



## CENTER FOR NATIVE ECOSYSTEMS

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Mr. Casterson and the Little Snake Planning Team:

On behalf of the several hundred members of Center for Native Ecosystems, we are submitting the following scoping comments for consideration in the development of management alternatives for the Little Snake Planning Area. Our members have a longstanding interest in the Little Snake Field Office due to their recreation in the area and their interest in preserving the native species and biodiversity of the southern Rockies region. We appreciate this opportunity to comment and commend the Bureau of Land Management in undertaking this planning process.

We would like to begin by thanking you and the rest of the Little Snake Field Office staff for your hard work and dedication to the public process around developing the new Resource Management Plan for the Little Snake area. Your commitment to seeking public input and weighing the interests of citizens, including our members, is recognized and appreciated.

Center for Native Ecosystems is a non-profit conservation organization dedicated to protecting imperiled species and their habitat throughout the greater Southern Rockies region. We seek to preserve native biodiversity and restore natural functioning to ecosystems of all kinds. We are concerned about the lands within the Little Snake Planning Area due to their high biological value for many species as well as their representation of native ecosystems, including many rare, sensitive, and imperiled species. In many ways, the Northwestern corner of Colorado contains some of the most unique landscape in all of the state. The vast sagebrush sea that once covered so much of the West is still found here, where it mixes with colorful badland hills and mesas to create truly spectacular environments for both people and wildlife. The planning area for the Little Snake Field Office includes some of the most special parts of this landscape for people, plants, and animals. Some plants that grow here are found in only a handful of spots in the West, even the world. Some of the great icons of the West, like the sage grouse, the wild horse, and even the prairie dog, live on the Little Snake's lands. For many of them, this corner of the state is one of their last homes. As the sagebrush has rapidly vanished from the West, replaced by invasive weeds, new cities, highways, and oil drilling fields, places like the Little Snake Field

Office planning area have become even more important for the small populations of native plants and animals left.

Center for Native Ecosystems and its members strongly believe that, through the resource management planning process, the integrity of the Little Snake's natural values must be protected for the long term. We know that for future generations to get the chance to see sage grouse displaying on their lek grounds, rare native wildflowers in bloom, native trout running up a stream, or wild horses running free, we must maintain the health of the larger ecosystems these plants and animals depend on. Therefore, we urge the BLM to adopt a new management plan for the Little Snake area that protects and restores the ecological health of the entire region through the maintenance of healthy wildlife populations, the preservation of the area's most special plants and animals, and the balancing of other land uses such as recreation and resource extraction with the natural values found here.

In principle, we seek a management plan that:

- Maintains and restores healthy ecosystems
- Maintains and restores healthy wildlife populations
- Preserves special plants and animals of the Little Snake Field Office
- Ensures that the stipulations for resource extraction, recreation, and other uses are in line with these principles of ecosystem health and preservation of natural values

In particular, there are a number of species that are of concern to us and that should be addressed in any management plan that is adopted for the Little Snake Planning Area. Greater sage grouse is one such species which requires particular management attention to avoid further population declines and the need for future listing under the Endangered Species Act. Though state-level conservation plans will play a large part in the future protection of this species, in the northwest corner of Colorado the BLM will play a critical role in enacting the specific measures that will protect sage grouse. The Columbian sharp-tailed grouse, which like the greater sage grouse has been recently proposed for listing under the Endangered Species Act, is also found in the Little Snake area, and like the sage grouse its populations have been rapidly dwindling due to the loss of sagebrush habitat. White-tailed prairie dogs, another species recently proposed for Endangered Species listing, also live here. Several endangered or sensitive native fish species, including the Colorado River cutthroat trout and the Razorback sucker, two species already listed federally as Endangered, live downstream of the Little Snake lands and are affected by what happens to the land there. Ferruginous hawks, which BLM recognizes as a sensitive species, live throughout the Little Snake area and rely on healthy populations of prey to continue to survive. Duchesne milkvetch and narrowleaf evening primrose, two rare native plants found in only a few places in the world, including the Little Snake area, are currently not adequately protected from oil and gas drilling or trampling by cattle which could destroy the few populations left. All of these species should be given careful consideration in any management alternative.

To preserve these species and others found in the Little Snake Planning Area, we urge the BLM to adopt a management plan that maintains and restores healthy ecosystems and wildlife populations and protects the special plants and animals of the region. To do this, the BLM should adopt a plan that will provide special management for the special species and places that

need it, meet BLM's obligations regarding Sensitive Species, and manage so as to maintain healthy ecosystems and native biodiversity.

One of the most critical aspects of providing the management necessary to protect special species and habitat is the identification and subsequent protection of important habitat for rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, this means that lek sites, brooding grounds, and severe winter range should be protected from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP; any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding (see Center for Native Ecosystems' Nomination of ACECs for white-tailed prairie dog for specific information). For the four fish species of concern in the area (Colorado pikeminnow, Colorado cutthroat trout, Razorback sucker, and Bonytail chub), two of which are federally listed as endangered species, specific aquatic habitat should be identified where appropriate and, in general, surface disturbing activities that can contribute to degraded watershed conditions and increased sedimentation and pollution downstream, such as off-road vehicle riding, should be carefully analyzed before such activities are allowed to ensure that such use will not contribute to declines for these species and, ultimately, the need to list. All impacts to water quality in the Little Snake and Yampa and waterways further downstream will need to be considered in light of these species, and for the two federally listed species, Section 7 consultation with the U.S. Fish and Wildlife Service may be needed for projects and proposed actions that could affect habitat.

For Dusesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, known populations should be protected from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasions of invasive species. To protect Ferruginous hawks, impact to this species should be considered in situations where management proposals could affect its food sources, availability of habitat, and quality of habitat rangewide.

A second critical aspect of providing the management necessary to protect special species and habitat is the use of special designations such as ACECs to protect known populations of rare, sensitive, and imperiled species. For greater sage grouse and Columbian sharp-tailed grouse, such special designations should include non-waivable provisions that specifically protect these species from ground disturbing activities such as oil and gas drilling, grazing, and off-road vehicle riding. For white-tailed prairie dog, an ACEC has been nominated to protect the Little Snake colony, and this ACEC should be proposed in the RMP. In addition, any such designation should include protection from surface disturbances such as oil and gas drilling, grazing, and off-road vehicle riding. For Dusesne milkvetch, narrowleaf evening primrose, and other rare and sensitive plant species, the largest, most robust, and important populations should be protected in ACECs or other special designations that include specific provisions to protect them from ground disturbing activities that would harm individuals or whole populations, such as oil and gas drilling, grazing, and off-road vehicle riding. Native plant species known to be sensitive to direct trampling and/or erosion should be specifically protected from trampling by livestock, off-

road vehicles, and oil and gas drilling equipment and infrastructure. In addition, native plant species known to be sensitive to competition by invasive species, including noxious weeds, should be specifically protected from further invasion of invasive species.

Both special land designations and management of activities like oil and gas drilling, grazing, and off-road vehicle riding should include nonwaivable stipulations that specifically protect rare, sensitive, and imperiled species from ground disturbance. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether. In general, BLM should manage so as not to contribute to further population declines of rare, sensitive, and imperiled species, thus avoiding any need to list these species under the Endangered Species Act.

In order to meet its obligations with regard to Sensitive Species, BLM must manage those species so as to provide at least “the protection provided to candidate species” under the Endangered Species (BLM Manual 6840). This means Sensitive Species must be managed so as not to “contribute to the need to list” them under the Endangered Species Act (Id.). Consequently, BLM must identify and evaluate the effects of their actions on these species.

Instruction Memorandum (IM) 97-118 advises all BLM directors to identify Sensitive Species early to avoid species endangerment; it also encourages directors to collect information on all species of concern to determine if Sensitive Species designation and special management are needed. BLM must determine the distribution, abundance, habitat needs, and reasons for current status for each Sensitive Species (BLM Manual 6840). During the RMP planning process, BLM is required to identify priority species and habitats; establish objectives for habitat maintenance, improvement, and expansion for priority species and habitats; establish priority habitat monitoring objectives; and decide on specific conservation measures for such species (BLM Manual 1622.1).

In order to manage so as to maintain healthy ecosystems and native biodiversity, BLM should study, monitor, and act to maintain healthy populations of big game and other critical wildlife species so as to allow for adequate native biodiversity as well as hunting and wildlife viewing opportunities. BLM should also regularly monitor all sensitive plants found within the planning area to ensure accurate information about their status and health is being used to inform management decisions and to avoid further degradation to their habitat and overall condition. Priority should be given to protecting sensitive plant species and outstanding examples of native plant communities when drawing boundaries for special designations, such as ACECs, and specific regulations for such special designations should be designed with the intent of protecting sensitive plant species.

Specifically, sagebrush-steppe is an important plant community that deserves specific preservation measures, in light of its rapid disappearance. Sagebrush should be preserved through minimizing mechanical sagebrush treatments, favoring natural fire regimes wherever possible, and managing activity in sagebrush areas to maintain and restore a healthy sagebrush understory of native grasses and forbes. The only exception to the general rule of thumb that

natural fire regimes are preferred is in locations where cheatgrass has already invaded significantly; in such a circumstance, fire may actually favor further cheatgrass establishment.

BLM should adopt a comprehensive weed management plan that includes specific goals to limit the spread of invasive weed species, protects native and rare plants and plant communities from competition and degradation by weeds, and limits the vectors that can facilitate the spread of invasive species, including ORVs, oil and gas drilling infrastructure, and livestock. Effective limitations on these vectors may include limiting ORV use to designated routes or closing critical areas (such as ACECs) to ORV use altogether, limiting the geographic extent of oil and gas drilling infrastructure to concentrate and reduce new road building, and limiting AUMs or seasonal use of grazing allotments.

Particular attention must be paid to areas containing rare or sensitive native species, which could be negatively affected by competition with invasive plant species, and to areas of special designation that are intended to protect natural values such as native plant populations. In riparian areas, BLM should work to control the further spread of tamarisk that could displace native riparian vegetation, increase salinity levels in affected waterways, and/or dewater local streams and rivers. In general, instream flows for waterways within and downstream of the Planning Area should be maintained.

As described in various places above, BLM should use specific, nonwaivable stipulations to reduce potential harms to species and habitat from land uses such as oil and gas drilling, grazing, and off-road vehicle riding, as these are among the land uses that have the most potential for conflict with the goals of maintaining native biodiversity and protecting special species and their habitat. These stipulations may include No Surface Occupancy requirements in oil and gas leases, seasonal limits to grazing or AUM limits, and limiting off-road vehicles to designated routes or closing some areas to ORV use altogether.

More broadly, BLM has a duty to protect the diversity of all native wildlife on public lands by providing for ecosystem-based management. FLPMA requires public land management to protect ecological and other values and also requires that lands be managed for multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(7)-(8). NEPA requires BLM to fulfill its trustee obligation for future generations, assure productive surroundings, avoid environmental degradation, preserve important natural aspects of our national heritage, and enhance the quality of renewable resources. 42 U.S.C. §§ 4331(b)(1)-(6). The Clean Water Act established the objective of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters, which of course includes the Little Snake Resource Area. 33 U.S.C. § 1251. The ESA establishes the purpose of conserving the ecosystems upon which threatened and endangered species depend. 16 U.S.C. § 1531(b). BLM's livestock grazing standards and guidelines establish standards of ecological health applicable not only to livestock grazing, but to resource management generally. See 43 C.F.R. subpt. 4180. The Clean Water Action Plan establishes the need to manage public lands on a watershed—that is, ecosystem—basis. Read together, these and other legal standards establish that BLM must ensure the *ecosystems* it manages are fully protected so as to enhance biological diversity.

With this in mind, we ask that the RMP provide for the following steps to ensure that wildlife diversity is protected. All riparian areas should be given special management and considered for designation as ACECs. It is widely recognized that (1) riparian areas in the west are crucial centers of biological diversity, (2) many BLM riparian areas are in unhealthy condition, and (3) funding and monitoring capabilities of the field office greatly limit BLM's ability to visit, let alone monitor riparian areas throughout the field office. Consequently, special management provisions for these areas must be made in the RMP. The RMP must also ensure that other special habitats are protected and enhanced. All wildlife requires adequate habitat for feeding, reproducing, and hiding or resting (sheltering), and the plan must ensure that such is provided for all species at all critical life stages. Wintering areas, colonial or other concentrated avian nesting areas, spawning beds, and traditional birthing areas are examples of the special habitats the RMP should provide for and protect.

In addition to protecting special habitats, the plan must provide for protecting certain species to ensure that biological diversity is protected. Certainly species listed pursuant to the ESA and BLM and/or State sensitive species must receive species-specific attention, but other species should receive special emphasis as well. The plan should identify and provide for the protection of "keystone" species, which can be literally key to preventing undesirable, cascading ecological effects, such as widespread extinctions. Prairie dogs are an example of a keystone species that demand special management efforts. The status of carnivores is often indicative of the overall environmental health of an area, and thus they warrant special management prescriptions, and in any event there is widespread public demand and support for protecting these magnificent creatures. It is also important to note that there are keystone resources that are critical for protecting a host of species. Springs or other water holes, deep pools in streams, and salt or mineral licks are examples. BLM should ensure that the RMP makes special provision for protecting keystone resources.

The EIS must carefully evaluate problems resulting from habitat fragmentation and the need for maintaining the connectivity or linkage of habitats. Habitat fragmentation is strongly associated with the road building that accompanies many management activities. By altering the physical environment, roads and highways modify animal behavior. Many species shift home ranges, change movement patterns and even reproductive and feeding behaviors to avoid roads. Perhaps the most pervasive, yet insidious, impact of roads is providing access to natural areas and encouraging further development.<sup>1</sup> Based on the information from this and other sources, it is apparent that the RMP must limit habitat fragmentation resulting from road building, protect current roadless areas, provide for aggressively closing unneeded or ecologically destructive roads, and provide for maintaining needed roads so as to reduce negative environmental impacts. The RMP must also limit habitat fragmentation resulting from other activities, such as the construction of well pads.

More generally, the BLM should consider the principles of island biogeography so as to ensure that fragmentation does not degrade existing wildlife habitats. That is, it must insure that small islands of habitat are not created by management activities such as logging, chaining, or oil and

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<sup>1</sup> Additional information on the impacts of roads on wildlife can be found at <http://www.defenders.org/habitat/highways/new/ecology.html>, which we incorporate into these comments by this reference, and ask BLM to consider.

gas development. The RMP should ensure both that the total areas of important habitats are maintained and that these habitats are not further fragmented. Creating habitat fragments impedes dispersal, colonization, and foraging. Moreover, fragmented habitats can have altered environmental conditions and allow for intrusions of pests (weed invasions and cowbird nest parasitism are classical examples). We specifically requests that BLM limit any further fragmentation of sagebrush communities, which are critical to many species on many BLM lands, and which is an increasingly imperiled ecosystem.

The flip side of habitat fragmentation is maintaining migration corridors and other ecological linkages.<sup>2</sup> The conservation biology literature indicates it is probably more effective to preserve existing corridors/linkages than to attempt to create new ones. It is crucial the EIS identify all existing migration and other movement corridors. The RMP must ensure that management actions authorized by the RMP protect the ecological integrity of these corridors and linkages. Big game migration routes have been widely documented, but riparian areas, mountain ranges and ridges, and other areas serve as important linkages among habitats (and even eco-regions) that must be preserved. Ensuring that corridors remain as wide as possible is the best way to ensure that they are in fact effective.

The principles of island biogeography should also guide BLM in creating protected areas. Here, an obvious application is the creation of ACECs. Modern conservation biology has firmly established that larger protected areas are of greater value, and are more effective, than smaller areas for maintaining the ecological integrity of a protected area. Consequently, when BLM designates ACECs, or other areas, to protect wildlife, it should ensure they are large enough to protect the species, habitat, or ecological attributes for which the ACEC is created.

We also request that BLM consider and enunciate in the RMP a policy relative to habitat “edge.” Increasing edge has been common in classical wildlife management because it was perceived as a means to increase biological diversity, or more particularly, as a means to benefit certain games species. Modern conservation biology, however, recognizes a number of problems associated with increasing the amount of edge, such as: modifying microclimates needed by some species, increasing impacts of wind in some communities, increasing the incidence of fire, and increasing predation and competition from exotic and pest species that are often well adapted to the disturbed conditions that characterize ecological edges. Furthermore, even if increasing edge increases overall biological diversity, it can be harmful to certain, usually rare and/or specialized, species. Similarly, increasing edge can be problematic for species that require large, undisturbed blocks of habitat, such as many predators. We believe it would be inappropriate to increase edge to the detriment of rare or highly specialized native species or species that need large contiguous habitats, and the RMP must ensure that this does not occur.

It may be impossible to fully protect biological diversity (and to effectively manage many other resources) without considering other landowners and landholdings, including the State Land Board sections, within the RMP area. Therefore, we request that the EIS consider other landholdings relative to BLM’s efforts to protect biological diversity and other resource. Land

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<sup>2</sup>For more information about wildlife linkages in the Little Snake Planning Area see the Heart Of the West Conservation Vision, which we incorporate by reference and was submitted under earlier cover by Center for Native Ecosystems.

exchanges could be warranted in some circumstances, and if so the RMP should provide for initiating any needed legislative authority or other processes. The Land and Water Conservation Fund, as well as the Land Conservation, Preservation and Infrastructure Improvement Fund, are two funds that might allow acquisition of important inholdings, or other lands, in fee simple or perhaps via other mechanisms such as conservation easements. The RMP should establish a program or at least guidance for how BLM will attempt to work with other landowners relative to biodiversity protection efforts, and make provision for accessing funding needed to implement those efforts.

It is critical to note that biological diversity encompasses far more than just species diversity. Genetic diversity and the diversity of biological communities are also components of biological diversity. Consequently, the RMP should make provisions for maintaining these elements of diversity, although our reservations regarding increasing edge should be borne in mind relative to modifying community level diversity.

It is also critical to note that protecting biological diversity can only be dealt with appropriately at the planning level; it certainly cannot be dealt with appropriately or effectively at a project-specific level. The reason for that is readily apparent: fragmentation, connectivity and other factors affecting biological diversity are inherently landscape level considerations, not site specific. The project level is simply too small a scale to effectively consider what are inherently ecosystem level concerns and processes. The import of this is that the RMP should establish specific, binding limits on road densities and other disturbances that cannot be exceeded in the planning area. This is the only way to ensure biological diversity is preserved, and that ecosystem attributes are not “nickel and dimed” to death by individually small but cumulatively significant site-specific projects. The BLM should consider bio-regional plans developed by the Heart of the West Conservation Coalition and the Nature Conservancy in assessing broad-scale needs relative to biodiversity protection.

Part and parcel of planning for maintaining biological diversity via ecosystem-based management is a need to ensure that indirect and cumulative impacts of management actions are fully considered. As noted above, the NEPA regulations provide guidance in this regard. Cumulative impacts are the incremental impacts of actions, past, present and future, regardless of whom undertakes them. *See* 40 C.F.R. §1508.7. Indirect effects of an action are further removed from the action itself, but still are reasonably foreseeable. *See* 40 C.F.R. §1508.8. *See also* 40 C.F.R. §1508.25(c). It is worth noting that the ESA provides somewhat similar definitions for these concepts that are applicable to listed species. *See* 50 C.F.R. § 402.02 (defining actions, action areas, and effects of the action in very broad terms). The RMP EIS must take special care that these “second-order” impacts are fully considered and analyzed if BLM is to meet its legal mandate for ecosystem management and preserving biological diversity. Again, these considerations should not and cannot be left to the project level because the perspective at that point is too constrained to permit meaningful ecosystem level analysis.

Again, Center for Native Ecosystems values the opportunity to provide BLM with these comments. Thank you for your attention and careful consideration. Should you have any questions regarding our comments or the materials referenced herein, please contact us whenever

you wish. We look forward to continuing to work with the Little Snake Field Office throughout the planning process.

Sincerely,

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