United States Department of the Interior

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MAY 0 8 2013

Kathleen Clarke, Director
Public Lands Policy and Coordination Office
5100 State Office Building
Salt Lake City, Utah 84114-1107

Dear Ms. Clarke:

I received your letter of February 26th, 2013, which clarifies how you would like the Utah Bureau of Land Management (BLM) to use the State of Utah's Sage-Grouse Management Areas as 'preliminary priority habitat' in all our environmental impact statement (EIS) alternatives for the purposes of planning. I recognize the State of Utah's authority in managing greater sage-grouse, and I appreciate the many efforts the State has taken over the last 15 years in managing greater sage-grouse and working with the BLM in mapping, maintaining, and restoring sage-grouse habitat. One example of this partnership is our Watershed Restoration Initiative that has restored several hundred thousand acres of greater sage-grouse habitat statewide.

In response to your most recent letter, I would like to address how we plan to incorporate the data provided by the State into the land use plan planning process. I will address the interim management question under a separate letter.

Incorporating State of Utah Data into the Ongoing Plan Amendment Process

The Utah BLM sage-grouse planning process will consider greater sage-grouse habitat in the State of Utah's Sage-Grouse Management Areas as "priority habitat" under Alternative E in the EIS. Under Alternative E, management for these areas will be derived from the *Conservation Plan for Greater Sage-grouse in Utah* (Conservation Plan). Areas identified as occupied habitat in the Division of Wildlife Resources (DWR) March 27, 2012, greater sage-grouse Geographic Information Systems (GIS) data that are located outside of Sage-Grouse Management Areas will be considered as "general habitat" under Alternative E. Consistent with the Conservation Plan, these areas will receive no specific management for greater sage-grouse under Alternative E.

The other action alternatives being considered in the Utah sub-regional sage-grouse plan amendments will consider different alignments of priority and general habitat. As the planning process progresses from Draft EIS to Final EIS, the BLM will have the flexibility to select components from each alternative, including the maps, when developing the Proposed Resource Management Plan.

We have chosen to adopt this approach for a number of reasons, which are discussed below.

1. As early as fall 2011, the BLM began coordinating with the State of Utah to identify priority and general habitat. Coordination has continued since that time. This coordination has helped us gain knowledge that has been taken into consideration in the alternatives that we are evaluating in our planning process. While we value this coordination, we do not believe that we have reached agreement with the State of Utah and our other key partners in our planning process (i.e., the USFWS and the USFS) regarding the biological value of certain areas, including sage-grouse habitat included in the West Tavaputs and Anthro areas.

   Because there is still uncertainty regarding these and other areas, we believe that this is an issue that must be analyzed in our EIS. This approach is consistent with the National Environmental Policy Act (NEPA) and guidance from the Council on Environmental Quality (CEQ), which directs the BLM to study, develop, and describe appropriate alternatives to recommended courses of action when there is a proposal that involves unresolved conflicts.

2. In a letter dated, December 18, 2012, the State of Utah asked the BLM to use the State identified priority and general habitat maps in its planning process. The State of Utah provided the actual GIS data associated with the latest Sage-Grouse Management Areas as an attachment to an email on January 28, 2013. This was the first formal request from the State of Utah regarding the use of sage-grouse habitat maps. Discussions prior to this date were considered to be intergovernmental coordination, which is one of statutory responsibilities under both the Federal Land Policy and Management Act (FLPMA) and NEPA.

3. Though the BLM appreciates the efforts of the State to provide us priority and general habitat maps for use in our planning process, the use of this information as the basis of all the alternative maps being considered in this planning process is also not possible because of timing.

   As you know, the BLM's alternative development process started immediately after the scoping process, which was completed in March 2012. Since that time we have worked continuously on developing a range of alternatives with our cooperating agencies. During alternatives development, we have formally and informally involved cooperating agencies through both meetings and review of administrative documents.

   For example, in a May 15, 2012, letter I identified June 30, 2012, as the date by which the State of Utah needed to have its proposal completed and submitted for inclusion in the alternatives, including the identification of priority and general habitats.

   Subsequent to this deadline, during the last two weeks in September 2012, the BLM circulated its draft alternatives to cooperating agencies for review and comment. The information circulated included priority and general habitat maps for Alternatives B, C, and D. A second opportunity to review and comment on the alternatives and maps was provided between January 23, 2013 and January 29, 2013. During these comment periods, the State of Utah did not submit any comments to the BLM regarding the alternatives, or the priority and general alignments being considered in conjunction with the alternatives.

The State was also provided an opportunity to express their concerns with the priority and general alignments being considered in the alternatives during a briefing provided to the Great Basin Regional Management Team on December 13, 2012. According to the meeting notes, at the conclusion of the briefing, the State of Utah stated that absent an objection to the range of alternatives on livestock grazing, the "range of alternatives proposed for the Utah GRSG plan are reasonable, were developed in coordination with federal and state partners, and address required BLM policies and directives."

At this time we have moved past alternatives development and are working on our impact analysis. The window to make changes such as those recommended has in effect closed. If the BLM were to incorporate the State of Utah's habitat delineations for priority and general for every alternative at this point, the planning process would be delayed 4 to 6 months and costs of completing the project would be increased. This is not possible given the planning schedule and project funding.

I appreciate the efforts you and your office have continued to take in coordinating with me and the BLM planning team. There is considerable agreement, I believe, between the Utah BLM and the State of Utah on moving forward with greater sage-grouse planning efforts. Given the State's management authorities for the greater sage-grouse and the amount of non-BLM or -Forest Service lands with greater sage-grouse habitat, our continued coordination with the State of Utah is critical to the success of the effort to conserve and enhance sage-grouse habitat. I look forward to continuing our relationship as the BLM and the Forest Service develop conservation approaches to protect habitat on public lands through the federal planning process.

If you have any questions regarding our comments, I would be willing to meet with you to discuss them in greater detail.

Sincerely,

Juan Palma

Juan Palma
State Director