From:	Deibert, Pat
To:	Michael Thabault; Nicole Alt
Subject:	Fwd: comments on the buffer paper
Date:	Tuesday, March 31, 2015 11:36:31 AM
Attachments:	Talking Points Buffers pd jd mg.docx

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fyi - sorry - forgot to copy you when I sent it.

---------- Forwarded message ----------
From: **Deibert, Pat** <pat_deibert@fws.gov>
Date: Tue, Mar 31, 2015 at 11:14 AM
Subject: comments on the buffer paper
To: Matt Kales <matt_kales@fws.gov>
Cc: Jesse DElia <jesse_delia@fws.gov>, Mary Grim <Mary_Grim@fws.gov>

Matt -

Please see attached. I took Jesse's and Mary's comments and incorporated them with mine into one document. So the comments may say DP but they are cumulative from all.

One point - these are talking points and without being able to see the actual implementation plans we are losing context.

Working on the other two....

p

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got leks?

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got leks?

How will the BLM Use the USGS Buffer Direction?

- The BLM will apply lek buffers at the implementation stage of a project.
- The BLM will apply the lower end of the interpreted range lek buffer-distances identified in the USGS Report unless justifiable departures are determined to be appropriate.
- As the USGS Report acknowledges, there is no single distance that's appropriate for all populations and all habitats across the range, so distance variations based on local data, best available science, landscape features and existing protections will be considered during the NEPA process.
- The buffers will essentially function as a safety net, to ensure that between the allocations and other land-use decisions in the GRSG plans, no lek is left unprotected.
- Because over 75% of leks occur in Priority Habitat, which has the most restrictive allocations possible, buffers are expected to be applied primarily in General Habitat.
- In General and Priority Habitat, the lek buffer-distances will be applied as required conservation measures to fully address impacts to leks as identified in the NEPA analysis.
- Impacts should first be addressed by locating the action outside of the applicable lek buffer-distance.
- In General Habitat, if it is not possible to locate the action outside of the lek buffer-distance, impacts will be minimized and compensatory mitigation applied.
- In Priority Habitat, actions which will have impacts within the applicable lek buffer-distance(s) will only be approved with concurrence of the state game and fish agency.

Comment [DP1]: This should be the minimal consideration. BLM should consider greater buffer distances where possible, and especially where the lower end of the interpreted range may not provide sufficient protection . This is consistent with the following bullet.

Comment [DP2]: This is new information. PH does not necessarily have the most restrictive allocations possible so this sentence should be corrected. Buffers should be applied where necessary based on the project, regardless of whether or not the project is in PH or GH.

Comment [DP3]: This bullet should replace the previous bullet.

To What Actions Will Buffers Apply?

- The USGS Report identified actions which cause disturbance to GRSG leks, focusing on surface disturbance, infrastructure, and noise-creating activities. In the report, these primarily include activities related to energy development.
- The USGS Report does not address grazing or vegetation management and the BLM will not apply buffers to these activities.
- The BLM intends to apply the buffers for projects which require a NEPA evaluation; that is, general management which is categorically excluded from NEPA would not have buffers applied.
- The use of appropriately designed fences for sage-grouse conservation, such as for removing cattle from important seasonal habitats, will not be prohibited by the buffer direction.

Comment [DP4]: This is new information. Depending on the project that receives a cat ex, there could be impacts to the species. Suggest deleting . Buffers should apply to all projects as appropriate, not by their NEPA status.

Comment [DP5]: this needs to be defined – it should explicitly state "marked" fences if that is their intent. No other fence type will address the concern.

Drop In Language

Application of Lek Buffers

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 IV) 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."*

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.