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June 12, 2024

c/o Patricia Deibert, National Sage-Grouse Conservation Coordinator
Bureau of Land Management
BLM Utah State Office
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Salt Lake City, Utah 84101

Submitted Electronically to: BLM ePlanning, https://eplanning.blm.gov/

RE: Bureau of Land Management Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning

Dear Sage Grouse Plan Revision Team:

Colorado Cattlemen's Association (CCA) and Colorado Public Lands Council (CPLC) represents the majority of public lands permittees in the state of Colorado, and with this representation, we offer the following comments regarding Greater Sage-Grouse Rangewide Planning:

Colorado has been a leader in the Greater Sage Grouse arena for decades and have clearly demonstrated that local, regional, and state partnerships have stabilized the population. CPLC *generally* prefers Alternative 2, which most closely resembles the 2019 GRSG plan amendments. Successful work between Western States and the BLM (and USFS, where applicable) is key to the success of GRSG habitat management across the board. Alternative 2 provides a planning framework that enables site-specific approaches to ensure practices match on-the-ground needs. To that end, we offer the following feedback on the alternatives, and additional considerations below.

ALTERNATIVE 1

Alternative 1 is unsuitable for further consideration, and we oppose the advancement of the tenets included.

ALTERNATIVE 2

Alternative 2 most closely resembles the 2019 plan amendments, which were widely hailed as significant improvements on the ill-fated 2015 amendments. As noted in Chapter 2 of the plan,

the U.S. District Court of Idaho's injunction has blocked full implementation of the 2019 amendments. The 2019 amendments addressed some of the key failures of the 2015 plans, including coordination with states, consolidation of habitat designations to reduce management restrictions, and utility of updated science.

ALTERNATIVE 3

BLM categorizes Alternative 3 as the alternative with the "greatest measures to protect and preserve GRSG and its habitat." This alternative is neither based in science nor supported by the agency's authorities under FLPMA. The identification and intention to designate more than 11 million acres of Areas of Critical Environmental Concern (ACECs) coupled with the restriction of use of habitat to the vast majority of multiple uses immediately makes it impossible for the BLM to adhere to FLPMA's requirements to manage landscapes for multiple use, but will result in undue degradation of those 11 million acres – and more. The undersigned object to this alternative. Additional issues include:

- Implementation would require increased fencing to separate federal and nonfederal lands resulting in possible habitat fragmentation, increased collision risks, increased opportunities for GRSG predators. Further, removal of grazing could allow for the buildup of fine fuels, which may increase the risk of a large-scale wildfire that would damage or destroy large areas of GRSG habitat.[1]

ALTERNATIVE 4

While this alternative does not automatically reconsider whether an area would be made available for grazing simply due to the presence of GRSG habitat designation of some kind, this alternative does consider (as does Alternative 5) additional planning instruction to consider thresholds and responses during the grazing permit renewal process. The undersigned herein raise concerns about the thresholds and responses that BLM suggests, particularly in light of other ongoing planning efforts that affect permittees ability to engage with the agency and their permit with any degree of predictability.

ALTERNATIVE 5

Like Alternative 4, there are concerns with direction of threshold and response consideration here. As the agency's preferred alternative, the undersigned offer the following comments with respect to components in this alternative that impact federal lands grazing and permittees' role in habitat management:

- BLM must increase management of horses and burros under the Wild Free-Roaming Horses and Burros Act (WFRHBA) in order to mitigate habitat loss. Components of restrictive alternatives call for removal of horses entirely for priority habitat areas; the undersigned support removal of significant numbers of horses to return Herd

Management Areas to low Appropriate Management Levels (low AML) to mitigate loss both for GRSG and for all other species.

ALTERNATIVE 6

Similar to Alternative 3, CCA and CPLC object to the utilization of ACECs as a proxy for removal of multiple use in the name of "conservation". Layering in limited management in the restrictive ACEC designations with continued utility of PHMAs – which also restrict management – would similarly limit BLM's ability to engage in any meaningful continuation of multiple use management. The undersigned object to the selection of this alternative.

General Comments

Role of Grazing

In the ten years since the first planning effort, a significant body of work has been developed to analyze the relationship between GRSG habitat and grazing activity. The definitive conclusion is that managed grazing is not only compatible with GRSG populations and habitat requirements, but crucial to the survival of GRSG chicks, particularly in times of drought where early food sources may be scarce. While the plan references limited literature related to this interaction, the undersigned recommend more robust evaluation of longitudinal studies, like Conaway et al. 2014-2024

Multiple scientific studies document livestock grazing and GRSG conservation can do beneficially co-exist. Top threats to GRSG include rangeland wildfire, invasive weeds, and development pressure, not livestock grazing. Livestock grazing is not even in the top-ten list of threats. Yet, despite this BLM has imposed landscape-wide regulatory changes on the grazing livestock industry for purposes of conserving habitat for a single species through an inflexible framework that is overly restrictive and fails to account for site-specific conditions necessary to make informed decisions. The GRSG land use plan amendment (LUPA) process elevates livestock grazing as a priority threat, even though improper livestock grazing is listed only as a secondary threat. Livestock grazing is a secondary threat and only when done improperly and thus not subject to wholesale regulatory changes detailed in this document.

Moderate livestock grazing (e.g., grazing that balances the intensity, frequency, duration, and timing of grazing with variable vegetation/ forage resources) that supports the persistence of perennial bunchgrasses, has been shown to be compatible with sage-grouse population metrics (Boyd et al., 2014; Dettenmaier, 2018; Doherty et al., 2021; Smith et al., 2020, 2018a, 2018b). Sage-grouse have been found to be generalists, exhibiting great flexibility when selecting habitat

at the fine scale. This fine-scale vegetation, such as bunchgrass cover or shrub structure, does not influence nest success consistently and has weak effects on nest site selection according to a range-wide meta-analysis (Smith et al., 2020). Optimum sage-grouse habitat consists large tracts of land encompassing diverse seasonal habitats (Knick and Connelly, 2011), including healthy tracts of sagebrush that include an herbaceous understory composed of large perennial grasses, perennial forbs, and insect food resources during the nesting season (Boyd et al., 2014; Crawford et al., 2004). Thus, management objectives for sage-grouse and grazing should focus on promoting vegetation conditions that promote resiliency to ecosystem-scale threats such as wildfire and resistance to exotic annual grasses rather than fine-scale vegetation metrics. Not only is livestock grazing the primary land-use in sage-grouse habitat, but it can also be employed strategically to improve or maintain rangeland condition by addressing these range-wide threats. Grazing can be used as a tool to reduce the risk of habitat loss from wildfire (Davies et al., 2022, 2015, 2010; Diamond et al., 2009; Orr et al., 2023; Thomas and Davies, 2023), and from invasive annual grasses (Davies et al., 2021b, 2021a; Schmelzer et al., 2014), or to improve habitat by increasing insect food resources (Goosey et al., 2019; Richardson et al., 2023). Properly managed livestock grazing allows for the maintenance of perennial bunchgrasses (Boyd et al., 2014; Miller et al., 1994), which are key to promoting ecosystem resilience of sagebrush rangelands (Johnson et al., 2022) and can provide visual obstruction for nesting sage-grouse (Hagen et al., 2007).

We remain concerned about the focus in Chapter 4 related to the consequences of livestock grazing, including assertions that water features and appropriate fencing have a disproportionate impact on predation by providing predator resources, without recognition of the inherent deterrent grazing and grazing management[2] provide for predators like ravens and coyotes.

Generally, we oppose significant modification as a singular means to undertake GRSG conservation without appropriate evaluation under the National Environmental Policy Act (NEPA). At the time of submission of these comments, BLM is undertaking revision and issuance of Instructional Memoranda in preparation for a regulatory amendment of the agency's grazing regulations; direction to amend grazing permits without first providing clear direction on the implementation of the grazing program, and settling the matter of grazing permit administration for existing permittees would be predecisional and inappropriate for both sets of regulations.

As in 2015 and 2019, we oppose retiring permits and converting permits into forage reserves or grass banks as a proxy for GRSG conservation. Equally, we oppose the same actions as a proxy for mitigation of other activities related to GRSG management. As noted repeatedly in Chapters

2 and 4, removal of grazing from the landscape increases the risk of fine fuels buildup on the landscape which increases the risk of catastrophic wildfire, which has knock-on effects for plant biodiversity, predation, encroachment of invasives, and long-term lek selection. Any permits relinquished as a matter of business administration should undergo evaluation for reissuance, as a single permittee's decision should not remove the allotment(s) from productive use.

We oppose the default position that any relinquished preference should be considered as a reserve common allotment for use on a temporary basis[3]. Permittees have repeatedly confirmed that BLM staff are largely unwilling to utilize temporary, non-renewable (TNR) permits because the process is so inefficient; TNRs must be requested in the year they are intended to be used. Average processing times appear to be in excess of 90 days, at which time the utility of the allotment has already been expended or the fire risk is exceedingly high (or a fire has burned through), and the opportunity to graze for fuels reduction is eliminated. Layering of requirements that relinquished permits or preference will not immediately be analyzed for reissuance with the agency's unwillingness to utilize tools like TNR will result in fewer active allotments and increased persistence of hazardous fuel loading.

As a matter of practice, BLM's widely panned requirement for ≥7" stubble height should be abandoned. Repeatedly over the last decade, states and local BLM offices have demonstrated that not only is this metric unachievable for certain ecologies where forage cover is a better indicator of nest success, the arbitrary metric places undue focus on a trigger that if tripped, has significant consequences for all land users – and productive habitat management.

With consideration to thresholds and responses into grazing permits, the undersigned request robust engagement with livestock grazing permittees. Due to the rampant uncertainty in application of land health standards across BLM lands due to the recently-finalized BLM Public Lands Rule[4], permittees will now have the benefit of seeing land health standards consider other multiple uses in landscape health. In application of the Public Lands Rule, BLM must not adopt additional requirements for grazing permits to be modified, or incorporate additional thresholds and responses, without first determining whether inclusion is warranted due to the grazing management – not external factors. Application of land health standards must apply to uses across the board. Grazing must no longer be held responsible for surface disturbance of other uses due to vague or poorly drafted regulatory parameters.

Lek Buffers

CCA and CPLC have consistently raised concerns about BLM's application of lek buffers as part of GRSG plan administration. Historic applications have increased discrepancies among states and conflicted with state management plans. Regulatory approaches to disturbance near leks

hves trended toward avoiding all disturbance, even temporary disturbance that would benefit the larger ecology or suitability of habitat both for birds and other species. We warn against that approach, urging BLM to take a wider view of landscape scale management and provide wide latitude for local land managers to take necessary actions to manage habitats with the necessary tools. Generally, implementation of future management should adhere to state plans, with additional considerations:

- Additional federal restrictions on the application of pesticides or herbicides to control or mitigate invasive species or critical pests (cheatgrass and grasshoppers, for example) should be included in buffer exception criteria to proceed, in support of contiguous management of landscape-scale health.

Conflict with other regulatory actions

BLM should make significant revisions or directly address areas where the GRSG plan creates conflict with other ongoing regulatory actions. Federal lands grazing permittees are already subject to considerations of NEPA, the Endangered Species Act (ESA), Wild Free-Roaming Horses and Burros Act (WFRHBA), the Migratory Bird Treaty Act (MBTA), FLPMA, the Taylor Grazing Act (TGA), and manage interactions with other multiple uses like mining, recreation, timber production, energy production, wildlife habitat consideration, and more. Additional regulatory complications not only cause uncertainty for the regulated community, but also for BLM employees and partners who are more prone to inaction rather than violating the law. That inaction has resulted in conditions that exacerbate catastrophic wildfire, delayed remediation of disturbed areas, and poor relationships with permittees. Specific examples of conflicts are below:

Conflicts with Public Lands Rule

The recently-finalized Public Lands Rule has upended the BLM's multiple use mandate with respect to prioritization of use and how the agency considers mitigation as part of the landscape of permitted actions. The undersigned appreciate the application of land health standards across the landscape, but the GRSG plan here largely fails to recognize that these standards will be applied to uses other than grazing, resulting in much of the GRSG plan utilizing grazing as the single use to adjust in the face of degradation.

BLM must not enact policy that results in degraded landscape or unfavorable conditions for GRSG and export the burden of GRSG habitat improvement on all other multiple uses. If restrictions are to be applied to a landscape, BLM should also follow the same rules.

Conflicts with Wild Horse and Burro Management

BLM has long faced drastically overstocked Herd Management Areas. Degradation to GRSG habitat is well documented[5]; BLM must devote additional resources to these areas to achieve low

AML and conduct appropriate remediation. Alternately, BLM should consider total removal of animals from leking areas as part of priority gathers. The undersigned have submitted robust comment through the BLM Wild Horse and Burro Advisory Board and incorporate relevant feedback here by reference.

Additional areas of concern include:

CCA and CPLC believes that the regulatory overlap of designating ACECs for GRSG when GRSG habitat areas (PHMA) are designated is duplicative. While relevance and importance criteria can arguably be met by the presence of GRSG habitat, no special management attention is required. Standard 4 of the Colorado Standards for Public Land Health requires that all uses are managed to maintain or enhance species and their habitats by sustaining healthy, native plant and animal communities. This renders any ACEC designation for this purpose redundant and unnecessary. Additionally, habitat management areas are not static and can be more easily updated than ACEC boundaries. Designating ACECs for GRSG habitat will result in non-habitat areas being managed as habitat and introduce unnecessary complexity that will likely limit beneficial management actions.

On pages 2-124, the document states, *"Causal Factor Analysis (CFA) teams will include at a minimum the local BLM biologist, BLM state sage-grouse lead, and a representative from the state wildlife agency."* Regarding CFAs, range staff and permittees should be included in all causal factor analyses involving livestock grazing as a potential factor. Additionally, CFA can potentially cause unnecessary delays in the permit renewal and NEPA processes. There is no need for additional analysis of GRSG habitat beyond that required for the Special Status Species (SSS) sections of land health standards assessments. The inclusion of an additional CFA will only serve to delay already lengthy processes, further delaying the implementation of proper management regardless of the determination of causal factors in the LHA. To further pinpoint this concern, inconclusive CFAs are addressed on pages 2-128, stating, "If no cause for a habitat or population decline can be determined, the BLM may consider implementing additional restriction on existing or new authorizations in the area". This is inappropriate as related to livestock grazing, which has been determining to be a secondary threat to GRSG when done improperly, and should not be the default causal factor when agency personnel cannot determine a causal factor.

As documented above in these comments, properly managed livestock grazing is not only compatible with GRSG habitat but can also be beneficial. This fact is further supported in the EIS on pages 4-8, *"Well-managed livestock grazing may change plant community composition, increase the productivity of selected species, increase forage quality, and alter the structure to increase habitat diversity (Vavra 2005), and can positively affect GRSG habitat suitability (Manier et al. 2013)."*

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Standard 4 of the Colorado Standards for Public Land Health requires that all uses are managed to maintain or enhance species and their habitats by sustaining healthy, native plant and animal communities. This is confirmed in the EIS on page 4-9, *"Under all alternatives, described in Section 2.9.7, livestock grazing would be managed to meet or make progress towards land health standards and improper grazing would be limited and addressed through implementation-level corrective actions."*

Regarding Alt. 3 on page 4-24 the EIS states, *"All PHMA would be unavailable for domestic livestock grazing. As a result, livestock would be removed from PHMA and impacts to GRSG and habitat associated with grazing, such as habitat alterations (Nature and Types of Effects) would be reduced. Removing livestock could lead to increases in herbaceous understories, which would increase forage availability and nesting habitat suitability for GRSG."* This fails to distinguish between proper and improper livestock grazing and represents a major flaw in the analysis.

Regarding Alternatives 4, 5 and 6 as applied to range improvements as shown directly on 4-74, "This could lead to prohibition of range improvement construction." Specifically, the following language management action listed in the document must be removed and revised:

> "Management Action RM-4: During the grazing authorization renewal process, evaluate all existing livestock management range improvements with respect to their effect on GRSG and GRSG habitat. Consider removal of modifications of projects that negatively affect GRSG or GRSG habitat."

Range improvements provide benefits to livestock, wildlife, SSS and the resource. Range improvements need to be evaluated as a whole not just for a specific species. All of these factors comprise landscape benefit to the landscape as a whole ecosystem and not just for the perceived advantage of one component.

As stated above, properly managed grazing is a requirement on BLM lands. The limited circumstances where improper grazing might occur must be identified and corrected according to multiple directives. All instances in the analysis where the difference between proper and improper grazing is not clearly explained must be corrected. Any negative impacts attributed to improperly managed livestock grazing must be described as limited in scope and short-term in nature due to the multiple levels of BLM laws, regulations, plans, and implementation guidance that require such.

It is imperative that the Final RMPA and EIS recognize and incorporate the benefits of properly managed livestock grazing. Any decision to reduce livestock grazing for the benefit of GRSG habitat at the RMP level is unjustified. Changes to livestock grazing management should only be made at the allotment level based on site-specific, quantitative resource data.

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Properly managed livestock grazing is a valuable resource management tool that can improve wildlife habitat, biodiversity, and overall ecological conditions while providing cultural and economic benefits to communities.

Thank you in advance for the opportunity to comment. If you have specific questions, please contact Erin Spaur, Executive Vice President of the Colorado Cattlemen's Association, at erin@coloradocattle.org or 303-431-6422.

Sincerely,

Robert Farnam, President
Colorado Cattlemen's Association

Robbie LeValley, Chair
Colorado Public Lands Council

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