From: Amy Defreese
To: Doug Young
Subject: RE: Sigurd to Red Butte
Date: Friday, September 20, 2013 5:30:27 PM

As far as I know, the IM is still valid. In Utah at least, I believe it is valid until BLM finishes its RMP revision process. I imagine it is the same elsewhere, but that might be a good question for Pat Deibert. I'm not familiar with the 2013 Regional Mitigation IM ???

So I see one take-home point and that is the importance of submitting comments (when solicited) to the impact analyses. We always have the option in our comments to NEPA documents to say that we don't agree with the analysis. At that point, it is up to BLM to decide if it wants to engage us to come to an agreement or whether it wants to ignore us. Seems like it would be bad form to ignore us.

For Sigurd to Red Butte, we said we believed the impacts to gsg were adverse, and that we didn't think the project and mitigation "cumulatively maintained or enhanced gsg habitat". BLM decided to engage us, presumably to see if they could get our blessing or to demonstrate an effort. Ultimately, BLM didn't take all of our recommendations, but they took a few and implemented them. They did not mitigate at the ratios we proposed, nor did they ever acknowledge a difference in impacts between habitat close to the line (within 6/10 of a mile) and habitat farther from the line. They did however acknowledge the 4-mile buffer around leks that we proposed during construction. Specifically, they stipulated no construction activity within 4 miles of a lek during lekking and nesting season.

To get back to your original email, I am disappointed (but not surprised) that APLIC didn't acknowledge the potential for impacts due to the simple presence of a transmission line. I take heart in the disclosure from Drue Deberry that FWS will not endorse the BMP document.

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From: Doug Young [mailto:doug_young@fws.gov]
Sent: Thursday, September 19, 2013 1:13 PM
To: Amy Defreese
Subject: RE: Sigurd to Red Butte

No, there was no discussion of this IM today.

thanks for the BLM 2011 IM reminder. It seems so old now, but is absolutely pertinent when considering an ongoing or new ROW action. I know of no withdrawal or update to this IM, so assume it is still in place. Do you know if it is still valid?

I agree it has important application for FWS, whether in a meeting or in a FWS "reminder" letter to BLM or applicant. But (back to today's comment from Utah BLM) if BLM (and the applicant) doesn't

even see an adverse impact to mitigate for, then it's a bit challenging to discuss the 2011 IM or the 2013 Regional Mitigation IM. If we can't agree on a framework for impact assessment, and what those direct and indirect impacts mean to sage-grouse and their habitat, then it is questionable whether any of these BLM tools can be effectively deployed by FWS…

D

From: Amy Defreese [mailto:amy_defreese@fws.gov]
Sent: Thursday, September 19, 2013 12:01 PM
To: Doug Young
Subject: RE: Sigurd to Red Butte

That is interesting. Yes, I suppose the comment from BLM-Utah could certainly have come from on-going sage-grouse/energy project discussions. Aside from the transmission lines, there is also a big coal mine proposed on BLM land in southern Utah with significant impacts to sage-grouse (according to the BLM). We've been clear that we think there may be significant impacts even with the application of compensatory mitigation (i.e. loss of local population).

Did anyone raise the 2012 IM (attached) as a resource in the conversation? I imagine you are already familiar with it. I seldom hear any reference to it in discussions with BLM. The guidance differs based on the type of project (i.e. leasable minerals, ROWs, vegetation management, etc.). For transmission lines (i.e. Rights of Way), BLM is supposed to work with the respective state wildlife agency to determine if the project would have more than minor adverse effects to gsg and its habitat. BLM is also supposed to determine (in coordination with the state agency) whether "the proposed ROW and mitigation measures will cumulatively maintain or enhance gsg habitat". If not, then the proposed ROW decision must be forwarded to the BLM State Director, State Wildlife Agency Director, and FWS representative for review. If this group is unable to agree on appropriate mitigation for proposed ROW, then the decision is forwarded up to the gsg National Policy Team, etc.

What this tells me is that the real test is whether the proposed project and mitigation measures will cumulatively maintain or enhance gsg habitat. If BLM can't say yes, then they need to propose compesnatory mitigation and include FWS.

For the projects where I am working with BLM and gsg, I raise this point, but again, I don't get any feedback from BLM. I often don't know whether they are familiar with this piece of guidance.

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From: Doug Young [mailto:doug_young@fws.gov]
Sent: Thursday, September 19, 2013 12:43 PM

To: Amy Defreese
Subject: RE: Sigurd to Red Butte

I am on the BLM's broadcast for their new Regional Mitigation IM. A question came from BLM Utah that asked (I paraphrase): "if BLM does not think there are unavoidable adverse effects but other agencies do, does BLM have to propose offsite mitigation?" The answer seemed to be "no, as long as the BLM decision maker is convinced there are not unavoidable adverse effects" – but the speaker also suggested that BLM reach out to the other agencies and try to develop upfront agreement on impact assessment and mitigation processes.

Could this BLM Utah question have come from ongoing sage-grouse/energy project discussions in Utah?

Thanks.

From: Amy Defreese [mailto:amy_defreese@fws.gov]
Sent: Wednesday, September 18, 2013 4:15 PM
To: Doug Young
Subject: RE: Sigurd to Red Butte

Hi Doug,
Yes … let's talk! Our office greater sage-grouse biologist (Jay Martini) and I commented to the draft APLIC BMP. I've attached our comments (with the attachments we sent). I was in a hurry, so I didn't have much time to connect the dots for Drue.

I'll be in the office tomorrow afternoon and all day on Friday. Give me a call at your convenience!

Best regards,
Amy

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From: Doug Young [mailto:doug_young@fws.gov]
Sent: Wednesday, September 18, 2013 11:45 AM
To: Amy_Defreese@fws.gov
Subject: Sigurd to Red Butte

Hi Amy – hope all is well. I missed the last FWS t-line monthly call, but was interested in your presentation re: Sigurd to Red Butte project. There were impact assessments and responsive mitigation ratios in the t-line meeting notes that intrigued me. Could we discuss?

I note that the impact assessments (0.6 mi and 4 mi) indicate that t-lines and associated roads have direct and indirect effects to sage-grouse. The draft APLIC BMP document that we were recently

asked to review has the basic premise that there is no good science and therefore no anticipated indirect impacts from new t-lines and roads. Did you comment on that draft APLIC BMP document? thanks.

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