

## Northwest Colorado Stewardship Sector Concerns Worksheet

**Sector Convener:** JaneYazzie

**Sector:** Wildlife Habitat/Ecosystem Sector

**NWCOS Members Present at Meeting:** Wes McStay, Reed Morris, Rick Hammel, Jane Yazzie, Ann Oliver, Geoff Blakeslee, Luke Shafer, Josh Pollock

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**STEP 1:** Please list the concerns that your sector has with Alternative C on the lines below: please see Step 2 and following worksheets. We have three overarching concerns and several suggestions to improve Alternative C with respect to each of those three.

**STEP 2:** From the above list, please identify your TOP THREE concerns.

1. We see few if any provisions in Alternative C that address, avoid, or minimize **cumulative impacts** upon land health, habitat conditions, plant communities and wildlife populations over the landscape.
2. We are concerned about the lack of information and measurable decision points within **Appendix X**. In its current form, Appendix X could justify/facilitate almost any exception to the provisions of Alternative C.
3. Majority of stipulations specified in Alternative C only address impacts to vegetation, systems, and/or populations in the **short-term**. They do not address the long term impacts of a given use/action.

**STEP 3:** For each of your TOP THREE concerns, fill out the attached Sector Worksheet. If you have questions about how to fill out the Worksheet, please refer to the COMPLETELY PRETEND SAMPLE that is also attached.

## WORKSHEET: PRIORITY #1 and #3

**The general topics of this issue are 1) Cumulative Impacts to vegetation, systems and populations over space and time, as well as 3) Majority of stipulations specified in Alternative C only address impacts to vegetation, systems, and/or populations in the short-term. They do not address the long term impacts of a given use/action upon habitat and/or populations.**

Our interest regarding this issue is to incorporate protection for native vegetation, populations, and systems from the detrimental effects of the accumulation of local impacts across the planning area and over time.

*There are 9 areas of Alternative C that we are concerned about with respect to these issues and this interest:*

**[Remember that your *interest* is not the same as your *position*.]**

**1) We are concerned about the item in Row G on page 20** of the Alternatives Document, which says “The use of the following Best Management Practices (BMPs) will be encouraged for all surface disturbing activities. The BLM may require implementation of some of the following BMPs once disturbance reaches 10 percent of nesting habitat within 4 mile radius of an active lek. As new BMPs are developed, they may be added to the following list or replace some of the following BMPs.”

**[Please write in the exact language from Alternative C. Others may not be as familiar with it as you are.]**

**This item is problematic for our interests** because it leaves so much room for BMP’s to NOT be implemented. Given the language as it currently reads, what indication or assurance does the public have that these (and other) important BMP’s will be used? Our view is that the listed BMP’s should be standard operating procedure – that is, many of them represent the minimum that the public should be able to expect from a user of public lands.

**[Be as SPECIFIC as possible.]**

**Our initial thinking about a solution includes the following:**

A. change the language to read that BLM will require implementation (from “BLM may”).

B. remove the 10% trigger.

With these changes the language would read “The BLM will require implementation of the following BMP’s within a 4 mile radius of an active lek.” This would provide the public with assurance that BMP’s will be implemented in key grouse habitats on new oil and gas leases, and other surface disturbing activities.

C. In addition, we would like to recommend that BLM encourage the use of BMP’s in the development of current leases by setting the implementation of the BMP’s listed in this row as

- a condition of approval of APD’s and
- a requirement in order to seek an exception under Appendix X.

**2) We are concerned about the item in Row G on page 19** of the Alternatives Document, which says "For the purpose of preventing disturbing up to 75% of nesting birds, from March 1- June 30, greater sage grouse nesting and early brood rearing habitat (as defined in Chapter 3) would be controlled surface use for oil and gas exploration and development and avoidance areas for other surface disturbing activities within a 4-mile radius of the perimeter of a lek. All surface disturbing activities would avoid only nesting and early brood-rearing habitat within the 4-mile radius of the lek during this time period.

Exceptions, modifications or waivers granted according to criteria established in Appendix X.

The actual area to be avoided would be determined on a case-by-case basis dependent on applicable scientific research and site-specific analysis and in coordination with commodity users and other appropriate entities."

**This item is problematic for our interests because**, while it does address short term disturbance of nesting habitats present within a 4 mile radius of only currently active leks by limiting surface disturbing activities during the nesting period, it does not address the long term accumulation of habitat loss and fragmentation that will occur due to the long term nature of surface disturbing activities that will be allowed to occur outside of the nesting period.

Even if installation of roads and wells is limited by Controlled Surface Use (whatever is meant by that) during the nesting period, these installations will continue to occur following the nesting period and will continue to exist and operate through subsequent nesting periods. Impacts will accumulate within prime nesting habitat (that which occurs close to active leks), with potentially long term negative consequences for lek activity and population viability.

Some sector participants feel that this solution may still be inadequate, and that Alternative C should not allow surface disturbance for a greater radius (i.e. NSO > ¼ mile) within the 4 mile buffer.

Our interest is to avoid the long term (20 year or greater) degradation/loss of breeding/brood rearing habitat for Greater Sage Grouse over the entire Resource Area. There are only limited areas that the birds currently use or can use for nesting within the Resource Area, and we would like to avoid or at least limit the net loss of these areas over the next 20 years (at least). There is some indication that even if suitable habitat structure exists, grouse nesting activity may decline or disappear from that habitat if it is close to roads or other disturbances

**Our initial thinking about a solution is** to change the language, so that greater sage grouse nesting and early brood rearing habitat would be controlled surface use throughout the year, not just during the nesting period of March 1 to June 30:

For the purpose of preventing disturbing up to 75% of nesting birds and preventing loss of occupied nesting habitat, greater sage grouse nesting and early brood rearing habitat (as defined in Chapter 3) would be controlled surface use for oil and gas exploration and development and avoidance areas for other surface disturbing activities within a 4-mile radius of the perimeter of a lek. All surface disturbing activities would avoid only nesting and early brood-rearing habitat within the 4-mile radius of the lek during this time period.

Exceptions, modifications or waivers granted according to criteria established in Appendix X.

The actual area to be avoided would be determined on a case-by-case basis dependent on applicable scientific research and site-specific analysis and in coordination with commodity users and other appropriate entities.

Also, it is essential for BLM to clearly define what Controlled Surface Use means.

**3) We are concerned about the item in Row G on page 13** of the Alternatives Document, which says “Big game species (mule deer, elk, pronghorn antelope, and bighorn sheep) crucial winter habitat December 1 to April 30, with the intent of this stipulation remaining consistent with big game hunting season. In the case that hunting season would extend later, exceptions would be applied according to Appendix X. Exceptions: granted according to criteria established in Appendix X.”

**This item is problematic for our interests because** it provides no long term protection for the critical elk and deer migration pathway which could be disrupted and/or degraded by high density well development and high human activity that can accompany such development. Such disruption has been documented in Pinedale where deer activity has shifted away from high density drilling areas.

**Our initial thinking about a solution** is to change (reduce) the surface spacing of wells, roads, buildings and compressor stations within the core of the migration pathway (e.g. from Black Mountain to Godiva Rim), other important habitat (e.g. where multiple big game winter ranges overlap), and to require or incentivize telemetry for checking wells, and other activities with in this pathway, especially during critical timing (December, January through April).

**4) We are also concerned about the item in Row G on Page 20** of the Alternatives Document, which says

“Habitat Reclamation

- Use early and effective reclamation techniques, including interim reclamation, to allow sage grouse habitat to be re-established as soon as possible. (may require multiple reclamation efforts)
- Utilize reclamation seed mixes consisting of native bunchgrasses, forbs and subspecies of big sagebrush that are appropriate for the disturbed site and its potential.
- Practice reclamation techniques that speed recovery of pre-existing vegetation.
- Avoid aggressive, non-native grasses (e.g. intermediate wheatgrass, pubescent wheatgrass, crested wheatgrass, smooth brome, etc) in reclamation seed mixes.
- Cooperate with county weed programs to control noxious weed infestations associated with oil and gas development disturbances.”

**This item is problematic for our interests because** it appears only under the heading of Sage Grouse Nesting Habitat and nowhere else in Alternative C. In our view, these reclamation practices should be basic operating procedures that apply throughout the Resource Area and in every habitat type, not just listed as special requests under Sage Grouse Nesting Habitat. These are the practices that every user of public land should adhere to, independent of user or habitat type.

**Our initial thinking about a solution** is to include a new section and row under Vegetation-Overall which begins on page 6. The new section/row could be called Vegetation Reclamation, and could appear between the Desired Plant Communities Section and the Vegetation Treatments section.

The box under Alternative C would include the following language:

- Use early and effective reclamation techniques, including interim reclamation, to allow native vegetation to be re-established as soon as possible. (may require multiple reclamation efforts)
- Utilize reclamation seed mixes consisting of native grasses, forbs, shrubs and or trees that are appropriate for the disturbed site and its potential.
- Practice reclamation techniques that speed recovery of pre-existing vegetation.
- Avoid aggressive, non-native grasses (e.g. intermediate wheatgrass, pubescent wheatgrass, crested wheatgrass, smooth brome, etc) in reclamation seed mixes.
- Cooperate with county weed programs to control noxious weed infestations associated with oil and gas development disturbances.”

**5) We are concerned about the item in Row A under Alternative A on page 1 of the Soil Resources portion of the Habitat Management section of the Alternatives Document, which says**

“A. Allow surface-disturbing activities on isolated sites that meet fragile soil criteria only where performance standards and objectives can be met.”

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**[Please write in the exact language from Alternative C. Others may not be as familiar with it as you are.]**

**This item is problematic for our interests because**

“criteria” are undefined, and, like appendix X, this seems to leave open

**[Be as SPECIFIC as possible.]**

**Our initial thinking about a solution is** change the language to read:

“A. Allow surface-disturbing activities on isolated sites that meet fragile soil criteria only where performance standards and objectives can be met, and agreed to in leasing agreements.” This could be one option. Another option would be to identify fragile soil and/or steep slope areas where surface occupancy will be reduced or not permitted. OHV uses in many of these areas are currently limited to existing routes. It is unclear whether monitoring has taken place to see if these restrictions are providing the appropriate level of protection and through monitoring and closer evaluation, these areas may need to be closed to OHV (especially in areas where routes are proliferating). This sector will continue to look into this and hopes to specific areas to apply these recommendations.

**[Keep in mind that your solution should address the interests of other sectors as well—it should not make the situation worse for other sectors AND/OR it should mitigate any negative impacts to their interests.]**

**6.) We are concerned about the item in Row A on page 7 of the Habitat Management section** of the Alternatives Document, which says

“Upland and riparian vegetation would be managed to achieve desired plant community (DPC) objectives established for a localized area to meet the Standards for Rangeland Health and objectives for the planning area.”

**This item is problematic for our interests because the phrase “localized area” is too vague and small to be meaningful.**

**Our initial thinking about a solution is** to replace “for a localized area” with “at a meaningful scale”.

**7.) We are concerned about the item in Row B on page 8 of the Habitat Management section of the Alternatives Document, which says**

- “1. Use vegetation treatments on an average of 3,030 acres per year over the life of the plan to restore diversity of seral stages and species, as appropriate.
2. Work with the Northwest Colorado Sage-Grouse Working Group to identify, maintain, and restore an average of 530 acres of sagebrush per year. Emphasize creation of functional blocks of sagebrush as sage grouse habitat.
3. Use vegetation treatments on an average of 1,600 acres per year to reduce encroachment of juniper and woody species to mimic natural conditions.
4. Restore a total of 80 acres during the planning period of bitterbrush and other important winter forage species in the Sand Hills and Spring Creek LHAs.
5. Restore an average of 100 acres per year of Mountain shrub.”

**This item is problematic for our interests**

**Our initial thinking about a solution is**

This working group continues to investigate this box in alternative C to develop a solution. Identifying the appropriate scale of these treatments is important, and the group wonders whether the specific acres listed for each will accomplish desired goals and objectives for habitat/ecosystem/biodiversity.

**8) We are concerned about the item in Row C on Page 2 under Alternative A of the Soil Resources portion of the Habitat Management section of the Alternatives Document of the Alternatives Document, which says**

”C. For new oil and gas leases and all surface disturbing activities permitted under the 1989 RMP1, ensure that applicants demonstrate compliance with performance objectives through a plan of development, using alternative measures, or use of the following mitigative measures:”

**This item is problematic for our interests because:**

- A. Alternative C reads “Same as Alternative A”, but Alternative A only pertains to activities permitted under the 1989 RMP, so that activities permitted under the 2007 RMP but not under the 1989 RMP would not be required to comply with the mentioned performance objectives...
- B. It is difficult if not impossible for the public to know if or how the compliance and reclamation are occurring and successful especially if the only “demonstration” of compliance is on paper through the plan of development and there is no monitoring of the effectiveness of reclamation or mitigation measures.

**[Be as SPECIFIC as possible.]**

**Our initial thinking about a solution is:**

- A. Change Alternative C to read just as Alternative A, but to cover all activities permitted under the RMP currently being developed.
- B. Under Alternative C, incorporate language such as “O/G lessees will employ adaptive management to monitor and report on compliance with performance standards, reclamation practices, and mitigation measures, and to modify practices based on findings.”
- C. Incorporate language under Alternative C that lists specific criteria for when a Reclamation Bond is required. (Does the state manage such bonds? Or are they managed and required by the BLM?)”

**[Keep in mind that your solution should address the interests of other sectors as well—it should not make the situation worse for other sectors AND/OR it should mitigate any negative impacts to their interests.]**

**9) We are also concerned about the language in Row D (Peregrine Falcon Nest Sites) on page 13, Row F (Waterfowl and Shorebird Areas) on Page 13, Row D (Columbian Sharp-Tailed Grouse Lek Sites) on Page 18, and Row F (Greater Sage Grouse Lek Sites) on Page 18 of the Alternatives Document, which says, in each case under Alternative C:**

“In addition, NSO area may be altered depending upon the active status of the nesting complex [or lek site] or the geographical relationship of topographical barriers and vegetation screening.”

**This item is problematic for our interests because an** exception granted based on conditions in one year, especially an exception to NSO which presumably would then allow for a long term installation to occur, would likely increase the probability that the nest or lek site will not be used by the species in the next and subsequent years, resulting in a cumulative loss and fragmentation of habitat, rather than a maintenance of habitat, which is the stated goal of this section.

**Our initial thinking about a solution is**

Either eliminate this clause altogether, or change this language, in each case, to read:

“In addition, NSO area may be altered on the geographical relationship of topographical barriers and vegetation screening.”

Additionally, exception or modification of any stipulation must be guided by principles of adaptive management. This includes having a firm rationale for granting the modification in the first place, followed by monitoring, study, and potentially changing practices for modifying any further stipulations based on findings (e.g. whether any topographical barriers or vegetation screening were, indeed, effective in mitigating the effects of the development, and if not, deciding whether granting future exceptions based on these criteria is appropriate).

No exceptions to NSO stipulations should be allowed based on just one year’s lack of activity at a nest or lek site. Such an exception might be granted after some number of years of no activity (a number which should have a basis in data), which must be spelled out in Appendix X. For instance, while some Greater Sage Grouse leks may be active one year, inactive the next, and active the following years. The Northwest Colorado Sage Grouse Working Group has defined an active lek as one that has been active any time in the past 5 years.

### WORKSHEET: ISSUE #3

**The general topic of this issue is 2.** We are concerned about the lack of information and measurable decision points within **Appendix X, as well as the lack of any of the critical components of adaptive (outcome based) management: measurable goals, monitoring, and evaluation of success/failure.** In its current form, Appendix X could justify and facilitate almost any exception to the provisions of Alternative C. Recently published findings of the GAO that **some field offices are becoming increasingly overwhelmed in processing the record numbers of O and G permits call into question the ability to carefully apply adaptive management or even Appendix X.**

**Our interest regarding this issue** is to ensure that the agreed upon goals and objectives for the Habitat section of the Alternative can be met, and that the quality and viability of the resources addressed in this section can be maintained or improved over the life of the plan, while also allowing for multiple use to occur. Our interest is to see that Appendix X provides the transparency and accountability necessary to be acceptable in a functional and low risk adaptive management framework. Additionally, our concern is that, to be truly adaptive, any exception or waiver granted under Appendix X should provide an opportunity to learn about risks and benefits associated with various uses.

**[Remember that your *interest* is not the same as your *position*.]**

**We are concerned about the 25 or so references to Alternative X,** which provides no specificity or clarity on the criteria for the exceptions to stipulations and other restrictions, especially those laid out in the Fish and Wildlife Habitat Section (pg. 11) and the Special Status Species Section (pg. 17).

**This is problematic for our interests because** the lack of clarity and transparency creates the real possibility that many exceptions will be granted without assessing and addressing the cumulative impacts (over the landscape and over time) of those exceptions to the species and habitats of concern. Also, exceptions granted based on conditions in one year, especially those which allow a long term installation to occur, can increase the probability that the place will not be used by the species the next and subsequent years, resulting in a cumulative loss and fragmentation of habitat, rather than maintenance of habitat.

**Our initial thinking about a solution is**

- A. Develop specific measurable criteria within Appendix X (or Alternative C), and require appropriate monitoring of the status of the pertinent resource, with assessment of the progress or lack thereof toward the goals stated in the RMP, when an exception is granted. If these components cannot be incorporated into Appendix X, then we would like it to be dropped from Alternative C, since all previous agreements/consensus were based on the assumption that Appendix X would at least provide specific, measurable criteria for granting exceptions.

- B.** To allow no exceptions under Appendix X to an NSO stipulation based on just one year's lack of activity at a nest site or lek site. Such an exception might be granted after some scientifically based number of years of no activity. Some Greater Sage Grouse leks may be active one year, inactive the next, and active the following years.
- C.** To include, for each species where Appendix X is referenced or any exception is mentioned in Alternative C in the Habitat Section, a trigger, based on cumulative number of exceptions already granted under each "row", or on cumulative acres of current surface disturbance, or simply on a regular basis such as every 5 years. The trigger then would require an assessment of cumulative impacts to date for that species (might include a habitat fragmentation/loss analysis and an assessment of population trends to date, etc.) which would be assessed in the light of some explicit desired condition objectives. Certainly such a new cumulative analysis should be required under the RMP whenever the projected Reasonable Foreseeable Development is reached or on pace to be reached before the full life of the plan (we understand that the RFD was reached very quickly on the White River Field Office.)
- D.** Appendix X should allow for the incorporation of new information/science as it becomes available. Such science could result in either more or less stringent criteria.