

Executive Summary

Background:

The Colorado Oil and Gas Conservation Commission's (COGCC) 100-series rules define reference maps of "Restricted Surface Occupancy Area" (RSO) and "Sensitive Wildlife Habitat" (SWH) across Colorado. The Colorado Division of Parks and Wildlife (CPW) provided these maps to COGCC during a public rule making process in 2008, and those maps were adopted on December 11, 2008. COGCC, in cooperation with CPW, is now considering whether to update these maps to reflect current wildlife data.

Pursuant to the 100-series rules the RSO maps are "*subject to update on a periodic but no more frequent than annual basis and may be modified only through the Commission's rulemaking process, as provided in Rule 529*". The SWH maps are "*subject to update on a periodic but no more frequent than biennial basis and may be modified only through the Commission's rulemaking procedures, as provided in Rule 529*". CPW has not provided any updates to either the RSO or SWH maps since they were adopted in 2008. Map Changes:

The maps are based on data that CPW collects as part of several ongoing activities. First, the Species Activity Mapping (SAM) program is organized around annual meetings between the CPW Geographic Information Systems (GIS) unit, biologists and district wildlife managers. At these meetings the GIS analysts update the various species activity areas for mapped species based on any observed changes since the last mapping session four years earlier. For example, areas may be identified where bighorn sheep are expanding and where new lambing grounds have been established. These new areas are then mapped and added to the existing SAM maps for bighorn sheep production areas. Since 2008, CPW has updated the SAM maps in all four regions; updated RSO and SWH maps would incorporate these new data.

Second, CPW collects data on lek (strutting or booming grounds) activity for several grouse species every year. CPW also maintains a raptor database that tracks occurrence of raptor nests. This is updated as CPW biologists and district wildlife managers come across new nests or monitor existing nests. Since 2008, CPW has collected new nest data annually and that information would be included in new maps.

Third, CPW has recently completed a map of high priority Greater sage-grouse (GRSG) habitat in Northwest Colorado based on the best available science for incorporation into the Bureau of Land Management's (BLM) GRSG Environmental Impact Statement (EIS). It provides a biological basis for focusing land use recommendations on the most important habitats. When compared to the existing lek-based SWH map, the high priority habitat map should be subject to less change in future updates. CPW is proposing to use the priority habitat map to replace the current GRSG production areas for SWH. This map is being used by the BLM for resource management plans including energy consultations, and for consistency, the SWH map should be the same for both federal and state entities.

Fourth, CPW is proposing a change in the way buffers are mapped around Gunnison sage-grouse (GUSG) leks. Approximately 85% of GUSG are known to nest within a 4 mile radius of active lek sites. The existing SWH map for GUSG production areas was created by placing 4 mile buffers around lek sites and

then clipping the buffers to include only the sage brush vegetation type. There have been a number of issues with these clipped buffers. This has been a particular problem in the satellite population areas outside the Gunnison basin as many of the sage brush areas occur in linear strips. CPW does not believe the current clipped buffers are allowing for adequate consultation to address direct and indirect disturbance to leks and adjacent nesting areas. CPW is proposing to not clip the 4 mile buffers for the update to the GUSG SWH production area map.

Definition Changes:

In addition to updating data, a few minor issues have arisen with definitions in the 100-series rules for SWH maps. The existing definition for Mule Deer Critical Winter Range is in error even though the published map is correct. Critical Winter Range includes only that portion of severe winter range occurring in Data Analysis Units with at least 7 deer per square kilometer. CPW suggests amending the Mule Deer Critical Winter Range definition so that it accurately reflects the existing map. The definitional change, by itself, will not cause a change in the number of mapped acres; it will, however, align the definition with the map.

Another definition problem has been the identification of Lesser prairie-chicken (LEPC) habitat. The LEPC became a candidate species for listing under the Endangered Species act in 1998, and the U.S. Fish and Wildlife Service is expected to issue a proposed listing rule by the end of November 2012. The current mapped SWH habitat for LEPC is currently a 1.5 mile radius around leks that were active from 1998-2008. CPW proposes altering the size of the area mapped to include not just currently occupied leks, but also potential habitat within Colorado. This approach would be consistent with the focal areas that have been identified in the range wide conservation plan currently being developed in coordination with the other 4 states in LEPC range (Kansas, Texas, Oklahoma, and New Mexico). Redefining areas that warrants SWH designation from production areas to focal areas will help CPW manage areas necessary for habitat restoration and population expansion in order to meet range wide population goals. Under this new definition, the mapped acreage of SWH for LEPC would be 1,143,396 acres, a 238% increase.

Lastly, the aforementioned changes to the sensitive wildlife habitat mapping for the Greater Sage Grouse will be included in the definition changes to identify the utilization of the new Priority Habitat map.