From:	Matt Kales
To:	Noreen Walsh
Cc:	Michael Thabault; Nicole Alt; Theresa Rabot; michael_fris@fws.gov; Pat Deibert; Jesse DElia; Mary Grim
Subject:	GRSG: Coordinators" review of BLM planning TPs
Date:	Tuesday, March 31, 2015 3:34:03 PM
Attachments:	Talking Points Buffers pd jd mg.docx Talking Points Habitat objectives and range pd.docx

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Noreen,

Please see attached Pat, Jesse, and Mary's collated feedback on the BLM planning TP documents you shared yesterday. Please note our folks did not have feedback on the VER document, so attached is feedback on the buffers and habitat objectives (grazing) items only. As always, we are grateful to our coordinators for getting after this so quickly. Please let us know if you have further questions or need more information. Thanks.

Matt

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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.

What Are Habitat Objectives?

- The Habitat Objectives for Greater Sage-Grouse are a list of indicators and values (desired conditions) that describe the seasonal habitat needs of GRSG.
- The BLM commonly assesses conditions for special status species in land health assessments.
- The GRSG indicators are consistent with existing indicators used by the BLM.
- The GRSG "desired conditions" are based on current local and regional GRSG habitat research and data, and have been "personalized" to the planning areas.
- The GRSG habitat objectives are one component of the sage-grouse multi-scale habitat assessment

Comment [DP1]: my understanding is that there is some overlap but not complete. This is particularly true for assessing different types of seasonal habitat (e.g. winter vs. breeding). We need clarification as to what these indicators are.

How Will The Habitat Objectives Be Used for Land Health Assessments?

- The results of the habitat assessment will be used during the land health evaluation to ascertain if the land health standard applicable to sage-grouse habitat (e.g., special status species habitat standard) is being met
- When determining if an area is meeting habitat objectives, the measurements from the area will be assessed based on the range of values for the indicators in the habitat objectives table
- When authorizing activities in sage-grouse habitat, the BLM will consider if habitat objectives are being achieved
- If the habitat objectives are not being achieved, and the site(s) has the potential for achieving these objectives, the BLM will determine the causal factor(s) and make the necessary management adjustments to address the causal factor(s), following current BLM regulations and policy for complying with land health standards.

Comment [DP2]: The type of seasonal habitat must be known for this assessment to be accurate. Please see above comment.

Comment [DP3]: must know type of seasonal habitat.

How Will Habitat Objectives Be Used For Management?

- In SFAs and PHMAs, the NEPA analysis for renewals and modifications of livestock grazing permits/leases will include specific management thresholds based on the GRSG Habitat Objectives Table and Land Health Standards and specific responses to allow the authorizing officer to make adjustments to livestock grazing without conducting additional NEPA. Hypothetical examples:
    - *For a permit renewal EA, riparian habitat in a few areas is not meeting desired conditions. For Alternative A, modification of the grazing season was applied and included a provision for fencing if proper functioning condition of the riparian area was not met.*
    - *For Alternative A in a new permit, modification of the grazing season was applied and included a provision for temporarily closing all or a portion of a pasture/allotment if perennial grass and forb height of >6 inches was not met.*
- The grazing decision will include management actions that will achieve land health standards. The permit will clearly state that management will be adjusted as outlined in the decision for the specific threshold.
- Thresholds and responses will be determined on a permit-specific basis appropriate for the ecological site, including the ability of the site to meet potential.
- The threshold setting process will be further determined in policy guidance/handbooks.

Comment [DP4]: need to apply an adaptive management strategy to ensure LHS are being met.

Drop In Language From the Plans:

Vegetation Objectives
The ADPPs 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).*

Comment [DP5]: If speaking only to grazing this works. However, lands capable of producing sagebrush could be significantly reduced by activities that render land incapable of supporting sagebrush, such as fire, cheatgrass invasion, and loss from development. I'm not sure if we ask for a change here given the context, but I would minimally suggest a different wording so that there is an incentive for keeping lands in the capability column.

Livestock Grazing
The following management actions will be included in the Livestock Grazing section of ADPPs.

- *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 Sagebrush Focal Areas (SFAs) followed by PHMAs outside of the SFAs. 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 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 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.*

Comment [DP6]: this implies an adaptive management strategy – it should be explicitly stated.