From:	Deibert, Pat
To:	Terry Ireland
Cc:	Kurt Broderdorp; Jesse DElia
Subject:	GRSG: BLM state guidance for CO
Date:	Friday, March 27, 2015 3:35:34 PM
Attachments:	Issues Resolved_CO 1.30.15 final.docx

As referenced in my earlier e-mail. You may have already received this from your local BLM office. for use in your plan review.

pat

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BLM-COLORADO

Greater Sage-Grouse Planning Issues for the BLM Planning Teams to Insert and Analyze in Administrative Draft Proposed Plans (ADPPs)

January 30, 2015

The March 4, 2010 decision by the U.S. Fish and Wildlife Service that the greater sage-grouse warranted listing but was precluded [Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to list the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered] *set in motion the most comprehensive land-use planning initiative in the BLM's history.*

In 2011, the BLM began updating land-use plans across the West so as to ensure not only the long-term viability of the greater sage-grouse on public lands and the continued economic vitality of the West. This has been a complex and demanding process involving collaboration with an unprecedented number of stakeholders, including Governors, State Fish and Game agencies, the U.S. Fish and Wildlife Service and many others. The BLM's mandate of multiple use and sustained yield has required us to balance the full range of resource uses on public lands, including the conservation of crucial wildlife habitat. As we have worked through this process, public land managers throughout the BLM have made difficult resource management decisions.

These documents provide key guidance that will enable the BLM to finalize land use plans that will contribute to the conservation of the Greater Sage-Grouse and other sagebrush associated species across the West. The guidance outlines a suite of tools, such as disturbance limits in key habitats and mitigation approaches, which will help us to reach this goal. These mechanisms will work in concert to conserve sage-grouse habitat so that we can achieve our twin goals of thriving Greater Sage-Grouse populations and robust Western economies.

Issue: **Development in Highly Important Landscapes**
Direction: Not applicable. There is no Sagebrush Focal Area (SFA) identified in Colorado.

Issue: **Mitigation**
Direction: The ADPP will include the updated Mitigation Framework (Attachment I) and drop-in Chapter 2 language to reflect the following language:

"In all sage-grouse habitat, in undertaking BLM management actions, and, consistent with valid existing rights and applicable law, in authorizing third-party actions that result in habitat loss and degradation, the BLM will require and ensure mitigation that provides a net conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved

by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions."

Issue: **Mapping**
Direction: Not Applicable

Issue: **Disturbance**
Direction: Per the original April 2014 NPT guidance on disturbance, the ADPP will use the 3% disturbance cap at the Biologically Significant Unit (BSU) and project scale. The density calculation (an average of 1 facility per 640 acres) applies to energy and mining facilities. The disturbance cap will not be applied to foreclose development of locatable minerals on unpatented claims located under the 1872 Mining Law; the disturbance from locatable mining will be accounted for in determining the percent disturbance and whether the cap has been exceeded.

See Attachment II for appropriate scales and methodology for calculating disturbance and recommended drop-in language. Planning units will include the following land use plan actions within their ADPPs that states:

a. *If the 3% anthropogenic disturbance cap is exceeded on lands (regardless of land ownership) within GRSG Priority Habitat Management Areas in any given Biologically Significant Unit, then no further discrete anthropogenic disturbances (subject to applicable laws and regulations, such as the 1872 hard rock mining law, valid existing rights, etc.) will be permitted by BLM within GRSG Priority Habitat Management Areas in any given Biologically Significant Unit until the disturbance has been reduced to less than the cap.*
b. *If the 3% disturbance cap is exceeded on all lands (regardless of land ownership) within a proposed project analysis area in a Priority Habitat Management Areas, then no further anthropogenic disturbance will be permitted by BLM until disturbance in the proposed project analysis area has been reduced to maintain the area under the cap (subject to applicable laws and regulations, such as the 1872 hard rock mining law, valid existing rights, etc.).*

Issue: **Vegetation Objectives**
Direction: Greater Sage-Grouse (GRSG) Administrative Draft Proposed Plans (ADPP) will establish and incorporate vegetation and GRSG habitat objectives (see Attachment III for specific guidance and a GRSG Habitat Objectives Table template that follows the Sage-Grouse Habitat Assessment Framework Technical Reference-6710-1). The vegetation and GRSG habitat objectives guidance states that the values for the desired conditions in the GRSG Habitat Objectives Table are to be used, at a

minimum, to meet the applicable land health standard in sage-grouse habitats. Planning units may include additional indicators and desired condition values as appropriate. The desired condition value for each indicator can be a range of values rather than a single value (e.g., the value for the desired condition for sagebrush canopy cover in breeding and nesting habitat could be 15-25%).

The GRSG Habitat Objectives table is to be placed in the Special Status Species section of the ADPP. The vegetation objective should be placed in the Vegetation section of the ADPP. Planning units will include the following land use plan vegetation objective within the Vegetation section of their ADPPs:
In all Sagebrush Focal Areas and Priority Habitat Management Areas, the desired condition is to maintain a minimum of 70% of lands capable of producing sagebrush with 10 to 30% sagebrush canopy cover. The attributes necessary to sustain these habitats are described in Interpreting Indicators of Rangeland Health (BLM Tech Ref 1734-6).

Issue: **Livestock Grazing**

Direction: The following management actions will be included in the Livestock Grazing section of the ADPP.

- *The BLM will prioritize (1) the review of grazing permits/leases, in particular to determine if modification is necessary prior to renewal, and (2) the processing of grazing permits/leases in PHMAs. In setting workload priorities, precedence will be given to existing permits/leases in these areas not meeting Land Health Standards, with focus on those containing riparian areas, including wet meadows. The BLM may use other criteria for prioritization to respond to urgent natural resource concerns (ex., fire) and legal obligations.*
- *The NEPA analysis for renewals and modifications of livestock grazing permits/leases that include lands within PHMAs will include specific management thresholds based on GRSG Habitat Objectives Table and/or Land Health Standards (43 CFR 4180.2) and defined responses that will allow the authorizing officer to make adjustments to livestock grazing without conducting additional NEPA.*
- *Allotments within PHMAs, focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions of the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision.*
- *At the time a permittee or lessee voluntarily relinquishes a permit or lease, the BLM will consider whether the public lands where*

that permitted use was authorized should remain available for livestock grazing or be used for other resource management objectives.

Attachment IV provides guidance as to how the BLM will incorporate GRGS decisions from the Sage-Grouse RMP/Amendments into grazing permits/leases.

Issue: **Mineral Materials (Salable Minerals)**

Direction: As directed in the NPT guidance, all Priority Habitat Management Areas will be closed to new mineral materials development.

The following management action will be applied to the ADPP:
"PHMAs are closed to new mineral material sales. However, these areas remain "open" to free use permits and the expansion of existing active pits, only if the following criteria are met:

- *the activity is within the Biologically Significant Unit (BSU) and project area disturbance cap;*
- *the activity is subject to the provisions set forth in the mitigation framework [Appendix X];*
- *all applicable required design features are applied; and [if applicable] the activity is permissible under the specific sub-regional screening criteria [site location in ADPP where this screening process is present]."*

Issue: **High-voltage Transmission and Major Pipeline ROWs and Corridors**

Direction: 1) Apply the recommended NPT allocation guidance for PHMA and GHMA of avoidance.

2) For sub-regions that have planned priority transmission lines that traverse their planning area (Gateway West, Boardman to Hemingway, and TransWest Express, including those portions of Gateway South that are co-located), apply the following language as a management action in their ADPP:
"Priority Habitat Management Areas (PHMAs) and General Habitat Management Areas (GHMAs) are designated as avoidance areas for high voltage transmission line ROWs, except for the transmission projects specifically identified below. All authorizations in these areas, other than the excepted projects, must comply with the conservation measures outlined in this proposed plan, including the RDFs and avoidance criteria presented in [insert citation here] of this document. The BLM is currently processing an application for [Insert name of transmission project] and the NEPA review for this project is well underway. The BLM is analyzing GRSG mitigation measures through the project's NEPA review process."

Issue: **Coal Suitability**

Direction: Sub-regions will include the following management action:
"At the time an application for a new coal lease or lease modification is submitted to the BLM, the BLM will determine whether the lease application area is "unsuitable" for all or certain coal mining methods 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)."

Issue: **Fluid Mineral Resources (Including Geothermal)**

Direction: The ADPP will include the following as a conservation objective:

"Priority will be given to leasing and development of fluid mineral resources, including geothermal, outside of PHMA and GHMA. When analyzing leasing and authorizing development of fluid mineral resources, including geothermal, in PHMA and GHMA, and subject to applicable stipulations for the conservation of Greater Sage-Grouse, priority will be given to development in non-habitat areas first and then in the least suitable habitat for Greater Sage-Grouse. The implementation of these priorities will be subject to valid existing rights and any applicable law or regulation, including, but not limited to, 30 U.S.C. 226(p) and 43 C.F.R. 3162.3-1(h)."

"Where a proposed fluid mineral development project on an existing lease could adversely affect GRSG populations or habitat, the BLM will work with the lessees, operators, or other project proponents to avoid, reduce and mitigate adverse impacts to the extent compatible with lessees' rights to drill and produce fluid mineral resources. The BLM will work with the lessee, operator, or project proponent in developing an APD for the lease to avoid and minimize impacts to sage-grouse or its habitat and will ensure that the best information about the GRSG and its habitat informs and helps to guide development of such Federal leases."

Issue: **No Surface Occupancy (NSO) Exception Language**

Direction: Follow NPT guidance for Priority Habitat Management Areas. No-surface-occupancy stipulations will be included in new fluid mineral leases at the time of leasing only and may not be applied to existing fluid mineral leases that did not include no-surface-occupancy stipulation at the time of leasing. Include the following language into the ADPP:

No waivers or modifications to a fluid mineral lease no-surface-occupancy stipulation will be granted. The Authorized Officer may grant

an exception to a fluid mineral lease no-surface-occupancy stipulation only where the proposed action:

(i) Would not have direct, indirect, or cumulative effects on GRSG or its habitat; or,

(ii) *Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and would provide a clear conservation gain to GRSG.*

Exceptions based on conservation gain (ii) may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface, 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 fluid mineral lease existing as of the date of this RMP [revision or amendment]. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly."

Issue: **Adaptive Management**

Direction: Follow the NPT Adaptive Management Guidance and Sideboards. When a hard trigger is hit in a BSU, the designated response will be put in place in that BSU. Triggers and responses have been developed with local state and FWS experts.

When a hard trigger is hit in a BSU within a PAC that has multiple BSUs, including those that cross state lines, the WAFWA Management Zone Greater Sage-Grouse Conservation Team will convene to determine the causal factor, put project level responses in place, as appropriate and discuss further appropriate actions to be applied. The team will also investigate the status of the hard triggers in other BSUs within the PAC

and will invoke the appropriate plan response. Adoption of any further actions at the plan level may require initiating a plan amendment process.

Issue: **Application of Lek Buffers**

Direction: The ADPP will require the use of lek buffer-distances for all new BLM-managed and BLM-authorized anthropogenic disturbances in both GHMA and PHMA (see Attachment V) through this drop-in Chapter 2 language:

"In undertaking BLM management actions, and consistent with valid and existing rights and applicable law in authorizing third-party actions, the BLM will apply the lek buffer-distances identified in the USGS Report Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review (Open File Report 2014-1239*) in accordance with Appendix X."*

Allocation Direction

	NW CO
Solar - Priority	Exclusion
Solar – General	Avoidance
Wind – Priority	Exclusion
Wind – General	Avoidance
HV Transmission Lines and Large Pipeline ROWs - Priority	Avoidance
HV Transmission Lines and Large Pipeline ROWs - General	Avoidance
Minor ROWs – Priority	Avoidance
Minor ROWs – General	Open
Fluids – Priority	NSO
Fluids – General	Open with Moderate constraints
Non-energy Leasables - Priority	Closed
Non-energy Leasables - General	Open
Mineral Materials – Priority	Closed
Mineral Materials – General	Open

Attachment I

GREATER SAGE-GROUSE RMPA/FEIS TEMPLATE LANGUAGE FOR ADDRESSING MITIGATION

[ ] = Instructions
[ ] = Fill in the blank

[This mitigation language addresses greater sage-grouse. However, if you are working on a plan revision, you may need to add additional language to be more inclusive of other resource and value objectives (e.g. cultural resources, national historic trails, recreation values, other special status species) that may need to be mitigated.]

Chapter 1 - Introduction

[Nothing new to add to EIS]

Chapter 2 – Alternatives – [Proposed Plan/Proposed Plan Amendment]

- Add these two new sections (below) to the **Chapter 2 Alternatives** section.
- Replace the Regional Mitigation placeholder language that was included in the draft EIS with the new "Mitigation" section, below.
- Ensure a degree of consistency between this nationally standardized language and that found in the rest of the EIS.
- Fine tune this language, if necessary, but maintain consistency with the other BLM/USFS plan amendments.
- Remove references to USFS for plans that do not address US Forest Service lands

Consistent with the proposed plan's goal outlined in [Table 2-X – Description of Alternatives], the intent of the [Proposed Plan/Proposed Plan Amendment] is to provide a net conservation gain to the species. To do so, in undertaking BLM/USFS management actions, and, consistent with valid existing rights and applicable law, in authorizing third party actions that result in habitat loss and degradation, the BLM will require and ensure mitigation that provides a net conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions. This is also consistent with BLM Manual 6840 – Special Status Species Management, Section .02B, which states "to initiate protective conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of the need for listing of these species under the ESA."

Mitigation

Mitigation Standards. In undertaking BLM/USFS management actions, and, consistent with valid existing rights and applicable law, in authorizing third party actions that result in habitat loss and degradation, the BLM will require and ensure mitigation that provides a net conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions. Mitigation will follow the regulations from the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20; e.g. avoid, minimize, and compensate), hereafter referred to as the mitigation hierarchy. If impacts from BLM/USFS management actions and authorized third party actions that result in habitat loss and degradation remain after applying avoidance and minimization measures (i.e. residual impacts), then compensatory mitigation projects will be used to provide a net conservation gain to the species. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation (see the concepts of durability, timeliness, and additionality as described further in Appendix X).

Greater Sage-Grouse Conservation Team. The BLM/USFS will establish a WAFWA Management Zone Greater Sage-Grouse Conservation Team (hereafter, Team) to help guide the conservation of greater sage-grouse, within 90 days of the issuance of the Record of Decision. This Team will develop a WAFWA Management Zone Regional Mitigation Strategy (hereafter, Regional Mitigation Strategy). The Team will also compile and report on monitoring data (including data on habitat condition, population trends, and mitigation effectiveness) from States across the WAFWA Management Zone (see Monitoring section). Subsequently, the Team will use these data to either modify the appropriate Regional Mitigation Strategy or recommend adaptive management actions (see Adaptive Management section).

The BLM/USFS will invite governmental and Tribal partners to participate in this Team, including the State Wildlife Agency and U.S. Fish and Wildlife Service, in compliance with the exemptions provided for committees defined in the Federal Advisory Committee Act and the regulations that implement that act. The BLM/USFS will strive for a collaborative and unified approach between Federal agencies (e.g. FWS, BLM, and USFS), Tribal governments, state and local government(s), and other stakeholders for greater sage-grouse conservation. The Team will provide advice, and will not make any decisions that impact Federal lands. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

Developing a Regional Mitigation Strategy. The Team will develop a Regional Mitigation Strategy to inform the mitigation components of NEPA analyses for BLM/USFS management actions and third party actions that result in habitat loss and degradation. The Strategy will be developed within one year of the issuance of the Record of Decision. The BLM's Regional Mitigation Manual MS-1794 will serve as a framework for developing the Regional Mitigation Strategy. The Regional Mitigation Strategy will be applicable to the States/Field Offices/Forests within the WAFWA Management Zone's boundaries.

Regional mitigation is a landscape-scale approach to mitigating impacts to resources. This involves anticipating future mitigation needs and strategically identifying mitigation sites and measures that can provide a net conservation gain to the species. The Regional Mitigation Strategy developed by the Team will elaborate on the components identified above (i.e.

avoidance, minimization, and compensation; additionality, timeliness, and durability) and further explained in Appendix [X].

In the time period before the Strategy is developed, BLM will consider regional conditions, trends, and sites, to the greatest extent possible, when applying the mitigation hierarchy and will ensure that mitigation is consistent with the standards set forth in the first paragraph of this section.

Incorporating the Regional Mitigation Strategy into NEPA Analyses. The BLM/USFS will include the avoidance, minimization, and compensatory recommendations from the Regional Mitigation Strategy in one or more of the NEPA analysis' alternatives for BLM/USFS management actions and third party actions that result in habitat loss and degradation and the appropriate mitigation actions will be carried forward into the decision.

Implementing a Compensatory Mitigation Program. Consistent with the principles identified above, the BLM/USFS need to ensure that compensatory mitigation is strategically implemented to provide a net conservation gain to the species, as identified in the Regional Mitigation Strategy. In order to align with existing compensatory mitigation efforts, this compensatory mitigation program will be implemented at a State-level (as opposed to a WAFWA Management Zone, a Field Office, or a Forest), in collaboration with our partners (e.g. Federal, Tribal, and State agencies).

To ensure transparent and effective management of the compensatory mitigation funds, the BLM/USFS will enter into a contract or agreement with a third-party to help manage the State-level compensatory mitigation funds, within one year of the issuance of the Record of Decision. The selection of the third-party compensatory mitigation administrator will conform to all relevant laws, regulations, and policies. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

Chapter 3 – Affected Environment

[Nothing to add]

Chapter 4 – Environmental Consequences – [Proposed Plan/Proposed Plan Amendment]

Mitigation

This Chapter describes the environmental consequences associated with the impacts to greater sage-grouse and its habitat from activities carried out in conformance with this plan, in addition to BLM/USFS management actions. In undertaking BLM/USFS management actions, and consistent with valid existing rights and applicable law, in authorizing third party actions that result in habitat loss and degradation, the BLM/USFS will require mitigation that provides a net conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and

compensating for impacts by applying beneficial mitigation actions. In addition, to help implement this [Proposed Plan / Proposed Plan Amendment], a WAFWA Management Zone Regional Mitigation Strategy (per Appendix [X]) will be developed within one year of the issuance of the Record of Decision. The Strategy will elaborate on the components identified in Chapter 2 (avoidance, minimization, compensation, additionality, timeliness, and durability), and will be considered by the BLM/USFS for BLM/USFS management actions and third party actions that result in habitat loss and degradation. The implementation of a Regional Mitigation Strategy will benefit greater sage-grouse, the public, and land-users by providing a reduction in threats, increased public transparency and confidence, and a predictable permit process for land-use authorization applicants.

Appendix [X]

- Add this new **Appendix.**
- Ensure a degree of consistency between this nationally standardized language and that found in the rest of the EIS.
- Fine tune this language, if necessary, but maintain consistency with the other BLM/USFS plan amendments.
- Remove references to USFS for plans that do not address US Forest Service lands

Appendix (X) – Mitigation – [Proposed Plan/Proposed Plan Amendment]

General

In undertaking BLM/USFS management actions, and, consistent with valid existing rights and applicable law, in authorizing third party actions that result in habitat loss and degradation, the BLM/USFS will require and ensure mitigation that provides a net conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions. Mitigation will follow the regulations from the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20; e.g. avoid, minimize, and compensate), hereafter referred to as the mitigation hierarchy. If impacts from BLM/USFS management actions and authorized third party actions that result in habitat loss and degradation remain after applying avoidance and minimization measures (i.e. residual impacts), then compensatory mitigation projects will be used to provide a net conservation gain to the species. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation (see glossary).

The BLM/USFS, via the WAFWA Management Zone Greater Sage-Grouse Conservation Team, will develop a WAFWA Management Zone Regional Mitigation Strategy that will inform the NEPA decision making process including the application of the mitigation hierarchy for BLM/USFS management actions and third party actions that result in habitat loss and degradation. A robust and transparent Regional Mitigation Strategy will contribute to greater sage-grouse habitat conservation by reducing, eliminating, or minimizing threats and compensating for residual impacts to greater sage-grouse and its habitat.

The BLM's Regional Mitigation Manual MS-1794 serves as a framework for developing and implementing a Regional Mitigation Strategy. The following sections provide additional guidance specific to the development and implementation of a WAFWA Management Zone Regional Mitigation Strategy.

Developing a WAFWA Management Zone Regional Mitigation Strategy

The BLM/USFS, via the WAFWA Management Zone Greater Sage-Grouse Conservation Team, will develop a WAFWA Management Zone Regional Mitigation Strategy to guide the application of the mitigation hierarchy for BLM/USFS management actions and third party actions that result in habitat loss and degradation. The Strategy should consider any State-level greater sage-grouse mitigation guidance that is consistent with the requirements identified in this Appendix. The Regional Mitigation Strategy should be developed in a transparent manner, based on the best science available and standardized metrics.

As described in Chapter 2, the BLM/USFS will establish a WAFWA Management Zone Greater Sage-Grouse Conservation Team (hereafter, Team) to help guide the conservation of greater sage-grouse, within 90 days of the issuance of the Record of Decision. The Strategy will be developed within one year of the issuance of the Record of Decision.

The Regional Mitigation Strategy should include mitigation guidance on avoidance, minimization, and compensation, as follows:

- Avoidance
    - Include avoidance areas (e.g. right-of-way avoidance/exclusion areas, no surface occupancy areas) already included in laws, regulations, policies, and/or land use plans (e.g. Resource Management Plans, Forest Plans, State Plans); and,
    - Include any potential, additional avoidance actions (e.g. additional avoidance best management practices) with regard to greater sage-grouse conservation.
- Minimization
    - Include minimization actions (e.g. required design features, best management practices) already included in laws, regulations, policies, land use plans, and/or land-use authorizations; and,
    - Include any potential, additional minimization actions (e.g. additional minimization best management practices) with regard to greater sage-grouse conservation.
- Compensation
    - Include discussion of impact/project valuation, compensatory mitigation options, siting, compensatory project types and costs, monitoring, reporting, and program administration. Each of these topics is discussed in more detail below.
        - Residual Impact and Compensatory Mitigation Project Valuation Guidance
            - A common standardized method should be identified for estimating the value of the residual impacts and value of the compensatory mitigation projects, including accounting for any uncertainty associated with the effectiveness of the projects.

    - This method should consider the quality of habitat, scarcity of the habitat, and the size of the impact/project.
    - For compensatory mitigation projects, consideration of durability (see glossary), timeliness (see glossary), and the potential for failure (e.g. uncertainty associated with effectiveness) may require an upward adjustment of the valuation.
    - The resultant compensatory mitigation project will, after application of the above guidance, result in proactive conservation measures for Greater Sage-grouse (consistent with BLM Manual 6840 – Special Status Species Management, section .02).
- Compensatory Mitigation Options
    - Options for implementing compensatory mitigation should be identified, such as:
        - Utilizing certified mitigation/conservation bank or credit exchanges.
        - Contributing to an existing mitigation/conservation fund.
        - Authorized-user conducted mitigation projects.
    - For any compensatory mitigation project, the investment must be additional (i.e. additionality: the conservation benefits of compensatory mitigation are demonstrably new and would not have resulted without the compensatory mitigation project).
- Compensatory Mitigation Siting
    - Sites should be in areas that have the potential to yield a net conservation gain to the greater sage-grouse, regardless of land ownership.
    - Sites should be durable (see glossary).
    - Sites identified by existing plans and strategies (e.g. fire restoration plans, invasive species strategies, healthy land focal areas) should be considered, if those sites have the potential to yield a net conservation gain to greater sage-grouse and are durable.
- Compensatory Mitigation Project Types and Costs
    - Project types should be identified that help reduce threats to greater sage-grouse (e.g. protection, conservation, and restoration projects).
    - Each project type should have a goal and measurable objectives.
    - Each project type should have associated monitoring and maintenance requirements, for the duration of the impact.
    - To inform contributions to a mitigation/conservation fund, expected costs for these project types (and their monitoring and maintenance), within the WAFWA Management Zone, should be identified.
- Compensatory Mitigation Compliance and Monitoring
    - Mitigation projects should be inspected to ensure they are implemented as designed, and if not, there should be methods to enforce compliance.
    - Mitigation projects should be monitored to ensure that the goals and objectives are met and that the benefits are effective for the duration of the impact.

- Compensatory Mitigation Reporting
  - Standardized, transparent, scalable, and scientifically-defensible reporting requirements should be identified for mitigation projects.
  - Reports should be compiled, summarized, and reviewed in the WAFWA Management Zone in order to determine if greater sage-grouse conservation has been achieved and/or to support adaptive management recommendations.
- Compensatory Mitigation Program Implementation Guidelines
  - Guidelines for implementing the State-level compensatory mitigation program should include holding and applying compensatory mitigation funds, operating a transparent and credible accounting system, certifying mitigation credits, and managing reporting requirements.

Incorporating the Regional Mitigation Strategy into NEPA Analyses

The BLM/USFS will include the avoidance, minimization, and compensatory recommendations from the Regional Mitigation Strategy in one or more of the NEPA analysis' alternatives for BLM/USFS management actions and third party actions that result in habitat loss and degradation and the appropriate mitigation actions will be carried forward into the decision.

Implementing a Compensatory Mitigation Program

The BLM/USFS need to ensure that compensatory mitigation is strategically implemented to provide a net conservation gain to the species, as identified in the Regional Mitigation Strategy. In order to align with existing compensatory mitigation efforts, this compensatory mitigation program will be managed at a State-level (as opposed to a WAFWA Management Zone, a Field Office, or a Forest), in collaboration with our partners (e.g. Federal, Tribal, and State agencies).

To ensure transparent and effective management of the compensatory mitigation funds, the BLM/USFS will enter into a contract or agreement with a third-party to help manage the State-level compensatory mitigation funds, within one year of the issuance of the Record of Decision. The selection of the third-party compensatory mitigation administrator will conform to all relevant laws, regulations, and policies. The BLM/USFS will remain responsible for making decisions that affect Federal lands.

Glossary Terms

Additionality: The conservation benefits of compensatory mitigation are demonstrably new and would not have resulted without the compensatory mitigation project. (adopted and modified from BLM Manual Section 1794).

Avoidance mitigation: Avoiding the impact altogether by not taking a certain action or parts of an action. (40 CFR 1508.20(a)) (e.g. may also include avoiding the impact by moving the proposed action to a different time or location.)

Compensatory mitigation: Compensating for the (residual) impact by replacing or providing substitute resources or environments. (40 CFR 1508.20)

Compensatory mitigation projects: The restoration, creation, enhancement, and/or preservation of impacted resources (adopted and modified from 33 CFR 332), such as on-the-ground actions to improve and/or protect habitats (e.g. chemical vegetation treatments, land acquisitions, conservation easements). (adopted and modified from BLM Manual Section 1794).

Compensatory mitigation sites: The durable areas where compensatory mitigation projects will occur. (adopted and modified from BLM Manual Section 1794).

Durability (protective and ecological): the maintenance of the effectiveness of a mitigation site and project for the duration of the associated impacts, which includes resource, administrative/legal, and financial considerations. (adopted and modified from BLM Manual Section 1794).

Minimization mitigation: Minimizing impacts by limiting the degree or magnitude of the action and its implementation. (40 CFR 1508.20 (b))

Residual impacts: Impacts that remain after applying avoidance and minimization mitigation; also referred to as unavoidable impacts.

Timeliness: The lack of a time lag between impacts and the achievement of compensatory mitigation goals and objectives (BLM Manual Section 1794).

Attachment II

Greater Sage-Grouse (GRSG) Land Use Plans
Disturbance Caps Guidance

Purpose

I. Provide the planning units with land use planning actions that need to be incorporated into the administrative draft proposed plans to respond to the 3% disturbance cap once it is exceeded in either the Biologically Significant Units (BSU) or at the project scale.
II. Provide guidance on the use of the west-wide habitat degradation (disturbance) data layers as well as the use of locally collected disturbance data for BSUs to determine if the disturbance cap has been exceeded as the land use plans (LUP) are being implemented.
III. Provide guidance on the use of locally collected disturbance data for project authorizations to determine if the disturbance cap has been exceeded as the LUPs are being implemented.
IV. Provide guidance on the inclusion of fire in disturbance calculations.
V. Provide guidance on the use of the density of energy and mining facilities during authorizations
VI. Provide guidance on the use of the BER analysis in the land use plans (Chapter 2, Affected Environment) and the use of the "west-wide" sagebrush availability and habitat degradation data/estimates for the Priority Habitat Management Areas in each population for monitoring and management purposes as the LUPs are being implemented.
VII. Provide guidance on what is considered in the disturbance calculations versus what is considered for the disturbance cap.

Guidance

I. Planning units will include the following land use plan actions within their administrative draft proposed land use plans (ADPPs) that states:
    a. *If the 3% anthropogenic disturbance cap is exceeded on lands (regardless of land ownership) within GRSG Priority Habitat Management Areas in any given Biologically Significant Unit, then no further discrete anthropogenic disturbances (subject to applicable laws and regulations, such as the 1872 hard rock mining law, valid existing rights, etc.) will be permitted by BLM within GRSG Priority Habitat Management Areas in any given Biologically Significant Unit until the disturbance has been reduced to less than the cap.*
    b. *If the 3% disturbance cap is exceeded on all lands (regardless of land ownership) within a proposed project analysis area in a Priority Habitat Management Areas, then no further anthropogenic disturbance will be permitted by BLM until disturbance in the proposed project analysis area has been reduced to maintain*

the area under the cap (subject to applicable laws and regulations, such as the 1872 hard rock mining law, valid existing rights, etc.).

II. Use of west-wide habitat degradation data as well as the use of locally collected disturbance data to determine the level of existing disturbance:
   a) In the GRSG Priority Habitat Management Areas in any given Biologically Significant Unit, use the west-wide data at a minimum and/or locally collected disturbance data as available (e.g., DDCT) for the anthropogenic disturbance types listed in Table 1.

III. Use of locally collected disturbance data for project authorizations:
   a) In a proposed project analysis area, digitize all existing anthropogenic disturbances identified in the GRSG Monitoring Framework and the 7 additional features that are considered threats to sage-grouse (Table 2). Using 1 meter resolution NAIP imagery is recommended. Use local data if available.

IV. Fire-burned and habitat treatment areas will not be included in the project scale degradation disturbance calculation for managing sage-grouse habitat under a disturbance cap. These areas will be considered part of a sagebrush availability when rangewide, consistent, interagency fine- and site-scale monitoring has been completed and the areas have been determined to meet sage-grouse habitat requirements. These and other disturbances identified in Table 3 will be part of a sagebrush availability evaluation and will be considered along with other local conditions that may affect sage-grouse during the analysis of the proposed project area.

V. Planning units are directed to use a density cap related to the density of energy and mining facilities (listed below) during project scale authorizations. If the disturbance density in a proposed project area is on average less than 1/ 640 acres, proceed to the NEPA analysis incorporating mitigation measures into an alternative. If the disturbance density is greater than an average of 1/ 640 acres, either defer the proposed project or co-locate it into existing disturbed area *(subject to applicable laws and regulations, such as the 1872 Mining Law, valid existing rights, etc.).*
   - Energy (oil and gas wells and development facilities)
   - Energy (coal mines)
   - Energy (wind towers)
   - Energy (solar fields)
   - Energy (geothermal)
   - Mining (active locatable, leasable, and saleable developments)

VI. Planning units are directed to continue using the baseline data from the 2013 USGS Baseline Environmental Report (BER) in the Affected Environment section of the proposed plans/ FEISs. West-wide sagebrush availability and habitat degradation data layers will be used for the Priority Habitat Management Areas in each population for monitoring (see the GRSG Monitoring Framework in the Monitoring Appendix of the EIS) and management purposes as the LUPs are being implemented. The BER reported on individual threats across the range of sage-grouse while the west-wide disturbance calculation consolidated the anthropogenic disturbance data into a single measure using formulas from the GRSG Monitoring Framework. These calculations will be completed on an annual basis by the BLM's National Operation Center. Planning units will be provided the 2014 baseline disturbance calculation derived from the west-wide data once the RODs are signed that describe the Priority Habitat Management Areas.

VII. Planning units are directed to use the three measures (sagebrush availability, habitat degradation, density of energy and mining) in conjunction with other information during the NEPA process to most effectively site project locations, such as by clustering disturbances and/or locating facilities in already disturbed areas. Although locatable mine sites are included in the degradation calculation, mining activities under the 1872 mining law may not be subject to the 3% disturbance cap. Details about locatable mining activities should be fully disclosed and analyzed in the NEPA process to assess impacts to sage-grouse and their habitat as well as to BLM goals and objectives, and other BLM programs and activities.

Additional Information/Formulas

Disturbance Calculations for the BSUs and for the Project Analysis Areas:

- For the BSUs: **% Degradation Disturbance = (combined acres of the 12 degradation threats*) ÷ (acres of all lands within the PHMAs in a BSU) x 100.**
- For the Project Analysis Area: **% Degradation Disturbance = (combined acres of the 12 degradation threats[1] plus the 7 site scale threats[2]) ÷ (acres of all lands within the project analysis area in the PHMA) x 100.**

[1] see Table 3. [2] see Table 2

Project analysis area method for permitting surface disturbance activities:

- Determine potentially affected occupied leks by placing a four mile boundary around the proposed area of physical disturbance related to the project. All occupied leks located within the four mile project boundary and within PHMA will be considered affected by the project.

- Next, place a four mile boundary around each of the affected occupied leks.
- The PHMA within the four mile lek boundary and the four mile project boundary creates the project analysis area for each individual project. If there are no occupied leks within the four-mile project boundary, the project analysis area will be that portion of the four-mile project boundary within the Priority Habitat Management Area.
- Map disturbances or use locally available data. Use of NAIP imagery is recommended.
- Calculate percent existing disturbance using the formula above. If existing disturbance is less than 3%, proceed to next step. If existing disturbance is greater than 3%, defer the project.
- Add proposed project disturbance footprint area and recalculate the percent disturbance. If disturbance is less than 3%, proceed to next step. If disturbance is greater than 3%, defer project.
- Calculate the disturbance density of energy and mining facilities (listed above). If the disturbance density is less than 1 facility per 640 acres, averaged across project analysis area, proceed to the NEPA analysis incorporating mitigation measures into an alternative. If the disturbance density is greater than 1 facility per 640 acres, averaged across the project analysis area, either defer the proposed project or co-locate it into existing disturbed area.
- If a project that would exceed the degradation cap or density cap cannot be deferred due to valid existing rights or other existing laws and regulations, fully disclose the local and regional impacts of the proposed action in the associated NEPA.

Table 1. Anthropogenic disturbance types for disturbance calculations. Data sources are described for the west-wide habitat degradation estimates (Table copied from the GRSG Monitoring Framework)

Degradation Type	Subcategory	Data Source	Direct Area of Influence	Area Source
Energy (oil & gas)	Wells	IHS; BLM (AFMSS)	5.0ac (2.0ha)	BLM WO-300
	Power Plants	Platts (power plants)	5.0ac (2.0ha)	BLM WO-300
Energy (coal)	Mines	BLM; USFS; Office of Surface Mining Reclamation and Enforcement; USGS Mineral Resources Data System	Polygon area (digitized)	Esri/ Google Imagery
	Power Plants	Platts (power plants)	Polygon area (digitized)	Esri Imagery
Energy (wind)	Wind Turbines	Federal Aviation Administration	3.0ac (1.2ha)	BLM WO-300
	Power Plants	Platts (power plants)	3.0ac (1.2ha)	BLM WO-300
Energy (solar)	Fields/Power Plants	Platts (power plants)	7.3ac (3.0ha)/MW	NREL
Energy (geothermal)	Wells	IHS	3.0ac (1.2ha)	BLM WO-300
	Power Plants	Platts (power plants)	Polygon area (digitized)	Esri Imagery
Mining	Locatable Developments	InfoMine	Polygon area (digitized)	Esri Imagery
Infrastructure (roads)	Surface Streets (Minor Roads)	Esri StreetMap Premium	40.7ft (12.4m)	USGS
	Major Roads	Esri StreetMap Premium	84.0ft (25.6m)	USGS
	Interstate Highways	Esri StreetMap Premium	240.2ft (73.2m)	USGS
Infrastructure (railroads)	Active Lines	Federal Railroad Administration	30.8ft (9.4m)	USGS
Infrastructure (power lines)	1-199kV Lines	Platts (transmission lines)	100ft (30.5m)	BLM WO-300
	200-399 kV Lines	Platts (transmission lines)	150ft (45.7m)	BLM WO-300
	400-699kV Lines	Platts (transmission lines)	200ft (61.0m)	BLM WO-300
	700+kV Lines	Platts (transmission lines)	250ft (76.2m)	BLM WO-300
Infrastructure (communication)	Towers	Federal Communications Commission	2.5ac (1.0ha)	BLM WO-300

Table 2. The seven additional features to include in the disturbance calculation at the project scale

1. Coalbed Methane Ponds
2. Meteorological Towers
3. Nuclear Energy Facilities
4. Airport Facilities and Infrastructure
5. Military Range Facilities & Infrastructure
6. Hydroelectric Plants
7. Recreation Areas Facilities and Infrastructure

Table 3. Relationship between the 18 threats and the three habitat disturbance measures for monitoring and disturbance calculations**.**

USFWS Listing Decision Threat	Sagebrush Availability	Habitat Degradation	Energy and Mining Density
Agriculture	X		
Urbanization	X		
Wildfire	X		
Conifer encroachment	X		
Treatments	X		
Invasive Species	X		
Energy (oil and gas wells and development facilities)		X	X
Energy (coal mines)		X	X
Energy (wind towers)		X	X
Energy (solar fields)		X	X
Energy (geothermal)		X	X
Mining (active locatable, leasable, and saleable developments)		X	X
Infrastructure (roads)		X	
Infrastructure (railroads)		X	
Infrastructure (power lines)		X	
Infrastructure (communication towers)		X	
Infrastructure (other vertical structures)		X	
Other developed rights-of-way		X	

Background

In the USFWS's 2010 listing decision for sage-grouse, the USFWS identified 18 threats contributing to the destruction, modification, or curtailment of the sage-grouse's habitat or range (75 FR 13910 2010). In April 2014, the Interagency GRSG Disturbance and Monitoring Sub-Team finalized the Greater Sage-Grouse Monitoring Framework (hereafter, framework) to track these threats. The 18 threats have been aggregated into three measures to account for whether the threat predominantly removes sagebrush or degrades habitat. The three measures are:

Measure 1: Sagebrush Availability (percent of sagebrush per unit area)
Measure 2: Habitat Degradation (percent of human activity per unit area)
Measure 3: Density of Energy and Mining (facilities and locations per unit area)

The BLM is committed to monitoring the three disturbance measures and reporting them to the FWS on an annual basis. However, for the purposes of calculating the amount of disturbance to provide information for management decisions and inform the success of the sage-grouse planning effort, the data depicting the location and extent of the 12 anthropogenic types of threats will be used at a minimum in the BSUs and those same 12 anthropogenic and the additional 7 types of features that are threats to sage-grouse will be used in the project analysis areas.

		Scales		
		Broad/Mid (Populations)	Intermediate (BSU)	Local/Project (Seas. Hab.)
Habitat Degradation	Unit:	WAFWA Populations	Biologically Significant Unit	Project/Local Habitat Area[6]
	Area of Interest:	PHMAs	PHMAs	PHMAs
	Data:	Westwide degradation data	Westwide[2], State, Local	State, Local
	Formula (Measure 2a):	12 Degradation Threats / PHMAs in Populations	12 Degradation Threats / PHMAs in BSUs	12 Degradation Threats + 7[7] / PHMAs in Proj.[6]
	Management:	Internal BLM & FS estimates	3% Cap, Adapt. Mgmt[4]	3% Disturbance Cap
	All Lands:	Yes	Yes	Yes
	Fire Included:	No	No	No
	Who:	BLM NOC	BLM NOC[5] or State Offices	State Offices or Field Offices
Sagebrush Availability	Unit:	WAFWA Populations	Biologically Significant Unit	n/a
	Area of Interest:	PHMAs	PHMAs	
	Data:	LANDFIRE Updated EVT	Updated EVT or State data	
	Formula (Measure 1a):	Existing Updated Sagebrush / PHMAs in Populations	Existing Updated Sagebrush / PHMAs in BSUs	
	Management:	Internal BLM & FS estimates	Adaptive Management[4]	
	All Lands:	Yes	Yes	
	Fire Included:	Yes	Yes	
	Who:	BLM NOC	BLM NOC[5] or State Offices	
Energy and Mining	Unit:	WAFWA Populations	n/a	Project Area & Seasonal Hab.
	Area of Interest:	PHMAs		PHMAs
	Data:	Westwide well & mine data		Westwide[2], State data
	Formula (Measure 3):	Well Pads and Mines[1] / Square Mile		Well Pads and Mines[1] / Square Mile
	Management:	Internal BLM & FS estimates		Project Authorization
	All Lands:	Yes		Yes
	Fire Included:	No		No
	Who:	BLM NOC		BLM NOC or SOs or FOs

ACRONYMS

PHMA = Priority Habitat Management Area — *BSU = Biologically Significant Unit*

EVT = Existing Vegetation Type — *BpS = Areas of Biotic Potential*

[1] *Only mines with a Plan of Operation (>5 acres of disturbance) will be included.*

[2] *Westwide data will be used only if state or local data are not available.*

[3] *This footnot was removed from the table. January 2015.*

[4] *This may be one of several variables used to inform Adaptive Management. The BSU is the scale at which Adaptive Management will be applied.*

[5] *A moving window analysis will be conducted at this scale by the NOC using westwide data. If available, state and local data/analysis should be used for Adaptive Management*

[6] *The project analysis area will be based on a 4-mile radius project boundary combined with a 4-mile lek boundary for leks within the 4mi project boundary in PHMA (DDCT methodology).*

[7] *See Table 2*

Attachment III

Greater Sage-Grouse (GRSG) Land Use Plans
Vegetation Objectives Guidance

Purpose

I. Provide the planning units with land use planning vegetation objectives that need to be incorporated into the administrative draft proposed plans.
II. Provide guidance on the use of a template for GRSG habitat objectives in the Special Status Species section of the ADPPs.
III. Provide guidance on prioritizing land health assessments in sage-grouse habitats and conducting assessments at the watershed scale using the sage-grouse habitat objectives.

Guidance

I. Planning units will include the following land use plan vegetation objective within the Vegetation section of their administrative draft proposed land use plans (ADPPs) that states:

> *In all Sagebrush Focal Areas and Priority Habitat Management Areas, the desired condition is to maintain a minimum of 70% of lands capable of producing sagebrush with 10 to 30% sagebrush canopy cover. The attributes necessary to sustain these habitats are described in Interpreting Indicators of Rangeland Health (BLM Tech Ref 1734-6).*

II. Planning units will populate the GRSG Habitat Objectives table template to provide vegetation objectives for sage-grouse life history stages based on the ecology in your region to be used to meet the applicable land health standard in GRSG habitats. Planning units are encouraged to work across boundaries when developing the objectives to ensure regional continuity and will provide appropriate peer-reviewed science to support the habitat values for the indicators. These desired condition value can be a range of values rather than a single value (e.g., the value for the desired condition for sagebrush canopy cover in breeding and nesting habitat could be 15-25%). Planning units may include additional indicators and desired condition values as appropriate (see the Sage-Grouse Habitat Assessment Framework (HAF, *Technical Reference 6710-1*) for appropriate indicators). The HAF contains values for habitat suitability indicators in sage-grouse seasonal habitats from the Connelly et al. (2000) sage-grouse guidelines and has incorporated many of the core indicators in the AIM strategy (Toevs et al. 2011) as well. Planning units may use the indicator values from Connelly et al. (2000) while developing the land use plan Sage-Grouse Habitat Objectives table.

When using the indicators to guide management actions or during land health assessments, consider that the indicators are sensitive to the ecological processes operating at the scale of interest and that a single habitat indicator does not necessarily define habitat suitability for an area or particular scale. Indicators must be collectively reviewed, assessed based on the site potential, and put into spatial and temporal context to correctly determine habitat suitability which will include more than one scale and multiple indicators. Assessment and evaluation of these objectives will follow the steps described in the HAF.

The GRSG Habitat Objectives table is to be placed in the Special Status Species section of the ADPP and is to be used as a minimum to meet the applicable land health standard in sage-grouse habitats.

Greater Sage-Grouse Habitat Objectives

ATTRIBUTE	INDICATORS	DESIRED CONDITION	Reference
BREEDING AND NESTING (Seasonal Use Period March 1-June 15)			
Lek Security	Proximity of trees		
	Proximity of sagebrush to leks		
Cover	% of seasonal habitat meeting desired conditions		
	Sagebrush canopy cover		
	Sagebrush height Arid sites Mesic sites		
	Predominant sagebrush shape		
	Perennial grass cover Arid sites Mesic sites		
	Perennial grass and forb height		
	Perennial forb canopy cover Arid sites Mesic sites		
BROOD-REARING/SUMMER[1] (Seasonal Use Period June 16-October 31)			
Cover	% of Seasonal habitat meeting desired condition		
	Sagebrush canopy cover		
	Sagebrush height		
	Perennial grass canopy cover and forbs		
	Riparian areas/mesic meadows		
	Upland and riparian perennial forb availability		
WINTER[1] (Seasonal Use Period November 1-February 28)			
Cover and Food	% of seasonal habitat meeting desired conditions		
	Sagebrush canopy cover above snow		
	Sagebrush height above snow		

III. The BLM will prioritize land health assessments in Sagebrush Focal Areas (SFAs) followed by PHMAs outside of the SFAs. Field offices are to conduct land health assessments at the watershed scale and use the GRSG habitat objectives when assessing the applicable standard in GRSG habitats.

When conducting land heath assessments, the BLM should follow, at a minimum, "Interpreting Indicators of Rangeland Health" (Pellant et. al. 2005) and the "BLM Core Terrestrial Indicators and Methods" (MacKinnon et al. 2011). For assessments being conducted in GRSG designated management areas, the BLM should collect additional data to inform the HAF indicators that have not been collected using the above methods. Implementation of the principles outlined in the AIM strategy will allow the data to be used to generate unbiased estimates of condition across the area of interest; facilitate consistent data collection and rollup analysis among management units; help provide consistent data to inform the classification and interpretation of imagery; and provide condition and trend of the indicators describing sagebrush characteristics important to sage-grouse habitat.

Attachment IV

Incorporating GSGR RMP Decisions into Grazing Authorizations

Purpose

The purpose is to provide recommended ADPP language; outline the process for prioritizing the review and processing of grazing permits/leases to determine if modification is necessary (prior to renewal and in accordance with prioritization criteria); provide direction for including specific management thresholds and defined responses that will allow adjustments to livestock grazing within the terms and conditions of permits; and provide a process for prioritizing compliance monitoring within Sagebrush Focal Areas (SFAs) and Priority Habitat Management Areas (PHMAs).

Background

The BLM manages approximately 18,000 livestock grazing permits and leases on the public lands. Livestock grazing is an integral part of the BLM multiple-use mission and is authorized by the Taylor Grazing Act (1934), the Federal Land Policy Management Act (1976) and the Public Rangeland Improvement Act (1978). By statute and regulation, grazing leases and permits are normally issued for 10-year periods. Annually, a range of 1,200 to 3,200 grazing permits expire and the BLM receives 500 to 1,500 grazing permit/lease transfer requests.

The BLM currently issues permits/leases in accordance with:

- All applicable law, regulation, policy (NEPA, consultation, proposed/final grazing decision-also known as a fully processed permit); or
- Various appropriation authorities enacted between 1999 and 2014 extending terms and conditions of expiring or transferred permits/leases that the BLM is unable to fully process before their expiration; or
- Section 402(c)(2) of FLPMA (as amended by Public Law 113-291, enacted December 19, 2014).

Congress has acted to ensure that grazing permittees could continue to graze if the BLM is unable to complete the environmental analysis mandated by the NEPA and other applicable laws. Since 1999, a provision ("the rider") has been included in the Interior Appropriations bill that, in various forms, generally authorizes the BLM to renew grazing permits and leases under their same terms and conditions until it fully processes the permit renewal in compliance with NEPA, ESA, and other legal or regulatory requirements. The most recent rider is contained in Section 411, Public Law 113-76.[1] The FLPMA amendment to Section 402 (c) allows BLM to renew

[1] The Consolidated Appropriations Act, 2014 includes the provision Section 411 which states: "Section 415 of division E of Public Law 112–74 is amended by striking ''and 2013'' and inserting ''through 2015.'' The terms and conditions of section 325 of Public Law 108-108 (117 stat. 1307), regarding permits at the Department of the Interior and the Forest Service, shall remain in effect through fiscal year 2015. A grazing permit or lease issued by the Secretary of the Interior for lands administered by the Bureau of Land Management that is the subject of a request for a grazing preference transfer shall be issued, without further processing, for the remaining time period in

grazing permits and leases under the same terms and conditions. This relieves the BLM's renewal processing workload, allowing the BLM to prioritize permit processing based on sensitivity of the resources at issue.[2]

The BLM may modify terms and conditions of a permit or lease at any time following completion of appropriate analysis and consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public.[3] Under 43 C.F.R. 4160.1, the BLM must serve a proposed decision on any affected applicant, permittee or lessee, any agent and lien holder of record. Copies of the decisions are provided to the interested publics.

Recommended Language to be incorporated as Livestock Grazing Management Actions within the GRSG ADPPs:

- The BLM will prioritize the review of grazing permits/leases, including those prior to renewal to determine if modification is necessary, and processing of grazing permits and leases, in Sagebrush Focal Areas (SFAs) followed by PHMAs outside of the SFAs. In setting workload priorities, precedence will be given to existing permits/leases in areas not meeting Land Health Standards, with focus on those containing riparian areas, including wet meadows. The BLM may use other criteria for prioritization to respond to urgent natural resource conditions (ex., fire) and legal obligations.
- The NEPA analysis for renewals and modifications of livestock grazing permits/leases that include lands within SFAs and PHMAs will include specific management thresholds based on GRSG Habitat Objectives Table and/or Land Health Standards (43 CFR 4180.2) and defined responses that will allow the authorizing officer to make adjustments to livestock grazing without conducting additional NEPA.
- Allotments within SFAs, followed by those within PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to

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the existing permit or lease using the same mandatory terms and conditions. If the authorized officer determines a change in the mandatory terms and conditions is required, the new permit must be processed as directed in section 325 of Public Law 108-108." Where a FO is unable to fully process a permit renewal in compliance with all applicable laws prior to the permit expiration, Section 411 extends the authority to renew the grazing permit with the same terms and conditions as the expiring permit. Section 325 provides the process for authorizing grazing until a permit or lease is issued in compliance with all applicable law and regulatory processes.

[2] The newly amended section 402(c) of FLPMA provides permanent authority to BLM to renew expiring permits. That section states, "The terms and conditions in a grazing permit or lease that has expired, or was terminated due to a grazing preference transfer, shall be continued under a new permit or lease until the date on which the Secretary concerned completes any environmental analysis and documentation for the permit or lease required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws."

[3] 43 CFR 4130.3-3 states: Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 (Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration).

help ensure compliance with the terms and conditions within the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision.

- At the time a permittee or lessee voluntarily relinquishes a permit or lease, the BLM will consider whether the public lands where that permitted use was authorized should remain available for livestock grazing or be used for other resource management objectives.

Addressing GRSG RMP Amendments/Revisions Objectives in Grazing Permits/Leases

BLM will develop criteria to prioritize the workload to process permits/leases (either fully processed or reauthorized based on the Appropriations rider, or issued under Section 402(c)(2) of FLPMA) and determine whether modification is necessary prior to renewal within PHMAs, beginning with those in SFAs. In setting priorities, those containing riparian areas and areas not meeting Land Health Standards (43 C.F.R. 4180) will take precedence. Potential criteria for prioritizing permit modifications could include:

- Are there riparian areas or wet meadows in the permit/lease area?
- Was current livestock grazing identified as a causal factor for not meeting Land Health Standards?
- Since the last allotment/watershed evaluation, is there current monitoring information to determine that the watershed/allotment is currently achieving or making significant progress towards achieving land health standards?
- Does the permit have terms and conditions adequate to ensure proper grazing practices to meet GRSG habitat objectives found in the Special Status Species section of the land use plan?
- Is there data that indicates that the GRSG habitat objectives, including the Habitat Objectives table, found in the Special Status Species section of the land use plan are being met?
- Is there a request from the permittee to modify the terms and conditions of his/her permit?

Additionally, if an existing permit/lease within PHMAs requires modification because current grazing is a significant causal factor for not meeting the Land Health Standards, the BLM will prepare the appropriate NEPA analysis and issue the proposed/final grazing decision under 43 C.F.R. Subpart 4160, subject to administrative appeal and potential judicial challenge.

The NEPA analysis for renewals and modifications of livestock grazing permits/leases that include lands within SFAs and PHMAs will include specific management thresholds based on GRSG Habitat Objectives Table and/or Land Health Standards (43 CFR 4180.2) and defined responses that will allow the authorizing officer to make adjustments to livestock grazing without conducting additional NEPA. Adjustments to meet seasonal Sage-Grouse habitat requirements could include:

- Season or timing of use;
- Numbers of livestock (includes temporary non-use or livestock removal);
- Distribution of livestock use;
- Intensity of use; and
- Type of livestock (e.g., cattle, sheep, horses, llamas, alpacas and goats).

Compliance Monitoring

The BLM will monitor grazing permits/leases renewed or modified in accordance with the direction contained in this guidance as follows: Allotments within SFAs, followed by those in other PHMA, and focusing on those with riparian areas, will be prioritized for monitoring to ensure compliance with the terms and conditions in the permits. The BLM will collect, at a minimum, the following monitoring data:

- Vegetation Condition
- Actual Use
- Utilization
- Use Supervision

Concerning Voluntary Relinquishments

All ADPPs will include the following language:

At the time a permittee or lessee voluntarily relinquishes a permit or lease, the BLM will consider whether the public lands where that permitted use was authorized should remain available for livestock grazing or be used for other resource management objectives.

For completing this, BLM offices should use WO IM 2013-184 Relinquishment of Grazing Permitted Use or the most recent policy guidance.

Attachment V

Applying Lek Buffer-Distances When Approving Actions

- *Buffer Distances and Evaluation of Impacts to Leks*
  Evaluate impacts to leks from actions requiring NEPA analysis. In addition to any other relevant information determined to be appropriate (e.g. State wildlife agency plans), the BLM will assess and address impacts from the following activities using the lek buffer-distances as identified in the USGS Report *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* (Open File Report 2014-1239). 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). The lower end of the interpreted range of the lek buffer-distances is as follows:
    - linear features (roads) within 3.1 miles of leks
    - infrastructure related to energy development within 3.1 miles of leks.
    - tall structures (e.g., communication or transmission towers, transmission lines) within 2 miles of leks.
    - low structures (e.g., fences, rangeland structures) within1.2 miles of leks.
    - surface disturbance (continuing human activities that alter or remove the natural vegetation) within 3.1 miles of leks.
    - noise and related disruptive activities including those that do not result in habitat loss (e.g., motorized recreational events) at least 0.25 miles from leks.

  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.

  In determining lek locations, the BLM will use the most recent active or occupied lek data available from the state wildlife agency.

- *For Actions in GHMA*
  The BLM will apply the lek buffer-distances identified above as required conservation measures to fully address the impacts to leks as identified in the NEPA analysis.
    - Impacts should first be avoided by locating the action outside of the applicable lek buffer-distance(s) identified above.
    - If it is not possible to relocate the project outside of the applicable lek buffer-distance(s) identified above, the BLM may approve the project only if:
        - 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
- 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
- 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).

- *For Actions in PHMA*
  The BLM will apply the lek buffer-distances identified above as required conservation measures to fully address the impacts to leks as identified in the NEPA analysis. Impacts should be avoided by locating the action outside of the applicable lek buffer-distance(s) identified above.

  The BLM may approve actions in PHMA that are within the applicable lek buffer distance identified above only if:
  - 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.

- The BLM will explain its justification for determining the approved buffer distances meet these conditions in its project decision.