative D1. If these concerns were to be addressed fully and appropriately, and not withstanding Gunnison County's position, Gunnison County is in concept supportive of BLM's identification of Alternative D1 as an agency-preferred alternative based on Alternative D1's general consistency with the habitat objectives and measures in the RCP and Gunnison Basin CCA.

Gunnison County also endorses the comment, and concerns, regarding Alternative D1 expressed in the Stockgrowers' comment letter.

II. SPECIFIC COMMENTS

Each of the following comments is addressed to a specific "plan section", and when available, a specific page.

Comment No.	Plan Section	Page	Comment
1	Abstract		Montezuma County, Colorado is not included in the list of counties but appears to be included in the planning area for the Dove Creek/Monticello population.

2	Executive Summary	i	The Draft EIS identifies as its primary impetus, and as one of its most significant foundational documents, the U.S. Fish and Wildlife Service ("FWS") decision, on November 20. 2014, to list the GuSG as a threatened species, and to designate critical habitat, all pursuant to the Endangered Species Act. It must be noted, at the onset, that the FWS listing and designation decisions are significantly flawed--procedurally, substantively, biologically and economically; the decisions currently are the subject of litigation. It is a existential flaw to base the Draft EIS on the illegal FWS decisions. Among other consequences, should the FWS decisions be withdrawn or reversed, the foundation of the Draft EIS will be eliminated. This existential flaw cannot be rectified by ignoring the illegality of the FWS decisions and, instead, adopting (without reference to the FWS decisions) the flawed methodology and analytics of the FWS decisions. The Draft EIS itself must identify its own independent, accurate, complete and neutral foundations.
3	Executive Summary	ii	Defining "Occupied Habitat" to include "an area of vacant/unknown" occupancy by GuSG has no rational basis.
4	Executive Summary	iii	The Draft EIS states that “disruptive activities occurring within four miles of a lek in “Non-Habitat Areas adjacent to Occupied and/or Unoccupied will be considered.” This analytic framework contains fundamental flaws:1. The definition of "disruptive activities" is so vague and broad so as to not provide adequate guidance to BLM to properly administer the concept. A suggested modification is to define "disruptive activity" to be "public land resource uses/activities that have been demonstrated, through peer-reviewed scientific research, to negatively alter the behavior, displace, or cause excessive stress to existing GUSG populations occurring at a specific location and/or time. In this context, disruptive activity(ies) refer to those actions that alter behavior or cause the displacement of individuals such that reproductive success is negatively affected, or an individual's physiological ability to cope with environmental stress is compromised as demonstrated by scientific research or as observed and documented in the field. This term does not apply to the physical disturbance of the land surface, vegetation, or features. Examples of disruptive activities may include noise, vehicle traffic, or other human presence regardless of the activity. The term is commonly used in conjunction with protecting wildlife during crucial life stages (e.g., breeding, nesting, birthing, etc.). The use of this term is not intended to prohibit all activity or authorized uses."2. The choice of a four mile radius of a lek is an arbitrary analytic—with no consideration of geography, topography or other on-site considerations (e.g. a mountain ridge separating the lek from the exterior of the radius).

5	Executive Summary	vii	As noted in the Gunnison Stockgrowers' Association comments: "Alternative D1 appears to recognize the health and stability of the GuSG population in the Gunnison Basin. As described generally in the Draft RMP/Draft EIS, Alternative D1 would follow the Gunnison Basin CCA management guidelines for grazing permit renewals, monitoring, conservation measures, and additional small-scale infrastructure such as gates, enclosures and water development for GuSG habitat in the Gunnison Basin; and it would manage for grass heights per the RCP habitat guidelines." Gunnison County endorses this comment, and the concerns, regarding Alternative D1 expressed in the Stockgrowers' comment letter.
6	Executive Summary	vii	Draft EIS states, regarding Sub-Alternative D_2, that the satellite population areas are "key to species recovery…" Gunnison County disagrees.
7	Introduction	I-6	What is the scientific basis for including vacant/unknown (as delineated by CPW) habitat in the planning area occupied habitat for the Crawford population?
8	Introduction	1-2	The Introduction neglects to mention previous FWS decisions to <u>not</u> list the GuSG.
9	Introduction	1-7	The Draft EIS states that "disruptive activities occurring within four miles of a lek in "Non-Habitat Areas adjacent to Occupied and/or Unoccupied will be considered." This analytic framework contains two fundamental flaws: 1. The definition of "disruptive activities" is broadly defined and subject to interpretation. It does not provide BLM with clear direction when applying this standard. 2. The choice of a four mile radius of a lek is an arbitrary analytic—with no consideration of geography, topography or other on-site considerations (e.g. a mountain ridge separating the lek from the exterior of the radius).
10	Introduction	I-7	Non-habitat matrix "would" be developed by FWS in cooperation with BLM…and other cooperating agencies. Is this a commitment to developing this matrix even though it appears that another agency (FWS) is going to develop it?
11	Introduction	1-8	The Draft states that "(d)elineating the GuSG by (a)…population approach…provides a <u>natural starting point</u> from which to evaluate issues related to habitat fragmentation." (Emphasis added.) However, the Draft provides no biological or any other analytic basis to support this general—but entirely consequential—conclusion.

12	Introduction	1-13	The Draft states that "…Alternative B in this document analyzes an ACEC for all GuSG Occupied and Unoccupied Habitat…" At the BLM conducted public hearing dated October 17, 2016 in Gunnison, Colorado, Gunnison County inquired of the BLM whether an ACEC of this order or magnitude had ever been proposed or adopted by the BLM. The BLM's unequivocal answer was "no." Gunnison County notes that a "withdrawal" of BLM lands of this order of magnitude would require Congressional approval. Because the Draft proposes an ACEC which is the functional equivalent of a withdrawal without Congressional review or approval, Gunnison County objects to it.
13	Introduction	I-14	BLM introduces the concept of habitat "supporting" specific GuSG populations. This appears to be similar to the "connectivity concept" used by FWS in its GuSG critical habitat rule. Other than FWS statements, there appears to be no science to support this concept.
14	Introduction	I-14,15	There are 73,983 acres of non-habitat in the Gunnison basin and 290,081 acres of non-habitat rangewide that will be impacted by this plan.
15	Introduction	1-14	At the BLM conducted public hearing dated October 17, 2016 in Gunnison, Colorado, Gunnison County inquired of the BLM to identify the biologic basis for the "connectivity concept" used by FWS (and implicitly by BLM) with regard to GuSG. BLM candidly responded that it could not.
16	Introduction	1-17	The Draft includes a Section 1.2.5 "Issues And Resources Identified And Considered But Not Carried Forward." At the BLM conducted public hearing dated October 17, 2016 in Gunnison, Colorado, Gunnison County requested that BLM consider four major factors that have influenced GuSG species and/or habitat decline. Some of these factors no longer exist and some of these factors may be reversed or ameliorated to the benefit of the species and/or habitat. The factors are: 1. Construction and operation of the Curecanti Unit by the US Bureau of Reclamation. 2. BLM "contour plowing" of vast swaths of lands in the Gunnison Basin. 3. Construction of the UMPTRA site by the US Department of Energy in Gunnison County. 4. Legal hunting of GuSG.Gunnison County respectfully requested that BLM consider these factors in addition to the factors identified in the challenged FWS listing. BLM agreed to do so.NOTE: At page 1-17, Draft states hunting is an issue identified and considered but not carried forward.

17	Introduction	I-19	The actions of this Draft have the potential to impact "Prime and Unique Farmlands" as designated by the USDA/NRCS. Many of the agricultural operations on private lands depend upon BLM managed grazing permits that will potentially be impacted by this Draft. Gunnison County does not agree that "Prime and Unique Farmlands" is an issue that should be considered but not carried forward. BLM needs to acknowledge that management actions taken on BLM managed lands can and often do impact agricultural operations on private lands.
18	Introduction	1-22	The Draft states, without explanation or support (factual, biological, legal or otherwise) that "(f)or the purposes of this planning effort, GuSG habitat may include areas in addition to those designated as critical habitat by the FWS in the final listing decision."
19	Introduction	1-23	The Draft states that "(t)he RMP Amendment will consider management actions that have been previously demonstrated as successful for GuSG conservation on private, local, state, other federal, or BLM administered plans.However, the Draft does not identify--much less consider-- Gunnison County's "habitat prioritization tool" which has efficacy and benefit for identifying crucial habitat on private as well as public lands.
20	Introduction	1-23	The Draft states that "(t)he BLM will coordinate and communicate with…local…governments to ensure that the BLM considers provisions of pertinent plans…" However, the Draft neither identifies nor considers local government regulations, requirements, plans and/or activities--many of which have effect and impact on BLM lands. Please see Gunnison County's comment letters to FWS, attached hereto.
21	Alternatives	2-4	The Draft states "Sub-Alternative D1 focuses on issues associated with the more stable Gunnison Basin Population." The words "more stable" should be supplemented with "redundant" and "resilient".
22	Alternatives	2-8	Gunnison County does not agree that all of the unoccupied lands designated by the FWS as Critical Habitat are "essential for the conservation of the species". Areas within designated Critical Habitat include arbitrarily designated migration corridors with no possibility of grouse ever actually migrating through them. They also include areas of significant forests which would require massive tree removal to come close to providing useful habitat for grouse. Restrictions on activities, under the guise of grouse conservation, in many of these areas is not useful to the conservation of the species and is blatantly unnecessary.
23	Alternatives	2-8,9	A resource management plan amendment is not necessary to meet the requirements of Section 7(a)(2) of the Endangered Species Act. The requirements of this section are readily met through the well-established "consultation" process used by federal agencies and the FWS.

24	Alternatives	2-10	The Draft states: "In consideration of these public proposals, the BLM proposes to designate all Occupied and Unoccupied habitat as an ACEC under Alternative B." Gunnison County suggests that an ACEC of such a vast geographic magnitude is unique, and does not meet both the relevance and importance criteria (43 CFR 1610.7-2) and BLM Manual 1613, to be nominated for ACEC designation or to be eligible for further consideration.
25	Alternatives	2-12	In this table the area recommended for withdrawal from Federal mineral developments is "TBD" (to be determined). This does not allow Gunnison County to make a rational assessment of the proposed area, nor provide a meaningful comment on this issue.
26	Alternatives	2-13	Gunnison County questions how Alternative B, which essentially restricts all human activities, but does nothing to address climate change, natural and past man-caused habitat degradation, and eliminates public land grazing, which will virtually eliminate private land GuSG habitat management by putting those operations out of business, enhances "recovery opportunities".
27	Alternatives	2-14	The "GUSG Mitigation Plan" referred to in the discussion of Alternative C is not included in this draft, therefore Gunnison County cannot make reasonable, meaningful comments where the mitigation plan is referenced. The statement here reads as if it exists. It does not.
28	Alternatives	2-14	The discussion of Alternative D makes it sound like we know what the limiting factors are for GuSG in the satellite populations. We do not. The RCP (2005) provides some insight, but is highly speculative. The FWS listing decision (2014) is almost entirely speculation regarding what may be limiting satellite population growth (increase in numbers of birds).
29	Alternatives	2-14	Alternative D characterizes the Gunnison Basin Population as "large enough to have a very high probability of surviving random demographic stochastic events over a 50-year timeframe…", as having "been relatively stable based on the last 19 years of lek counts..."; and having "a population large enough in and of itself to maintain a reasonable large degree of genetic variation over time..." Gunnison County agrees with these characterizations.
30	Alternative A		There are many good GuSG conservation measures that exist in current Resource Management Plans across the range of the GuSG. Many if not all were vetted through a public process. To "throw them away" in favor of new measures, just to say BLM is doing something for the grouse, is not rational. For the older RMP's, particularly, but all in general, inclusion of disturbance criteria contained in the GuSG RCP (2005) makes the need for a wholesale revision of all RMP's across the range of the grouse questionable at best.

31	Alternatives	2-60 and 2-198	BLM should clearly articulate that before AUM reductions are made on grazing permits, the causal factor for not meeting land health standards or not meeting GuSG RCP habitat guidelines should be identified. All references in the draft move directly from "not meeting" to reducing AUM's.
32	Alternative B	2-138	There are numerous apparent conflicts in Alternative B. As an example, #4 designates all occupied habitat as "…closed to motorized travel…" #5 prohibits upgrades to existing routes in occupied habitat. Unless these routes are non-motorized, there would be no need for upgrades as the entire occupied habitat area is closed to motorized travel.
33	Alternatives C,D	2-139	Basing an entire decision on "recovery" of a species, of which the need for "recovery" is being challenged in court, makes the entire document questionable if the litigation negates the need for "recovery".
34	Alternative D1	2-142	BLM should consider prioritizing reclamation of routes in Tier 2 habitat if the reason the habitat is not achieving Tier 1 status is due, all or in part, to the route(s) in question.
35	Alternative D1	2-146	Some outfitting activities (such as winter mountain lion hunting with new technologies) were not envisioned when the CCA was finalized. SRP's should be analyzed for impacts to GuSG not envisioned when the activity was first authorized or renewed.
36	Alternative B,C,D2	2-147	The solar energy EIS includes GuSG habitat in the Poncha Pass population.
37	Alternatives	2-159	Unilateral use of the GuSG RCP habitat guidelines without consideration for range site potential and/or ecological site potential is not an appropriate use of the science available. BLM should clearly note that the RCP habitat guidelines can be met only when the range/ecological site potential matches the guidelines.
38	Goal	2-182	Unless the HAF and/or AIM use the sampling protocols or BLM has found a way to cross-walk the data using the techniques, it is not possible to compare data collected with these protocols to the GuSG RCP habitat guidelines.
39	Alternative B	2-183	Prohibiting surface disturbance within 4 miles of a lek would prohibit surface disturbance in the entire Gunnison Basin.
40	Alternative B	2-184	Preventing treatment of pinyon-juniper encroachment in sagebrush ecological sites would result in a loss of important habitat in the satellite populations of GuSG. A pro-active solution would be to use new decision support tool mapping (Doherty, Griffin) to prioritize treatment sites.

41	Alternative B	2-185	Preventing habitat treatment of seeps, springs and riparian "zones" will result in a loss of those habitats as the watercourses continue to incise and/or in the event of climate change.
42	Alternative C	2-187	Why would BLM allow the collection/harvest of vegetative materials in occupied habitat but prohibit it in unoccupied habitat?
43	Alternative B	2-188	The type of predators is not defined. Is BLM referring to grouse predators, large ungulate predators, all predators, or something else?
44	Adaptive Management	2-206	An adaptive management strategy has not been developed and is not included in the EIS. It is our understanding that this strategy will be developed later in the process, which is of concern, as we cannot, therefore, evaluate and provide reasoned comments on the adaptive management strategy.
45	Special Status Species	3-2	We suggest BLM contact Colorado Parks and Wildlife for the latest GuSG population information. Depending on the data (number of years, rolling average, etc.) used, a very different picture of the satellite populations appears. Based upon 2016 CPW data, only two of the six satellite populations are in decline based upon a 3 year rolling average.
46	Non-habitat Areas	3-6	We believe BLM may misunderstand the reason for a 4-mile buffer around leks. The GuSG Rangewide Conservation Plan guidance is a 0.6 mile disturbance buffer around leks. The 4-mile buffer was established to identify an approximately 80% use area for non-lekking life stages of the species, not direct impacts to the leks themselves. If an area is not occupied/used by the grouse, then the only remaining impact is direct impact to the lek itself. As a Cooperating Agency, Gunnison County agreed that there may be some projects so invasive/disruptive that if located within 4 miles of a lek, even in non-habitat, that those impacts need to be analyzed and, if found necessary, avoided, minimized and/or mitigated. The four mile buffer was a choice of convenience, and will likely cause confusion because it is the same size as the 4 mile buffer in the RCP.
47	Gunnison Basin Population	3-7	The current "official" estimate from CPW for occupied habitat in the Gunnison Basin is 593,000 acres. We are aware that CPW intends to, based upon observation of grouse activity, add some acreage to that. There is no reference as to where BLM came up with 605,026 acres of occupied habitat. Because the Gunnison Basin CCA is tied directly to occupied habitat, an accurate, science based determination of occupied habitat is important.
48	Gunnison Basin Population	3-7	Black sagebrush occurs at all elevations within GuSG occupied habitat in the Gunnison Basin, not just the "…lower elevations."

49	Gunnison Basin Population	3-8	We are aware of approximately 5 acres of cultivated cropland within GuSG occupied habitat in the Gunnison Basin, not 30,441 acres. Is BLM referring to irrigated hay meadows? These are not cultivated croplands.
50	Gunnison Basin Population	3-9	The Draft states that agricultural development impacts sagebrush availability. In-fact, the sagebrush/wet meadow perimeter of the irrigated hay meadows provides a significant amount of important GuSG brood rearing habitat and in fact, enhances the sagebrush adjacent to the meadows.
51	Gunnison Basin Population	3-10	We are not sure what picture BLM is trying to paint here. Again, we find that using the term "sagebrush availability" is not accurate. We also note that all leks are, by definition, within occupied habitat, not just 75% of the leks.
52	Elk	3-47	Winter elk densities in the Gunnison Basin cannot be "averaged" as noted - your estimate of 19 elk per square mile. Reality is that elk are herd animals and graze across the landscape in large herds (50 to 200 or more animals) regularly during the winter. This occurs across all GuSG habitats, but is particularly impactful to nesting/early brood rearing habitat as it removes the carry-over understory that will not regenerate in time to benefit nesting or early brood rearing grouse.
53	Table 3.41	3-75	Gunnison County is concerned that the data in this table was not taken from comparable data sources, nor collected using consistent protocols. At minimum, it does not correlate with other studies in the Gunnison Basin that indicate that the majority of the GuSG habitat meets or exceeds the habitat guidelines in the GuSG Rangewide Conservation Plan. There is no explanation in this section of how "ecological fundamentals" does or does not correlate with GuSG habitat needs.
54	Riparian	3-79	The single most significant impact to riparian areas in the Gunnison Basin are the unimproved (two-track) roads. These roads alter drainage patterns, diverting water away from riparian areas and cause significant erosion. BLM "road maintenance" across the Basin has, in many cases, made the situation worse by utilizing techniques to "get rid of the water" rather than to improve the drainage to benefit riparian areas. At no point in this "existing condition" discussion is this noted.
55	Grazing	3-97	Why does BLM credit CPW with the CCA? It is a federal lands document developed by BLM. CPW participated in the development of the CCA, but is certainly not the originator or custodian of it.
56	Recreation	3-116	The Gunnison Basin Gunnison sage-grouse festival has not been active since 2013. The educational forums and other GuSG related activities continue as noted.

57	Recreation	3-120	In the Gunnison Basin it is unlikely that OHV riding is the most popular recreational activity on BLM managed lands. If local data is available it is likely to show that non-motorized single track use (mountain biking) is the most popular recreational activity on BLM lands in the Gunnison Basin. Assumptions such as the OHV assumption here, if BLM is not careful, will lead to ill-conceived and possibly harmful restrictions to public land use within the planning area.
58	Recreation	3-120	Though traditional "snowmobiling" within the range of the GuSG has generally not been an issue (at least one identified by managers), new over-the-snow technologies, such as tracked OHV's, have allowed winter use not experienced in the past. These uses have the potential to directly impact GuSG through disturbance and to indirectly impact GuSG through changes in winter uses patterns of big game, primarily elk. To date BLM has indicated they were unable/unwilling to manage winter, over snow travel in the Gunnison Basin. Gunnison County recommends that winter travel management be component of all resource management plans within the range of the GuSG, both for the benefit of the species, and for the benefit of winter public land users.
59	Recreation	3-121	Guided mountain lion hunting occurs in the winter. This type of hunting has occurred in the past, but not at the levels seen in recent years, nor with new technologies allowing access to areas previously un-accessible. Local BLM managers have voiced concern, but are, at the same time, issuing outfitter permits for this activity, which has the potential to impact GuSG both directly and indirectly.
60	Travel Management	3-123	Why are "unknown roads" assumed to be open to the public? It is our understanding that in the Gunnison Basin any road not posted as "open" is "closed". By making this statement in the EIS will you not be reversing that decision?
61	Economic Conditions	3-215	This analysis states that "while BLM allotments often provide a small portion of permittees' forage…", the analysis should also state that BLM allotments provide a portion of permittees' forage at KEY times of the year, allowing winter forage production on the associated private lands to occur.
62	Economic Conditions	3-231	The number of jobs attributed to livestock grazing (41) and the associated labor income ($744,000) seem quite low considering the agricultural nature of the Area 1 counties. We ask that BLM re-evaluate the data and contact the involved counties for updated information.
63	Environmental Consequences	4-8	Habitat treatments are a reasonably foreseeable action in the Gunnison Basin, Gunnison FO.
64	Environmental Consequences	4-12	BLM does not differentiate between powerline "types". Transmission lines generally have significantly more infrastructure than distribution lines with the associated possibility of more impact to the GuSG.

65	Environmental Consequences	4-26	BLM analyzes the ability of "non-habitat areas" to support GuSG, though the intent of including these areas in this analysis was not to consider them as habitat in any way, but to consider the impact of projects occurring within these "non-habitat areas" on habitat actually capable of supporting GuSG.
66	Environmental Consequences	4-27	As one CPW researcher noted, "grouse can fly", therefore we are not sure how BLM would determine if a barrier was "impermeable" between populations or subpopulations.
67	Environmental Consequences	4-31	The estimate here of nest trampling (1.16 nests out of 100) is far higher than the estimate on p. 4-15 of 4 to 12 nest out of 1000 in a 28 day incubation period. This section does not acknowledge that BLM is using two different standards (rangeland health and ecological fundamental) which appear to differ significantly in how they are assessed. Gunnison County is concerned that the Range Management analysis was accomplished by a BLM staff without range management expertise and therefore is fatally flawed.
68	Cumulative Effects	4-41	In some cases fire can be beneficial to GuSG habitat by removing old-growth sagebrush that provides no habitat values to GuSG, especially in terrains not accessible by other habitat treatment techniques.
69	Cumulative Effects	4-41	By using the FWS final listing rule "primary threats" BLM chose to use a source that is being challenged in court, which if the challenge is successful, will negate that source as providing a source of valid threats. By choosing to ignore the GuSG Rangewide Conservation Plan threat analysis, BLM did not use the best scientific information available.
70	Cumulative Effects	4-44	Gunnison County does not agree that in all cases agriculture is a "disturbance" to Gunnison sage-grouse. Over 30% of the most valuable GuSG habitats occur on private lands, many exist there because of positive habitat management by private landowners.
71	Cumulative Effects	4-45	How does an MOU with APHIS functionally and beneficially address predator control? We are unaware of any predator control actions within GuSG habitat administered or funded by BLM that are specifically designed to benefit GuSG.
72	Cumulative Effects	4-47	BLM should be aware that as a result of spring GuSG road closures elk are now remaining longer at lower elevations, increasing the potential for nesting habitat impacts beyond those anticipated by BLM in this analysis.

73	Cumulative Effects	4-49	The way this is worded, one would assume that recreation sites can/would be developed anyplace within GuSG habitat under Alternative A, except within 0.6 miles of a lek. This is not true: 1) the GuSG is a listed species therefore consultation with the FWS is required. This will force consideration of impacts of a proposed recreation site on other habitats/the species itself. 2) BLM's own policies and existing RMP's would require consideration of impacts to GuSG habitats/the species itself. 3) In Gunnison County any surface disturbing activity, including those proposed by BLM, requires review/authorization under County GuSG specific regulations.
74	Cumulative Effects	4-50	BLM should note that even if the GuSG is "delisted" in some manner, and therefore associated FWS biological opinions become null, the CCA remains in effect and provides surety and guidance to GuSG conservation efforts on BLM managed lands, including those permitted for grazing.
75	Cumulative Effects	4-51	The prohibitions proposed in Alternative B may, in fact, create a big game "sink", allowing concentration of big game in important GuSG habitats beyond that historically experienced, resulting in a significant negative impact to the GuSG and their habitats. There is evidence of this potential being observed by biologists in the Gunnison Basin. Elk are being noted as remaining longer in areas behind the road closures established 10 years ago to protect GuSG during their mating (lekking) season (March 15 - May 15).
76	Cumulative Effects	4-52	The discussion of recreation under Alternative B acknowledges the possible negative impacts to GuSG habitats due to complete removal of all activities on BLM lands. That concept is not carried through the analysis for other activities - such as Lands & Realty - immediately following the Recreation analysis.
77	Cumulative Effects	4-54	Both "Assumptions" for ravens used in this analysis may be in error, at least to some degree. The following report by Dr. Page Magee provides new information on raven locations relative to anthropogenic features. It also has information on raven roosting areas, which may impact nesting locations. Magee Patrick. Common Ravens Benefit from Human Subsidies in Gunnison's Sagebrush Sea. 2015. Colorado Birds Vol. 49 No. 3.
78	Riparian-Env. Consequences	4-82	In the Gunnison Basin, and across the planning area, roads (from developed to two-track) control much of the water flow. Few of these are designed/maintained to make use of the water, but are designed or allowed to simply "get rid of the water". This has a significant impact on wetland and riparian areas, as well as erosion. BLM only acknowledges that "even activities, such as development or road construction...can have an influence of stream hydrology". We believe that BLM, through this EIS/RMPA should emphasize addressing this issue in order to effectively manage one of, if not the most important GuSG habitat - brood rearing (riparian/wetland/wet meadows).

79	Riparian-Env. Consequences	4-87	It appears that Alternative B also prohibits riparian/wetland/wet meadow reclamation projects. If that is the case, already compromised water courses would continue to deteriorate and ultimately the associated GuSG brood rearing habitat would be lost.
80	Invasive Species	4-95	This comment is true for all analysis of Alternative A. The Gunnison Basin CCA is inherent in Alternative A for the Gunnison Basin. BLM (and the USFS, NPS) have agreed to implement it. No analysis of any resource in this document acknowledges that fact.
81	Wildlands Fire	4-105	The analysis of Alternative B does not address the removal of domestic animal grazing from the landscape. It is likely that the complete removal of domestic animal grazing would result in a buildup of fine fuels (grasses, forbs) and increase the frequency and size of wildland fire under the Alternative B management scenario. Likewise, the analyses of Alternatives A, C, D1 and D2 do not consider domestic animal grazing and the associated removal of fine fuels, reducing the chances of and size of wildlife fires across the planning area.
82	Livestock Grazing	4-111	Properly managed range improvements (water wells, troughs, catchments, reservoirs, spring developments) do not result in localized loss of vegetation cover. In-fact they can result in overall improvement to GuSG brood rearing habitat by providing necessary moisture to the plant community.
83	Livestock Grazing	4-123	Gunnison County has repeatedly asked BLM to ensure that "improper grazing" and "managed grazing" are clearly differentiated and treated appropriately. The discussion and the thread across the document clearly demonstrated a bias against livestock grazing in general and does not make any differentiation.
84	Socio-economic	4-183	As stated previously, the economic impact of Alternative B due to the loss of grazing on public lands within the planning area will be higher than the estimated $783,000 and 9 jobs within Area 1. Virtually every ranch in the Gunnison Basin is dependent upon public land grazing to maintain a viable operation. Loss of the entire ranching community will result in a loss of at least $6.9 million and over 360 jobs (Tadjion and Seidl, 2006) in Gunnison County alone. Agricultural operation (ranching in the Gunnison Basin) expenditures for the same period were in excess of $10.3 million, much of which was spent in the Gunnison community, further increasing the economic impact of this alternative.
85	Socio-economic	4-184	Gunnison County requests that BLM review and reconsider its economic analysis specific to public lands grazing in light of the large discrepancy between BLM's estimate of economic impacts and the actual impacts.

86	Local Working Group Plan	5-8	The San Miguel Basin Local Working Group GuSG Conservation Plan was revised in 2009. By not considering this plan during the developing of the draft EIS/RMPA, BLM did not consider the most current conservation information for the San Miguel GuSG population. That plan is available at: http://sanmiguelgrouse.org/conservation-plan/
87	County Plans and Policies	5-8	BLM apparently did not consider the Gunnison County Land Use Resolution (LUR) in its entirety in the development of this draft EIS/RMPA. Though BLM did consider some parts of the LUR directly related to GuSG (Section 11-106: Protection of Wildlife Habitat Areas), it did not consider other sections of the LUR that are directly related to GuSG conservation, or that may provide GuSG conservation benefits and impact the County's land use process in the context of BLM managed lands. The Gunnison County LUR is available at: http://gunnisoncounty.org/DocumentCenter/View/3157. A compilation of all local government plans, policies and regulations directly and indirectly related to GuSG is available from Gunnison County on request.
88	BLM Policies and Plans	5-9	Apparently BLM did not consider the "Approved Resource Management Plan Amendments/Record of Decision for Solar Energy Development in Six Southwestern States" (Solar PEIS ROD, October 2012). A portion of that planning area overlaps the Poncha Pass GuSG population habitat, and therefore the planning area for this EIS/RMPA.
89	Draft GUSG Best Management Practices	6-209	Gunnison County recommends that the weed management protocols identified in the Gunnison Basin CCA be adopted by BLM through this process as "Best Management Practices" across the range of the GuSG for invasive weed management.

Respectfully submitted,

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1/6/17

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Date