



## Plans for grouse fall short, feds say

[By Dennis Webb](#)

Tuesday, December 10, 2013

The agency that will decide whether the greater sage-grouse receives protection under the Endangered Species Act says a Bureau of Land Management proposal for protecting them in northwest Colorado needs strengthening and a key provision likely would lead to a drop in their numbers.

The U.S. Fish and Wildlife Service made the observations in letters submitted by the Dec. 2 deadline for commenting on the BLM's draft document for management of greater sage-grouse territory in the region.

The oil and gas industry, area governments, agriculture, recreation and other interests have been contending for months that the measures the BLM is contemplating are overly restrictive and would cause significant economic harm. Oil and gas company Encana warns in its own letter to the BLM that the agency's plans "will significantly impact both Encana's existing operations and its future operations" in the region and include provisions that would violate Encana's existing lease rights.

The BLM is considering the measures in hopes of helping keep the greater sage-grouse from being listed for Endangered Species Act protection. That's something the Fish and Wildlife Service must decide on by 2015 under a court-ordered settlement, and a listing could result in even stricter protective measures.

The BLM's draft document analyzes four alternatives, including a preferred draft that would modify national-level recommendations based on local input and concerns. Fish and Wildlife says that proposal, if revised as it recommends, would meet most of the conservation objectives identified in a report by federal and state science sage-grouse experts and released earlier this year.

One major concern for the agency is that the BLM proposal would not follow the national recommendation for a 3 percent cap on man-caused disturbance in the bird's priority habitat. Instead, the BLM proposes a 5 percent cap, applying only in "ecological sites that support sagebrush" within that habitat. Recent research suggests the higher cap would lead to population declines, Fish and Wildlife says.

It cites one study suggesting there should be no less than 1 percent man-caused disturbance within 5 kilometers of the bird's leks, or mating grounds. Another study concludes a Wyoming strategy involving a 5 percent cap could result in a 7 percent to 9 percent drop in sage-grouse in core areas, even with \$250 million spent on conservation easements.

Among other things, Fish and Wildlife also recommends in the case of existing oil and gas leases allowing an average of one disturbance per square mile in priority habitat in a given management zone. It also calls for a year-round, 0.6-mile buffer protecting leks from all types of man-caused disturbances in all sage-grouse habitat, and says it understands that more recent Colorado Parks and Wildlife data suggest a larger buffer such as a 1-mile one may be warranted.

Neither the parks department nor any other Colorado agency filed comments by the Dec. 2 deadline, although Gov. John Hickenlooper's office indicated in late October plans for the state to do so. However, in response to concerns from local governments, Hickenlooper recently named a point person on greater sage-grouse, John Swartout.

Said DNR spokesman Todd Hartman, "We're taking some more time to put together the right alternative and the BLM is working with us on that."

BLM spokesman David Boyd said the parks department and the state Department of Natural Resources are among 14 cooperating agencies that work with the BLM throughout the process, including on developing a final proposed alternative.

"Not every cooperator will submit formal comments during a public comment period, but most typically do," he said.

Hickenlooper has called for a "Colorado-based solution" that protects the sage-grouse while not infringing on existing economic activities such as oil and gas production, grazing and community development.

In its letter, Encana said that in the BLM's planning area the company has more than 677,000 acres of federal oil and gas leases and nearly 200,000 acres of private leases and mineral deeds.

"Encana supports an alternative which recognizes that additional oil and gas development can take place" within the planning area without adversely impacting sage-grouse, the company said. It said three of the four alternatives under consideration, including the BLM's preferred alternative, place drastic, unreasonable limitations on oil and gas development.

"Encana recognizes the difficult task the BLM faces to manage public lands in the Planning Area for multiple use, and encourages the BLM to remember that oil and gas development is a crucial part of the BLM's multiple use mandate," it wrote.

Further, the company contends that BLM's sage-grouse document "does not adequately or sufficiently protect valid existing rights" that the agency's own land use planning handbook says must be honored.

"The BLM must comply with its planning handbook and recognize existing rights. Any attempts to modify existing rights could violate the terms of Encana's contracts with the BLM and the BLM's own policies," Encana said.

Boyd said the BLM received about 7,500 comments by the deadline. Boyd said "a large number" of the comments received consisted of form letters. Several form letters drafted by conservation groups urge the BLM to implement strong protections for the sage-grouse. They're signed by people in Grand Junction, across Colorado, and in other states such as Florida and West Virginia.

One letter, originating from the Sierra Club, says, "Recent requests by some local and state officials to keep the Grouse off the Endangered Species List raise special concern, as they seem to be acting to promote rapid exploitation of shale oil and gas resources. Some propose local 'public-private partnership' to manage lands the grouse inhabits. However, some of the 'partners' stand to profit heavily from an estimated \$34 billion in potentially exploitable resources that lie under prime grouse habitat."

In a detailed separate letter it submitted in addition to leading a form-letter campaign, WildEarth Guardians echoed Fish and Wildlife's concerns about the 5 percent disturbance cap, calling it "too high to sustain" sage-grouse.

The group said, "We encourage the federal agencies to set aside a system of reserves, comprised of all Priority Habitats, where only activities scientifically shown to be compatible with maintaining and restoring sage grouse populations to secure population levels are permitted."