From: Alt, Nicole
To: Sattelberg, Mark
Cc: Thabault, Michael
Subject: Re: Lander plan: 1 of 2 emails
Date: Tuesday, May 27, 2014 3:46:20 PM

Just spoke with Mike. The intent behind this questions was to have draft Q&As ready before the RMP was released. I understand that this would have been useful to know before you wrote the answers. The RD would like time to review and discuss before the RMP is released, so we have a quick turn around, but time to revise as needed based on input. Please revise the draft responses to fit the expectation that they will be used as draft Q&As and talking points by tomorrow. Please call if you have questions.

Nicole

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On Tue, May 27, 2014 at 3:16 PM, Sattelberg, Mark <mark_sattelberg@fws.gov> wrote:

* Why is ¼ mile buffer OK in Wyoming. Why good in context of plan.

The 1/4 mile buffer is for leks outside of the core areas during lekking season. The premise of the WY Core Area Strategy is to protect the leks and birds within the core, and have much less restrictions outside of core. This would incentivize development outside of core. The core areas in Wyoming would protect 85% of the birds on 25% of the land. The 1/4 mile buffer outside of core is to give "non-protected" birds a chance to mate and possibly produce off-spring.

* What is the biological basis of the DDTC. There is concern about inflating benefits because of how it is calculated.

Density and Disturbance Calculation Tool Process

Determine all occupied leks within a core population area that may be affected by the project by placing a four-mile boundary around the project boundary, as defined by the proposed area of disturbance related to the project. All occupied leks located within the four-mile boundary and within a core population area will be identified as “affected” by the project for the purpose of the tool.

A four-mile boundary will then be placed around the perimeter of each identified "affected" lek. This represents the locale of "affected" sage-grouse through all seasons of their life cycle. The core population area within the boundary of identified leks and the four-mile boundary around the project boundary creates the DDCT examination area for each individual project. Disturbance will be examined for the DDCT examination area as a whole and for each individual affected lek within the DDCT examination area. Any portion of the DDCT examination area occurring outside of core area will be removed from the examination.

Disturbance Calculation

Total disturbance acres within the DDCT examination area will be determined through an evaluation of:

- Existing disturbance (both anthropogenic and wildfire).
- Approved permits, which have approval for on the ground activity, but have not yet been implemented.

- Proposed disturbance.

The total disturbance is limited to no more than 5% of the total suitable habitat within the DDCT examination area.

Density Calculation

Energy development and mineral extraction are limited in the density of the operations. Oil and gas well densities are not to exceed an average of one pad per square mile (640 acres) within the DDCT examination area. For mining activities, the number of active mining development areas (e.g., operating equipment and/or significant human activity) is not to exceed an average of one site per square mile (640 acres) within the DDCT examination area.

The issue about inflating the benefits or "diluting the percentage" by adding additional acres works both ways. As shown above, the DDCT area represents the entire range where "affected" sage-grouse would be located year-round (biological basis). Adding the 4 mile buffer around the "affected" lek could also include additional disturbance areas that would be included in the proposed disturbance, putting the proponent over the 5% disturbance cap. The other option that could have been used is to use the entire core area, which would have really diluted the percentage of disturbance in almost all cases.

* What makes the mapping resolution in Wyoming that the 5% is OK there but now elsewhere.

First, the 3% vs 5% is very convoluted. We are comfortable with 5% in Wyoming for a couple of reasons. Mapping resolution is one of the main points. Most disturbance is calculated using 90-meter resolution vegetation maps modeled at a landscape scale. Wyoming is using data based on a 1 meter resolution NAIP imagery supplemented with heads-up digitizing, which would be far more accurate. I have attached a PDF file showing the difference between a 1 meter resolution and a 0.5 meter resolution, so it is easy to see that a 90 meter resolution would be much harder to calculate disturbance and would include areas that may not be disturbed. Also in WY, we include disturbance due to vegetation treatments, wildfire, and agricultural conversion. These disturbances are not always included in others calculation of the 3% disturbance. A 2012 master's degree study in WY found evidence that overall disturbance began impacting brood survival at rates greater than 6% per square kilometer. Knick, at the Utah FMT meeting, admitted that the 3% was a "best guess", that the real number could be up to 5 or even down to 1%.

* Is BLM treating Federal Minerals on private lands the same as on Federal lands. There is concern that BLM is turning a blind eye to this issue.

BLM has agreed to use the DDCT tool in calculating the disturbance on development. Plus the Wyoming Oil and Gas Conservation Commission would also be responsible for using the DDCT. Both agencies would need to approve any development on Federal Minerals before any project could begin.

*How is BLM handling core areas that are already over the 5%. Re Douglas county that is at 20+ percent

The Douglas Core Area (DCA) is at about 16% disturbance, it is over 20% if disturbance that occurred pre-1994 is included. DCA is also mostly private surface and private mineral, so BLM is not involved in those discussions. Plus the fact that the company has valid and existing rights, so they would have the right to extract minerals either way. If a core area is at or over the 5% disturbance cap, BLM would have the right to deny the permit, unless there is a current valid and existing right.

Mark

I'm heading to the tri-state fisheries meeting for tomorrow and Thursday. I'll have my computer and cell phone with me.

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On Mon, May 26, 2014 at 7:37 PM, Thabault, Michael <michael_thabault@fws.gov> wrote:

Mark, See Noreen's note re your email to BLM on Lander plan. Please get that to us ASAP. Please make sure any review of plan does not overstate the benefits. They are targeting roll out of Lander before WGA meeting June 9 so need any final thoughts before then. In that light we need answers to the following questions in that the Lander plan is somewhat different than the planning guidance given to BLM after Lander was done. We need answers to the following questions re Core Area Strategy ASAP.

* Why is ¼ mile buffer OK in Wyoming. Why good in context of plan.

* What is the biological basis of the DDTC. There is concern about inflating benefits because of how it is calculated.

* What makes the mapping resolution in Wyoming that the 5% is OK there but now elsewhere.

* Is BLM treating Federal Minerals on private lands the same as on Federal lands. There is concern that BLM is turning a blind eye to this issue.

*How is BLM handling core areas that are already over the 5%. Re Douglas county that is at 20+ percent

We need answers to these questions early this week. Thanks.

Michael Thabault
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---------- Forwarded message ----------
From: **Noreen Walsh** <noreen_walsh@fws.gov>
Date: Mon, May 26, 2014 at 10:25 AM
Subject: Lander plan: 1 of 2 emails
To: Gary Frazer <gary_frazer@fws.gov>
Cc: Michael Thabault <michael_thabault@fws.gov>

Gary,

Per your request on Friday, here are the two official memos from FWS WYESFO to BLM on the Lander plan, the original and a clarification.

I will forward you separately an email describing the result from last fall's more in depth verbal discussions with BLM-WY to better understand the plan.

MIKE: note that the separate email I will send is **Mark's email to you and me**. I believe he sent identical or similar wording in an email directly to BLM (Don Simpson?) but I don't appear to have a copy of that transmittal to BLM. Will you please get a copy from Mark and forward that on to Gary on Tuesday with a cc to me?

Gary, I am sending these only to you; please share up there as appropriate.

Thank you,

Noreen

Noreen Walsh

Regional Director

Mountain-Prairie Region

U. S. Fish and Wildlife Service

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