February 6, 2012

Bureau of Land Management
Attn: Brian Amme
1340 Financial Blvd
Reno, NV 89502

Re: Sage Grouse Planning Strategy

Dear Mr. Amme:

Please accept this correspondence as the comments of the above Organizations regarding the proposed 2010 Sage Grouse Planning Strategy ("2010 Conservation Measures"). COHVCO is a grassroots advocacy organization of approximately 2,500 members seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

CSA was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA currently has 2,500 members. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport.

TPA is a 100 percent volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands. Throughout these comments CSA, COHVCO and TPA will be collectively referred to as "The Organizations".

The Organizations are very concerned that the 2010 Conservation Measures proposed do not accurately reflect the priority or significance of particular threats to the Grouse that were identified in the FWS listing decision. A review of the Conservation Measures and related documents could easily allow the conclusion that all BLM planning was found insufficient to protect the grouse. The FWS listing decision specifically noted that only oil and gas exploration and fire suppression were areas where current BLM management was insufficient. The FWS listing decision notes that moving to a designated trail system, as BLM is already doing nationally, is one of the largest and most important protections for grouse habitat involving recreational activity. The failure to properly prioritize threats and management priorities will result in inconsistent management, which may target issues that will generate significant costs and economic impacts and generate little benefit to the grouse.

The 2010 Conservation Measures also seek to address urbanization of private lands with management standards taken on adjacent public lands, which could result in significant costs and closures to areas where public lands are simply insufficient in size to provide quality grouse habitat. The FWS listing decision also overlooks a significant issue in development of a conservation strategy, mainly recently released research from the Forest Service indicates that the number one killer of grouse is natural predators. [1] The Organizations note that potential predator issues simply are not addressed in the FWS listing decision or the 2010 Conservation Measures.

1. The Research Charter inaccurately summarized the 2010 Fish and Wildlife decision regarding the Sage Grouse.

The Organizations believe the Charter for development of the 2010 Conservation Measures is a key tool in developing the conservation plan, and must provide an accurate assessment of the potential threats to the grouse as identified in the FWS listing decision. A highly accurate summary will allow the limited agency resources to target the most significant concerns for the grouse identified in the listing decision. The Organizations believe that an accurate summary of

[1] Martin Kidston; *USDA study suggests predation leading cause of grouse mortality in northern Wyoming*; The Billings Gazette; December 17, 2011.

the listing decision is a critical component to development of the 2010 Conservation Measures. This position has also been noted as critical to management of species. Research has found:

> "Conservation and management efforts are most likely to succeed when they focus on increasing vital rates that most strongly influence population growth." [2]

The Organizations believe that the 2010 Charter failed to accurately summarize the priorities clearly identified in the listing decision, which will result in significant agency resources being used to target concerns or uses that are low priority in the listing decision. The Organizations believe this will result in limited benefits to the Grouse being obtained at an unacceptably high cost. Pursuant to the 2010 Charter for the development of the Sage Grouse Conservation Report and Strategy, the FWS listing decision was summarized as follows:

> "In April 2010, the U.S. Fish and Wildlife Service (USFWS) published its listing decision for the greater sage-grouse as "Warranted but Precluded." Inadequacy of regulatory mechanisms was identified as a major threat in the USFWS finding on the petition to list the greater sage-grouse."[3]

The Organizations have to question the basic accuracy of the 2010 Charter's summary as only two specific areas under BLM regulatory authority were identified as issues possibly impacting the sage grouse. Reviewing the 2010 Conservation Charter without reviewing the FWS listing decision could easily lead to the conclusion that ***all*** BLM planning was found to be equally insufficient in the listing decision. This simply is not the case. The inaccuracy of the Charter will create further confusion of priority regulatory issues and allow targeting of low priority management issues, as the 2010 Conservation Measures are applied at the field office level. The FWS listing decision specifically states:

> "However, a regulatory mechanism that requires BLM staff to target the protection of key sage-grouse habitats during fire suppression or appropriate fuels management activities could help address the threat of wildfire in some situations….. however, a long-term mechanism is necessary given the scale of the wildfire threat and its likelihood to persist on the landscape in the foreseeable future." [4]

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[2] Taylor et al; *Managing Multiple Vital Rates to Maximize Greater Sage Grouse Population Growth*; The Journal of Wildlife Management; 76(2) at pg 336.

[3] Bureau of Land Management National Greater Sage-Grouse Planning Strategy Charter; August 22, 2011 at pg 1.

[4] Federal Register Notice March 5, 2010; US Fish and Wildlife Service; Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage- Grouse (*Centrocercus urophasianus*) as Threatened or Endangered at Pg 68.

The 2010 FWS listing decision further states:

> "However, BLM's current application of those authorities in some areas falls short of meeting the conservation needs of the species. This is particularly evident in the regulation of oil, gas, and other energy development activities, both on BLM administered lands and on split-estate lands." [5]

While the 2010 FWS listing decision specifically identifies fire suppression and oil and gas development as issues that are in need of regulatory improvements, the listing decision specifically identifies that recreational activities are of minimal impacts to sage grouse habitat. The Decision clearly states:

> "Although we anticipate use of pesticides, recreational activities, and fluctuating drought conditions to continue indefinitely, we did not find any evidence that these factors, either separately, or in combination are resulting in local or range-wide declines of greater sage-grouse."[6]

The Organizations do not believe that local planning staff will have the time or ability to fully review the listing decision during the application of the 2010 Grouse Conservation Measures to a particular area. There are simply too many issues and initiatives at the field office level to allow time for such a review. An accurate summary of the listing decision will allow local planners to target major issues for the grouse with limited resources, and the single accurate summary will allow for consistency of management of grouse habitat on all public lands. The Organizations do not believe this summary has been provided in the 2010 Conservation Measures and this oversight must be remedied to allow for efficient and effective management of grouse habitat.

2a. All roads do not create similar impacts to wildlife.

The 2010 Grouse Conservation Measures propose management standards for federal lands that do not allow for management flexibility to address the range of impacts from various levels of road usage. The 2010 Conservation Measures specifically identify that all roads will generate similar impacts to the grouse and define roads in a very broad manner regardless of the speed or volume of usage on the roadway. This standard is simply not supported by relevant Grouse research and the Organizations are aware that the presence of a high speed arterial road can be a significant impact to wildlife in the area. The Organizations are also aware that a low speed

[5] *Id.*

[6] *Id.* at Pg 75.

two track road, that may not be used for days at a time, often has little to no impact on wildlife. These low speed low volume forest service roads are often access points for numerous activities for all forest users that are not involved in grouse management. If these low volume low speed roads are closed, these opportunities will be lost and little benefit to the grouse will be achieved, while the lost recreation will result in significant negative economic impacts to communities. This negative economic impact will directly undermine any support from the public regarding grouse management. Given the range of issues and need for private lands to be involved in grouse management, this loss of public support will directly impair conservation measures taken.

As noted elsewhere in these comments, the FWS listing decision does not take issue with the placement of viewing trailers in the vicinity of active grouse lek, despite the possibility of disturbance and the increase in motor vehicle traffic on roads adjacent to the viewing trailers. While the placement of a viewing trailer may cause disturbance, the FWS did not find this low level of disturbance a significant threat to the grouse.

The 2010 Conservation Measures proposes a single standard for all road management, which is summarized as follows:

> "The Travel and Transportation program is principally focused on road networks within the sage-grouse range. Roads can range from state or interstate highways to gravel and two-track roads."[7]

While the level of road usage is not directly addressed in the listing decision, the Organizations believe this lack of discussion evidences the low priority that recreational trail usage is for sage grouse management. As noted elsewhere in these comments recreational usage of grouse habitat has been specifically identified as a minimal threat to the grouse, by both the US Fish and Wildlife Service and the Colorado Department of Wildlife. The Organizations are very familiar with the fact that an interstate highway or arterial road has significantly more impact on wildlife than dispersed motorized recreation in the backcounty, given the intensity of high speed use on the arterial road. This position is based on a large body of scientific works addressing many types of wildlife, that conclude:

> "Several studies have shown that traffic volume was positively correlated with animal mortality on roads (Fahrig et al 1995, Joyce and Mahoney 2001). For example, Inbar and Mayer (1999: p. 865) stated that "Of all the traffic volume data sets, mean nighttime traffic generated the only significant correlation with road kill".

[7] Conservation Report at pg 11.

> Vehicle speed also has long been implicated in animal mortality on roads (Dickerson 1939). Case (1978) and Rolley and Lehman (1992) reported that vehicle speed was significantly correlated with road mortality."[8]

Grouse have also exhibited the same avoidance of high traffic high volume roads. Researchers have again noted:

> "Gunnison sage-grouse also exhibit a clear avoidance of paved, high traffic volume roads during nesting at the patch scale, in addition to prior avoidance of higher density 2-wheel drive accessible roads at the landscape scale. Landscape-level response may reflect selection for less fragmented areas. However, the direct avoidance of high volume roads in patch-scale models reinforces that Gunnison sage-grouse are selecting for resources hierarchically…… This corresponds with a lek analysis in Wyoming and Utah which found that greater sage-grouse leks within 7.5 km of Interstate 80 appear to have declined at a much faster rate than those further away." [9] *(Internal Citations omitted.)*

Rather than address the significantly different impacts to wildlife from arterial roads and two track roads, the Report classifies all roads under a similar standard of impact:

> "The effect of roads can be expressed directly through changes in habitat and sage-grouse populations and indirectly through avoidance behavior because of noise created by vehicle traffic." [10]

The failure to distinguish between the different levels of impacts to wildlife that result from the various levels of road development carries through the 2010 Conservation Measures to the proposed management standards for roads. The 2010 Conservation Measures proposed a single conservation measure for all roads as:

> "· Limit motorized travel to designated roads, primitive roads, and trails at a minimum.
>
> · Travel management should evaluate the need for permanent or seasonal road or area closures."

While the distinction between impacts of arterial roads and trails is significantly different when impacts to wildlife are assessed, the varying levels of impacts simply are not addressed in the 2010 Conservation Measures. Unfortunately, the 2010 Conservation Measures propose to

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[8] USGS; Bissonette and Hammer; *Getting Deer off of the road: A better way*; at pg 3.

[9] Aldridge et al; *Crucial nesting habitat for Gunnision Sage Grouse; A spatially explicit hierarchical approach*; The Journal of Wildlife Management; 76(2) February 2012 at pg 404.

[10] *Id.*

manage all roads under a similar standard. This is simply not supported by any research and will result in significant negative economic impacts that simply will achieve little to no benefit to the grouse. The Organizations believe this oversight will directly impair the performance of the 2010 Conservation Measures in terms of protecting grouse and must be remedied.

2b. Confusion on the impact of low usage roads already exists for sage grouse management

The Organizations believe the identification and development of consistent management standards to accurately reflect the possible impact to wildlife of each route is a critical portion of the 2010 Conservation Measures. This lack of consistent accurate management of low speed low volume routes is already an issue for travel management planning in BLM field offices, when field office RMP proposals are compared. Recent proposed RMPs from two field offices in Colorado highlight the conflicting management standards involving grouse management. While the Kremmling and Colorado Valley Field Offices are almost directly contact each other and encompass significant grouse habitat, the proposed RMP's propose management standards that are significantly different.

The Kremmling Field Office's RMP proposes to erroneously limit all routes and travel in sage grouse habitat as follows:

> "Within the Planning Area, reduction of human disturbance and fragmentation is needed in order to protect the remaining sage-grouse habitat. Limiting new roadways, decommissioning unnecessary roads, and reclaiming illegal trails, will help reduce habitat fragmentation and protect the birds and their habitat from human disturbance."[11]

The Colorado River Valley Office proposed RMP did not include any restrictions for road development or usage, while significant fire mitigation and oil and gas development regulations were proposed. The Colorado Valley proposal appears to propose managing in conformity with the priority issues in sage grouse habitat as identified in the 2010 FWS listing decision. Unfortunately, the Kremmling offices RMP targets issues that are not a priority in the 2010 FWS listing decision. The inconsistency of these standards could be resolved with the 2010 Conservation Measures accurately addressing the priority of issues that are impacting the

[11] BLM - Kremmling Field Office- Draft 2011 Resource Management Plan– Appendix P- Travel Management Appendix at pg p-16.

grouse. This consistency will lead to lower costs, more effective management and greater public support as management will be effectively protecting the grouse at a minimal cost.

3. The priority management concerns identified in the 2010 FWS listing decision is not a significant departure from previous planning documents identification of a wide range of threats impacting the grouse.

While the 2010 FWS listing decision did change the status of the grouse on the Endangered Species list, the threats and issues discussed in the listing decision were not a significant change from the existing body of grouse research. The existing body of research, by both State and federal scientific partners of the BLM, indicates low-use roads and trails simply are not an issue for grouse survival or habitat

This research indicates that the transition to a designated trail system for summer usage is of significant benefit to the grouse compared to open riding area designations. While this change has already been implemented in many field offices, the positive benefits to the grouse that result from this change are simply not addressed in the Conservation Measures, which seek to designate all roads as a negative impact to the grouse. This position is simply not supported when current designated route systems are compared to an open riding designation . The impact of the designated route system for summer use should be addressed in the Conservation Measures in insure the benefits to the grouse from this change are properly identified by field offices in making multiple use decisions involving grouse habitat.

Pursuant to the BLM National Sage Grouse Habitat Conservation Strategy, the vision of the plan is:

> "Vision: Manage BLM-administered public land to maintain, enhance and restore sagebrush habitats while ensuring multiple use and sustained yield goals of FLPMA." [12]

The BLM's 2004 Sage Grouse Management Strategy specifically notes the wide range of concerns that are impacting sage grouse habitat, and impair any assertion of disproportionate benefits from just closing areas to motorized recreation. The 2004 Conservation Strategy specifically provides:

> "No single factor can be identified as the cause of declines in sage-grouse populations…… Some examples are large-scale conversions to cultivated croplands or pastures, altered fire frequencies resulting in conifer invasion at

[12] BLM National Sage Grouse Habitat Conservation Strategy 2004 at pg 9.

> higher elevations and annual grass invasion at lower elevations, livestock grazing, herbicide use, mineral and energy development, and recreational activities related to urban growth and increased human populations….. Currently, the risk to sage-grouse comes from multiple sources across multiple scales." [13]

While the various impacts on sage grouse and sagebrush habitat are only briefly discussed in the 2004 Conservation Strategy, extensive discussions of the range of possible impacts are provided in Mr. Connolly's works, which form the basis for most of the Conservation Strategy.[14] At no point is recreational use of low speed, low volume trails even addressed in Mr. Connolly's work-- providing further support for the position that recreational access should remain open in these areas. There is no basis for determining that road closures benefit or protect the sage grouse in BLM guidelines.

The wide range of issues impacting the sage grouse are also discussed in the 2010 Fish and Wildlife Service listing decision regarding the sage grouse and CDOW management strategies for the sage grouse. [15] Recreational activities were specifically found to be of minimal concern in sage grouse management in the 2010 USFWS listing decision, which stated:

> **"Although we anticipate use of pesticides, recreational activities, and fluctuating drought conditions to continue indefinitely, we did not find any evidence that these factors, either separately, or in combination are resulting in local or range-wide declines of greater sage-grouse."[16]**

While the FWS findings cited above do not specifically identify motorized recreation, they provide an extensive discussion of possible motorized recreational impacts prior to concluding that recreation has a minimal impact on the sage grouse. The 2010 USFWS listing decision again stated that adoption of a designated trail system for recreational purposes is of significant

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[13] BLM National Sage Grouse Habitat Conservation Strategy 2004 at pg. 6.

[14] John Connolly; *Guidelines to manage sage grouse populations and their habitats;* Wildlife Society Bulletin 2000, 28(4): 967–985.

[15] *See*; Colorado Department of Wildlife – Greater Sage Grouse Conservation Plan for Northern Eagle County And Southern Routt County; 2004 at page 23; *see also* Federal Register Notice March 5, 2010 US Fish and Wildlife Service; Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered at Pg 54.

[16] Federal Register Notice March 5, 2010; US Fish and Wildlife Service; Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage- Grouse (*Centrocercus urophasianus*) as Threatened or Endangered at Pg 75.

benefit to the sage grouse. The 2010 USFWS listing decision discussed changes to designated trails on USFS lands as follows:

> "As part of the USFS Travel Management planning effort, both the Humboldt-Toiyabe National Forest and the Inyo National Forest are revising road designations in their jurisdictions. The Humboldt-Toiyabe National Forest released its Draft Environmental Impact Statement in July, 2009. The Inyo National Forest completed and released its Final Environmental Impact Statement and Record of Decision in August 2009 for Motorized Travel Management. The ROD calls for the permanent prohibition on cross country travel off designated authorized roads." [17]

The 2010 FWS listing decision discussed Colorado and Montana State policies to position viewing trailers adjacent to active grouse leks in order to allow for public viewing of mating and reproduction activities. Given the direct impact that a trailer with active visitor activity and associated motor vehicle traffic on arterial roads adjacent to active leks could have , if there were a concern regarding the recreational impact on grouse, it would have been raised in this discussion. The FWS states the placement of trailers in these locations is not a significant concern for the grouse.[18]

The minimal impact of recreational activities on sage grouse activities is also specifically addressed in the 2006 Colorado Department of Wildlife's Greater Sage Grouse Workshop Committee Report, which identifies the top priority threats to the sage grouse as being Housing/Urbanization; Grazing; Predation; Hunting and Energy Development. [19] This report repeatedly classified possible recreational impacts to the sage grouse as a low priority/low risk issue. [20]

Given the significant bodies of research that are available expressly addressing the limited impact that dispersed recreation has on the Grouse, the Organizations vigorously assert that the Conservation Measures must separate the impacts of arterial roads from the lack of impact from a dispersed trail system. This distinction is critical in resolving erroneous application of the currently proposed standard in a manner that will not benefit the grouse.

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[17] *Id* at 92.

[18] *Id* at 55.

[19] Colorado Department of Wildlife; Greater Sage Grouse in Colorado Statewide Conservation Planning Workshop *Workshop Report*; May 2006; at pg 5.

[20] *Id* at pg 6&7.

4. The 2010 Conservation Report proposes to manage in absolute standards that simply may not be attainable

The 2010 Conservation Measures provide for the general management of Sage Grouse habitat in absolute terms which lack flexibility to allow land managers to adapt to local management issues for issues other than road networks also. The 2010 Conservation Measures seek to apply absolute management standards regardless of the comparative levels of private/public land ownership of an area that it designated sage grouse habitat. This could directly lead to decisions by land managers to exclude all uses of federal lands in areas, when compliance with the proposed standard is simply not achievable. While the Organizations are not able to address the scope of this issue throughout all grouse habitat, our concerns are highlighted by existing research by the Colorado Department of Wildlife, in their development of grouse habitat plans for Colorado.

The findings of the Colorado Department of Wildlife research indicate that Urbanization of grouse habitat is a significant issue in certain areas, and this issue simply is not directly addressed in the Conservation Measures. Rather the impact of Urbanization is classified as many other issues in the Conservation measures. Researchers have consistently found:

> "Development in the Gunnison Basin is becoming increasingly exurban. This type of development results in a highly fragmented landscape as the number of roads and buildings (Theobald et al. 1996, Mitchell et al. 2002) in previously contiguous patches of sagebrush increases, clearly reducing nesting habitat quality for Gunnison sage-grouse. High density residential development was avoided at a landscape scale, and nesting females chose to place nests farther away from any single development at the patch scale. This avoidance was not linear, with a threshold at approximately 2.5 km (Fig. 5f). The joint effects of roads and residential developments within sagebrush habitats will have negative consequences on Gunnison sage-grouse nesting habitat. With future developments on the horizon for the Gunnison Basin, housing and associated road developments within 2.5 km of identified crucial habitat should be evaluated cautiously, due to the potential direct and functional loss of nesting habitat"[21]

While Urbanization of Sage Grouse habitat is a significant concern, excluding all uses on federal lands in areas that are designated grouse habitat simply will not counter the impacts of

[21] Aldridge; supra note 9 at pg 404.

Urbanization on adjacent private lands. Management of development of private lands is not a federal public lands management issue, it is a local zoning issue. The Organizations have to note that development of accurate zoning regulations, in partnership with local governments, simply is never addressed in the Conservation Measures, despite the fact that zoning regulations are specifically developed to address these type of issues on private lands. Excluding public access to public lands will undermine public support for the management proposal and objectives in the long run and directly contradict mitigation activities taken through public/private partnerships or attempts to manage private land development with zoning regulations. In certain areas, these public/private partnership tools will play a key roll in protecting grouse habitat. The Organizations believe management of federal lands must have flexibility to address local management issues and to allow flexibility to maintain activities already developed at significant expense to the agency, such as visitor centers, bathrooms, camping facilities, and kiosks.

The Conservation Measures provide the following objectives for the management of sage grouse habitat:

> " To maintain or increase current populations, manage or restore priority areas so that at least 70% of the land cover provides adequate sagebrush habitat to meet sage-grouse needs……
>
> **Manage priority sage-grouse habitats so that discrete anthropogenic disturbances cover less than 3% of the total sage-grouse habitat regardless of ownership.** Anthropogenic features include but are not limited to paved highways, graded gravel roads, transmission lines, substations, wind turbines, oil and gas wells, geothermal wells and associated facilities, pipelines, landfills, homes, and mines.
>
> In priority habitats where the 3% disturbance threshold is already exceeded from any source, no further anthropogenic disturbances will be permitted by BLM until enough habitat has been restored to maintain the area under this threshold (subject to valid existing rights)."[22]

While this standard is acceptable in theory, implementation of these standards on the ground will be problematic. Land managers will be forced to restrict activities that have been found to have little to no impact on the grouse in the FWS listing decision, in an attempt to achieve compliance with the standard. This is not good management and will directly impair public support for any initiative.

[22] Bureau of Land Management; National Greater Sage-Grouse Conservation Measures/Planning Strategy December 21, 2011 at page 7-8.

A review of Colorado Department of Wildlife research regarding comparative levels of ownership of grouse habitat in Colorado identifies significant portions of the designated habitat where achieving compliance with this standard will be problematic given the low percentages of public lands owned, such as the habitat around Meeker, Colorado.

Table J-2. Landownership data for Meeker – White River GrSG area.

Ownership	Occupied Habitat - Acres (% of total occupied)	Vacant/Unknown Habitat Acres (% of vacant/unknown)	Potentially Suitable Habitat Acres (% of total potential)	Total - Acres (% of total)
BLM	3,478 (8%)	291 (45%)	23,709 (20%)	27,477 (17%)
CDOW	401 (1%)	3,857 (57%)	93 (0%)	4,351 (3%)
Private	36,864 (90%)	2,663 (39%)	91,312 (78%)	130,838 (80%)
USFS	418 (1%)	0 (0%)	1,401 (1%)	1,819 (1%)
Total (acres)	41,160	6,810	116,515	164,465

[23]

The comparatively low levels of federal land ownership is evidenced in other grouse habitat areas as well. While only these two areas are identified in these comments, CDOW analysis finds similar comparative land ownership allocations in many areas of the state of Colorado.

Table J-4. Landownership data for Northern Eagle – Southern Routt Counties GrSG area.

Ownership	Occupied Habitat Acres (% of total occupied)	Vacant/Unknown Habitat Acres (% of vacant/unknown)	Potentially Suitable Habitat Acres (% of total potential)	Total Acres (% of total)
BLM	26,189 (27%)	268 (2%)	64,231 (51%)	90,688 (39%)
CDOW	37 (0%)	81 (1%)	4,445 (4%)	4,563 (2%)
NGO	0 (0%)	206 (2%)	0 (0%)	206 (0%)
Private	67,480 (71%)	10,880 (95%)	52,256 (41%)	130,615 (56%)
SLB	1,596 (2%)	0 (0%)	1,267 (1%)	2,863 (1%)
USFS	86 (0%)	2 (0%)	4,291 (3%)	4,379 (2%)
Total (acres)	95,388	11,436	126,490	233,314

[24]

The Organizations have to believe that the comparatively small amounts of federal lands that can be used for grouse habitat management has directly impacted the direction that Colorado

[23] Colorado Department of Wildlife; Colorado Greater Sage Grouse Conservation Plan; Appendix J at page j-3.
[24] Id at pg J-4

Department of Wildlife has taken in protecting the sage grouse. Rather than address management with absolute standards that may not be achievable, CDOW has stimulated private/public partnerships in an effort to bring more total lands into conformity with grouse management needs. The Organizations believe the current proposal will directly undermine these efforts and not benefit the grouse in the long run as public usage will be barred from grouse habitat but yield little true benefit to the grouse, as most usage of public lands generates little to no impact on the grouse.

5. Failing to accurately address comparative land ownership issues will have significant negative economic impacts that simply are not addressed.

The Organizations are very concerned that possible negative economic impacts from the Conservation measures simply have not been addressed in the preparation of the proposal, which has allowed the proposal of numerous absolute standards in the Conservation Measures. While the Conservation Measures are not technically proposing designation of critical habitat areas for the grouse, the measures are proposing a management structure that is very similar. Federal statutes and regulation require that BLM must always address economic impacts in all planning processes as follows:

> "(c) In the development and revision of land use plans, the Secretary shall–
>
> (2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;…" [25]

Under relevant statutes and guidelines for endangered species, the USFWS must address economic impacts when designating critical habitat for a listed species. These statutes provide:

> **(2)** The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) of this section on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned. [26]

[25] 43 U.S.C. §1712

[26] *See*, 16 U.S.C. 1533(b)(2).

While these statutes do not provide any categories of management activity that may be performed without economic impact analysis, the Conservation measures fail to provide for any flexibility to address disproportionate economic impacts from the absolute standards proposed for the management of roads and habitat areas. The Organizations believe these standards will result in numerous negative economic impacts that must be addressed under Federal statutes and regulations. The failure to address these impacts would be a violation of the above statutes and numerous other guidelines.

6. Conclusion

The Organizations believe that the protection of any endangered or threatened species is a critical part of federal land management. The Organizations are also aware that proper identification of the threats and issues causing any species to be endangered is critical to developing low cost effective plans for the protection of that species. The Organizations do not believe that the Sage Grouse Conservation Measures have accurately prioritized the threats to the Grouse, which will result in limited agency resources being used to manage issues that simply not involved in grouse management. Absolute standards for issues that are of limited importance to the Grouse will result in significant unintended negative costs to communities in the vicinity of grouse habitat. A single standard that attempts to manage all roads the same is such a standard as is the proposed property management standards. These standards must be adapted to allow for flexibility to allow for proper management of local issues to permit public support for the management as this public support will be critical to the program moving forward.

Sincerely,

John Bonngiovanni
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Colorado OHV Coalition

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Scott Jones, Esq.
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