

Colorado Wilderness Network—The Wilderness Society—Colorado Environmental Coalition—Colorado Mountain Club—Center for Native Ecosystems

c/o Colorado Wilderness Network
11 W. Victory, #208
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August 5, 2005

John Husband, Manager
Jeremy Casterson, Planner
Little Snake Field Office
Bureau of Land Management

RE: July 13, 2005 Draft BLM Alternatives:

Dear John and Jeremy,

We appreciate the opportunity to provide additional comments on the planning process. For each resource value below, we attempt to keep our comments brief while pointing out overall all considerations and a list of items BLM should include in its range of alternatives. The public expects that BLM's current RMP revision process is not pre-decisional, and NEPA requires as much. We are not specifying in which alternative we expect our recommendations to end up, and for some recommendations we expect to see BLM analyze the proposal across the entire range of alternatives. Where specific recommendations for an alternative are provided, we expect that BLM will not merely push them into a goalpost consideration to be disregarded, but rather consider them as meeting the minimum requirement for BLM's management for that resource.

Wilderness Character

Overall

BLM should consider and fully analyze the detailed citizens' wilderness character inventory submitted on July 8, 2005. While we maintain the BLM does have the authority to protect the full spectrum of wilderness character where it exists as a Wilderness Study Area, BLM's current policies specifically state that the BLM does have the authority to "protect and/or preserve some or all of those characteristics. This may include protecting certain lands in their natural condition and/or providing opportunities for solitude, or primitive and unconfined types of recreation." IM 2003-274. We feel that BLM's preliminary wilderness character analysis fails to recognize that BLM has the authority to protect the full range of wilderness characteristics and therefore stops short in recognizing what wilderness characteristics exist on the land. While we expect BLM will revisit the initial findings, we note that in the LSFO's preliminary wilderness character assessment BLM stops analysis of wilderness characteristics after making preliminary determinations at roadlessness or size requirements.

Range of Alternatives

- We are satisfied that BLM has NWCOS support and will analyze a full range of alternatives that includes closing citizen-proposed wilderness areas to mining and OHV. In addition,
 - BLM should consider these areas closed to ROW.
 - BLM should consider these areas for management as VRM Class I.
- For all special areas where BLM does analyze an alternative where these areas are open to oil and gas development, BLM should analyze requiring staged development, directional drilling, utilizing best available technology, and implementing best management practices. BLM should also analyze an alternative that allows leasing of mineral resources with NSO stipulations (not to be waived or excepted).
- For Vermillion Basin, we expect that a full range of alternatives be analyzed. In analyzing impacts of energy development, we believe the BLM should analyze a full range of alternatives including withdrawing fluid, locatable, and saleable minerals from entry. Where BLM does analyze energy or mineral leasing and development, we recommend the following additional alternatives be analyzed
 - Alternative that analyzes carefully phased development, and requires best available technology and management practices.
 - Alternative that analyzes development without surface disturbance (NSO).

Areas of Critical Environmental Concern

Overall

BLM's preliminary analysis of relevance and importance for nominated ACECs is incomplete. We point out that the ACEC nomination for an important sage grouse lek complex near West Gibraltar was not included in the BLM's initial ACEC analysis and we remind the BLM that Biodiversity Conservation Alliance et al. nominated this area.

BLM has the duty to analyze each ACEC for relevance, importance, and need for special management looking at the resources within each proposed area. BLM similarly has a duty to internally nominate, analyze and consider areas for ACEC status and should engage other agencies with special expertise, such as the Division of Wildlife, for other nominations. A threshold determination on where to "draw the line" before looking at the special qualities of each nominated area is arbitrary and in stark contrast to BLM policies and the letter of FLPMA's mandate that designation and management of areas of environmental concern be made a priority in the land planning process. Deciding on a species-by-species basis what individual elements or identified plant communities do not meet criteria for ACEC status is too narrow in focus. Nor should such cursory analysis preclude those elements or communities from meeting the criteria for ACEC status when, together with other areas of biological importance, contribute to the overall biodiversity, ecosystem and natural processes in a given area (such as in the proposed Vermillion

Basin Outstanding Natural Area). Where sensitive and important scenic, geological, cultural and other resource values also exist, BLM should take a more holistic approach in analyzing potential ACECs and not base initial importance on the global rarity of one of its contributing parts.

Range of Alternatives

- The range of alternatives should maintain the designation the existing ACECs across all alternatives.
- For the all the current ACECs and new ACECs considered in the DEIS, BLM should prepare a site-specific management plan with monitoring across all alternatives.
- The existing ACECs should include alternatives for mineral withdrawal and NSO stipulations for oil and gas development to protect the scenic, geologic, cultural, and ecological values for which they were established. BLM should also consider a range of mineral withdrawal and NSO for new ACECs (see specific ACEC nominations) within the range of alternatives.
- Beyond NSO stipulations, any alternative where BLM does consider the ACEC area to be open to energy development, BLM should analyze requiring phased development, directional drilling, best available technology, and best management practices.
- For communication sites or realty actions, especially within the Lookout Mountain ACEC, BLM should consider a range of alternatives that considers no new installations, and an additional alternative that limits new communication facilities to existing infrastructure (i.e. resulting in zero net development on Lookout Mountain).
- OHV use should be analyzed and considered with alternatives restricting travel to designated routes (except for ACECs where wilderness characteristics also occur such as the Cross Mountain ACEC and the proposed Vermillion Basin ONA) and an alternative that manages the area as closed. For all alternatives where BLM considers areas of limited OHV use, BLM should direct that these areas are analyzed and managed under a closed unless marked open policy.

Habitat

Overall

The lands encompassed by the Little Snake RMP are home to one of the last fully functioning sagebrush steppe ecosystems in North America. Species that are rare or disappearing nationwide, such as the mountain plover, ferruginous hawk, white-tailed prairie dog, sage grouse, and Columbia sharp-tailed grouse, still have viable populations within the planning area. Big game species are in abundance, and the BLM lands within the resource provide important year-round, winter, and migration habitat for these species.

The analysis of alternatives is the heart of NEPA and is necessary for BLM and the public to more clearly understand impacts to various resources given a variety of land uses and conditions. We consider issues related to BLM's reliance on Appendix X in preparation of the DEIS under a separate section below.

Range of Alternatives

- Greater Sage Grouse
 - The published literature on sage grouse habitat, ongoing investigations on with oil and gas development in Wyoming, expert opinion, and current studies being carried out by the Division of Wildlife support the need for greater protection of sage grouse habitat in maintaining viability of leks and the species overall.¹ A reading of the literature and understanding data from local studies suggest the importance of sage grouse habitat (to distances of 4 miles from the lek or greater) cannot be understated. Therefore, we recommend that that BLM analyze an array of alternatives that move beyond pure timing limitations as the main tool in protecting sage grouse habitat. In doing so, BLM should consider a range of alternatives up to and including a two-mile NSO stipulation for sage grouse leks.
 - In considering a CSU stipulation for sage grouse, BLM should be clear in the outcomes this stipulation is attempting to achieve and specific practices BLM will require through this stipulation beyond those BLM is already directed to and has the authority to impose through COAs. We are greatly concerned that CSU might not provide any appreciable benefits to sage grouse beyond what BLM is already capable of through COAs and any CSU stipulation would disguise the real need to protect sage grouse habitat from disturbance. This is an even greater concern where small lease parcels are issued within important sage grouse habitat. These issues should be addressed in considering and analyzing the benefits of any CSU stipulation.
 - Alternatives should:
 - Analyze day timing limitations on areas use for vehicular or other human traffic.

¹ See e.g. See Lyon, A. G. 2000. The potential effects of natural gas development on sage grouse (*Centrocercus urophasianus*) near Pinedale, Wyoming. M.S. thesis, Univ. of Wyoming. Laramie, WY; R. A. Fischer, A.D. Apa, W.L. Wakkinen, K.P. Reese. 1993. Nesting-area fidelity of sage grouse in southeastern Idaho. Condor 95: 1038-1041; J.D. Berry and R.L. Eng. 1985. Interseasonal movements and fidelity to seasonal use areas by female sage grouse. J. Wildl. Manage. 49: 237-240. Braun, C. E. 2003. Sage-Grouse scoping issues for revision of the BLM's Great Divide Resource Management Plan. Submitted to USDI-Bureau of Land Management, Rawlins Field Office, Feb. 14, 2003. Grouse, Inc. Tucson, AZ. Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bull. 28: 967-985, Holloran, M. J. 2004. Sage-grouse response to natural gas field development in northwestern Wyoming. Page 16 *in* 24th Meeting of the Western Agencies Sage and Columbian Sharp-tailed Grouse Tech. Comm.; June 28-July 1, 2004; Wenatchee, WA. [Abstract].

- Provided detailed requirements for any CSU stipulation (4 miles, consistent with local research) beyond those requirements BLM has direction and authority to use through COAs. BLM must address the to ability to employ meaningful CSU stipulations on small lease parcels within important sage grouse habitat. BLM should consider NSO stipulations in combination with the 4 mile CSU stipulation for leases where the size of the lease parcel would render the CSU stipulation alone meaningless, or the parcels is within an area where protection of habitat is especially important to the overall integrity of the lek site (i.e. within 2 miles).
 - Analyze a range of NSO stipulations (i.e. ½ mile, 1 mile, 2 miles) for protection of sage grouse habitat surrounding and contributing to the overall integrity of the lek.
 - Big Game
 - We question the rationale of analyzing a shortened timeframe in any alternative (e.g. from Jan 1 to April 1) for all big game. BLM must consider the current late-season hunting (under the jurisdiction of the DOW) might not extend through the life of the plan and impacts of winter drilling differ across big game species.
 - Alternatives should analyze increased timeframe for timing stipulations November 15 to April 30.²
 - BLM should consider other developments (such as pipelines, compressor stations, utility corridors, or other major surface impacts) on winter range and analyze a range of alternatives including timing, surface occupancy, and surface use stipulations with regard to these uses.
 - BLM should analyze a new set of alternatives that address impacts winter and crucial winter range habitat loss, and not just the deal with impacts to big game winter range through timing limitations. For example, BLM should consider staging development or NSO stipulations in areas of important movement corridors, critical winter range, winter concentrations, or where monitoring indicates that big game are no longer using preferred winter habitat due to disturbance.³
 - BLM should carefully analyze mitigation measures for development in winter range across all alternatives.
 - BLM should consider a range of alternatives varying the amount of overall total surface disturbance and overall road densities allowed in winter range.
 - Due to sensitivity of elk to disturbance, exceptions to stipulated elk calving areas should not be considered under any alternative.

² See Wyoming Game and Fish. Rawlins RMP DEIS.

³ The preliminary findings of the Sublette Mule Deer Study (Sawyer et al. 2004) offers an object lesson in how these types of disturbance result in big game avoidance of crucial winter range during the production phase of the wellfield in similar habitats where similar seasonal stipulations were in place.

- White-Tailed Prairie Dog
 - BLM should analyze the ACEC designation as described in the draft.
 - BLM should analyze an alternative that adopts the Options for Conservation in a Conservation Strategy that are suggested by the prairie dog conservation team which is the working group for the four state wildlife agencies that manage white-tailed prairie dogs. These are found White-tailed Prairie Dog Conservation Assessment.⁴

- Black-footed Ferret
 - The little snake white-tailed prairie dog complex is a national priority for black-footed ferret reintroduction. Across all alternatives, BLM must preserve the possibility to reintroduce ferrets within the LSRA. BLM must analyze methods to recover prairie dog complex to the point where ferret reintroduction is possible.
 - The current RMP addresses land use timing restrictions within ¼ mile around ferret release sites; however, this does little to protect the overall habitat needs of this species in the resource area. Moreover, the U.S. FWS is not using release cages anymore for reintroduction. Basing alternatives on the current RMP is ineffective. BLM should update these new release procedures and actively collect data to determine where prairie dog densities are adequate to support ferrets.

Oil and Gas (Appendix X)

Overall

BLM needs to address the serious shortcomings with the current Appendix X before moving forward. The crucial deficiencies are monitoring, clear resource thresholds, and clear thresholds in land use levels if resource thresholds are breached. The use of such adaptive or outcome based management should be directed toward actually bringing improvements to the natural resources to which these principles are applied. We believe the key components to employing such management actions are a built-in system to monitor the effectiveness of the management tool and adherence to scientific principles.

The reliance on Appendix X to manage habitat for special status species is especially troubling. BLM must survey for special status species, develop site-specific management plans for these species, and must monitor special status species populations within the lease parcels to ensure that the agency is promoting their recovery according to scientifically sound objectives. The BLM must acquire baseline data and analyze the impacts of the alternatives on these species, and adopt a rigorous monitoring program. The safety net of designating special status is far less meaningful where their primary

⁴ Seglund, A.E., A.E. Ernst, M. Grenier, B. Luce, A. Puchniak and P. Schnurr. 2004. White-tailed Prairie Dog Conservation Assessment.

management will be under this Appendix X, which might inventively increase the need for Endangered Species Act protection.

Range of Alternatives

- Before BLM considers using Appendix X as an addendum within the range of alternatives, BLM must address the deficiencies relying on such unclear management criteria for oil and gas stipulation exception, modification, or waiver. BLM should, for each resource, outline a full range of stipulations and describe specifics as to
 - overall oil and gas permit processing demands BLM foresees which would limit field office staff time in conducting environmental review,
 - current resource status,
 - overall monitoring needs, objectives, feasibility, and funding,
 - how BLM will measure the effectiveness of various mitigation measures,
 - resource-specific criteria relevant to excepting appropriate stipulations,
 - scientifically sound and measurable outcomes,
 - triggers or thresholds where outcomes are not being met that would preclude further exception of a given stipulation,
 - resource goals for exception criteria, and
 - identifying stipulations or circumstances where exception or waiver is not warranted,

Cultural Resources

As BLM prepares its cultural resource report, BLM should consider protecting places of important cultural resources through special management, including designation as ACECs. Important cultural resource sites, known site occurrences, and areas BLM believes to be likelihood of high concentrations of cultural resources should be addressed through strict transportation planning immediately.

Range of Alternatives

- Across all alternatives:
 - Preparation of an overall cultural resource management plan (in consultation with appropriate tribal and state historic entities).
 - Proactive management to reduce deterioration of sites.
 - Allocation of properties to conservation use.
 - Meeting research needs to support areas of lesser known areas and areas of limited knowledge.

Paleontological Resources

Range of Alternatives

- Across all alternatives
 - Avoidance of resource sites should occur across all alternatives.
 - Preparation of an overall paleontological resource management plan.

Lands and Realty

Range of Alternatives

- Across all alternatives
 - Acquisition of subsurface minerals (in areas where BLM is current surface owner) where important resources are found.
 - Improved management, cultural resources, wilderness qualities, and biodiversity values should be highlighted in BLM acquisition/exchange criteria.
 - BLM should identify specific parcels that will be made a priority for acquisition (i.e. Vermillion Canyon).

Fragile Soils

Range of Alternatives

- BLM should analyze alternatives that preclude surface disturbing activities on lands meeting sensitive soils criteria. (BLM should include a map of such areas that contain steep slopes or highly erodible or delicate soils).
- BLM should analyze an alternative that precludes all surface disturbing activity on sensitive soils or lands with slope equal to or greater than 35%. Another alternative should preclude surface disturbing activities sensitive soils or lands with 35% slope unless alternative development sites would cause unnecessary or undue degradation, and performance standards and objectives can be met.
- BLM should analyze an alternative that, where surface disturbing activities cannot be avoided on surfaces between 15 and 35%, performance standards are required to be met including erosion control strategies.

Wild and Scenic

Overall

Identification and evaluation of all river and stream segments and determination of eligibility and suitability should remain an objective of the RMP. Continuous and ongoing inventory of all the resources within the field office should be a priority.

We incorporate the comments submitted on behalf of The Wilderness Society et al. on the preliminary eligibility report and outline a the summary of recommendations as follows:

- Retain eligibility findings for three segments of the Yampa River (Williams Fork to Duffy Tunnel and Cross Canyon), for one segment of Beaver Creek, and for one segment of Vermillion Creek, all as presented in the draft report;
- Add eligibility finding for the Yampa River from its confluence with Williams Fork to its confluence with the Green River (or, at least, to the national monument/BLM boundary) (scenic, fish, recreation, wildlife, geologic, historic, cultural, ecological);
- Add eligibility, in particular, for the Yampa River between Duffy Tunnel and Dinosaur National Monument (scenic, recreation, wildlife, geologic, historic, cultural, ecological);
- Add eligibility, in particular, for the Yampa River through public lands below Duffy Tunnel and around Signal Butte (scenic, recreation, geologic, ecological);
- Add eligibility, in particular, for the Yampa River through Juniper Canyon (scenic, fish, recreation, wildlife, geologic, historic, cultural, ecological);
- Add eligibility, in particular, for the Yampa River between Cross Canyon and Dinosaur National Monument (scenic, fish, recreation, wildlife, geologic, historic, cultural, ecological);
- Add eligibility for Vermillion Creek between Blue Hill Road and Brown's Park National Wildlife Refuge (scenic, fish, recreation, wildlife, geologic, ecological);
- Add eligibility for Vermillion Creek between Road 2033 and Blue Hill Road (scenic, recreation, wildlife, geologic, cultural, ecological);
- Add eligibility for the Little Snake River between Highway 318 and the confluence with the Yampa River (scenic, recreation, wildlife, ecological).

Range of Alternatives

- Additional alternatives to consider are suitability determinations and proper management of BLM lands for all of the above listed segments and any others BLM should find eligible.

Recreation and Travel Management (Appendix XX)

Overall

Non-motorized recreation provides wonderful benefits to participants and nearby communities. It allows people to relax, stay in shape, learn about the natural and cultural worlds, and it provides consistent economic stimulus to nearby communities. In order that people visit public lands to partake in human-powered recreational pursuits and enjoy its many benefits, the BLM must provide a series of high quality non-motorized opportunities. These can be a number of hiking/horse trails with easy-to-find and welcoming trailheads, as well as interpretive trails that introduce visitors to the resources of the area. If appropriate, small primitive campgrounds located near trailheads provide visitors a safe, welcoming, and sanitary place to stay overnight, enhancing their overall experience in the region.

For reference to specific places where non-motorized opportunities should be prioritized, we reference the document submitted Colorado Wilderness Network et al. for the last NWCOS subcommittee, where it was agreed that BLM would consider those recommendations across the range of alternatives. We expect BLM will do so.

We have additional concerns with Appendix XX and believe that travel planning requires closer attention, and indeed prescription, in the RMP. This is especially true where known resource conflicts are occurring today. As our experience has shown, including within this resource area, BLM's commitment to implementing travel management once deferred from the RMP is often an empty promise at the expense valuable resources.

Finally, BLM should realize and retain the flexibility to move from resource allocations "limited" to "closed" and should consider those situations where adaptive travel management warrant such allocations even if BLM would need to amend the RMP to do so. For specifics as to adaptive travel management methodology, please see the individual scoping comments submitted by the Colorado Mountain Club.

Range of Alternatives

- Proposed areas (document delivered to NWCOS July 26, 2005 attached) should be included into the range of alternatives.
- Across the entire range of alternatives:
 - BLM should provide for a variety of non-motorized opportunities in locations across the resource area, while maintaining motorized recreation opportunities on designated routes.
 - Existing WSAs should be strictly off limits to OHV travel.

Cumulative Impacts

Overall

Like socioeconomic impacts, cumulative impacts are traditionally left to the BLM's impact analysis and are not treated as a resource. However, given the importance of understanding cumulative impacts, and understanding the landscape impacts of increasing development to the north, west, and south of the resource area, this section should get heightened attention. Clearly, there are basin-wide impacts, in terms of changes to the water quantity and quality, and cumulative impacts to the common airshed, to which oil and gas projects in northeastern Utah, northwestern Colorado, and southwestern Wyoming all contribute in common. BLM's obligation to analyze impacts extends beyond the immediate impacts of the project at hand to include the cumulative impacts of the project, taken together with the impacts of existing, proposed, or reasonably foreseeable projects, on the environment.

BLM should draft goals and objectives for dealing with and manage cumulative impacts, including how the field office will look beyond the resource area borders and consider and mitigate cumulative impacts both within the resource area and how development within the LSRA contributes to cumulative impacts of resources outside the resource area.

Range of Alternatives

- Across all alternatives: Coordinate with neighboring BLM and other land management jurisdictions to better
 - Analyze the connected, related, and cumulative impacts of projects.
 - Provide thorough analysis of resource impact pressures occurring from management activities outside the resource area.
 - Protect special resource values within the area with unique natural resource values for the enjoyment of future generations

Social and Economic Values

Overall

This section, like cumulative impacts, is traditionally reserved for discussion in the impacts analysis section of the DEIS. The current focus of the goals, objectives, and alternatives mentions only local social and economic conditions. While such a focus on the local economy is important, BLM cannot be so focused on local economic development that regional and national perspectives on social, economic, and natural values are ignored. We are unconvinced that driving economic engines are such a resource that BLM should give them any extra weight beyond that is already recognized

in FLPMA. However, where such attention is given, we remind BLM that these are our Nation's lands and broader social and economic perspective should be addressed as well.

Range of Alternatives

- Across all alternatives:
 - Protect natural and cultural values for the enjoyment of future generations. (While driving local economic development, more than just lands within special designations ought to be protected).
 - Goal of providing natural resource amenities should not be limited to benefit only those from local communities.

We again thank the BLM for providing opportunities to comment throughout this planning process.

Sincerely,

Reed Morris
Colorado Wilderness Network

On behalf of,

Suzanne Jones
The Wilderness Society

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