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John W. Hickenlooper
Governor

January 14, 2014

Mr. Jim Cagney
District Manager
Northwest District Office
U.S. Bureau of Land Management
2815 H Road
Grand Junction, CO 81506

Dear Mr. Cagney:

Thank you for all of your hard work developing a Preliminary Resource Management Plan (PRMP) regarding the U.S. Bureau of Land Management's (BLM) conservation of the Greater Sage-Grouse (GrSG). We know that the Department of Natural Resources and Colorado Parks and Wildlife (CPW) have been working closely as Cooperating Agencies throughout the process, and we welcome the emphasis on science throughout the draft document.

Additionally, we appreciate your willingness to give the State of Colorado additional time to explore elements of GrSG conservation that might not have been adequately addressed in the PRMP. This letter serves as the Colorado state alternative, and we ask for your consideration as you move forward with developing a final plan. It is our hope that a management alternative can be developed that both safeguards the economic engine of northwestern Colorado and protects the GrSG sufficiently to preclude a listing under the Endangered Species Act by the U.S. Fish and Wildlife Service (USFWS).

Since 2000, the State of Colorado has spent over $40 million on GrSG conservation efforts for the species. These expenditures include conservation planning and implementation, land protection, population and habitat monitoring, habitat treatments, restoration, research, and communications. Since 2004, CPW state wildlife managers have protected more than 74,000 acres of GrSG habitat, primarily through conservation easements. About 24,000 additional acres are managed by other conservation interests such as The Nature Conservancy and Cattleman's Land Trust. More than 50,000 acres of GrSG habitat have been improved through treatment since 2000. Working closely with private landowners, CPW has contributed to the 273,000 acres now managed through Wildlife Mitigation Plans, Grazing Plans, Ranch Management Plans, and Habitat Suitability Plans. These public/private partnerships are essential for managing resources in our state, and we hope to maximize their potential in future conservation efforts.

In 2008, when the GrSG was designed "warranted but precluded" from listing under the Endangered Species Act, a diverse group of Colorado stakeholders developed the statewide Conservation Plan for Greater Sage Grouse. This detailed plan was updated just this year, and our results clearly demonstrate the broad scope of work that is underway for conservation. That

update, called the Colorado Package, was submitted to both the BLM and the USFWS. Regulatory certainty is evident for many of our existing provisions, and we feel confident in the effectiveness of these measures. We urge our federal agencies to consider the progress documented there on state and private lands in any approach to conservation on federal lands.

We must keep the local context for this conservation challenge foremost in our minds. The communities of northwestern Colorado rely on access and productivity associated with public lands for their livelihood. With that in mind, any plan that the BLM ultimately promotes must accurately assess the socio-economic values that link people to the land in that area. Ranching and energy development are the two most important economic drivers in the region; the final RMP should propose an adaptive management approach that will conserve habitat for the GrSG while continuing to allow those industries to thrive. Such an approach will favor site-specific review and the consistent incorporation of new science over a one-size-fits-all management regime.

Grazing has not been identified as a primary threat to the stability of the species, and we must be vigilant that none of the conservation measures have unintended negative consequences for agriculture. In many parts of the range, existing grazing practices are working in concert with conservation efforts, and we should stick with these successful tools whenever possible. Alternative A, the "no action" alternative, provides some useful management guidance on this issue, but only where existing plans have been updated. Areas that are still operating under decades-old grazing regimes can be updated to reflect successful practices embodied in more recent plans.

Loss of habitat is the primary threat facing the long term viability of the species. Oil and gas development is a contributor to that loss, but the energy industry also provides necessary economic stability for the region. Any provisions the BLM advances must consider both dimensions of this resource issue. We are prepared to support conservation measures necessary to preclude a listing, but we do not want to see overly restrictive measures that would irreparably harm the energy industry. Indeed, the industry has a vested interest in conserving GrSG habitat because nothing would do more harm to their future operations than a listing. With that in mind, we suggest an approach that favors consultation over prohibitions on occupancy; within the 4 mile buffer from a lek, energy companies should be required to consult with wildlife experts (either BLM or CPW) before beginning operations. If Best Management Practices have been identified that can minimize the impact of energy access, operators should be required to adopt those once a site visit has been conducted. Our existing wildlife consultation regulations are administered by the Colorado Oil and Gas Conservation Commission; we are currently conducting a review of those practices and anticipate fresh insight into their effectiveness in the first quarter of 2014.

One of the most troubling tools being proposed in the PRMP is the use of disturbance caps. This is an untested management approach, and it raises at least four implementation questions.

- First, what percentage will define the cap? It is our understanding that there is limited scientific evidence that supports either of the two numbers currently in play for anthropogenic disturbance (3% and 5%). With that in mind, we urge the BLM to pursue a flexible approach that allows managers to learn as they go. Imposing an arbitrary cap on the landscape could have catastrophic impacts on resource use.

- Second, how will the cap be measured and enforced? We've heard widespread concerns about lack of staffing at BLM. Developing and tracking a complex new management tool will require a consistent and long term investment of time and resources; if the BLM lacks these resources, perhaps another approach should be considered. We also understand that federal agencies do not have jurisdiction over private property, and this should be made explicit in the final RMP. Calculations of disturbance toward a cap should not include private property.

- Third, how will we know if the cap is working to conserve habitat? Already, we see that some of the management zones with the healthiest GrSG populations are the same zones with the highest disturbance percentage. We should learn from these circumstances and not seek to undermine them. Rigorous monitoring and a feedback loop will help us fine-tune implementation.

- Finally, will the establishment of a disturbance cap lead to a cascade of unintended consequences? For example, valid existing energy leases may be impacted, especially if buffer distances from leks are restricted and overlaid on disturbance cap limitations. This is a clear violation of private property rights; we can't support it, and we suspect the courts will share our view. Similarly, grazing lessees may find their permits changed when it comes time to renew.

Given the critical importance of these industries to the economic health of the region, we urge the BLM to reconsider the use of disturbance caps unless they can be implemented with site-specific flexibility.

Mitigation is a promising approach for allowing industrial access without compromising aggregate habitat quantity and quality. However, the existing plans for mitigation in the PRMP are incomplete. Without more detailed information about how this program would work, we are hard pressed to support it. Please work closely with the appropriate state agencies engaged in the development of the Colorado Habitat Exchange; this emerging program may be a good fit for the BLM.

Adaptive management is a widely accepted tool for managing resources. Rather than imposing a one-size-fits-all prescription, we urge the BLM to consider local conditions before, during, and after any tools are deployed. In places with healthy and thriving bird populations, restrictions should be more flexible; in locations with struggling bird populations, restrictions should be tighter. Those parameters should then be revisited regularly. Evolving science will help us better understand what the species needs to succeed. Our improved understanding can then inform future regulatory terms, and the cycle of adaptive management will allow us to be both responsive and proactive.

Lastly, we urge the BLM to maximize the benefits available through public-private partnerships. We believe opportunities exist to protect additional acres of private land, and are working closely with industry, landowners, and land trusts to secure new easements. The Colorado Habitat Exchange exemplifies the gains to be made by connecting private landowners, energy companies, and state and federal natural resource agencies. When industry and agriculture are key players in the development of a conservation plan, we all stand to benefit. Reconstituting and strengthening the role for local working groups in the northwestern region is one way we might guarantee a seat at the table for all stakeholders as this effort progresses.

The state has been, and will continue to be, an active partner through the Cooperating Agency process. We remain committed to the use of science in protecting imperiled species; this approach is central to who we are as Coloradoans. Attached are two documents that together comprise Colorado's best available science: a cover letter from CPW and a detailed matrix that parses each of the provisions in the PRMP. Throughout, CPW has tried to walk a narrow line, identifying parameters that are restrictive enough to preclude a listing, but not too restrictive for the socio-economic health of the region. Colorado has a long track record of success working across party lines to find cooperative agreement in how we manage our iconic natural resources.

We look forward to ongoing discussions as we build a final plan from this initial draft.

Sincerely,

John Hickenlooper
Governor

Enclosures

cc: Mr. John Mehlhoff, BLM Colorado Acting State Director