From: Romin, Laura
To: Crist, Larry
Subject: Re: FWS comments draft UT sage grouse plan 11.20.2012
Date: Tuesday, November 27, 2012 12:59:31 PM
Attachments: FWScommentsUTSGpln112012.pdf

That's weird, it's showing as attached here. Trying again.

On Tue, Nov 20, 2012 at 3:57 PM, Crist, Larry <larry_crist@fws.gov> wrote:

> Kathleen, Alan, John
>
> See attached for our comments on the Draft plan. They are along the lines of our discussion last week with minor updates to reflect the most recent draft that was released on 11/16. I think things are progressing though we still have some issues to resolve. Let me know if you want to sit down and talk further.
>
> Hard copy to Kathleen will follow.
>
> --
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November 20, 2012

Kathleen Clarke
Director
Governor's Public Land Policy Office
5110 State Office Bldg.
P.O. Box 141107
Salt Lake City, UT 84114-1107

Kathleen,

Thank you for meeting with us to walk through your draft Strategic Plan for the Conservation of Greater Sage-Grouse in Utah. We believe, as you do, that the development and successful implementation of a statewide conservation plan is the best approach toward conserving greater sage-grouse and their habitats. Although Utah does not have a high percentage of the overall rangewide sage-grouse population, conservation in Utah is important for protecting connectivity corridors for this species. In addition, sage-grouse provide important recreational (e.g., hunting, wildlife viewing) components for the public's enjoyment. As you know, our agency is charged with reviewing the status of greater sage-grouse in 2015. As an agency, we will be evaluating state plans using the conservation objectives for the greater sage-grouse developed by the Conservation Objectives Team (COT). It is our hope that the development of this and other State Plans, and ongoing efforts to implement conservation actions will successfully address threats to the greater sage-grouse.

Your draft Plan (emailed 11/16/2012) approaches greater sage-grouse conservation goals and objectives to some extent consistent with the Draft COT report. For example, priority sage-grouse management areas (SGMAs) are identified, defined as the best-of-the-best habitats statewide. Overall, you estimate that these SGMAs encompass the highest sage-grouse breeding density areas, supporting greater than 90% of the Utah aggregate population of sage-grouse [not counting populations that may occur on some tribal lands]. It is important to note, though, that large acreages of suitable sage-grouse habitats are not included in these SGMAs, some areas were omitted from the SGMAs due to ongoing or projected human development scenarios, and that the SGMA delineations are often based on the best available, but still relatively limited research information associated with lek counts and bird movements. Overall, the SGMAs represent viable, but minimum protection for sage-grouse in the State.

Therefore, we believe the focus of this State Plan must be on ensuring that the SGMAs are prioritized for sage-grouse conservation, based on best available information. Where scientific data is incomplete, we believe it is appropriate to err on the side of the species to ensure we are not inflicting long-term or

permanent impacts and maximizing conservation in the SGMAs. If we receive more information that shows that sage-grouse are not affected by certain activities, it may be appropriate at that time to revise the Plan. However, available literature indicates that this species is very sensitive to human developments and activities, and natural disturbances such as wildfire.

With this in mind, our initial review of your draft Plan concentrates on ensuring that we maintain sufficient protection measures in the realm of a tiered approach to avoidance, minimization, and mitigation. We discussed many of these specifics with you when we met, and summarize these below to facilitate completion of the Plan. The specifics include 1) additional information that we requested to evaluate the efficacy of some of the Plan's recommendations, 2) edits that you agreed still needed to be made to the Plan, and 3) measures that we believe must still be incorporated or revised in the Plan to ensure its long-term effectiveness. Please note that these comments represent our initial review given the time constraints associated with your planning process. We will need time to coordinate any formal responses or future plan approval with other FWS Ecological Services offices and our Regional Director. In the interim, we are available to work with you on evaluating and resolving some of these remaining items.

ADDITIONAL INFORMATION REQUESTED

- SGMA mapping – at our meeting you indicated that there were some changes to the SGMA map (e.g., merging of Parker Mountain and Emery SGMAs). Please provide the current version to us for review.

- Carbon SGMA – we recently received information from BLM that the Emma Park sage grouse population is connected by at least some movements of birds between Anthro Mountain and the Tavaputs area. Before removing the Anthro and Tavaputs areas from the Carbon SGMA we recommend that the UDWR reevaluate the available information to ensure that this decision does not compromise the viability of sage-grouse populations in northeastern Utah.

- Information on the effects of wind turbines and transmission lines to greater sage-grouse – received from you November 14, 2012.

- Information on % nesting within 3 miles vs. 4 miles of a lek, and whether this varies dependent on geography or elevation.

EDITS TO THE PLAN

- Pg. 12, section 5.5.1: Provide a better definition for *de minimis* surface activities. In our meeting we discussed your intent that you are primarily referring to vents that provide safety for mines. Please clarify that the *de minimis* surface activities are not meant to include roads, transmission lines, conveyors, or other surface facilities that could represent tall structures, linear facilities, or facilities that produce noise levels that are >10db above ambient conditions.

- Pg. 17. Section 6.5.3: The second bullet from the previous section 6.5.1.2 (Nesting and Brood Rearing) should be included for this section, Winter Habitat—incorporating mitigation at a

4:1 ratio starting with the first acre disturbed, and a requirement that mitigation must be successful before the proposed disturbance occurs.

OTHER MEASURES THAT SHOULD BE INCORPORATED/REVISED

- We discussed the feasibility of tracking disturbance inside SGMAs, relative to the 5% disturbance cap. We recommend you evaluate the Density Disturbance Calculation Tool used by Wyoming: http://ddct.wygisc.org/ Using this tool, or a modification thereof, and GIS capabilities should allow us to track disturbances and the effectiveness of management strategies for sage-grouse within the SGMAs.

- Pg. 6, section 3.5.2: this section states that SGMA boundaries can be adjusted annually, or more frequently, based on large-scale events such as wildfire. We do not believe that natural events such as wildfire should lead to reductions in the SGMA boundaries. Hypothetically, if a wildfire reduced the SGMA suitable habitat by 50%, it would not be appropriate to then reduce the SGMA boundary accordingly. The reduction in the SGMA boundary would result in greater impacts to the remaining SGMA habitat (given a 5% disturbance cap), and would effectively allow development to proceed without restriction on the burned habitats. This approach would not facilitate efforts to restore burned habitats, and would result in an overall statewide reduction in available sage-grouse habitats. To remedy this situation, we recommend that wildfire acreages be maintained within the SGMA boundaries and "count" toward the 5% disturbance cap. Including wildfire as part of the disturbance cap is consistent with conservation practices in Wyoming.

- Pg. 12, section 5.6.2: We do not agree that siting linear features in existing corridors or in concert with existing linear corridors is considered mitigation for that linear feature. Siting new lines in existing corridors is a strategy to minimize impacts to the species. All unavoidable impacts must still be mitigated sufficiently. We recommend a two-tiered approach to assessing mitigation requirements for transmission and distributions lines: 1) lines constructed within corridors that have existing transmission lines should mitigate at a 4:1 ratio for the direct impacts associated with the line (this includes the acreage of the poles plus the width of the line), and include measures to offset impacts from increases in invasive species, predators, potential grouse collisions with lines, and human access, and 2) lines constructed outside of existing corridors should follow the mitigation measures described in #1, above. In addition, lines constructed outside established, developed corridors should be constructed or mitigated to the point that there is no net loss of sage-grouse populations. The approach with the least impacts is to site transmission and distribution lines within established, already developed corridors.

- Pg. 13, section 5.7.5: At our meeting, you requested information from us regarding siting specifications for wind energy. Due to the large extent of wind turbines and wind farms, and consistent with Wyoming's approach to siting these facilities, we believe it is appropriate to avoid development of wind turbines and associated infrastructure within the SGMA's until research has been completed that shows wind development does not negatively affect sage-grouse populations or their habitat.

- Pg. 16, section 6.5.1.1: A minimum 1.0 mile lek exclusion buffer should be included for all surface facilities regardless if placed in habitat or non-habitat locations (however, see our above comment regarding a more restrictive exclusion measure for wind turbines/farms). This recommended exclusion buffer is supported by the disturbance distances cited in literature that we referenced in our comments to you, by email dated 9/6/2012.

- Section 6.5 and section 8.0, 5% disturbance cap: The 5% disturbance cap must include all existing disturbances (including natural disturbances such as wildfire) across all land ownerships. We believe that our recommendation provides the maximum flexibility we can provide while still conserving the species. We believe the 5% must include existing disturbance because 1) major developed areas, and even areas projected for development (e.g., oil and gas development) have already been removed from the SGMAs, resulting in smaller SGMAs more prone to the effects of ongoing development, and 2) Best available information indicates that surface disturbance levels should be 5% or less in order to conserve sage grouse populations long term. Some information such as the NTT report recommends a 3% disturbance limit in priority habitats regardless of land ownership.

We appreciate your efforts to conserve sage grouse and the intensive effort that your office and the task force have put into developing this draft and offer our assistance in resolving outstanding issues. If you have any questions please contact Laura Romin or Larry Crist at 801-975-3330.

Respectfully,

Larry Crist
Utah Field Supervisor