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December 2, 2013

Ref: 8EPR-N

NEPA Coordinator
Northwest Colorado District
Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

blm_co_nw-sage_grouse@blm.gov

Re: Northwest Colorado Greater Sage-Grouse
Draft EIS # 20130239

Dear NEPA Coordinator:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Bureau of Land Management's (BLM) Northwest Colorado Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (Draft LUPA/EIS).

Background --In March 2010, United States Fish and Wildlife Service (USFWS) published its listing decision for Greater-Sage-Grouse (GRSG) as "warranted but precluded." Inadequacy of regulatory mechanisms was identified as a major threat to GRSG in the USFWS findings on the petition to list the species under the Endangered Species Act. The Draft LUPA/EIS analyzes the addition of GRSG conservation measures to existing resource management plans for five Colorado BLM Field Offices: Colorado River Valley, Grand Junction, Kremmling, Little Snake and White River. Areas of the Routt National Forest are also included. The GSGR habitat in the Draft LUPA/EIS study area covers 4.2 million acres located in 10 counties in northwestern Colorado.

The Draft LUPA/EIS analyzes four alternatives for managing resources and three categorizes of GRSG habitat:

Greater Sage Grouse Habitat Categories	
PPH - Preliminary Priority Habitat	Highest conservation values: breeding, late brood-rearing and winter concentration areas
PGH - Preliminary General Habitat	Other areas of GRSG habitat
L/CH- Linkage/Conductivity Habitat	Areas important for GRSG movement and maintaining ecological processes
ADH - All Designated Habitat	Includes all identified GRSG habitat = PPH + PGH + L/CH

	Main Differences between Alternatives *			
	A	**B**	**C**	**D**
GRSG Conservation Measures	"No Action" Current Practices	National Conservation Measures Report	More Habitat & Conservation Measures	Balance Competing Uses (BLM Preferred Alternative)
Focus of Alternative		PPH	Mainly ADH	
Grazing closures	0 mil ac	0 mil ac	1.7 mil ac	0 mil ac
Right of Ways / Road (millions of acres)				
ROW exclusion areas	0.25	0.93	1.7	same as A
ROW avoidance areas	0.127	same as A	1.7	same as A
Roads		PPH -Limit new roads	ADH - Limit new roads	ADH –Seasonal road closures for select areas PPH – new roads allowed if no adverse effects to GRSG
Fluid Minerals – Oil and Gas (millions of acres)				
Closed to O&G leasing	0.1	1.34	2.473	same as A
Open to Leasing – No Surface Occupancy	0.35	same as A	same as A	1.34
Other Minerals (millions of acres)				
Closed to sales	0.104	0.927	0.927	same as A
Closed to non-energy leasing	0.011	0.927	0.927	same as A

* Summarized from Tables 2.2 (page 42 of the DEIS) 2.4 (page 143) and 2.6 (page 189).

EPA's Comments and Recommendations

1. Alternatives Analysis -- Relative Protectiveness of GSGR Populations

We recommend that the final LUPA/EIS add a section to compare the anticipated outcomes of each alternative in protecting GRSG populations long-term. Section 4.2.2 -Environmental Consequences - Greater Sage-Grouse of the Draft LUPA/EIS, compares impacts of the alternatives on sage grouse habitat; however, the document does not include an assessment of how the alternatives compare in protecting sage grouse populations and if the actions in the proposed alternatives are likely to be sufficient to sustain Colorado populations of the species. We understand that it would not be possible to have a definitive, quantitative discussion on the future of GRSG in Colorado for the many reasons discussed in the draft LUPA/EIS. However, a qualitative discussion would add an important component to the decision-making process and improve the public's ability to understand the expected outcomes of the alternatives. For example, the alternatives propose different levels of liquid minerals development ranging from banning future leasing in Preliminary Priority Habitat (PPH) (Alt. B) to allowing full development with seasonal limits and/or surface occupancy prohibitions (Alt. D). It is not clear from the analysis whether the seasonal closures of the new roads needed for the leases in Alt. D would be sufficiently protective to increase or maintain sustainable GRSG populations. The Cumulative Effect section for GRSG (Section 5.4 Special Status Species-Greater Sage-Grouse, pages 944-957) provides a good starting point in analyzing the long-term sustainability of sage grouse populations.

As part of the assessment of the relative potential for alternatives to improve the sustainability of GRSG populations, we recommend that the following questions be addressed in the Final LUPA/EIS:

- Will all sage grouse populations in the project area be protected through implementing the same set of federal land-use management protections? It is not clear whether protections that might be effective in protecting larger or healthier populations will also protect smaller, more vulnerable populations and vice versa. We note from the Affected Environment (Section 3.3.1) and Cumulative Impacts sections, that several of the populations are particularly vulnerable due to existing habitat loss and fragmentation. For example, the Parachute-Piceance-Roan Plateau GRSG population "is considered to be at high risk due primarily to energy and mineral development" (page 249). Similarly on page 947, "the Parachute-Piceance Basin population is relatively small and isolated on the very edge of GSGR range . . . this population is considered at high risk" (Manier 2013). We recommend clarifying whether different or additional protection measures can be, or should be, targeted to the specific needs of individual populations to assure their sustainability.
- Should resources and land management practices be concentrated on populations with the better chances for a sustainable population or should more resources be concentrated on populations at high risk? To illustrate this concern, we note for Alternative D that additional disturbances could be allowed in areas with stable or increasing GRSG populations (page 147). We recommend including discussion on whether the stable populations become more important and warrant more protection if other Colorado GRSG populations are extirpated?

2. Alternatives and Adaptive Management

We recommend that the BLM consider selecting a more precautionary alternative and using adaptive management to relax the conservation measures as sage grouse populations increase or achieve sustainability. This precautionary approach to adaptive management planning appears to be worth considering because of the slowness of the GRSG to move into expanded or improved habitat and the unpredictability of GRSG populations.

For example, in Section 2.10.2 -- Adaptive Management on pages 192-194, it is not clear from the discussion if the adaptive management plan will be successful in increasing the protection of GRSG habitat once the land management practices and decisions have been made. Many of the land management practices and decisions covered by the LUPA/EIS would result in permanent impacts with few opportunities to reduce habitat fragmentation. For example, once a new road is constructed there would be permanent impacts to grouse habitat. It may be possible to seasonally close the road to reduce impacts; however, many of the road impacts, such as habitat fragmentation, would remain permanently.

The LUPA/EIS does a good job of describing the challenges and unknowns in protecting GSGR populations. With the many conservation activities that are proposed or are underway on both federal and private land, we recommend that the selected alternatives include some flexibility to allow additional or different lands to be designated as "Priority Habitat." For example, if conservation measures such as habitat restoration or road closures are successful in expanding the priority habitat, it would be useful for BLM and the Forest Service to be able to expand the GRSG protections to lands that are currently designated as general or historic habitat without having to formally modify the LUPs.

For Alternative D, which primarily protects PPH, we recommend incorporating some level of protection for PGH and L/CH lands to further reduce habitat fragmentation and provide data for use in the adaptive

management process. The protections may not need to be as rigorous as the measures for PPH. For example, for new road ROWs under Alternative D, it appears the evaluation for impacts to GRSG would cover only PPH (page 143). We recommend adding some level of additional evaluation for impacts to GRSG in PGH and L/CH areas such as collecting field information to determine if there is increased GRSG activity within 4 miles of the proposed ROW.

The EPA's Rating

Based on our review, the EPA is rating the Draft LUPA/EIS Preferred Alternative as "Environmental Concerns – Inadequate Information" (EC-2). The "EC" rating means that the EPA's review has identified potential impacts that should be avoided in order to fully protect the environment. It is not clear from the analysis if the preferred alternative is sufficiently protective to increase and/or maintain sustainable GRSG populations. The "2" rating means that the Draft LUPA/EIS does not contain sufficient information for the EPA to fully assess environmental impacts. We have enclosed a description of the EPA's rating system for your convenience (Attachment 1).

We appreciate the opportunity to comment on this document and hope our suggestions for improving it will assist you with preparation of the Final LUPA/EIS. We would be happy to meet to discuss these comments and our recommendations. If you have any questions or requests, please feel free to contact either me at 303-312-6925 or Dana Allen of my staff at 303-312-6870 or by email at allen.dana@epa.gov.

Sincerely,

for Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-up Action*

Environmental Impact of the Action

LO -- Lack of Objections: The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections: The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work which with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts chat are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality EPA intends to work with the lead agency co reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1—Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action No further analysis or data collection is necessary but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS which could reduce with the environmental impacts of the action The identified additional information data analyses or discussion should be included in with the final EIS.

Category 3—Inadequate: EPA does not believe that with the draft EIS adequately assesses potentially significant environmental impacts of the action, or with the EPA reviewer his identified new reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information data analyses or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting with the Environment.