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Subject:	Additional info
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As discussed. Thanks.

US Fish and Wildlife Service
Greater Sage-Grouse Conservation
Draft and Predecisional, Internal Deliberative Process: Federal Planning Process: Issue Status
February 23, 2015
Issues remaining to be Raised or Resolved

Issue	Status/ Comments
Locatable mineral development	Delivery of the stronghold map documents has stimulated interest from DOI and BLM in pursuing withdrawals. Most recent draft document provided by BLM dated12/16/14 indicates BLM will recommend withdrawal from mineral entry in all strongholds. In conversation on 12/19/14, BLM indicated that may not be the case in MT, NV, and WY. On 12/22/14, BLM indicated they would recommend withdrawal in MT and NV and WY was unclear. As of 1/9/15 meeting with NV Governor's office, we understand that BLM will recommend withdrawal in NV. As of 1/14/15, active discussions with WY and with DOI SOL are ongoing about the degree to which the state regulatory scheme can achieve the same end as locatable mineral withdrawal. Discussions continued during January and my understanding was that there was an acknowledgement that the state CAS and regulatory scheme can minimize impacts from locatable mineral development although not prevent development. BLM eventually decided that the WY plans would recommend for withdrawal a subset of the area we had recommended to them.
Fluid Mineral development	Remaining discussion has been around the exception language for exception to NSO. Direction set at 11/25/14 meeting, new language provided in 12/19/14 document. Two remaining issues need final decision: 1. The following edit needs to occur to ensure final language is consistent with our agreement from 11/25/14: *"... or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid **FEDERAL** oil and gas lease existing as of the date of this RMP..."* 2. In discussions on 12/19/14, BLM indicated a change in that they now wanted to include NSO <u>with exceptions</u> in the MT stronghold area. FWS Director has indicated this is not recommended by FWS. Final BLM decision as stated on 12/22/14: Agreed to reinsert the word federal and to keep NSO without exception in MT stronghold.

Prioritizing oil and gas development outside of habitat	We continue to encourage BLM to include state wildlife experts when designing minimization measures for sage-grouse.
Existing oil and gas leases in GRSG habitat	During our 11/25/14 leadership meeting, BLM indicated that mandatory COAs across all leases were not possible to commit to now (in particular because of the need for future analysis and because existing leases were entered into with different constraints that will govern the type of COA that may be used.) Therefore, they agreed to add language to the plans that discusses the future use of COAs to protect GRSG habitat, including examples, within the three major types of constraints on existing leases (major constraints, moderate constraints, minor constraints), because the Service has recommended that BLM apply protective COAs to the degree possible for existing leases in GRSG habitat.
Resolution of mapping issues	UT: UT has determined they cannot consider "opportunity areas" as PHMA but will manage as restrictively as possible. Given the opportunity area decision, plans for restrictive management, <u>and the USGS buffer review</u>, we recommendED the following buffers in UT PHMA and PGMA to conserve the species: *Lek buffers for Surface Disturbance: should be at a minimum of 3.1 miles from leks* *Lek buffers for Tall Structures: should be a minimum of 2.0 miles around leks* *(Note: The UTFO has recommended greater buffer distance in the past particularly for transmission (the maximum in the interpreted range from USGS is 5.0 miles). Our current advice and recommendation is at least the minimum interpreted range recommended buffer distance.)* W. Tavaputs was considered PHMA in the draft plan; BLM must still decide whether to continue to consider it as PHMA. On 11/24/14, BLM had offered a solution involving PHMA in 4 mile buffers around leks in the southern part of W. Tavaputs, the balance of the area being GHMA, and some protections to the known wintering area to the north. We indicated that this approach was acceptable for sage-grouse conservation. On 12/19, BLM indicated that they were working on a different compromise scenario, involving a state EO, which is as of yet undetermined. On 12/21, BLM indicated informally that they were again considering the solution described above. We continued to support the solution above. On 12/22/14 BLM indicated agreement to put PHMA in the area enscribed by a 4 mile radius around W. Tavaputs leks, rest of area will be general, subject to meeting with the state the week of Jan 9.

	Meanwhile, the discussions about how to utilize the USGS buffer review were ongoing. BLM eventually (subsequent to 1/15/2015) decided on plan guidance that utilized the lower end of the interpreted range as a starting point for buffers in each category. Deviations from that starting point would be allowed based on scientific information that indicated *"The BLM will apply the lek buffer-distances specified as the lower end of the interpreted range in the report unless justifiable departures are determined to be appropriate (see below).* *Justifiable departures to decrease or increase from these distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations) may be appropriate for determining activity impacts. The USGS report recognized "that because of variation in populations, habitats, development patterns, social context, and other factors, for a particular disturbance type, there is no single distance that is an appropriate buffer for all populations and habitats across the sage-grouse range". The USGS report also states that "various protection measures have been developed and implemented... [which have] the ability (alone or in concert with others) to protect important habitats, sustain populations, and support multiple-use demands for public lands". All variations in lek buffer-distances will require appropriate analysis and disclosure as part of activity authorization."* This guidance shaped BLM's final decision on W. Tavaputs: they decided to utilize a 3.1 mile radius around all the leks and consider that area priority habitat (3.1 miles is the lower end of the interpreted range in the report for energy infrastructure, linear features, and surface disturbance. NV: New USGS map will be used by BLM and FS in their final plans for NV and we will incorporate this information.
Resolving the potential threat caused by coal mining	During our 11/25/14 meeting, BLM indicated that they were unable to complete suitability determinations through this planning process, but that they will do so at the time a new lease application is received. Further, they will state in plans that "pursuant to 43 CFR 3461.5 PHMA is essential habitat for maintaining GRSG for purposes of the suitability criteria set forth at 43 CFR 3461.5(o)(1)."
Ensuring a clear, scientific rationale for land use allocations that	BLM/FS need to clearly articulate in final plans how any differences at administrative boundaries will accomplish necessary GRSG conservation.

change at administrative boundaries	
High voltage transmission boundaries and pipeline rights-of-way	BLM will apply the NPT allocation guidance of avoidance in PHMA in all sub-regions. BLM will apply avoidance in GHMA with the exceptions of: WY (core area strategy), Idaho (which we have supported their biological rationale), and UT (to which we also did not object.)
Mining (mineral materials and non-energy leasable minerals)	During the 11/25/14 meeting, BLM indicated that the plans would all move to meet the NPT guidance, (i.e., closed except free use permits if criteria are met.) A screen was drafted by BLM MT, with which we concurred, but to our knowledge other screens across the range are not consistent at this time, so coordination work is left to be done on that front (after allocation decisions).
Fire and Invasives	BLM completed an Instruction memorandum regarding Fire management. BLM has committed to the Fire and Invasives assessments and their development is underway. BLM needs to complete the step-down assessments for the six highest priority PACs, develop implementation schedule.
Rangeland health/overgrazing threat	While the Service has not seen the final standards (vegetation objectives), we support that BLM has committed to developing consistent standards for grazing like the Forest Service; prioritizing land health assessments to PHMA and other important habitat; and modifying grazing leases in those areas based on LHA results. We recommend a timeline also be established for completing LHAs and that the plans make a statement about meeting AML for feral horses.
Mitigation	Language regarding "no net unmitigated loss" and "net conservation gain" has been resolved. *(Note: In NV, final decisions on how the conservation credit system will be used remains an outstanding concern and subject of ongoing, productive discussions.)*
Adaptive Management	On 12/19/14, BLM provided an additional document that indicates that all subregions will follow the NPT guidance and sideboards for AM with the exception of WY and ND. (*Previous to this recent development we had noted that hard trigger responses meet NPT guidance in 6 of10 states, and meet the intent of the NPT guidance in WY and potentially MT and SD.*) BLM plan in ND has no adaptive management plan, however BLM manages very few acres in ND and this is largely a remaining discussion with Forest Service. BLM in ND will "include adaptive management language which states that the state wildlife agency, FWS office, and BLM will work closely to monitor GRSG and habitat, and if a decline is detected, will convene to determine the causal factor and determine further appropriate actions." Hard triggers and associated responses vary across state boundaries and it remains important that BLM

	can clearly articulate in final plans how the differences at administrative boundaries will accomplish necessary GRSG conservation. We understand (from information provided on 12/19/14) that the BLM is no longer supporting implementing a hard trigger response across an entire PAC where the PAC crosses a planning unit boundary, in contrast to the agreement reached during 11/25/14 meeting. On 12/19/14, BLM provided additional wording that states: *"When a hard trigger is hit within a PAC that has multiple BSUs, including those that cross state lines, an inter-agency "Conservation Group" will convene to determine the causal factor and discuss further appropriate actions to be applied. Adoption of any further actions at the plan level may require initiating a plan amendment process."*
Monitoring	The interagency monitoring team has made progress in identifying units for calculating the level of disturbance and adaptive management triggers but we still have not seen the final outcome of these efforts. We still need to confirm a uniform and consistent application of habitat monitoring methods at all levels of management; BLM – NOC is still revising their monitoring strategy. *(Note: staff may be able to update this understanding on Monday; it is possible that this changed last week.).*
Remaining Timeline	There is a clear and critical need for timely completion of these efforts for full consideration in our status review.
USGS Buffer Review	We reviewed the analysis provided to BLM by USGS and we provided comments to BLM in the form of two tables (one for Rocky Mountains and one for Great Basin). In the tables we indicated in red areas where the information in the current draft plans did not meet the USGS review recommendation. On 12/19/14, BLM provided a document to us titled "BLM Lek Buffers Issue Paper." Our review of that response and ongoing dialogue through 12/23/14 yielded the following proposal: In PHMA, we support the minimum value of the interpreted range being included as an RDF. BLM agrees. In PGMA, we do not recommend use of the minimum value found in the literature as BLM has suggested, because the USGS report indicates that the interpretive range values are, already, an attempt to balance the extent of protected areas with multiple land use requirements. The literature minimum could facilitate general habitat declining. Therefore, **we recommend that in PGMA, the lower end of the interpreted range also be used as an RDF, with any deviations above or below that determined**

	based on a thorough local conditions and best available science. FYI: Lower end of interpreted range from USGS report: • Locate linear features at least 3.1 miles from leks • Site infrastructure related to energy development at least 3.1 miles from leks. • Site tall structures (e.g., communication or transmission towers) at least 2 miles from leks. • Site low structures (e.g. rangeland improvements) at least 1.2 miles from leks. • Site all other surface disturbance not associated with linear features, energy development, tall structures, or low structures at least 3.1 miles from leks. • Site all activities (including those that do not result in habitat loss) at least 0.25 miles from leks. On 12/24/2016, Jim Lyons reported that BLM would accept the above proposal if we jointly defined lek and if we were not asking for a formal elevation process for deviations. This would have closed the discussion. However, as of 1/5/2015, BLM transmitted a new paper on buffers that proposes a very different approach: a set of screening criteria will be used to review any project in GHMA and in PHMA, and buffers from the USGS report recommendations will be one factor used to assess impacts and determine conditions of approval for projects. It appears as if projects that are to occur within those buffer distances will require mitigation (A, M, CM). FWS indicated we did not fully support this approach, and these discussions continued for the next couple of weeks. BLM decided upon the following final guidance (transmitted to me by Stephanie Carman on 2/23/2015 in an undated file that she indicated superseded the 1/15/2015 draft): *"The BLM will apply the lek buffer-distances specified as the lower end of the interpreted range in the report unless justifiable departures are determined to be appropriate (see below).* *Justifiable departures to decrease or increase from these distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations) may be appropriate for determining activity impacts. The USGS report recognized "that because of variation in populations, habitats, development patterns, social context, and other factors, for a particular disturbance type, there is no single distance that is an appropriate buffer for all populations*

	and habitats across the sage-grouse range". The USGS report also states that "various protection measures have been developed and implemented... [which have] the ability (alone or in concert with others) to protect important habitats, sustain populations, and support multiple-use demands for public lands". All variations in lek buffer-distances will require appropriate analysis and disclosure as part of activity authorization." *The guidance further states that justifiable departures in PHMA will only be approved if:* o *The BLM, with input from the state fish and wildlife agency, determines, based on best available science, landscape features, and other existing protections, that a buffer distance other than the distance identified above offers the same or greater level of protection to GRSG and its habitat, including conservation of seasonal habitat outside of the analyzed buffer area.* *And that justifiable departures in GHMA will only be approved if:* o *Based on best available science, landscape features, and other existing protections, (e.g., land use allocations, state regulations), the BLM determines that a lek buffer-distance other than the applicable distance identified above offers the same or a greater level of protection to GRSG and its habitat, including conservation of seasonal habitat outside of the analyzed buffer area; or* o *The BLM determines that impacts to GRSG and its habitat are minimized such that the project will cause minor or no new disturbance (ex. co-location with existing authorizations); and* o *Any residual impacts within the lek buffer-distances are addressed through compensatory mitigation measures sufficient to ensure a net conservation gain, as outlined in the Mitigation Strategy (Appendix X).*